

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

UNSTARRED QUESTION NO:2458
ANSWERED ON:28.03.2012
PENDING CASES FOR PROSECUTION
Das Shri Ram Sundar

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

- (a) whether many cases are pending with various Government Departments/Organisations seeking permission under relevant laws for prosecution of the officials involved in the alleged cases of corruption;
- (b) if so, the details thereof and the reasons therefor;
- (c) the details of the officers against whom the Central Vigilance Commission has sought permission of the Government to file chargesheet;
- (d) whether the Government has formulated any policy to regulate the grant of permission to the CVC within the prescribed time-limit in such cases; 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, 145 requests for sanction for prosecution in 75 cases are pending with various Central Ministries/ Departments and the States in respect of PC Act cases.

(b): The Ministry-wise/Department-wise and State-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 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.