

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

UNSTARRED QUESTION NO:308

ANSWERED ON:23.11.2011

CASES RECEIVED FOR CBI PROSECUTION

Sayeed Muhammed Hamdulla A. B. ;Sinh Dr. Sanjay;Vasava Shri Mansukhbhai D.

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

- (a) whether CBI has to get the sanction of the Central and State Governments before it can initiate the prosecution in a court;
- (b) if so, the details thereof;
- (c) whether the Central Government has not provided responses to 250 requests for sanction out of which 66% had been pending for more than three months and State Governments had not responded to 100 requests for sanctions of which 15% had been pending for more than three months;
- (d) if so, the reasons for such delay;
- (e) whether this provision is being misused and has become the main stumbling blocks through delayed responses to requests for sanction and investigation/prosecution; and
- (f) if so, the measures taken to ensure that public servants and Government officials are made accountable in their place of work?

Answer

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

(a) & (b): Yes, Madam. CBI has to get the sanction of the Central and State Governments for prosecution of Central/State Government employees, respectively, under section 19 of the Prevention of Corruption Act, 1988 in respect of the offences under that Act and under section 197 of the Code of Criminal Procedure for other offences alleged to have been committed by a Government servant while acting or purporting to act in discharge of his official duties.

(c): According to information furnished by CBI, as on 31st October, 2011, 167 number of requests for sanction are pending with various Ministries/ Departments of Government of India, out of which, 68 requests were pending for more than three months. Forty-four number of requests were pending with various State Governments as on 31st October, 2011, out of which 39 requests were pending for more than three months.

(d) & (e): The delay is often caused due to detailed analysis of the available evidence, consultation with the Central Vigilance Commission, the State Governments/other agencies, and sometimes non-availability of relevant documentary evidence, etc.

(f): 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 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 and 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.