

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

STARRED QUESTION NO:12
ANSWERED ON:08.08.2012
COMPLAINTS AGAINST CORRUPTION
Dubey Shri Nishikant ;Singh Shri Bhupendra

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

- (a) whether the Government has taken note of alleged corruption, irregularities and other cases of mismanagement indulged in by senior Government officials;
- (b) if so, the reaction of the Government thereto;
- (c) the number of complaints of alleged irregularities/corruption against officers of the Indian Administrative Service and other All India Services pending as on 30 June, 2012, State-wise;
- (d) the number of officers against whom prosecution proceedings have been ordered and action is pending for want of permission, State-wise; and
- (e) the steps taken by the Government to expedite the action against the officers guilty of irregularities/corruption?

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 (e): A statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO THE LOK SABHA STARRED QUESTION No. 12 BY SHRI BHOOPENDRA SINGH AND SHRI NISHIKANT DUBEY FOR 8.8.2012 REGARDING 'COMPLAINTS AGAINST CORRUPTION'.

(a) & (b): The fight against corruption is an ongoing process and it is the endeavour of the government to strengthen its anti-corruption laws and other mechanisms from time to time so as to ensure that the corrupt are punished effectively and expeditiously. To strengthen the anti-corruption mechanism, the Central Government has introduced a number of legislations in the Parliament in the recent past. Some of them are-

- (i) The Lokpal & Lokayuktas Bill, 2011;
- (ii) The Whistle-blowers Protection Bill, 2011;
- (iii) The Prevention of Bribery of Foreign Public Officials and Officials of Public International Organizations Bill, 2011; and
- (iv) The Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of the Grievances Bill, 2011.

(c): All India Service officers are posted in various States and complaints against these officers can be lodged with various Authorities, such as State Government, Governor, Cadre Controlling Authority etc. and such data is not centrally maintained.

(d): As per information furnished by the CBI, sanction for prosecution is pending against 16 officers of All India Services (i.e. IAS, IPS & IFS) in 10 cases as on 30.6.2012. State-wise details are as under:-

State
No. of cases

Assam
1
Jharkhand
1

Union Territory / AGMU
2

Andhra Pradesh

Karnataka
1

Maharashtra
1

West Bengal
1

TOTAL
10

(e):The Supreme Court of India, vide its judgment dated 18th December, 1997 in the case of Vineet Narain Vs. Union of India, 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".

It is sometime not possible to adhere to this time-limit. The delay which occurs in the sanctioning of prosecution is mostly on account of detailed scrutiny and analysis of voluminous case records and evidence, consultation with Central Vigilance Commission (CVC), State Governments and other agencies, and sometimes non-availability of relevant documentary evidence.

However, in order to check delays in grant of sanction for prosecution, the Department of Personnel & Training has already 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 for handling of requests from CBI for prosecution of public servants.

The Group of Ministers on tackling corruption, in its first report, had also given certain recommendations for speedy disposal of sanction of prosecution cases, which included – taking decision on such cases within 3 months; monitoring of such cases at the level of Secretary of the Ministry/Department and submission of report to the Cabinet Secretary; and in cases of refusal to accord sanction, submission of a report to the next higher authority within 7 days for information. (where competent authority is Minister such report is to be submitted to the Prime Minister) The said recommendation of the GoM has been accepted by Government and instructions have been issued by the Government on 03.05.2012.