



Vigilance Manual 3.0

BEML LIMITED

Schedule 'A' Company
under Ministry of Defence, Govt. of India
DEFENCE & AEROSPACE | MINING & CONSTRUCTION | RAIL & METRO





Vigilance Manual 3.0 (updated 2025)

(THIRD EDITION)



Chief Vigilance Officer **BEML LIMITED**

Schedule 'A' Company under Ministry of Defence, Govt. of India DEFENCE & AEROSPACE | MINING & CONSTRUCTION | RAIL & METRO

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Preface

BEML Vigilance Manual is a set of instructions and operating procedures governing vigilance functions. The purpose of this manual is to provide guidelines for all executives and non-executives of BEML Limited, whether directly involved in dealing with vigilance matters or not.

This manual is derived from the instructions and guidelines issued by the Central Vigilance Commission (CVC), Department of Public Enterprise (DPE), Department of Personnel & Training (DoPT), and rules & office orders issued by BEML Management related to vigilance functions for effective vigilance management.

This manual will be available online on the BEML Limited website.

For continuous improvement, any suggestions for revisions, modifications, and corrections to this manual may be forwarded to the Corporate Vigilance

Subsequent amendments to this manual will be posted on the BEML Limited website.

Disclaimer

- 1. Vigilance Manual 3.0 is intended only to be a reference book, and it cannot be a substitute for Acts, Rules, Orders, Instructions, etc., issued by various authorities.
- 2. Sincere effort has been made to provide accurate and updated information in the Vigilance Manual 3.0. For any inadvertent error, omission, or doubt, the Vigilance Department may be contacted for clarification.
- 3. The Vigilance Department does not accept responsibility for the accuracy and completeness of circulars/citations issued by any department/organisation/agency other than BEML Limited, as referred to in the manual.

The Vigilance Department welcomes suggestions on content or form and inadvertent errors or omissions in this manual for further improvement.

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Foreword



It gives me great satisfaction to present the updated edition of the BEML Vigilance Manual, a critical document that reinforces our commitment to transparency, integrity, and good governance. The last revision of this manual was undertaken in 2017. Since then, the vigilance landscape has undergone significant transformation, driven by evolving legal frameworks, digital governance, and the increased emphasis on preventive vigilance.

This revised edition incorporates the latest circulars, directives, and guidelines issued by the Central Vigilance Commission (CVC), the Department of Personnel and Training (DoPT), and other relevant ministries. It also reflects best practices in integrity management, systemic improvements, and the transition toward technology-enabled vigilance processes.

As a public sector enterprise with strategic national importance, BEML holds itself to the highest standards of accountability. This manual is designed not only as a reference for vigilance functionaries, but also as a guiding resource for all employees to cultivate an organizational culture anchored in ethics and compliance.

I urge all departments and personnel to engage with the contents of this manual, internalize its principles, and contribute actively to building a more transparent and corruption-free workplace. Vigilance is not a reactive mechanism, but a proactive mindset—one that we must all adopt to ensure BEML continues to uphold its legacy of trust and excellence.

Let this manual serve as both a compass and a catalyst for continuous improvement.

July 2025

Dr Sajid Farid Shapoo, IPSChief Vigilance Officer

BEML Limited

Message



It gives me great pleasure to extend my warmest congratulations to the Vigilance Department on the release of the updated Vigilance Manual - 2025. This revised edition is both timely and significant, serving as a comprehensive guide for all BEML employees in upholding the highest standards of integrity, transparency, and accountability.

The manual brings together, in a structured and accessible manner, the latest rules, circulars, and instructions issued by the Central Vigilance Commission (CVC), the Department of Personnel and Training (DoPT), and other competent authorities. It also provides critical insights into contemporary issues related to procurement processes, disciplinary procedures, and preventive vigilance. As such, it will be an invaluable reference for officers at all levels of the organization.

In the current environment of heightened scrutiny and evolving regulatory frameworks, the importance of an informed and proactive approach to vigilance cannot be overstated. This manual will not only help reinforce a culture of ethical conduct but will also serve as a tool for capacity building across departments.

I appreciate the dedication and hard work of the entire Vigilance Team for their meticulous efforts in compiling and curating this manual. Their commitment to strengthening the institutional framework for good governance is truly commendable.

This revised manual will serve as a beacon of our collective resolve to uphold probity in public service and ensure that BEML continues to set benchmarks in ethical and transparent practices.

