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## NOTIFICATIONS

### THE ESSENTIAL COMMODITIES (SPECIAL PROVISIONS) ACT 1981

#### AN ACT.

to make certain special provisions by way of amendments to the Essential Commodities Act, 1955 for a temporary period dealing more effectively with persons indulging in hoarding and black-marketing of, and profiteering in, essential commodities and with the evil of vicious inflationary prices and for matters connected there-with or incidental thereto.

WHEREAS for ensuring the availability of essential commodities at fair prices, it is necessary to curb the hoarding and blackmarketing of, and profiteering in, such commodities ;

**10 of 1955.** AN WHEREAS for dealing more effectively with persons indulging in such anti-social activities and the evil of vicious inflationary prices, it is necessary to make certain special provisions by way of amendments to the Essential Commodities Act, 1955, for a period of five years.

BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Essential Commodities (Special Provisions) Act, 1981.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different State.

Short title, commencement and duration.

(3) It shall cease to have effect on the expiry of five years from the date of commencement of this Act except as respects things done or omitted to be done before such cesser of operation of this Act, and section 6 of the General Clauses Act, 1897, shall apply upon such cesser of operation of this Act as if it had then been repealed by a Central Act. 10 of 1897

(4) References in this Act to the commencement of this Act and to the continuance in force of this Act shall be construed in relation to each State as references, respectively, to the coming into force of this Act in that State and to the continuance in force of this Act in that State.

2. During the continuance in force of this Act, the Essential Commodities Act, 1955 (hereinafter referred to as the principal Act) shall have effect subject to the amendments specified in Sections 3 to 11 :

Act 10 of 1955 to have effect subject to certain special provisions for a temporary period.

Provided that the amendments specified in sections 7 to 11 shall not apply to, or in relation to, any offence under the principal Act committed before the commencement of this Act and the provisions of the principal Act shall apply to, and in relation to, such offence as if those amendments had not been made.

Amendment of section 2.

3. In section 2 of the principal Act,—

(a) clause (ia) shall be re-numbered as clause (iia) and before clause (iia) as so re-numbered, the following clause shall be inserted, namely :—

'(ia) "Code" means the Code of Criminal Procedure, 1973; and 2 of 1974.

(b) after clause (e), the following clause shall be inserted namely :—

"(f) words and expressions used but not defined in this Act and defined in the Code shall have the meaning respectively assigned to them in that Code"

Amendment of section 6A

4. In section 6A of the principal Act, for the proviso to sub-section (2), the following proviso shall be substituted, namely :—

"Provided that in the case of any such essential commodity the retail sale price whereof has been fixed by the Central Government or a State Government under this Act or under any other law for the time being in force, the Collector may, for its equitable distribution and availability at fair prices, order the same to be sold through fair price shops at the price so fixed".

Amend-  
ment of  
section 6C

5. In section 6C of the principal Act,-  
(a) in sub-section (1), for the words "any judicial authority appointed by the State Government concerned and the judicial authority" shall be substituted;

(b) in sub-section (2), for the words "such judicial authority" the words "the State Government" shall be substituted.

6. In section 6E of the principal Act,-

(a) for the words, figure and letter "the judicial authority appointed under section 6C", the words, figure and letter "the State Government concerned under section 6C" shall be substituted;

(b) for the words "any other court, tribunal or authority" the words "any court, tribunal or other authority" shall be substituted.

Amend-  
ment of  
section 6E

7. In section 7 of the principal Act,—

(a) in sub-section (1), the proviso to sub-clause (ii) of clause (a) shall be omitted.

(b) the proviso to sub-section (2) shall be omitted  
(c) the proviso to sub-section (2A) shall be omitted  
(d) sub-section (2B) shall be omitted.

Amendment  
of section 7

8. To section 8 of the principal Act, the following proviso shall be added, namely :

Amendment  
of section 8.

"Provided that where a person has abetted the contravention of any order for the purpose of producing any essential commodity of the nature mentioned in sub-clause (iva) or sub-clause (v) of clause (a) of section 2 for his own use or for the use of any member of his family or for the use of any person dependent on him, and not for the purpose of carrying on any business or trade in such essential commodity, the court may, notwithstanding anything contained in section 7 and for reasons to be mentioned in the judgment, impose a sentence of fine only"

9. In section 10A of the principal Act, after the word "cognizable," the words "and non-bailable" shall be inserted.

Amendment  
of section  
10A

10. Section 12 of the principal Act shall be omitted.

Omission of  
section 12.

