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Dated: 08.04.2009

**OFFICE MEMORANDUM**

**Sub: Dealing the matter with CBI**

All concerned are hereby advised to refer Chapter V (copy enclosed) of the CVC Vigilance Manual (New) which provides necessary instructions on facilities & cooperation to be extended by administrative authorities to the Central Bureau of Investigation during investigation of a case. The CVC Vigilance Manual (New) is available on the website: [www.cvc.nic.in](http://www.cvc.nic.in).

  
(Ramakant Dixit)  
Dy. Chief Vigilance Officer

**Encl:** As above.

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**CC to:**

1. ES to CMD
2. Director (T) / Director (F) / Director (HR)

## CHAPTER V

### FACILITIES & CO-OPERATION TO BE EXTENDED BY ADMINISTRATIVE AUTHORITIES TO THE CENTRAL BUREAU OF INVESTIGATION DURING INVESTIGATION OF CASES

#### FULL CO-OPERATION TO BE EXTENDED

5.1 The Central Bureau of Investigation takes up the cases for investigation coming to their knowledge from many sources, such as information collected from their own sources; that received from members of public or individual public servants or public organisations; or cases referred to them by the administrative authorities or the Central Vigilance Commission. The administrative authorities and the individual public servants should extend full co-operation to the CBI during the course of investigation.

#### INSPECTION OF RECORDS BY SPE

5.2.1 The Inspector General, Special Police Establishment and his staff are authorised to inspect all kinds of official records at all stages of investigation. The Heads of Departments/Offices etc. will ensure that the Superintendent of Police of the Special Police Establishment, or his authorised representatives, are given full cooperation and facilities to scrutinize all relevant records during investigation, whether preliminary or regular. If the C.B.I. wishes to check the veracity of information in their possession from the official records, even before registration of a P.E. or R.C., they may be allowed to see the records on receipt of a request from the S.P., S.P.E.

5.2.2 Investigations are often held up or delayed on account of reluctance or delay on the part of departmental authorities to make the records available for various reasons. Sometimes, departmental authorities express their inability to release the records without the prior permission of the superior authority or the Special Police Establishment is requested to take photostat or attested copies of documents without realising that the Special Police Establishment necessarily require the original records for purpose of investigation, as the authenticity of attested or photostat copies could be contested by the delinquent officials, thereby hampering the progress of investigation. In asking for original documents, particularly those forming part of current files, the SPE will exercise due consideration so as to ensure that day to day work is not impeded. The departmental authorities may thus ensure that the documents asked for by the SPE are made available to them with the least possible delay. Where necessary, the departmental authorities may keep attested or photostat copies of the records for meeting urgent departmental needs or for disposing of any action that may be pending on the part of the Department, without prejudice to the investigation being carried out by the Special Police Establishment.

5.2.3 The records required by the Special Police Establishment should be made available to them ordinarily within a fortnight and

positively within a month from the date of receipt of the request. If, for any special reasons, it is not possible to hand over the records within a month, the matter should be brought to the notice of the Superintendent of Police of the Branch concerned, by the authority in possession of the records, pointing out the reasons for not making available the records within the specified period; and also to the notice of the Chief Vigilance Officer of the administrative Ministry concerned for such further direction as the Chief Vigilance Officer might give.

5.2.4 The request of the C.B.I. for information relating to pay and allowances drawn by the public servants over a certain period, in cases where such public servants are alleged to have possessed disproportionate assets, should be furnished to them within a month of receipt of requisition from the C.B.I. In cases, where it is not possible to supply this information to the Central Bureau of Investigation within the specified period, the position may be suitably indicated to the Central Bureau of Investigation and simultaneously necessary steps taken to obtain and furnish the particulars to them as expeditiously as possible. In the case of officers having served in more than one department/organisation during the period under review, the Central Bureau of Investigation may address all the administrative authorities concerned simultaneously for furnishing the required information for the relevant period(s). Copies of such communications may also be endorsed to the Chief Vigilance Officer(s) of the Ministry(s) concerned for furnishing information about honoraria, etc., if any, received by the officer(s).

