

RAJYA SABHA

Thursday, the 30th August, 2012/8th Bhadra, 1934 (Saka)

The House met at eleven of the clock,

MR. CHAIRMAN, in the chair

ORAL ANSWER TO QUESTION

Time limit for action against corrupt officials

*261. SHRI JAI PRAKASH NARAYAN SINGH: Will the PRIME MINISTER be pleased to state:

(a) whether Government has issued a missive to all Ministries/Departments, Public Sector Undertakings (PSUs) and Public Sector Banks to strictly follow a time limit of three months in taking action against corrupt officials;

(b) if so, the details of the circular issued by Department of Personnel and Training;

(c) whether Government has received complaints against Chairman and Managing Directors (CMDs) of several PSUs; and

(d) if so, the names of CMDs of PSUs against whom complaints of corrupt practices have been received?

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 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 non-availability of relevant documentary evidence.

However, in order to check delays in grant of sanction for prosecution, the Department of Personnel and Training has already issued guidelines vide its OM No. 399/33/2006- AVD-II 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 (GoM) on tackling corruption, in its first report, had also given certain recommendations for speedy disposal of requests for sanction of prosecution of public servants, 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.

The GoM has also recommended that (a) requests for prior approval under section 6A of the Delhi Special Police Establishment Act, 1946 shall be decided by the competent authority within three months of receipt of request; (b) the competent authority will give a Speaking Order, giving reasons for its decisions; and (c) in the event a decision is taken to refuse permission, the reasons thereof shall also be put up to the next higher authority (Prime Minister) for information within one week of taking the decision. The recommendation of the GOM has been accepted and orders have been issued by DoP & T on 26th September, 2011.

(c) and (d) A Group of Officers (GoO) was constituted to take a view on complaints against Chief Executives and Functional Directors of Public Sector Enterprises (PSEs) and Chairman and Managing Directors (CMDs) and Functional Directors of Public Sector banks and Financial Institutions vide Department of Public Enterprises O.M. No. 15(1)/2010-DPE(GM) dated 11.3.2010 and 11.05.2011 under the chairmanship of Secretary (Coordination and Public Grievance), Cabinet Secretariat, which has received complaints against CMDs of several PSU. The list containing the names of CMDs of PSUs against whom complaints have been received is given in Statement (See below).

Statement

List of CMDs of PSUs against whom complaints have been received

| Sl. No. | Complaint against |
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| 1. | Sh. R.S.P. Sinha, CMD, MTNL |
| 2. | Shri R.S. Shariha, former Chairman, NTPC and former CMD, ONGC |
| 3. | Sh. K Ramachandran Pillai, CMD, NTC |
| 4. | Sh. Arup Roy Choudhury, former CMD, NBCC and presently CMD, NTPC |
| 5. | Sh. A.R. Ansari, CMD, NLC |
| 6. | Sh. S. Biswas, Chairman, DVC |
| 7. | Sh. Kuldeep Goyal, CMD, BSNL |
| 8. | Sh. Arbind Kumar, CMD, NPCC |
| 9. | Sh. S.K. Roongta, Chairman, SAIL |
| 10. | Sh. Dinesh Chandra Garg, CMD, Western Coalfields Ltd |
| 11. | Sh. V.R.S. Natarajan, CMD, BEML |
| 12. | Dr. A.K. Lomas, CMD, MECL |
| 13. | CMD and FD's incl. Dir (HR), MTNL Board and other Officers in HR Deptt. of MTNL |
| 14. | Shri S.K. Garg, CMD, NHPC |
| 15. | Dr. Jayashree Gupta, CMD (IDPL) |
| 16. | Capt. S.S. Tripathi, CMD, DCIL |
| 17. | Brig. S.P. Mehla, CMD, SFCI |
| 18. | Sh. Kallol Datta, CMD, Andrew Yule and Co. |
| 19. | Sh. R.S.T. Sai, CMD, THDC |
| 20. | Sh. S.K. Chaturvedi, CMD (PGCIL) |
| 21. | Smt. Anju Banerjee, CMD, EdCIL |

