

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

UNSTARRED QUESTION NO:456
ANSWERED ON:25.02.2015
PENDING CASES OF PROSECUTION
Singh Shri Bhola

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

- (a) the number of Central and State Government officials against whom criminal as well as corruption cases are pending during the last two years and the current year, till date;
- (b) the reasons for not prosecuting the officials so far;
- (c) the reasons for not granting permission by the Government to prosecute the said officials; and
- (d) the time by which the Government is likely to accord permission to prosecute the said officials?

Answer

Minister of State in the Ministry of Personnel, Public Grievances and Pensions and Minister of State in the Prime Minister's Office.
(DR. JITENDRA SINGH)

(a): Sanction for prosecution is accorded under section 197 of the Criminal Procedure Code (Cr. PC) or section 19 of the Prevention of Corruption (PC) Act, 1988 against Central and State Government officials at various levels and from different service cadres. Such sanctions are accorded by different competent authorities either in the State Government or in Government of India depending on rank and service cadre of the official concerned. However, since Department of Personnel and Training is the cadre controlling department for Indian Administrative Service (IAS), Central Secretariat Service (CSS) and Central Bureau of Investigation (CBI) (Group 'A') officers only, it handles prosecution sanction cases under the Prevention of Corruption (PC) Act, 1988 only against these officers.

The number of Central and State Government Officials against whom criminal as well as corruption cases have been registered during the last two calendar years i.e. 2013, 2014 and the current year 2015 (up to 31.01.2015), and the number of cases wherein sanction for prosecution is awaited from the competent authority, as provided by the Central Bureau of Investigation (CBI), are enclosed at Annexure 'A'.

(b) to (d): The Hon'ble Supreme Court of India vide its judgment dated 18.12.1997 in the case of Vineet Narayan vs Union of India, directed "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 AGs office".

Instructions have been issued from time to time to all Ministries/Departments to strictly abide by the orders of the Supreme Court.

Department of Personnel and Training have held quarterly meetings to monitor the pending cases of sanction for prosecution in respect of Central Ministries and the last meeting was held on 21.01.2015.

At times it is not possible to adhere to this time limit. The delay occurring in sanctioning of prosecution is mostly on account of detailed scrutiny and analysis of voluminous case records and evidence, consultation with Central Vigilance Commission, State Government and other agencies and sometimes non-availability of relevant documentary evidence. In order to avoid delay in prosecution and in processing of such proposals due to procedural infirmities, shortcoming/discrepancies in the proposals, Department of Personnel and Training has switched over to a single window system w.e.f. 01.08.2014.

The Competent Authorities have also been instructed vide Department of Personnel and Training O.M. No. 372/19/2012- AVD-III dated 03.05.2012 to mandatorily take a decision in such cases within a period of three months from receipt of request.

Annexure-A

Statement referred to in the reply to the Un-starred question No. 456 for answer in the Lok Sabha on 25/02/2015

Column 1 2 3 4 5 6
no.

Year No. Of No Of officials No. Of No Of officials

Total Involved in cases Involved in

Cases cases of Pending cases of column 4
Regis- column 1 for
tered Sanction
(RCs) of
Prosecution
(out of
column 1)

	Central State	Central State
2013	855 590 129	39 28 15
2014	871 540 70	22 22 1
2015	73 46 4 0 0 0	

(upto
31.01.
2015)