

1	2	3
5.	Chhattisgarh	09
6.	Gujarat	21
7.	Haryana	24
8.	Himachal Pradesh	25
9.	Jammu and Kashmir	17
10.	Jharkhand	14
11.	Karnataka	25
12.	Kerala	40
13.	Maharashtra	30
14.	Madhya Pradesh	41
15.	Manipur-Tripura	34
16.	Nagaland	09
17.	Odisha	32
18.	Punjab	14
19.	Rajasthan	28
20.	Sikkim	09
21.	Tamil Nadu	38
22.	Uttar Pradesh	78
23.	Uttaranchal	14
24.	West Bengal	35
TOTAL		678

Request pending for prosecution of Government officials

2867. DR. CHANDAN MITRA: Will the PRIME MINISTER be pleased to state:

(a) whether three months' time limit is not being adhered to in giving sanction for prosecution of corrupt Government officials;

(b) if so, the reasons therefor along with the details of number of such requests of CBI pending for more than three months with various Ministries/ departments; and

(c) the fresh steps taken by Government to expedite sanction in all such cases and also to remove discrepancies in the existing directives in this regard?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) and (b) The Supreme Court of India, *vide* its judgment dated 18th December, 1997 in the case of Vineet Narain Vs. Union of India, directed that "*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 AG's office*". The Supreme Court has, in its recent judgment dated 31st January, 2012 in the case of Dr. Subramanian Swami Vs. Dr. Manmohan Singh & Another (Civil Appeal No. 1193 of 2012), reiterated the said limit.

The occasional delay which occurs in the sanction of prosecution in some cases 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. As per information provided by the Central Bureau of Investigation, sanction for prosecution is pending in 32 cases under the Prevention of Corruption Act, 1988 against 69 public servants in various Ministries/ Departments and State Governments for over three months as on 31.07.2012.

(c) In order to check delays in grant of sanction for prosecution, the Department of Personnel and 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.

Fast track courts for corruption cases

2868. DR. T.N. SEEMA: Will the PRIME MINISTER be pleased to state:

- (a) the criteria for setting up of fast track courts pertaining to corruption cases;
- (b) the number of special fast track courts constituted to dispose off the cases of corruptions during the last three years in the country, State-wise; and
- (c) the number of cases lying pending/disposed off in these courts during the above said period, State-wise?

THE MINISTER OF STATE IN THE MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS (SHRI V. NARAYANASAMY): (a) and (b) There were 56 Courts (46 Courts of Special Judge and 10 Courts of Special Magistrates) functioning for CBI cases all over the country. On the recommendation of the Chief Justice of India, by taking number of pending cases as criteria, the Central Government has decided to set up 71 additional Special Courts exclusively for the trial of CBI cases in different States. Out of these, 65 Courts have started functioning. The State-wise details of functioning additional Special Courts are given in the Statement-I (*See below*).

(c) In the aforesaid newly established 65 CBI Courts, 3599 cases are pending under trial as on 31.7.2012. These courts have disposed of 379 cases since their establishment till 31.7.2012. The State-wise details of these cases are given in the Statement-II.