#### **INSPECTION OF CLASSIFIED/ GRADED DOCUMENTS**

5.3 When the Special Police Establishment desires to see any classified documents/records, sanction of the competent authority to release such documents/records should be obtained promptly by the administrative authority in-charge of records and the records should be made available to the Special Police Establishment in the following manner:-

- (i) "Top Secret" documents should be handed over only to a gazetted officer of the Special Police Establishment;
- (ii) "Secret" and "Confidential" documents should be given to gazetted officers of the Special Police Establishment, or to an Inspector of Special Police Establishment if he is specially authorised by the Superintendent of Police of the Special Police Establishment to obtain such documents;
- (iii) A temporary receipt should be obtained whenever any graded document is handed over to an officer of the S.P.E., who will be asked to comply with the provisions of para 27(a), (b), (c) and (e) of the pamphlet entitled



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“Classification and Handling of Classified Documents, 1958”;

- (iv) Where original documents cannot be made available to the investigating officer for any reason, he should be supplied with photostat copies or attested copies and a certificate should be given by an officer of appropriate rank that the originals are in safe custody and out of reach of the suspect official and will be produced whenever required;
- (v) Current files having a bearing on the day-to-day administration will not be handed over to the Special Police Establishment at the preliminary stage of their investigation. However, copies or extracts will be supplied, if necessary.

#### OBTAINING DOCUMENTS FROM AUDIT OFFICE

5.4.1 Keeping in view that certain documents having a bearing on the case might be in the possession of an audit office, and to ensure that the police investigation in such cases is not hampered for want of inspection and examination of those documents, the Government of India, in consultation with the Comptroller and Auditor General of India, have laid down the procedure, described in the succeeding paragraphs for inspection etc., of such records.

5.4.2 The Comptroller and Auditor General has issued instructions to lower formations that original documents could be made available freely to the Special Police Establishment at the audit office for purposes of perusal, scrutiny and copying, including taking of photostat copies. Normally, in majority of the cases, the facility of inspection of documents within the audit office and taking of copies (including photostat copies) should be found to be adequate for purpose of investigation. However, there may be some exceptional cases in which mere inspection of the documents at the audit office, or examination by the G.E.Q.D., may not be adequate and it may be necessary to obtain temporary custody of the original documents to proceed with the investigation. The S.P.E. would not take recourse to Section 91 Cr.P.C. for the purpose. In each such case, the investigating officer should report the matter to the Head Office. The Head Office, after carefully examining the request and satisfying itself that there is sufficient justification for obtaining the original documents, will refer the matter to the Accountant General concerned, at the level of Joint Director, C.B.I. & Special Inspector General, S.P.E., with the request that the requisite documents may be made available to the SPE or sent to the investigating officer in original for investigation. It should be expressly mentioned in the requisition that copies including photostat copies would not serve the purpose of investigation. The Accountant General concerned will then arrange for the required documents being handed over or sent to the investigating officer as early as possible after retaining

Photostat copies.

5.4.3 Consequent upon the departmentalisation of accounts of the Ministries and Departments of the Central Govt., such original documents relating to accounts will now be in the possession of the Ministries/Departments/Offices themselves and not with the audit offices. Keeping in view the importance of the original documents in question relating to accounts, and the role they may have in the conduct of court cases, the S.P.E. will send a requisition to the appropriate authority, at the level of not less than a Superintendent of Police, if any such original documents, which form part of the records of the Departmentalised Accounts Organisations functioning under the Ministries/Departments, are needed to be produced in original. It would also be certified that copies of the required documents or photostat copies would not serve the purpose of the investigating officer. The Principal Accounts Officer etc. of the Ministry/Department concerned may obtain orders of appropriate higher authorities, wherever necessary, before handing over the documents in original to the S.P.E.