11. For section 12A of the principal Act, the following sections shall be substituted, namely :-

Substitution  
of new sec-  
tions for sec-  
tion 12A

“12A. (1) The State Government may, for the purpose of providing speedy trial of the offences under this Act, by notification in the Official Gazette, constitute as many Special Courts as may be necessary for such area or areas as may be specified in the notification. Constitution of special Courts.

(2) A special Court shall consist of a single judge who shall be appointed by the High Court upon a request made by the State Government.

Explanation: In this sub-section, the word “appoint” shall have the meaning given to it in the Explanation to section 9 of the Code.

(3) A person shall not be qualified for appointment as a judge of a Special Court unless—

(a) he is qualified for appointment as a judge of a High Court, or

(b) he has, for a period of not less than three years, been a Sessions Judge or an Additional Sessions Judge.

12AA. (1) Notwithstanding anything contained in the Code,—

(a) all offences under this Act shall be triable only by the Special Court constituted for the area in which the offence has been committed or where there are more Special Courts than one for such area, by such one of them as may be specified in this behalf by the High Court ;

(b) where a person accused of or suspected of the commission of an offence under this Act is forwarded to a Magistrate under sub-section (2) or sub-section (2A) of section 167 of the Code, such Magistrate may authorise the detention of such person in such custody as he thinks fit for a period not exceeding fifteen days in the whole where such Magistrate is a Judicial Magistrate and seven days in the whole where such Magistrate is an Executive Magistrate :

Provided that where such Magistrate considers —

(i) when such person is forwarded to him as aforesaid ; or

(ii) upon or at any time before the expiry of the period of detention authorised by him ;

that the detention of such person is unnecessary, he may, if he is satisfied that the case falls under the proviso to section 8, order the release of such person to be forwarded to the Special Court having jurisdiction ;

(c) the Special Court may, subject to the provisions of clause (d) of this sub-section, exercise, in relation to the person forwarded to it under clause (b), the same power which a Magistrate having jurisdiction to try a case may exercise under section 167 of the Code in relation to an accused person in such case who has been forwarded to him under that section;

(d) save as aforesaid no person accused of or suspected of the commission of an offence under this Act shall be released on bail by any court other than a Special Court or the High Court :

**Offences  
triable by  
special  
Courts.**

Provided that a Special Court shall not release any such person on bail –

(i) without giving the prosecution an opportunity to oppose the application for such release unless the Special Court, for reasons to be recorded in writing, is of opinion that it is not practicable to give such opportunity; and

(ii) where the prosecution opposes the application, if the Special Court is satisfied that there appear reasonable grounds for believing that he has been guilty of the offence concerned :

Provided further that the Special Court may direct that any such person may be released on bail if he is under the age of sixteen years or is a woman or is a sick or infirm person, or if the Special Court is satisfied that it is just and proper so to do for any other special reason to be recorded in writing.

(e) a Special Court may, upon a perusal of police report of the facts constituting an offence under this Act take cognizance of that offence without the accused being committed to it for trial;

(f) all offences under this Act shall be tried in a summary way and the provisions of section 262 to 265 (both inclusive) of the Code shall, as far as may be, apply to such trial :

Provided that in the case of any conviction in a summary trial under this section, it shall be lawful for the Special Court to pass a sentence of imprisonment for a term not exceeding two years.

(2) when trying an offence under this Act, a Special Court may also try an offence other than an offence under this Act with which the accused may, under the Code, be charged at the same trial:

Provided that such other offence is, under any other law for the time being in force, triable in a summary way :

Provided further that in the case of any conviction for such other offence in such trial, it shall not be lawful for the Special Court to pass a sentence of imprisonment for a term exceeding conviction in a summary trial under such other law.

(3) A Special Court may, with a view to obtaining the evidence of any person suspected to have been

directly or indirectly concerned in, or privy to, an offence under this Act, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person concerned whether as principal or a bettor in the commission thereof and any pardon so tendered shall, for the purposes of section 308 of the Code, be deemed to have been tendered under section 307 thereof.

(4) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section included also a reference to a "Special Court" constituted under section 12A.

12AB. The High Court may exercise, so far as may be applicable all the powers conferred by Chapters XXIX and XXX of the Code on a High Court, as if a Special Court within the local limits of the jurisdiction of the High Court were a Court of Sessions trying cases within the local limits of the jurisdiction of the High Court.