With best wishes,

July 2025

Shantanu Roy

Chairman & Managing Director

BEML Limited

Acknowledgement

The revision of the BEML Vigilance Manual 3.0 has been a collaborative effort involving multiple officers across the organisation. I would like to place on record my appreciation for the members of the drafting and compilation committee for their timely and meticulous work in bringing out this updated edition.

The committee was supported by the contributions of several vigilance officers, including Shri Durai Ganesh K, Sr. Manager, Shri Ramkumar, Sr. Manager and Shri Kumaraswamy S, Manager. Their involvement and inputs throughout the drafting process are duly acknowledged.

I also extend special appreciation to Shri Srivatsa G Y, DGM (Vigilance) and Shri Muralidhar S R, GM(0), for their efforts in drafting, compiling, designing and coordinating the printing of this manual.

The updated manual reflects the collective commitment of BEML's Vigilance Department to ensure transparency, accountability, and alignment with current regulatory guidelines.

(Sajid Farid Shapoo, IPS) Chief Vigilance Officer BEML Limited

BEML Vigilance Vision Statement

- (a) Preventive Actions Should Prevail Over Punitive Actions.
- (b) To Enforce Meaningful, Workable, Objective Systems and Procedures to:
 - Develop Trust and Transparency in all Transactions.
 - Prevent Leakage of Revenue.
 - Promote Pride and Self-Esteem of the Organisation.
 - Time Bound Action in all Spheres of Activities.

सतर्कतां विना न कश्चित् सुरिक्षतः

चाणक्य

Without Vigilance, No One Is Safe

- Chanakya

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Chapter 1 CONCEPT OF VIGILANCE

Chapter 1

Concept of Vigilance

Introduction:

- (I) Indian history is replete with examples of good governance practices that helped ensure ethics in public affairs. Righteousness is the foundation of good governance. The organisations, systems, and procedures must not only be efficient but also ethical, just and fair. Integrity is its essential ingredient. The ill effects of corruption are well known. It undermines our developmental efforts and weakens the organisation. Corruption is manifested in various forms, such as bribery; nepotism; willful action or wilful inaction to benefit someone or to deny benefit to someone known or unknown; favouritism; failure to follow laid down processes leading to unintended benefit to someone or denial of benefit to the deserving. The challenge before us is to create an environment in which the honest can work fearlessly and the corrupt are punished promptly.
- (II) The battle against corruption is fought on many fronts. An oversight mechanism often referred to as vigilance administration is at the forefront of this battle. Vigilance is defined as watchfulness and alertness. Vigilance administration in any organisation is an integral function of management, like other functions such as finance, personnel, operations/production, marketing, material, and contracts, etc. If the vigilance set-up is effective in an organisation, it will certainly ensure the functioning of the other segments efficiently.
- (III) Vigilance administration comprises preventive and punitive measures. It includes detecting irregularities, analysing and finding out the reasons for such irregularities and making effective systemic improvements to curb them. It also entails identifying the executives/non-executives responsible for misconduct and taking appropriate punitive actions.

1.1 Purpose

- (I) BEML Vigilance Manual is a set of instructions, rules and regulations governing vigilance management. The purpose of this manual is to provide guidelines for all executives and non-executives of BEML, whether directly involved in dealing with vigilance matters or not.
- (II) The Manual is based on the guidelines issued from time to time by the Central Vigilance Commission (CVC) and vigilance related instructions and guidelines issued by the Department of Public Enterprise (DPE) and the Department of Personnel & Training (DoPT). The manual also includes rules and office orders issued by BEML Management for effective vigilance management.

1.2 Issuing Authority

The Chief Vigilance Officer (CVO) is the issuing authority for the BEML Vigilance manual. The Vigilance Department is responsible for maintaining the updated version of the vigilance manual on the BEML Website under the vigilance page. (https://www.bemlindia.in/vigilance).

1.3 Amendments and Revisions

- (I) For continual improvement, any suggestion for revision, improvement and correction to this manual is welcome and should be forwarded to the Corporate Vigilance. Amendments may be forwarded by e-mail or manual post.
- (II) Amendments will be issued by the Corporate Vigilance after approval by the CVO. Only the amendments will be forwarded to all the concerned departments for the updation of their manuals. The same will also be updated on the website.

