

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

UNSTARRED QUESTION NO:2823

ANSWERED ON:29.08.2012

PERMISSION SOUGHT BY CVC

Bundela Shri Jeetendra Singh;Mohan Shri P. C.;Pandurang Shri Munde Gopinathrao

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

- (a) whether the Central Vigilance Commission (CVC) has sought permission from the Government to take action against about 40 officials of various Ministries involved in corruption;
- (b) if so, whether the Government has not given the permission to the CVC even after the lapse of more than four months;
- (c) if so, the details thereof and the reasons therefor;
- (d) the details of the said officials, Ministry-wise and post-wise; and
- (e) the time by which the Government is likely to grant permission for their prosecution?

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 (c): The Central Vigilance Commission does not seek permission from the Government for prosecution of Government officials. It is the prosecuting agencies, i.e. the Central Bureau of Investigation (CBI)/Police authorities, who seek sanction of the Government/Competent Authorities in such matters.

As per functions assigned to the Commission under Section 8(1)(f) of the CVC Act, 2003, the Commission, inter-alia, exercises superintendence over the Delhi Special Police Establishment (CBI) in so far as it relates to investigation of offences under the Prevention of Corruption Act, 1988, reviews the progress of such investigations and also reviews the progress of applications pending with competent authorities for sanction of prosecution.

As per information provided by the Central Bureau of Investigation (CBI) there are 28 cases under the Prevention of Corruption Act, 1988 in which sanction for prosecution is pending against 62 officials for more than 4 months.

The Supreme Court of India, vide its judgment date 18th December, 1997 in the case of Vineet Narin 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.

(d): Ministry wise details of these cases are given in Annexure-I.

(e): 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 date 20th December, 2006, providing for a definite time frame at each state 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.