

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

UNSTARRED QUESTION NO:4281  
ANSWERED ON:19.12.2012  
SEEKING PERMISSION FOR PROSECUTION  
Joshi Shri Pralhad Venkatesh;Naik Shri Shripad Yesso

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

- (a) whether the CBI has sought permission from the Government to take action against some corrupt officers;
- (b) if so, the details thereof;
- (c) whether the said officers have been found guilty after the completion of enquiry against them;
- (d) if so, the details of such officers and the reasons for which the Government has not accorded permission for prosecution by the CBI; and
- (e) the time by which the Government proposes to accord the permission?

**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): After investigation/enquiry of the case, the CBI sends its report to the administrative Ministry/ Department/ appropriate Competent Authority/Chief Vigilance Officer/Chief Secretary concerned and seeks sanction for prosecution of the accused public servant under section 19 of the Prevention of Corruption Act, 1988.

As per information provided by the CBI, as on 31.10.2012, there are 92 cases containing 207 requests in which sanction for prosecution is pending with various Ministries/Departments.

(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". Sometimes it is not possible to adhere to the prescribed time-limit. 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.

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 (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.