1.4 Objectives

- (I) The aim of this manual is to outline policies, organisational structure and procedures to be used for vigilance management in BEML. The manual is structured along the following broad categories:
- (a) Administrative Vigilance General information about the vigilance set up in BEML.
- (b) Operational Vigilance Procedures and guidelines related to the functional matters of vigilance management in BEML.
- (c) Monitoring Measures and responsibilities for effective control of vigilance workflow.

1.5 Scope of Vigilance Manual

- (I) The vigilance manual deals with the vigilance management and coordination of all activities necessary for the smooth handling of all vigilance matters. The manual shall serve as the guiding document for reference and compliance.
- (II) The vigilance manual sets down the policies and procedures that would be used in dealing with vigilance matters.

1.6 Responsibility of Implementation

The CVC's vigilance manual lays down the responsibility for implementation of vigilance policies on the head of the organisation through the Chief Vigilance Officer.

1.7 Supporting Manuals

The following CVC, DoPT and BEML publications support and supplement the information contained in the vigilance manual:

- (a) Vigilance Manual issued by CVC (2021).
- (b) Subsequent circulars issued by CVC and DoPT
- (c) BEML HR Service Manual, May 2009 (Service Rules)
- (d) BEML Conduct, Discipline & Appeal Rules (GB No. 1360 dated 14.11.2019)
- (e) BEML Standing Orders.

1.8 Limitation

This manual requires constant updating. This manual does NOT supersede the statutory rules and orders, unless specifically laid down.

1.9 Common Terminologies Used in Vigilance Functions and Their Definition.

- (I) **Corruption** is the misuse of public office for private gain and is said to be a function of both the opportunity to request/receive bribes and the risk of detection.
- (II) **A Public Servant** is a person who is appointed or elected to a public office.
- (III) **Fraud** is deliberate deception to secure unfair or unlawful gain, or to deprive a victim of a legal right. The purpose of fraud may be monetary gain or other benefits.
- (IV) **A Bribe** is a valuable received either in the form of money or a gift by a public servant other than his/her legal remuneration for the performance of his/her official duties.
- (V) **Misconduct** is an act of violation of the conduct rules of an organisation by a public servant.

- (VI) **Misappropriation** is the unauthorised, improper, or unlawful use of funds or other assets of a company other than intended for.
- (VII) **Illegal** is something which is prohibited by law or not authorised by official rules.
- (VIII) **Wrongful gain** is acquiring property or assets through unlawful means where the individual obtaining the gain is not legally entitled.
 - (IX) **Wrongful loss** is the unlawful deprivation of property or an asset from an individual/organisation who is legally entitled to it.
 - (X) **Disproportionate Assets** are the assets acquired by the public servant that are said to be disproportionate if the total value of such assets is more than the difference between his income from all known sources and the expenditure incurred during the same period.
 - (XI) **Principles of Natural Justice,** as per Article 311(2) of the Constitution, "No such person as aforesaid shall be dismissed or removed or reduced in rank except after an inquiry in which he has been informed of the charges against him and given a reasonable opportunity of being heard in respect of those charges".
- (XII) **Employee** is a person who works for an organisation in exchange for compensation, such as salary or wages (i.e., both executives and non-executives of the organisation).

Chapter 2 VIGILANCE ADMINISTRATION

Chapter 2

Vigilance Administration

Introduction:

The anti-corruption measures of the Central Government are the responsibility of:

- (a) Central Vigilance Commission (CVC)
- (b) Administrative Vigilance Division (AVD) in the Department of Personnel & Training;
- (c) Central Bureau of Investigation (CBI);
- (d) Vigilance units in the Ministries/Departments of the Government of India, Central Public Sector Enterprises
- (e) Disciplinary authorities;
- (f) Supervisory officers.

2.1 CENTRAL VIGILANCE COMMISSION (CVC):

- (a) The Central Vigilance Commission was set up by the Government of India by a resolution dated 11.2.1964, in pursuance of the recommendations made by the Committee on Prevention of Corruption (popularly known as the Santhanam Committee). Further, it was in pursuance of the directions of the Hon'ble Supreme Court in the case of Vineet Narain vs. Union of India (CWP 340-343 of 1993-1 SCC 226) that the Commission was accorded statutory status with effect from 25.8.1998 through "The Central Vigilance Commission Ordinance, 1998".
- (b) Subsequently, the CVC Bill was passed by both Houses of Parliament in 2003, and the President gave assent on 11th September 2003. Thus, the Central Vigilance Commission Act, 2003 (No. 45 of 2003) came into effect from that date.
- (I) **Set-up of Central Vigilance Commission:** In terms of the provisions contained in sections 3 and 4 of the CVC Act, 2003, the Commission shall consist of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members). The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President by a warrant under his hand and seal for a term of four years from the date on which they enter upon their offices or till they attain the age of sixty-five years, whichever is earlier. The Commission is assisted by a Secretary who is appointed by the Central Government.