| Sl. No. | Complaint against |
|---------|---|
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| 22. | Sh. N.M. Borah, CMD, OIL and another |
| 23. | Sh. H.A. Daruwala, Former CMD, CBI |
| 24. | Sh. Praful Tayal, CMD, CIWTC |
| 25. | Shri I.P. Barooah, D (Pers), i/c CMD, NEEPCO |
| 26. | Sh. S. Hazra, Chairman, Shipping Corp of India |
| 27. | Sh. H.K. Sharma, CMD, SJVNL |
| 28. | Sh. Satnam Singh, CMD, PFCL |
| 29. | Shri G.S. Mangat, ex-CMD, NFL |
| 30. | Shri S. Sreedhar, CMD, Central Bank of India |
| 31. | Shri A.K. Srivastava, CMD, NALCO |
| 32. | CMD and Director (Offshore) of ONGC |
| 33. | Sh. R.P. Tak, CMD, CCI |
| 34. | Sh. D. Dutta, Ex-CMD, WAPCOS |
| 35. | CMD (CCI) |
| 36. | Sh. K.L. Dhingra, CMD (ITI) |
| 37. | Shri O.P. Bhatt, Chairman (SBI) |
| 38. | Sh. Shakeel Ahmed, CMD (HCL) and others |
| 39. | Sh. A.K. Jain, CMD (Bharat Pumps and Compressors) |
| 40. | (i) Dr. K.C. Chakraborty, Ex-CMD (PNB) and Dy. Governor (RBI) (ii) Sh. K.R. Kamath, CMD (PNB) (iii) S.S. Kohli, Ex-CMD (PNB) (iv) S.C. Gupta, Ex-CMD (PNB) and others |
| 41. | Mr. M.V. Nair, CMD (UBI) |
| 42. | Shri Arvind Jadhav, CMD (Air India) |
| 43. | Shri M.V. Tankasle, CMD (Central Bank of India) |
| 44. | Sh. V.P. Agrawal, CMD (AAI) |
| 45. | Shri C.R. Pradhan, Ex-CMD, NALCO |

Sl. No. Complaint against

46. Shri M.S. Rana, CMD (SPMCIL)
 47. Shri Nirmal Sinha, CMD (HHEC)
 48. Shri A.B. Pandya, CMD (NPCC)
 49. Shri R.P. Singh, Ex-CMD, Punjab and Sind Bank
 50. Shri Sudhir Vasudeva, CMD, ONGC
 51. Shri R. P. Singh, former CMD, PGCIL
 52. Shri V.K. Gaur, CMD (SFCT)
 53. Shri S.P.S. Bakshi, CMD, EPIL
 54. Shri K. Kannan, former CMD (Bank of Baroda)
 55. Shri A.B.L. Srivastava, CMD and Director (Finance) in NHPC
 56. Shri A.K. Jhamb, CMD, NPCC
 57. Shri A.K. Mishra, CMD, Bank of India
 58. Shri R.P. Singh, CMD, SJVNL
 59. Shri Ashok Sinha, former CMD, Bharat Petroleum Corporation Ltd.
 60. Shri B.K. Sahu, IAS retired, Chairman, CWC
 61. Shri S. Raman, CMD, Canara Bank
 62. Shri Rajeev Sharma, CMD, Rural Electrification Corporation
 63. CMD, PGCIL
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MR. CHAIRMAN: Question No. 261. ...(*Interruptions*)..

SHRI V. NARAYANASAMY: Sir, it is a very important question. ...(*Interruptions*).. I am ready to answer. ...(*Interruptions*)..

MR. CHAIRMAN: Any supplementaries on this question? ...(*Interruptions*).. Please go back to your seats. ...(*Interruptions*).. Please go back to your seats. ...(*Interruptions*).. Please sit down. ...(*Interruptions*).. Dr. Maitreyan, please sit down. ...(*Interruptions*)..

SHRI V. NARAYANASAMY: Sir, I am willing to answer the supplementaries. ...(*Interruptions*).. Sir, I am willing to answer whatever question they ask. ...(*Interruptions*)..

MR. CHAIRMAN: Any supplementaries on this question? *..(Interruptions)..*
There are no supplementaries. *...(Interruptions)..*

SHRI V. NARAYANASAMY: Sir, it is a very important question.
..(Interruptions).. It is relating to sanction for prosecution against public sector...
...(Interruptions)..

MR. CHAIRMAN: There are no supplementaries. *...(Interruptions)..*

SHRI V. NARAYANASAMY: The people of this country should know...
...(Interruptions)..

MR. CHAIRMAN: Hon. Members, please. *...(Interruptions)..*

SHRIMATI VASANTHI STANLEY: Sir, *...(Interruptions)..*

SHRI V. NARAYANASAMY: Sir, her mike is not working. *..(Interruptions)..* I
could not hear. *..(Interruptions)..*

MR. CHAIRMAN: Mike is not working. *..(Interruptions)..* Please sit down
..(Interruptions)..

SHRI V. NARAYANASAMY: Ms. Stanley, I could not hear you.
..(Interruptions)..

MR. CHAIRMAN: Please do not come to the well. *..(Interruptions)..* The
House is adjourned till 12 o'clock. *..(Interruptions)..*

The House then adjourned at three minutes
past eleven of the clock.

The House re-assembled at twelve of the clock

MR. DEPUTY CHAIRMAN in the Chair.

WRITTEN ANSWERS TO STARRED QUESTIONS

Framework for protection of whistleblowers

*262. SHRI T.K. RANGARAJAN: Will the PRIME MINISTER be pleased to
state:

(a) whether there is a comprehensive framework for protection of
whistleblowers;