Appeal  
and revision.

Application  
of Code to  
proceedings be-  
fore a  
Special  
Court.,

12AC. Save as otherwise provided in this Act, the provisions of the Code (including the provisions as to bail and bonds) shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Sessions and the person conducting a prosecution before a Special Court, shall be deemed to be a Public Prosecutor.

## THE PREVENTION OF BLACKMARKETING AND MAINTENANCE OF SUPPLIES OF ESSENTIAL COMMODITIES (AMENDMENT)

ACT, 1981  
AN ACT

to amend the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980. BE it enacted by Parliament in the Thirty-second Year of the Republic of India as follows :—

1. This Act may be called the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities (Amendment) Act, 1981.

Short title.

7 of 1980

2. In section 9 of the Prevention of Blackmarketing and Maintenance of Supplies of Essential Commodities Act, 1980 (hereafter referred to as the principal Act), for sub-sections (2) and (3), and the Explanation, the following sub-sections shall be substituted, namely :—

Amendment of section 9

“(2) Every such Board shall consist of three persons who are, or have been, or are qualified to be appointed as, Judges of a High Court, and such persons shall be appointed by the appropriate Government.

(3) The appropriate Government shall appoint one of the members of the Advisory Board who is, or has been, a Judge of a High Court to be its Chairman, and in the case of a Union territory, the appointment to the Advisory Board of any person who is a Judge of the High Court of a State shall be with the previous approval of the State Government concerned”

3. Any reference made under section 10 of the principal Act and pending before any Advisory Board immediately before the commencement of this Act may, notwithstanding anything contained in this Act, continue to be dealt with by that Board after such commencement as if this Act had not been enacted.

Saving as to pending references under section 10.

No. MC(V)2/72, the 5th August, 81. Lieutenant Governor (Administrator) of Mizoram is pleased to order that the Anti-Corruption Branch of the Government of Mizoram hitherto functioning under the Administrative control of Inspector General of Police, Mizoram shall constitute a separate Branch of the Police Department under the administrative control of Chief Vigilance Officer, Government of Mizoram who is also the Chief Secretary of the Government with immediate effect. The Anti-Corruption Branch shall consist of the following posts with the existing incumbents and they shall continue to be governed by the same Rules and Regulations as are applicable to a similar Officer in the Police Department.

(1 )	Supdt. of Police, Crime & ACB	—	1
(2 )	Deputy Supdt. of Police	—	1
(3 )	Inspector	—	4
(4 )	Sub-Inspector	—	4
(5 )	Assistant Sub-Inspector	—	2
(6 )	Head Constable	—	3
(7 )	Constable	—	7
(8 )	Driver Constable	—	1
(9 )	Head Assistant	—	1
(10)	Steno Grade - III	—	1
(11)	U.D.C.	—	1
(12)	L.D.C./A.S.I.	—	3
(13)	Grade-IV	—	1

The Lieutenant Governor (Administrator) is further pleased to declare under Rules 14 of the Delegation of Financial Powers Rules 1978, the Superintendent of Police, Anti-Corruption Branch as Head of Office in respect of his own Office of the Anti-Corruption Branch.

The Anti-Corruption Branch of the Government shall function on the basis of Rules and Procedure for enquiries and investigation as in Annexure.

Gorakh Ram,  
Chief Secretary to the Govt. of Mizoram.

### RULES FOR THE ANTI-CORRUPTION BRANCH OF THE GOVT. OF MIZORAM. Jurisdiction, Powers and Functions

1. The jurisdiction of the Anti-Corruption Branch of the Government of Mizoram extends throughout the Union Territory of Mizoram. Anti-Corruption Branch is primarily concerned with the prevalence of corruption and abuse of official authority amongst the officials of the various Departments of this Government as well as other statutory bodies over which the Lt. Governor (Administrator) exercises control. The functions of the Anti-Corruption Branch do not take away the jurisdiction or the responsibilities of the C.B.I or Mizoram Police in this respect. However, the Anti-Corruption Branch has been placed under the administrative control of the Chief Vigilance Officer of the Government of Mizoram who is also the Chief Secretary of this Government, with a view to achieve more objectively and better co-ordination as the works of the Anti-Corruption involves employees of various Departments. The Anti-Corruption Branch can however take cognizance of any offence committed within the limits of the Union Territory of Mizoram under the Prevention of Corruption Act or allied offences under the J.P.C.