- (II) **Functions and Powers of the Central Vigilance Commission:** The functions and powers of the Commission, laid down in section 8(1) of the CVC Act, 2003, are as under: -
 - (a) To exercise superintendence over the functioning of the Delhi Special Police Establishment in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988, or an offence with which a public servant specified in sub-section (2) of section 8 of the CVC Act, 2003, may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
 - (b) To give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946: Provided that while exercising the powers of superintendence or giving directions to, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner;
 - (c) To inquire or cause an inquiry or investigation to be made on a reference made by the Central Government wherein it is alleged that a public servant being an employee of the Central Government or a corporation established by or under any Central Act, Government company, society and any local authority owned or controlled by that Government, has committed an offence under the Prevention of Corruption Act, 1988; or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
 - (d) To inquire or cause an inquiry or investigation to be made into any complaint against any executive/non-executive belonging to such category of officials specified in sub-section (2) wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 and an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
 - (e) To review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or the public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
 - (f) To review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988;
 - (g) To tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be

- referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise;
- (h) To exercise superintendence over the vigilance administration of the various Ministries of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government: Provided that nothing contained in this clause shall be deemed to authorise the Commission to exercise superintendence over the Vigilance administration in a manner not consistent with the directions relating to vigilance matters issued by the Government and to confer power upon the Commission to issue directions relating to any policy matters.
- (III) **Residuary functions under CVC Resolution of 1964:** In terms of section 24 of the CVC Act, 2003, the Commission continues to discharge the functions entrusted to it vide GoI Resolution dated 11.02.1964, insofar as those functions are not inconsistent with the provisions of the Act. Thus, the Commission continues to perform the following functions:
 - (a) **Appointment of CVOs:** The Chief Vigilance Officer in Ministries/Departments (whether fulltime or part-time) will be appointed in consultation with the Central Vigilance Commission and no person whose appointment as the Chief Vigilance Officer is objected to by the Central Vigilance Commission will be so appointed.
 - (DoPT OM No. 371/32/97-AVD. III dated 28.11.1997 and para 6 of the GoI Resolution dated 11.02.1964)
 - (b) **Writing APARs of CVOs:** In terms of *DoPT OM No. 122/2/85-AVD.I dated 28.01.1986* and para 7 of GoI Resolution dated 11.02.1964, the Central Vigilance Commissioner would assess the work of the CVOs which would be recorded in the character rolls (APARs) of the officer concerned. As laid down in *DoPT OM No. 11059/2/93-AIS (III) dated 13.03.1993 and 14.04.1993*, the Central Vigilance Commissioner would add his remarks in the APARs of the CVO of Public Sector Undertakings/Organisations as the accepting authority. However, in respect of the CVOs of the Ministry/Departments, such assessment would be recorded on a separate sheet and added to the APARs of the CVO concerned. Such CVOs belonging to AIS or other services, whose APAR is filed online in SPARROW (Smart Performance Appraisal Report Recording Online Window), CVC would be recording their assessment in the APARs of the CVO online. A column in the forms attached with SPARROW for writing the remarks by CVC in the APARS of CVO is being introduced by DoPT.
 - (c) **Commission's advice in Prosecution cases:** In cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/Department concerned and it would be for that Ministry/

Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned.

(d) Resolving differences of opinion between the CBI and the administrative authorities: In cases where an authority other than the President is competent to sanction prosecution and that authority does not propose to accord such sanction sought by the CBI, the case will be reported to the Commission, and the authority will take further action after considering the Commission's advice. In cases recommended by the CBI for Departmental action against such employees as do not come within the normal advisory jurisdiction of the Commission, the Commission will continue to resolve the difference of opinion, if any, between the CBI and the competent administrative authorities as to the course of action to be taken.

Provided that in cases falling under the categories mentioned in sub-para (c) and (d) above and where the administrative authorities do not propose to accept the advice of the Commission for the grant of sanction for prosecution, it should be referred to DoPT.

