

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

UNSTARRED QUESTION NO:1826
ANSWERED ON:03.12.2014
PROSECUTION OF BUREAUCRATS
Devi Smt. Rama;Giluwa Shri Laxman

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

- (a) the existing policy of the Government for grant of sanction for prosecution of bureaucrats;
- (b) the details of the cases where sanction for prosecution was granted beyond the time limit of three months during the last three years and the current year;
- (c) whether any officer was held responsible for the delay in sanctioning of prosecution proceedings against bureaucrats;
- (d) if so, the details thereof during the said period; and
- (e) the action taken/proposed to be taken against those held responsible?

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): The Department of Personnel & Training has issued guidelines vide its OM No.399/33 /2006-AVD-III dated 6th November, 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 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). On the basis of the said recommendation of the GoM, instructions have been issued by the Government on 3rd May, 2012. All Ministries / Departments were again advised to strictly comply with the instructions contained in the OMs dated 6.11.2006 as modified by OM dated 03.05.2012.

(b) to (e): Department of Personnel & Training handles prosecution sanction cases under the Prevention of Corruption (PC) Act, 1988 for Indian Administrative Service, Central Secretariat Service (Under Secretary & above level) & CBI (Gr'A) Officers only, being their cadre controlling department. Sanction for Prosecution are accorded under section 197 CrPC or section 19 of the PC Act, 1988 against Bureaucrats who can be of various ranks and from different service cadres including State Services and All India Services officers posted in the State cadres. Each service cadre has different competent authority for the said sanction depending on rank & service cadre of the official concerned. Therefore such data is not centrally maintained by Department of Personnel & Training.