

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

UNSTARRED QUESTION NO:4980

ANSWERED ON:13.08.2014

SANCTION FOR PROSECUTION

Devi Smt. Rama;Jadhav Shri Prataprao Ganpatrao;Khaire Shri Chandrakant Bhaurao

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

- (a) whether the Government and the Hon'ble Supreme Court have issued any guidelines in order to check the delays in grant of sanction for prosecution;
- (b) if so, the details thereof;
- (c) whether cases of violation of the guidelines have come to the notice of the Government;
- (d) if so, the details thereof along with number of such cases reported and the action taken in this regard during each of the last three years and the current year; and
- (e) the measures taken for strict compliance of the guidelines and time- frame fixed for according sanction for prosecution?

**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)&(b): Yes, Madam. The Department of Personnel & Training (DoP&T) vide its Office Memorandum No.399/33/2006-AVD.III dated 06.11.2006 has issued guidelines for checking delay in grant of sanction for prosecution. Further, DoP&T vide O.M. No. 372/19/2012-AVD.III dated 03.05.2012 has circulated guidelines, wherein, the Competent Authority has been instructed to mandatorily take a decision within a period of three months from receipt of request and pass a speaking order.

(c) to (e): Yes. As per information provided by the CBI, sanction for prosecution is pending in 54 cases against 137 public servants in various Ministries/Departments and State Governments for over three months as on 30.06.2014. The details of Ministry-wise cases/ requests pending for prosecution sanction are given in Annexure-A.

As per DoP&T's OM dated 06.11.2006 referred to above, delayed cases are monitored by DOP&T.

Under the O.M. dated 06.11.2006 and dated 03.05.2012 referred to above, the Ministries/Departments have to ensure:

# strict compliance with the procedure and time-lines laid-down for sanctioning prosecution of public servants; and

# submission of a certificate every month by the Secretary of each Ministry/ Department to the Cabinet Secretary to the effect that no case is pending for more than 3 months and wherever a case is pending for more than 3 months, the reasons for such pendency and the level where it is pending.