2. The officers posted in the Anti-Corruption Branch shall exercise Police powers and as such all the Rules and Regulation applicable to the Mizoram Police are also applicable to the Anti-Corruption Branch.

3. The functions of the Anti-Corruption Branch are to conduct confidential and secret enquiries as well as investigations into the following categories of offences:-

- (a) Cases referred by the Govt. of Mizoram, through the Chief Vigilance Officer ;
- (b) Offences punishable under the Prevention of Corruption Act, 1947 ;
- (c) Offences punishable under Sections 161 to 165, 165-A, 379 to 382, 406 to 409, 411 to 414, 417 to 420, 465, 466, 468, 471 and 477-A of the Indian Penal Code ; when these offences involved the employees on the property of the Government of Mizoram and statutory bodies ;
- (d) Attempt, abetment and conspiracy in relation to the offences in (b) and (c);
- (e) Investigation of criminal offences not mentioned above or enquiry into Departmental mis-conduct, irregularity or negligence is not the function of the Anti-Corruption Branch. Such investigation and enquiry will be taken up by the concerned Departmental Authority.



- (f) The Anti-Corruption Branch will not undertake to conduct Departmental enquiry against employees of other Departments.

#### 4. ORGANISATION OF THE ANTI-CORRUPTION BRANCH :

The Anti-Corruption Branch shall function under overall guidance and supervision of the Chief Vigilance Officer. The Superintendent of Police, A.C.B. shall maintain liaison with the various Heads of Department of this Government. The Chief Vigilance Officer will also function as ex-officio Secretary Vigilance to the Government of Mizoram assisted by Deputy Secretary, Vigilance, with a Vigilance Branch in the Political Department till a regular Vigilance Department is created in the Government. All cases involving the following should be brought to his personal notice :-

- (a) All Gazetted officer of this Government ;
- (b) Public funds ;
- (c) Persons employed in other autonomous bodies like MSIDC MBSE, Mizoram Apex Marketing Co-operative Society etc ;
- (d) Secret enquiries regarding important cases ;
- (e) Structures passed by the Court in Anti-Corruption cases ;
- (f) Appeal of revision to be filed against acquittal or discharge ;
- (g) Assistance of other States, other States Vigilance set-up and Anti-Corruption Bureaus etc ;
- (h) Monthly review prepared by the A.C.B. ;
- (i) Matters relating to policy and procedure ;
- (j) Questions in respect of anti-corruption cases in Mizoram Legislative Assembly or Parliament -
- (k) Misconduct, negligence or indiscipline on the part of any member of staff of the Anti-Corruption Branch.

#### 5. THE SUPERINTENDENT OF POLICE

Subject to the general supervision and control by the Chief Vigilance Officer the A.C.B. is under the direct charge of a Superintendent of Police. The Superintendent of Police is responsible for its day to day work, administration and functioning. He would control and guide enquiries and investigations. He has to keep in touch with the progress of cases in the Court. He has to ensure that the staff under him perform their duties efficiently, promptly and with integrity and honesty. The Superintendent of Police may, however, authorise the Deputy Superintendent of Police to supervise enquiries and investigations on his behalf.

6. All correspondences with the office of the Chief Vigilance Officer and ex-Officio Secretary, Vigilance and other Departments shall be signed by the Superintendent of Police. Purely routine correspondences may be signed by

the Deputy Superintendent of Police whenever authorised by the Superintendent of Police. The overall responsibility for the cash in the A.C.B. and the maintenance of the Cash book is also that of the Superintendent of Police. The Superintendent of Police, may however, delegate to the Deputy Superintendent of Police, the daily duty of checking the cash book and other connected accounts, registers, etc. He should personally peruse the cash book on the first working day of every month and see that the accounts are correct and the book is maintained properly.

#### 7. DEPUTY SUPERINTENDENT OF POLICE :

The Deputy Superintendent of Police will himself investigate such cases as are allotted to him. His service will also be made use of by the Superintendent of Police for supervising the investigation of simple cases.