**EXAMINATION OF  
DISPUTED  
DOCUMENTS BY  
GEQD**

5.5.1 The Special Police Establishment may find it necessary to take the assistance of the Government Examiner of Questioned Documents, during the course of inquiries/investigations, for the following types of examinations:

- (i) to determine the authorship or otherwise of the questioned writings by a comparison with known standards;
- (ii) to detect forgeries in questioned documents;
- (iii) to determine the identity or otherwise of questioned type scripts by comparison with known standards;
- (iv) to determine the identity or otherwise of seal impressions;
- (v) to decipher (mechanically or chemically) erased or altered writings;
- (vi) to determine whether there have been interpolations, additions or overwriting and whether there has been substitution of papers;
- (vii) to determine the order of sequence of writings as shown by cross/strokes and also to determine the sequence of strokes which crosses, creases, or folds the questioned documents where additions are suspected to have been made;

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- (viii) to detect any tampering in wax seal impressions;
  - (ix) to decipher secret writings;
  - (x) to determine the age of documents and other allied handwriting problems.

5.5.2 When original documents are required by the Special Police Establishment for getting the opinion of the Government Examiner of Questioned Documents, such documents should be made available to the S.P.E. by the administrative authorities concerned without delay.

5.5.3 In the case of original documents being in the custody of Accountant General, the investigating officer of the Special Police Establishment will furnish a list of documents, and the particular point or points on which the opinion of the Government Examiner of Questioned Documents is required, to the Accountant General Office concerned with the request that the documents in question may be forwarded to the GEQD direct. The investigating officer will also endorse a copy of the communication to the GEQD/Handwriting or fingerprint expert. The Accountant General will then forward the documents in question direct to the authority concerned giving a cross reference to the investigating officer's communication so as to enable the G.E.Q.D., Handwriting, or Fingerprint expert to link up the documents with the particular police case. The latter will communicate his opinion to the investigating officer and will return the original documents to the Accountant General together with a copy of his opinion where so desired by the Accountant General. It is necessary that the transmission of documents to and by the GEQD should be executed with extreme care. Detailed instructions, issued in this regard, are given in the Directive on the C.B.I. circulated by the Department of Personnel and Training vide O.M. No.371/13/87-AVD.III dated 19.9.88.

#### **TECHNICAL ASSISTANCE DURING INVESTIGATION**

5.6.1 During the course of inquiry/investigation, it may become necessary for the investigating officer to seek technical guidance/assistance or advice from an expert. The Technical Division of the Central Bureau of Investigation provides such help in certain spheres. In other matters, for which the Technical Division of the Special Police Establishment is not equipped, arrangements exist with other agencies, organisations and laboratories for securing the assistance, guidance and advice of technical officers when necessary.

5.6.2 The Special Police Establishment may take the assistance of the Chief Technical Examiners' Organisation, attached to the Central Vigilance Commission, in cases of irregularities in civil works executed by the Central Public Works Department and other



departments of Government of India and the Central Corporate Undertakings, except the works executed by the Ministries of Defence and Railways as they have their own engineering cells for carrying out such examinations. However, in any special case pertaining to civil works of the Ministries of Railways and Defence, the Central Bureau of Investigation may, with the approval of the Central Vigilance Commission, seek the assistance of the Chief Technical Examiners' Organisation.

5.6.3 The Special Police Establishment may take the assistance of the C.P.W.D. in the evaluation of properties in connection with the investigation of cases relating to possession of disproportionate assets. Help may also be taken of the Chief Technical Examiner's Organisation, in important cases, in the evaluation of such properties located in Delhi.