Provided further that in cases falling under the category mentioned in sub-para (c) above, and if the CVC declines sanction for prosecution but the Ministry/ Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution, the case should be referred to the DoPT.

Provided further that where two or more Government servants belonging to different Ministries/Departments, or under the control of different cadre controlling authorities, are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities. However, where sanction is granted in the case of one of the Government servants but sanction is refused in the case of the other or others, the CBI will refer the case to the DoPT for resolution of the conflict, if any.

(e) **Entrusting cases to CDIs:** The Commission has the power to require that the oral inquiry in any Departmental proceedings, except the petty cases, should be entrusted to one of the Commissioners for Departmental Inquiries (CDIs) borne on its strength or such other officer as it may deem fit.

(Para 2 (viii) of GoI Resolution dated 11.02.1964)

(f) Advising on procedural aspects: If it appears that the procedure or practice in a Department or Organisation is such that it affords scope or facilities for corruption or misconduct, the Commission may advise the Department or the Organisation concerned that such procedure or practice be appropriately changed or changed in a particular manner.

(Para 2 (x) of GoI Resolution dated 11.02.1964)

(g) **Review of Procedure and Practices:** The Commission may initiate, at such intervals as it considers suitable, the review of procedures and practices of administration in a Department or Organisation insofar as they relate to the maintenance of integrity in administration.

(Para 2 (xi) of GoI Resolution dated 11.02.1964)

(IV) **Functions under PIDPI Resolution 2004:** CVC is the designated agency under Public Interest Disclosure and Protection of Informers Resolution (PIDPI) 2004 to receive complaints or disclosures alleging corruption against any employee of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and to take further action thereon, including recommending disciplinary and criminal proceedings. The commission is also empowered to take appropriate action for the protection of the informer.

(V) CVC as Specified Authority under the Prevention of Money Laundering Act, 2002:

- (a) Under section 66 of the Prevention of Money Laundering Act, 2002, the Director or any other authority specified by him may furnish or cause to be furnished such information to such other officer or body as the Central Government may, in its opinion deem it necessary to do so in public interest, specifying by notification in the Official Gazette. Any information received or obtained by such a Director or any other authority in the performance of their duties under PMLA may be shared with such notified authority. Vide Notification No. GSR 970 (E) dated 15.12.2015, the Central Government has notified "Central Vigilance Commission" as an Authority Competent to receive such information from the Director, Financial Intelligence Unit (FIU).
- (b) The information (on suspicious transactions) so received from the Director FIU is relevant and crucial for detecting criminal misconducts and may lead to the detection of moneys laundered. The Commission, on receipt of such information, would (on the facts and circumstances of the case) require either the CBI, the CVO concerned, or any other agency to investigate and report the facts and to ascertain whether there is any misconduct by a public servant within the jurisdiction of the Commission. The Commission, on a consideration of such a report, would tender its advice.
- (VI) Inputs on the Vigilance Status of officers for appointment to key positions: DoPT vide its OM No. 104/33/2005-AVD-I dated 29.10.2007, No.11012/11/2007-Estt. A dated 14.12.2007 and No. 27(5) E0/88 (ACC) dated 04.08.1988 has laid down that while considering cases for grant of vigilance clearance for the purpose of empanelment of AIS officers of any particular batch, for members of Central Civil Services/Central Civil posts, Board Level positions in Public Sector

Enterprises, the comments of the Central Vigilance Commission may be obtained. Further, the Commission's Circular No. 3(v)/99/4 dated 12.07.1999 provides that vigilance clearance shall also be obtained from the Commission in respect of all candidates/officers recommended by the PESB for appointment to any Board level position in PSEs, irrespective of their holding a Board level or below Board level post at that point of time.

(VII) Other Functions and activities:

- (a) Supervision and control of CTE Organisation
- (b) Appointment of Independent External Monitors
- (c) Capacity Building Programmes
- (d) Vigilance Awareness Week (VAW)
- (e) Newsletter "VIGEYEVANI"

