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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.


(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

“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

