

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

UNSTARRED QUESTION NO:3406

ANSWERED ON:14.12.2011

PENDING CASES FOR APPROVAL OF PROSECUTION

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

- (a) whether a number of cases are pending with various Government Departments/Organizations, PSUs and Public Sector Banks, for grant of approval for prosecution of officials against alleged corruption cases under the relevant laws;
- (b) if so, the details thereof and the reasons therefor;
- (c) the details of such officers against whom the Central Vigilance Commission (CVC) has sought permission from the Government to file charge sheets, alongwith the reasons for pendency of clearances;
- (d) whether the Government has formulated any policy to regulate grant of permission to CVC in such cases, within a fixed time frame; and
- (e) if so, the details thereof?

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, 189 requests for sanction for prosecution are pending with various Central Ministries/Departments and the States in respect of Prevention of Corruption Act cases, as on 31.10.2011.

(b): The Central Ministry-wise/Department-wise details are given at Annexure -A.

Though a time limit of three months has been prescribed for deciding cases of sanction for prosecution, it is sometime not possible for the Central Ministries/ Departments concerned to adhere to this time limit. 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.

(c): The permission for sanction for prosecution is sought by the investigating agency, i.e. CBI and not the CVC.

(d) & (e): As mentioned above, it is the CBI which seeks permission for sanction for prosecution. 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 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". 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.