(VIII) The Major branches/Units of the Commission are: -

- (a) **Vigilance**: There are nine Vigilance Branches, each of them under a Director/Deputy Secretary level officer who are in turn supervised by the respective Additional Secretaries. The Vigilance Branches process the complaints and cases pertaining to the various Ministries/Departments or Organisations falling under the Commission's jurisdiction and communicate advice of the Commission.
- (b) **Confidential:** It handles complaints received under PIDPI Resolution.
- (c) **Co-ordination**: It deals with policy matters, Annual Report, research, CVO's appointment, Vigilance clearance, matters pertaining to superintendence over CBI, etc.
- (d) **CDI Unit:** To assist the disciplinary authorities in the expeditious disposal of oral inquiries, the Ministry of Home Affairs appointed Officers on Special Duty (later re-designated as Commissioners for Departmental Inquiries) on the strength of the Administrative Vigilance Division. On the recommendation of the Committee on Prevention of Corruption, the Commissioners for Departmental Inquiries were transferred to work under the control of the Central Vigilance Commission. The officers designated as CDIs undertake the function of conducting oral inquiries in individual disciplinary cases on behalf of the Disciplinary Authority.
- (e) **Inquiry Wing:** Deals with direct inquiries into complaints conducted by the Commission under section 11 of the CVC Act, 2003.
- (f) **Vigilance Audit:** Deals with an audit of CVO's set-ups and their functioning in various Departments/organisations by the officers of the Commission.
- (g) **Administration:** It comprises Establishment, Cash, General matters, Library, and Hindi cell.

- (h) Legal: It deals with matters involving legal issues.
- (i) **RTI:** Nodal division for RTI matters and processing RTI Appeal cases.
- (j) **IT:** Maintaining and implementing E-governance.
- (k) **Training:** Deals with training of CVOs, IOs, POs and others on vigilance administration and organising knowledge workshops, etc.
- (l) **CTE Organisation:** It is the technical wing of the Commission headed by Chief Technical Examiners. It provides assistance and advice to the Commission on technical matters and issues relating to procurement. It carries out inspections of civil, electrical, and horticulture works of the Central Government Departments, Central Public Sector Enterprises, PSBs, and FIs, etc.

(IX) Jurisdiction of the Central Vigilance Commission

- (a) Jurisdiction of CVC under Section 8 of CVC Act 2003, Clause 8(1)(g) of the CVC Act, 2003 requires the Commission to tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, such Government companies, societies and local authorities owned or controlled by the Central Government or otherwise, and for this purpose the Commission's jurisdiction is coterminous with those provided under Section 8(2) of the CVC Act, 2003.
- (b) The following categories of public servants (hereinafter referred to as category 'A' officers) fall within the jurisdiction of the CVC in terms of sub-section (2) of section 8 of CVC Act, 2003:-
 - (i) Members of All-India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;
 - (ii) Such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf: Provided that till such time a notification is issued, all officers of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1) of section 8 of the CVC Act, 2003.
 - (iii) On a reference made by the Lokpal under proviso to sub-section (1) of section 20 of the Lokpal and Lokayukta Act, 2013, the persons referred to in clause (d) of sub-section (1) shall also include –

- 1. Members of Group B, Group C and Group D services of the Central Government;
- 2. Such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf: Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1) of section 8 of the CVC Act, 2003.
- (iv) At present, the following levels of officers have been notified by the Central Government for the purpose of clause (b) of sub-section (2) of section 8 of CVC Act, 2003 (DoPT Notifications vide S.O. 371(E) dated 18.3.2004 & S.O. 1538(E) dated 12.9.2007):-
 - 1. Officers of Scale V and above of Public Sector Banks; (Scale V is in the range of Rs. 59,170 66,070 in most banks as on 01.01.2015)
 - 2. Chief Executives and Executives on the Board and other officers of E-8 and above in respect of Schedule 'A' and 'B' Public Sector Undertakings (E-8 Scale in Sch. 'A' & 'B' CPSEs is in the range of Rs. 51,300 73,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
 - 3. Chief Executives and Executives on the Board and other officers of E-7 and above in respect of Schedule 'C' and 'D' Public Sector Undertakings (E-7 Scale in Sch. 'C' & 'D' CPSEs is in the range of Rs. 43,200 54,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
 - 4. Officers in Grade 'D' and above in respect of RBI, NABARD, and SIDBI (As on 01.01.2015, the Grade 'D' Scale in RBI is Rs. 39,850 46,150)
 - 5. Managers and above in General Insurance Companies;
 - 6. Senior Divisional Managers and above in Life Insurance Corporations; and
 - 7. Officers drawing a salary of Rs.8700/- p.m. and above on the Central Government D.A. pattern, as on the date of the notification (DoPT Notification dated 12.9.2007) and as may be revised from time to time in Societies and other Local Authorities.

