

2G: SC accepts Swamy's plea against PMO

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New Delhi: In a blow to the Central Government, the Supreme Court on Tuesday accepted Janata Party president Subramanian Swamy's petition against the Prime Minister's Office in the 2G case, saying that all public authorities should give a sanction within 3 months against any public official if a request is made for prosecution.

The Supreme Court said that Subramanian Swamy had the locus to seek sanction from the Prime Minister for the prosecution of A Raja in the 2G scam. Sanction by a competent authority for the prosecution of a public servant has to be granted within a time frame, the apex court said.

Justice A K Ganguly said that the sanction would be deemed to be granted if competent authority failed to take a decision within four months.

While accepting Swamy's petition, the Supreme Court set aside Delhi High Court judgement refusing to direct the Prime Minister to take decision on granting of sanction against Raja. The court said that the right to file a complaint against a public servant under Prevention of Corruption Act is a constitutional right.

Hailing the court's verdict, Subramanian Swamy said, "Sanction was a big hurdle. Getting sanctions used to take a long time. The PMO took 16 months to clear sanction in A Raja's case."

Giving specifics of the order, he said, "SC has said that sanction should be given in 3 months time. If consultations have to be made, it has to be done in 3 months time and additional of 1 month."

He further added that Parliament should bring an amendment specifying that if sanction is not given after 4 months, then it would be deemed that sanction has been given.

"It's a big victory for Constitution. This judgment empowers any citizen to go to the court and seek enquiry without any sanctions. Any person can approach the Prime Minister. Now, it's possible to win war against corruption," Swamy said.

The apex court had reserved its judgement on November 24, 2010 on the petition filed by Swamy alleging that there was delay in taking action on his plea seeking sanction to prosecute Raja.

Swamy, who had made the Prime Minister a party in the case, had initially sought a direction to the Prime Minister to take decision on sanction to prosecute Raja but later on he sought framing of guidelines on the issue as his plea became infructuous with the resignation of the DMK leader as telecom minister on November 14, 2010.

He had alleged that there was an "inordinate delay" on part of the prime minister in taking a decision on his plea for grant of sanction to prosecute Raja in the scam and his plea was neither allowed nor rejected for over 16 months.

The PMO had, however, refuted all the allegations and filed an affidavit before the apex court maintaining that the request for sanction for prosecution of Raja was considered by the prime minister and that he was advised that evidence collected by CBI was necessary before taking a decision.

The government said as the CBI probe was going on it was necessary to wait for its completion before taking any decision on granting sanction.

Swamy had approached the apex court challenging the Delhi High Court judgement that had refused to pass any direction to the prime minister for taking decision on sanction.

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