

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

UNSTARRED QUESTION NO:5660
ANSWERED ON:07.09.2011
SANCTION FOR CORRUPTION CHARGES OF CIVIL SERVANTS
Patel Shri R.K. Singh

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

- (a) whether CVC is waiting for sanction in corruption charges of senior officers including IAS and IPS for prosecution from various Ministries and Public Sector Undertakings (PSUs);
- (b) if so, the details thereof, Ministry/PSU-wise;
- (c) the reasons for delay in sanction in this regard; and
- (d) the action taken by the Government in this regard?

Answer

MINISTER OF THE STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS AND MINISTER OF THE STATE IN THE PRIME MINISTER'S OFFICE (SHRI V. NARAYANASAMY)

(a) & (b): Sanction for prosecution is required/sought by the investigating agencies for filing charge-sheets in the court of law and not by CVC. Section 8(1)(f) of the CVC Act, 2003 empowers the Central Vigilance Commission to review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988. Accordingly, the Commission keeps watch on cases pending prosecution sanction over three months with the competent authorities of Ministries/ Departments/ Organizations concerned.

As per information provided by the CBI, sanction for prosecution against 05 senior officers of the rank of Joint Secretary and above, including IAS & IPS is awaited from various Ministries/ Departments in 06 cases.

The Ministry/PSU-wise details is as under:-

Name of the Ministry/Department	No. of Officer(s)	No. of cases
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Department of Personnel & Training	2	2 (one case is with CVC for tendering advice)
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IRCTC	1	1
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Deptt. of Economic Affairs	1	1
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Min. of Home Affairs	1	2
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Total	5	6
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(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 case of Vineet Narain vs Union of India had directed that "time limit of three months for grant of sanction for prosecution must be 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". In order to check delays in grant of sanction for prosecution, the Department of Personnel & Training has issued guidelines vide its OM No. 399/33/2006-AVD-III dated 6th November, 2006 followed by another OM dated 20th December, 2006, providing for a definite time frame at each stage and fixing responsibility for deliberate delays.