2.2 Administrative Vigilance Division (AVD) in the Department of Personnel & Training;

(a) The Department of Personnel and Training (DoPT) is a nodal agency of the Government of India for the formulation and implementation of personnel

- policies as well as the selection, placement and development of the human resources engaged in public service.
- (b) The role of the Department of Personnel & Training can be conceptually divided into two parts. In its large nodal role, it acts as the formulator of policy and the watch-dog of the Government ensuring that certain accepted standards and norms, as laid down by it, are followed by all Ministries/Departments, in the recruitment, regulation of service conditions, posting/transfers, deputation of personnel, as well as other related issues. Towards this end, guidelines are issued by it for the benefit of all Ministries/Departments and it monitors the implementation of these guidelines.
- (c) The Department also deals with cases of appointment to posts of Chairman, Managing Director, full-time functional Director/Member of the Board of Management of various Public Sector Undertakings/ Enterprises, Corporations, Banks and financial institutions.
- (d) **The Administrative Vigilance Division (AVD)** of the *Department of Personnel* and *Training in the Ministry of Personnel, Public Grievances and Pension* is now responsible for the formulation and implementation of policies of the Central Government in the field of vigilance, integrity in public services, anti-corruption and for providing guidance and coordination to Ministries/Departments of the Government of India in matters requiring decisions of Government.

2.3 Central Bureau of Investigation (CBI)

- (I) The Central Bureau of Investigation was constituted under the Government of India Resolution No. 4/31/61-T dated 01.04.1963. The investigation work is done through the Special Police Establishment (SPE) wing of the CBI, which derives its Police Powers from the Delhi Special Police Establishment (DSPE) Act, 1946, to inquire and to investigate certain specified offences or classes of offences pertaining to corruption and other kinds of malpractices involving public servants with a view to bring them to book. Section 3 of the DSPE Act provides that Central Government may, by notification in the official gazette, specify the offences or class of offences which are to be investigated by the CBI.
- (II) The Special Police Establishment (SPE) of CBI enjoys with the respective State Police Force concurrent powers of investigation and prosecution under the Criminal Procedure Code. However, to avoid duplication of effort, an administrative arrangement has been arrived at with the State Governments according to which:
 - (a) Cases which substantially and essentially concern Central Government employees or the affairs of the Central Government, even though involving

- State Government employees, are to be investigated by the SPE. The State Police is, however, kept informed of such cases and will render necessary assistance to the SPE during the investigation.
- (b) Cases which substantially and essentially involve State Government employees or relate to the affairs of a State Government, even though involving certain Central Government employees, are investigated by the State Police. The SPE is informed of such cases, and it extends assistance to the State Police during the investigation, if necessary. When the investigation made by the State Police authorities in such cases involves a Central Government employee, the requests for sanction for prosecution of the competent authority of the Central Government will be routed through the SPE.
- (III) The Special Police Establishment, which forms a Division of the Central Bureau of Investigation, has two Divisions:
 - (a) Anticorruption Division.
 - (b) Special Crimes Division.
- (IV) The Anticorruption Division investigates all cases registered under the Prevention of Corruption Act, 1988. If an offence under any other section of IPC or any other law is committed along with offences of bribery and corruption, it will also be investigated by the Anticorruption Division. The Anti-Corruption Division will also investigate cases pertaining to serious irregularities allegedly committed by public servants. It will also investigate cases against public servants belonging to State Governments, if entrusted to the CBI.
- (V) On the other hand, the Special Crime Division investigates all cases of Economic offences and all cases of conventional crimes; such as offences relating to Internal Security, Espionage, Sabotage, Narcotics and Psychotropic Substances, Antiquities, Murders, Dacoities/Robberies, Cheating, Criminal Breach of Trust, Forgeries, Dowry Deaths, Suspicious Deaths and other offences under IPC and other laws notified under Section 3 of the DSPE Act.
- (VI) The superintendence of the Delhi Special Police Establishment, insofar as it relates to the investigation of an offence alleged to have been committed under the Prevention of Corruption Act, 1988, [i.e. Anti-Corruption Division] vests in the Commission. The superintendence of DSPE in all other matters vests in the Central Government.
- (VII) The administration of DSPE vests in the Director of the CBI, who is appointed on the recommendations of a committee headed by the Central Vigilance Commissioner. He holds office for a period of not less than two years from the

date on which he resumed office. The Director CBI shall exercise in respect of DSPE such of the powers exercisable by an Inspector General of Police in respect of the police force in a State as the Central Government may specify.