#### 8. INSPECTORS :

The Inspectors posted in Anti-Corruption Branch have been authorised to investigate offences under section 5 of the prevention of Corruption Act as well as section 161 to 165 and 165(A) of the I.P.C. The Inspectors may also conduct such enquiries as are allotted to them by the Superintendent of Police. The enquiries and investigations conducted by the Inspectors should be subjected to close step by step supervision. The services of Inspectors can also be utilised for collection of information, surveillance and shadowing of suspected places and officers. It is also their duty to look-after their cases during trial and during disciplinary proceedings.

#### 9. SUB-INSPECTORS

The Sub-Inspectors posted in the Anti-Corruption Branch may conduct simple investigations and enquiries allotted to them by the Superintendent of Police. They may also be employed for collection of information in suitable cases. They can also be called upon to look-after cases during trial and during disciplinary proceedings. The work of the Sub-Inspectors should be subjected to close, step by step supervision.

#### 10. HEAD CONSTABLES AND CONSTABLES:

Head Constables and Constables shall work under the day to day supervision of Deputy Superintendent of Police, Inspectors and Sub-Inspectors whom they would be required to assist in the enquiries and investigations as well as collection of intelligence.

11. There will be a prosecution section in due course in the Office of the Superintendent of Police whose duties would be to look-after all legal matters prosecution and trials of case in the Court. The duties and responsibilities of the prosecutor will be laid down as and when the section is formally created in the Office of the Anti Corruption Branch.

#### 12. OFFICE STAFF .

The Office staff consists of Head Assistant, Accountant and clerical staff of the rank of Sub-Inspector,

Assistant Sub-Inspector and Head Constable respectively. It is the duty of the Office Staff to maintain office records properly as per directions of the Superintendent of Police/Deputy Superintendent of Police. The Accountant shall personally attend to such matters as may be necessary for maintenance of Cash and Accounts as per rules and procedure laid down in this regard.

### 13. COMPLAINTS :

Every complaint from whatever source received will be entered in the complaint register where in its disposal will be noted. Information received verbally will be reduced to writing and similarly dealt with. Each complaint will be examined to determine whether it requires action by the Anti-Corruption Branch or should be referred to the Departmental authorities concerned for disposal or should be filed. Any action to be initiated by the Superintendent of Police, Anti-Corruption should have the approval of the Chief Vigilance Officer. Normally enquiries should not be made by the Anti Corruption Branch in the following categories of information or complaints except for special reasons as may be decided by the Chief Vigilance Officer :—

- (i) The allegations are so trivial or insignificant that they can be left to the departmental authorities to deal with;
- (ii) Allegations relating to minor service matters which can appropriately be looked into by the departmental authorities;
- (iii) The allegations are quite vague or anonymous/psydonymous;
- (iv) The allegations relating to ordinary crime which can be dealt with by the local police;
- (v) The allegations relating to Central Government servants not belonging to the Government of Mizoram and other private individuals.

14. The following categories of information or complaints may be considered fit for starting enquiries with the approval of Chief Vigilance Officer if there are adequate grounds for doing so after a preliminary verifications:—

- (a) Specific complaints against employees of the Govt. of Mizoram containing allegations of corruption and mis-conduct received from official sources or from public organisation or from persons who can be traced and examined;
- (b) Specific allegations of bribery and corruption or of serious mis-conduct, negligence or irregularity;
- (c) Information or complaints relating to autonomous bodies over which the Lt. Governor exercises control.

### 15. PRELIMINARY ENQUIRIES AND REGULAR CASES :

A preliminary enquiry is registered when the information appears to be doubtful, Yet definite enough to require check. When the information is authentic and definite and makes out a clear cognizable offences, regular case is enjoined by the law but even in the case of such pieces of information,

if prosecution is considered not desirable or not likely or if there is any other legal difficulty, a preliminary enquiry may be registered rather than a regular case. In those preliminary enquiries which are likely to result in court trials much time should not be taken. As soon as it is clear that the allegations are true, and that there is sufficient evidence the preliminary enquiry should be converted into regular case. This should not take more than a month to decide.

16. In those preliminary enquiries in which it is not possible in the beginning to decide whether the case would culminate in the court trial or departmental proceedings, the I.O should report his opinion with reasons to the Superintendent of Police who will issue necessary orders in consultation with Chief Vigilance Officer. Thereafter, further investigation should be conducted and finalised either on the preliminary enquiry itself or on a regular case.

