

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

UNSTARRED QUESTION NO:4311

ANSWERED ON:02.05.2012

PROSECUTION PROCESS OF CVC/CBI INVESTIGATIONS

Alagiri Shri S. ;Choudhary Shri Harish;Ganpatrao Shri Jadhav Prataprao;Vasava Shri Mansukhbhai D.

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

- (a) whether the prosecution process against persons found guilty during investigation by CVC/CBI has not taken place in time and takes several months for starting prosecution;
- (b) if so, the reasons therefor;
- (c) whether action has been taken against any authority found guilty of not taking action in time against persons found guilty;
- (d) if so, the details thereof during the last three years and the current year;
- (e) if not, the reasons therefor; and
- (f) the steps being taken to speed up action against the persons found guilty?

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) to (b): As per information provided by the CBI, there are 82 requests in 39 cases pending for sanction for prosecution over three months as on 31.03.2012 under the Prevention of Corruption Act, 1988 in the various Central Ministries, Departments and State Governments.

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.

The CVC does not seek sanction for prosecution from the concerned authorities. It only tenders its advice to the administrative authorities in such case which are referred to it.

(c) to (f): 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.

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 for prosecution sanction over three months with the competent authorities of Ministries/Departments/Organizations concerned.

The pending cases are also reviewed periodically by the Department of Personnel & Training to ascertain the reasons for delay.