

**GOVERNMENT OF INDIA  
PRIME MINISTER  
LOK SABHA**

UNSTARRED QUESTION NO:1527

ANSWERED ON:14.08.2013

SANCTION FOR PROSECUTION

Ganpatrao Shri Jadhav Prataprao;Khaire Shri Chandrakant Bhaurao

**Will the Minister of PRIME MINISTER be pleased to state:**

- (a) the details of granting sanction for initiating prosecution cases against persons found guilty after investigation by CVC/ CBI during each of the last three years, Ministry-wise;
- (b) the details of cases where prosecution are granted after three months, Ministry-wise;
- (c) the justification of granting the prosecution after more than three months, Ministry-wise; and.
- (d) the reaction of the Government in this regard?

**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) to (c): The information of prosecution sanction issued in respect of each ministry is not maintained centrally in this Department. The Department of Personnel and Training is the Cadre controlling authority in respect of officers of Indian Administrative Service (IAS), Group 'A' officers of Central Secretariat Service (CSS) & Central Secretariat Stenographers Services (CSSS) & Group 'A' officers of Central Bureau of Investigation (CBI) and deals with the cases of prosecution sanction under Prevention of Corruption Act, 1988. The number of prosecution sanction granted against IAS, CSS/CSSS & CBI officers during last three years is as under :

Year	No. of prosecution sanction granted
2010	21
2011	18
2012	12

Details of sanctions are enclosed at Annexure.

In most of the cases grant of prosecution sanction took more than three months.

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): In order to check delays in grant of sanction for prosecution, the Department of Personnel & Training has 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 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 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 03.05.2012.