

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

UNSTARRED QUESTION NO:2769
ANSWERED ON:29.08.2012
ANTI-CORRUPTION LAW
Bhagora Shri Tarachand

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

- (a) whether the Government proposes a change in the anti-graft laws to enable complainants to know about the status of their complaints against corrupt Ministers and officials within three months;
- (b) if so, whether the fresh amendments to the Prevention of Corruption Act has been given green signal in view of the Supreme Court's laid down guidelines for granting sanctions to prosecute public servant within the time frame; and
- (c) 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): No, Madam.

(b) & (c): 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".

The Supreme Court has, in its recent judgment dated 31st January, 2012 in the case of Dr. Subramanian Swami Vs. Dr. Manmohan Singh & Another (Civil Appeal No.1193 of 2012), directed that in future every Competent Authority shall take appropriate action on the representation made by a citizen for sanction of the prosecution of a public servant strictly in accordance with the direction contained in Vineet Narain v. Union of India and the guidelines framed by the CVC. In the same judgment, one of the Judges (Shri Justice A.K. Ganguly) has made an observation that the Parliament may consider introducing a time limit in section 19 of the Prevention of Corruption Act, 1988 for its working in a reasonable manner and also introducing a provision that if sanction is not accorded within the time limit, sanction will be deemed to have been granted to the proposal for prosecution. The above observations made by the Hon'ble judge in his concurring judgment, are in the nature of obiter dicta.

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 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.