

**GOVERNMENT OF INDIA
PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS
LOK SABHA**

UNSTARRED QUESTION NO:1781

ANSWERED ON:10.08.2011

PENDING CASES FOR PROSECUTION

Alagiri Shri S. ;Devappa Anna Shri Shetti Raju Alias;Sinh Dr. Sanjay

Will the Minister of PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS be pleased to state:

- (a) the number of cases involving Government/Civil Servants pending for more than three months for sanction for prosecution as on 31.12.2009 and 31.12.2010;
- (b) the number of such cases pending for sanction at present alongwith the details of officials whose prosecution has been sought, State-wise;
- (c) the reasons for delay in according the sanction;
- (d) the maximum period upto which such sanction can be withheld; and
- (e) the action taken/being taken to expedite the sanction?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office (SHRI V. NARAYANASAMY)

(a): As per information provided by CBI, 168 requests regarding sanction for prosecution were pending for more than three months in 69 cases as on 31.12.2009 and 169 such requests were pending for more than three months in 62 cases as on 31.12.2010 under the provisions of Prevention of Corruption Act, 1988.

(b): As per information provided by the CBI, as on 30.06.2011, 151 requests involving 62 cases were pending with various Central Government Ministries/State Governments. The details are at Annexure -'A'.

(c): The delay is often caused due to detailed analysis of the available evidence, consultation with CVC, State Governments and other agencies, and sometimes non-availability of relevant documentary evidence etc .

(d): The Hon'ble Supreme Court of India in the case of Vineet Narain vs Union of India had directed that "time limit of three months for grant of sanction for persecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General (AG) or any Law Officer in the AG's office".

(e): In order to check delays in grant of sanction for prosecution, the Department of Personnel & Training has issued guidelines vide its O.M. No. 399/33/2006-AVD-III dated 6th November, 2006 followed by another O.M. dated 20th December, 2006, providing for a definite time frame, at each stage, and fixing responsibility for deliberate delays.