5.6.4 The other technical organisations, whose assistance and advice are available to the Special Police Establishment are:

1. Central Forensic Science Laboratory
2. Government Test House, Alipore, Kolkata
3. Central Food Laboratory
4. Milk Dairy Farms
5. India Security Press, Nasik Road
6. Forest Research Institute, Dehra Dun
7. Cost Accounts Branch of Ministry of Finance
8. Central Glass & Ceramic Research Institute, P.O. Jadavpur, Kolkata
9. Central Drug Research Institute, Lucknow
10. Geological Survey of India, Kolkata
11. The India Government Mint, Mumbai
12. Central Leather Research Institute, Chennai
13. Central Building Research Institute, Roorkee
14. National Metallurgical Laboratory, Jamshedpur
15. National Sugar Institute, Kanpur

16. Directorate General of Supplies & Disposals, New Delhi
17. E.M.E. Workshops of Army
18. Director General of Food (Directorate of Storage and Inspections), New Delhi
19. Regional Directors of Food, Ministry of Agriculture
20. Marketing Officers in the Directorate of Agricultural Marketing, Nagpur
21. Chief Controller of Printing and Stationery

#### **TRANSFER OF EMPLOYEES ON CBI's RECOMMENDATIONS**

5.7.1 In cases where the Special Police Establishment are investigating serious allegations against a public servant, and requests for the transfer of the public servant, such requests should normally be complied with. The Special Police Establishment will recommend transfer only when it is absolutely necessary for the purpose of investigation and will give reasons while making such requests. Such requests will be signed by an officer not lower in rank than a Superintendent of Police.

5.7.2 Where the Department concerned has some administrative difficulty in complying with the request, the matter should be settled by discussion at the local level. If the difference persists, it should be discussed at a higher level. In exceptional cases, the matter may be discussed by the administrative Ministry with the Joint Secretary in the Administrative Vigilance Division of the Department of Personnel & Training.

5.7.3 While it is recognised that the discretion of the administrative Ministries should not be taken away in matters of transfers; it is equally necessary that there should be no impediments to proper investigation of allegations of corruption and lack of integrity. Both these considerations may be borne in mind by all concerned while dealing with such matters.

#### **ASSISTANCE IN LAYING TRAPS**

5.8.1 Whenever the Special Police Establishment desire to lay a trap in the office for any public servant, who is suspected to be about to accept a bribe, the SPE will give prior information to the Head of Department/Office concerned. If the circumstances of the case cannot permit this being done, the S.P.E. will furnish details of the case to the Head of the Department/Office immediately after the trap.

5.8.2 In trap cases, it is necessary that some responsible and impartial person, or persons, should have witnessed the transaction and/or overheard the conversation of the suspect public servant. All



public servants, particularly gazetted officers, should assist and witness a trap, whenever they are approached by the S.P.E. to do so. The Head of Department/ Office will, when requested by the Special Police Establishment, should detail suitable person, or persons, to be present at the scene of trap. Refusal to assist or witness a trap may be regarded as a breach of duty and disciplinary action may be taken against the officer concerned unless, of course, the officer concerned represents that he is personally known to the person to be trapped or that he has already appeared as a trap witness in earlier trap cases.

**ACTION TO BE  
TAKEN WHEN A  
BRIBE IS OFFERED  
TO A PUBLIC  
SERVANT**

5.9.1 Dishonest and unscrupulous traders, contractors, etc. frequently attempt to bribe a public servant to get official favour or to avoid official disfavour. Public servants must always be on their guard and should avail themselves of the assistance of the SPE or the local police in apprehending such persons. It is not enough for the public servant to refuse the bribe and later report the matter to the higher authorities. As soon as he suspects of an attempt to bribe him, he should take action as under:

- (i) The proposed interview should, where possible, be tactfully postponed to some future time. Meanwhile, the matter should be reported to the Superintendent of Police of the Special Police Establishment Branch, if there is a branch office of the S.P.E. in that station, or to the Superintendent of Police or to the senior-most officer of the local police available in the station. The S.P.E. or the local police, as the case may be, will arrange to lay a trap. If for some reasons, it is not possible to contact the S.P.E. or the local police authorities, the matter should be brought to the notice of the senior-most district officer in the station who may arrange to lay a trap. The Head of the Department/ Office/Establishment should also be informed as early as possible.
- (ii) Should it not be possible to follow the above course of action, the bribe-giver may be detained for a short time and any person or persons who may be readily available may be requested to witness the transaction and to overhear the conversation between the bribe giver and the public servant.

