

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

UNSTARRED QUESTION NO:2872

ANSWERED ON:29.08.2012

PROSECUTION OF TAINTED OFFICIALS

Alagiri Shri S. ; Ganpatrao Shri Jadhav Prataprao; Jaiswal Shri Gorakh Prasad

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

- (a) whether the Government departments/Ministries are unable to follow time/frame of three months in taking a final view on the prosecution of tainted officials;
- (b) if so, whether the Government have issued specific directives recently in this regard and to maximize transparency;
- (c) if so, the number of cases where action has been delayed or is under consideration for alleged corruption charges; and
- (d) the steps taken or being taken by the Government to take hard stand on corruption?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(SHRIV. NARAYANASAMY)

(a) & (b): 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), reiterated the said time limit.

It is sometime not possible to adhere to this time-limit on account of administrative reasons. 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.

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 concerned 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 3rd May, 2012.

(c): As per information provided by the Central Bureau of Investigation, sanction for prosecution is pending in 32 cases under the Prevention of Corruption Act, 1988 against 69 public servants in various Ministries/ Departments and State Governments for over three months as on 31.7.2012.

(d): The Central Government is fully alive and committed to implement its policy of "Zero Tolerance against Corruption" and has taken several steps, in the recent past, to combat corruption. These include:-

(i) Issue of Whistle Blowers Resolution, 2004 and introduction of the Public Interest Disclosure and Protection to Persons Making the Disclosure Bill, 2010 in the Lok Sabha on 26th August, 2010. (Passed by the Lok Sabha on 27th December, 2011 as the Whistle Blowers Protection Bill, 2011);

(ii) Enactment of Right to Information Act, 2005;

(iii) Issue of comprehensive instructions on transparency in tendering and contracting process by the CVC;

(iv) Issue of instructions by the CVC asking the organizations to adopt Integrity Pact in major Government procurement activities; State Governments have also been advised to adopt Integrity Pact in major procurements;

- (v) Introduction of e-Governance and simplification of procedures and systems;
- (vi) Introduction of the Lokpal & Lokayuktas Bill, 2011 in the Parliament;
- (vii) Ratification of United Nations Convention Against Corruption (UNCAC) in 2011;
- (viii) Introduction of the Prevention of Bribery of Foreign Public Officials and Officials of Public International Organizations Bill, 2011 in the Lok Sabha;
- (ix) Introduction of the Judicial Standards and Accountability Bill, 2010 in the Parliament (passed by the Lok Sabha on 29.3.2012);
- (x) Placing of details of immovable property returns of all Members of the All India Services and other Group 'A' officers of the Central Government in the public domain.
- (xi) Introduction of the Right of Citizens for Time Bound Delivery of Goods and Services and Redressal of their Grievances Bill, 2011 in the Lok Sabha on 20.12.2011.
- (xii) Introduction of the Public Procurement Bill, 2012.