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2G case: SC allows Swamy's petition on grant of sanction

NEW DELHI: Setting aside the [Delhi High Court](#) judgement on sanction of prosecution in [2G case](#), the [Supreme Court](#) today held that filing of a complaint under the [Prevention of Corruption Act](#) is a constitutional right of a citizen and the competent authority should take a decision on giving the sanction within a time frame.

If the sanction is not given within four months then it is deemed to have been granted, the two judge bench of the apex court held in a case filed by [Janata Party](#) chief [Subramanian Swamy](#) seeking a direction to the Prime Minister for sanction to prosecute the then Telecom Minister A Raja.

The bench comprising justices G S Singhvi and A K Ganguly held that Swamy had the locus standi to seek sanction for Raja's prosecution.

It said sanction should be granted within a time frame and the competent authority shall take action in accordance with the guidelines laid down by the apex court in the Vineet Narain case of 1996.

Justice Ganguly, who wrote a separate judgement, agreed with Justice Singhvi and said sanction would be deemed to be granted if the competent authority fails to take a decision within a period of four months.

The bench said that right to file a complaint against a public servant under the Prevention of Corruption Act is a constitutional right.

The bench said it was not accepting certain submissions made by the Attorney General in defending the stand of [Prime Minister's Office](#).

The court said it was not declaring as ultra vires the provisions of the Prevention of Corruption Act.