

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

UNSTARRED QUESTION NO:3763
ANSWERED ON:20.03.2013
ACTION AGAINST ADMINISTRATIVE OFFICERS
Joshi Dr. Murli Manohar;Roy Shri Arjun

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

- (a) whether the Central Bureau of Investigation (CBI) has sought the permission of the Government to take further action against 54 administrative officers involved in cases of corruption since 2009;
- (b) if so, the facts in this regard;
- (c) whether as per the Supreme Court directives, the Government should grant such permission within three months at the most;
- (d) if so, the reaction of the Government in this regard;
- (e) whether the said directive of the Supreme Court has been ignored in the above said cases; and
- (f) if so, the case-wise period of time taken by the Government to reach a decision?

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): From 2009 to February, 2013, CBI has made 3413 requests to various Ministries/Departments/State Governments for sanction for prosecution under the Prevention of Corruption Act, 1988. Out of these, sanctions were received against 3004 requests and denied in respect of 232 requests.

(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."

(d): 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 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.

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.

(e): As per information provided by the CBI, out of 3004 requests, it has received sanctions in respect of 2423 requests within a period of 3 months and remaining 581 requests were received after 3 months.

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.

(f): No such data is centrally maintained.