5.9.2 The Head of the Department/Office/Establishment will take care to maintain an impartial position and will in no case act as an agent of the Special Police Establishment or the local police either by arranging for money or other instrument of offence subsequently to be passed on to the suspect or by being a witness to the transaction.

## **EXAMINATION OF WITNESSES**

5.10.1 Whenever the S.P.E. desires the presence of an official for examining him in connection with any investigation; the administrative authority will direct the official concerned to appear before the Special Police Establishment on the appointed date and time. If, for any reason, it is not possible for him to appear on the specified date and time and he makes a request for postponement, such request may be given due consideration by the administrative authority concerned and he may be directed to appear at the earliest possible opportunity.

5.10.2 The S.P.E., when the interest of Government work so requires, may examine a public servant occupying or holding a responsible position at a place where he is located unless he has to be shown any documents during the recording of his statement and the movement of such documents is considered to be hazardous.

## **ACCOMMODATION /COMMUNICATION/ TRANSPORT FACILITIES**

5.11 The investigating officers of the S.P.E may be provided with such suitable accommodation, if they so desire, in rest houses, service messes, etc., as may be available, on payment at such rates as may be applicable in the cases of officers on duty. Where civil communication facilities are not available, they should be allowed to use military signals and miltrunk. They may also be provided with Government transport on payment at the rates laid down from time to time.

## **ARREST/HANDING OVER OF DEFENCE PERSONNEL ETC. TO CIVIL POLICE**

5.12 Defence Services Personnel will not be kept under arrest on such charges as are under investigation by the S.P.E., unless advised by the investigating officer. Similarly, a civilian employee in the Defence Services or a contractor or his employee will not be handed over to the local police, in respect of offences taken up by the Special Police Establishment for investigation, unless so advised by the S.P.E.

## **SUSPENSION OF A PUBLIC SERVANT**

5.13 The Special Police Establishment, either during the course of investigation or while recommending prosecution/departmental action, may suggest to the disciplinary authority that the suspect officer should be suspended giving reasons for recommending such a course of action. On receipt of such suggestion, the matter should be carefully examined. The disciplinary authority may exercise its discretion to place a public servant under suspension even when the case is under investigation and before a prima-facie case has been established. Certain guidelines for considering the need and desirability of placing a Government servant under suspension have been given in paragraph 6.3.4 and 6.3.5 of Chapter VI on "Suspension". However, if the CBI has recommended suspension of a public servant and the competent authority does not propose to accept the CBI's recommendation, it may be treated as a case of difference of opinion between the CBI and the administrative authority and the matter may be referred to the Central Vigilance Commission for its advice. Further, if a public servant is placed

under suspension on the recommendation of the CBI, the CBI may be consulted if the administrative authority proposes to revoke the suspension order.

**CLOSE LIAISON  
BETWEEN THE SPE  
AND THE  
ADMINISTRATIVE  
AUTHORITIES**

5.14.1 The need for close liaison and co-operation between the Chief Vigilance Officer/Vigilance Officer of the Ministry/Department/Office and the S.P.E., during the course of an inquiry and investigation and the processing of individual cases, hardly needs to be emphasised. Both, the S.P.E. and the Chief Vigilance Officers, receive information about the activities of the officer from diverse sources. As far as possible, the information could be crosschecked at appropriate intervals to keep officers of both the wings fully apprised with the latest developments.

5.14.2 At New Delhi, the Chief Vigilance Officers or Vigilance Officers of the Ministries/Departments/Offices should keep themselves in touch with Joint Directors/Regional DIG//Deputy Inspectors General of the S.P.E. In other places, the Superintendent of Police of S.P.E. Branch will frequently call on the Head of the Department/Office etc., and discuss personally matters of mutual interest, particularly those arising from enquiries and investigations. Periodical meetings between the Chief Vigilance Officers and the Officers of the Central Bureau of Investigation will help to a great extent in avoiding unnecessary paper work and in eliminating unnecessary delay at various stages of processing cases. Such meetings could be held once a quarter or more frequently.