

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

STARRED QUESTION NO:269  
ANSWERED ON:12.12.2012  
GRANT OF SANCTION FOR PROSECUTION  
Alagiri Shri S. ;Sinh Dr. Sanjay

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

- (a) whether the delays in according sanction for prosecution of public servants is due to non-availability of relevant documentary evidence under the Prevention of Corruption Act, 1988;
- (b) if so, the details thereof;
- (c) the reaction of the Government in this regard; and
- (d) the measures taken by the Government for checking delay in grant of sanction for 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 (d): A Statement is laid on the Table of the House.

STATEMENT REFERRED TO IN REPLY TO THE LOK SABHA STARRED QUESTION NO. 269 BY SHRI S. ALAGIRI & DR. SANJAY SINH FOR 12TH DECEMBER, 2012 REGARDING "GRANT OF SANCTION FOR PROSECUTION"

(a) to (d): The delay which occurs in the sanctioning of prosecution in some cases 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.

The Supreme Court of India, vide its judgment dated 18th December, 1997 in the case of Vineet Narian 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".

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 (GoM) on tackling corruption, in its first report, had also given certain recommendations for speedy disposal of requests for sanction of prosecution of public servants, 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 3rd May, 2012.

The Government issued yet another instruction on 20th July, 2012 wherein, while clarifying certain issues relating to the procedure being followed such as avoiding repeated correspondence with CBI/CVC for clarifications/ re-consideration, etc., all Ministries/Departments were again advised to strictly comply with the instructions contained in the OMs dated 6.11.2006 and 20.12.2006 as modified by OM dated 3.5.2012.