

**GOVERNMENT OF INDIA
HOME AFFAIRS
LOK SABHA**

UNSTARRED QUESTION NO:4772
ANSWERED ON:23.04.2013
SANCTION FOR PROSECUTION OF PUBLIC SERVANTS
Krishnaswamy Shri M.;Shetkar Shri Suresh Kumar

Will the Minister of HOME AFFAIRS be pleased to state:

- (a) whether it is mandatory to obtain prior sanction for prosecution of public servants in custodial rape cases;
- (b) if so, the details thereof;
- (c) whether the Government proposes to remove the prior sanction required for prosecution of public servants in such cases; and
- (d) if so, the details thereof and the changes made in this direction, so far?

Answer

MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS (SHRI MULLAPPALLY RAMACHANDRAN)

(a): As per Explanation to section 197 of Cr.P.C., no sanction shall be required in case of a public servant who is accused of any offence alleged to have been committed under section 376 of IPC.

(b) to (d): Do not arise.