

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

UNSTARRED QUESTION NO:4079
ANSWERED ON:17.12.2014
PERMISSION FOR PROSECUTION
Devi Smt. Rama;Rajendran Shri S.

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

- (a) the number and details of cases in which there has been an inordinate delay in the grant of permission for prosecution in which the Central Vigilance Commission and the Supreme Court requested the Government for taking final decision during the last three years;
- (b) whether the Government has conducted any investigation into the delay in giving permission for prosecution in such cases and if so, the outcome thereof; and
- (c) the measures taken/proposed to be taken by the Government on the basis of the said outcome?

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 Cr.P.C. or Section 19 of the Prevention of Corruption (PC) Act, 1988, against public servants who can be of various ranks and from different service cadres i.e., State Services, Central Services, All India Services including officers of All India Services posted in the State cadres. Each service cadre has different competent authority in various State Governments and Central Departments/ Ministries for the said sanction depending on rank & service cadre of the official concerned and information on these matters is maintained by them.

The Department of Personnel & Training only handles such prosecution sanction cases under the PC Act, 1988, which are for Indian Administrative Service, Central Secretariat Service (Under Secretary & above level) & CBI (Group 'A') officers, being the cadre controlling department of the above services.

The Central Vigilance Commission has provided a list of cases which are pending for accord of sanction under PC Act in the Ministry of Personnel, Public Grievances & Pensions (as on 30.09.2014). There were five cases in which 14 requests for sanction of prosecution pending in the Department of Personnel & Training from the year 2012 onwards. All these requests are at various stages of submission.

(b) & (c): 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 on account of non-availability of relevant documentary evidence. Considering the delay, the Department of Personnel & Training vide its OM No.372/19/2012-AVD-III, dated 03.5.2012 has circulated certain recommendations, wherein the competent authority has been instructed to mandatorily take a decision within a period of three months from the receipt of request and pass a speaking order.

In pursuance of the above OM, pending cases are mentioned in the Committee headed by Secretary (Personnel). Prior to the issue of the aforesaid OM, the Department of Personnel & Training had issued guidelines vide its OM No.399/33/2006-AVD.III, dated 6th November, 2006 providing for definite time frame at each state for handling of requests from CBI for prosecution of public servants under the PC Act.

Department of Personnel & Training has also switched over to 'Single Window System' with effect from 01.08.2014 for receiving prosecution sanction proposals in the Department as per the revised check-list in order to avoid delays due to protracted correspondence for want of requisite documents.