17. To decide whether a preliminary enquiry should be converted into a regular case, the Superintendent of Police, Anti-Corruption Branch should take into consideration inter-alia the following points :-

- i) Whether it is impossible to continue the enquiries without making use of Police powers under the Criminal Procedure Code :
- ii) Whether it is necessary to register F.I.R. in order to seize records or for involving other processes of law,
- iii) And whether there is a possibility of making out a court case by further investigation. If only departmental action is likely, then it might be considered whether the enquiries can not be conducted on the P. E. itself without registering a R.C. On this point the Superintendent of Police should take decision with care and caution. Information regarding registration of PEs should be sent to the concerned Head of Department by name. The Chief Vigilance Officer should be informed of PEs involving Gazetted Officers.

18. The investigation of every RC shall be conducted as per provisions contained in the Criminal Procedure Code, 1973 and the Assam Police Manual as applicable to Mizoram.

#### 19. CO-OPERATION TO BE EXTENDED BY THE ADMINISTRATIVE AUTHORITY TO THE ANTI-CORRUPTION BRANCH, MIZORAM :

The administrative authorities and individual public servants should extend full co-operation to the Anti-corruption Branch in their enquiries and investigations. The Head of Departments/Offices will ensure that during investigation whether preliminary or regular the Superintendent of Police, A.C.B. or his authorised representative are given facilities to see all relevant records. Even before registration of PE or RC if the Anti-Corruption Branch wishes to check the official records they may be allowed to see the same on receipt of a request from the Supdt. of Police, ACB. The Superintendent of Police on his part in asking for original documents shall give due consideration so that day to day work of the departments/office is not impeded. The records required by the A.C.B. should be made available 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 record within a month the authority concerned should inform the Supdt. of Police, A.C.B. as well as the Chief Vigilance Officer with the reasons.

20. The request of the A.C.B. for information relating to pay and allowances drawn by the Govt. servant who alleged to possess disproportionate assets should be furnished to them within a month of receiving the requisition. If information regarding certain kinds of remuneration such as fees or honoraria is not available officially, the Anti-Corruption Branch shall call for the same from the concerned officer.

21. In cases whether the Anti-Corruption Branch are investigating serious charges and request the transfer of a public servant such requests should normally be complied with. If there is any administrative difficulties the Head of Department/Officer may discuss the matter with the Chief Vigilance Officer.

22. If during an investigation the A.C.B. finds that a public servant has made a full and true disclosure implicating himself and other public servant the Supdt. of Police, A.C.B. will send to the Chief Vigilance Officer his recommendations regarding grant of immunity to such person from criminal prosecution or departmental action. The Chief Vigilance Officer may consult the Law Department and advice the Anti-Corruption Branch regarding the course of action.

23. Whenever the Anti-Corruption Branch traps any public servant for accepting bribe, information may be given to The Head of Department/Office concerned at the earliest.

24. Every department shall constitute a panel of Gazetted officers to assist the Anti-Corruption Branch as witnesses in trap cases. However, all public servants, particularly gazetted officers should assist and witness a trap, whenever they are approached by the Anti-Corruption Branch to do so. Refusal to assist or witness a trap may be regarded as a breach of duty.

25. The Anti-Corruption Branch may summon an official for examining him in connection with any enquiry or investigation. However, an official holding a responsible position may be examined in his own office unless he has to be shown a number of documents during the recording or his statement or the movement of documents is considered hazardous.

26. The Anti-Corruption Branch may, either during the course of investigation or while recommending prosecution/departmental action, suggest to the disciplinary authority that the suspected officer should be suspended from services. A decision shall be taken by the disciplinary authority at his discretion.

27. The need for liaison and co-operation between the Vigilance Officers of the Departments and the Anti-Corruption Branch during the course of enquiry and investigation and the processing of individual cases hardly needs to be emphasized. The Superintendent of Police, A.C.B. will frequently call on the Heads of the Departments and discuss matter of mutual interest, particularly those arising from specific enquiries and investigations.

28. The Superintendent of Police, A.C.B. may also maintain close relations with the Special Police Establishment and officers of C.B.I. and obtain their assistance whenever required.

29. After investigation the Anti-Corruption Branch will forward the final report to the Chief Vigilance Officer or other appropriate authority for obtaining the sanction for prosecution of the public servant concerned. If in any case the competent authority does not propose to accord the sanction sought by the Anti-Corruption Branch, it may expeditiously forward the report of the Anti-Corruption Branch together with its views and other relevant records to the Chief Secretary for a probable reference to the Central Vigilance Commission.