(VIII) The Delhi Special Police Establishment shall not conduct any inquiry or investigation into any offence alleged to have been committed under the

Prevention of Corruption Act, 1988 except with the previous approval of the Central Government where such allegation relates to:

- (a) The employees of the Central Government of the level of Joint Secretary and above.
- (b) Such officers as are appointed by the Central Government in corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government.
- (IX) Notwithstanding anything contained in the paragraph above, no such approval shall be necessary for cases involving the arrest of a person on the spot on the charge of accepting or attempting to accept any gratification other than legal remuneration referred to in clause (c) of the Explanation to section 7 of the Prevention of Corruption Act,1988.

2.4 Vigilance Unit of the Organisation

The Chief Vigilance Officer (CVO) heads the Vigilance Division of the organisation concerned and acts as an advisor to the chief executive in all matters pertaining to vigilance. He also provides a link between his organisation and the Central Vigilance Commission on the one hand and his organisation and the Central Bureau of Investigation on the other. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed or likely to be committed by the employees of his organisation; investigating or causing an investigation to be made into verifiable allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices or commission of misconducts; examining audit, inspection and other reports from the point of vigilance angle, etc. Thus, the CVO's functions can be broadly divided into three categories, viz.

- (i) Preventive and pro-active vigilance;
- (ii) Punitive vigilance; and
- (iii) Surveillance and detection.

2.5 Disciplinary Authority

In any organisation, the Disciplinary Authority (DA) means the authority who has been entrusted with powers to impose any penalty on its officers under its Discipline and Appeal Rules. In respect of employees governed by CCS (CCA) Rules 1965, the term disciplinary authority is defined as the authority competent to impose on a Government servant any of the penalties specified in Rule 11. It is the responsibility of the Disciplinary Authority to ensure discipline in the organisation and to deal with misconduct by way of awarding suitable punishment. The Role and functions of DA are dealt with in the Discipline and Appeal Rules of respective organisations, as applicable to them.

2.6 Supervisory Officers

- (I) It is the duty of every officer holding a Supervisory post in any organisation to take all possible steps to ensure the integrity and devotion to duty of all officials for the time being under his control and authority. In CCS (Conduct) Rules, 1964 Rule 3(2)(i) lays down this provision.
- (II) The supervisory officer ensures that officers for the time being under his control maintain absolute integrity. A column has been introduced in the proforma for the Annual Performance Appraisal Report (APAR) of officials in which the supervisory officer reports on the integrity of the officer reported upon. If any

suspicion arises upon the integrity of officials under his control, further action is taken as per guidelines issued in this regard by DoPT vide OM No. 51/5/72-Estt. 'A' dated 20.05.1972.

Chapter 3 CHIEF VIGILANCE OFFICERS APPOINTMENT, ROLE AND RESPONSIBILITIES

Chapter 3

Chief Vigilance Officers Appointment, Role and responsibilities

Introduction:

- (I) The Government of India appoints Chief Vigilance Officers in Central Public Sector Undertakings to carry out vigilance work. The primary responsibility for maintenance of efficiency, integrity and transparency in an organisation vests in the Chief Executive of Public Sector Enterprises. Such an authority is assisted by the Chief Vigilance Officer (CVO) in the discharge of vigilance functions. The CVO acts as an advisor to the Chief Executive and reports directly to him. He heads the Vigilance Division of the organisation and provides a link between the organisation and the Central Vigilance Commission as well as the Central Bureau of Investigation.
- (II) Large Departments/Organisations should have a full-time CVO so that the officer is not burdened with any other responsibility. If it is considered that the CVO in an Organisation does not have full-time vigilance work, he may be entrusted with such functions that serve as input to the vigilance activities, e.g., audits and inspections.
- (III) However, the work related to security should not be entrusted to the CVO, as in that case, the CVO may find very little time for effective performance of vigilance functions, apart from creating situations of conflict of interest. Furthermore, in order to be effective, a CVO should ordinarily be an outsider appointed for a fixed tenure on deputation terms as stipulated by the Department of Personnel & Training. CVOs in all Departments/Organisations are appointed after prior consultation with the Central Vigilance Commission and no person whose appointment in that capacity is objected to by the Commission may be so appointed.

(DoPT OM No. 372/8/99-AVD. III dated 18.01.2001)

3.1 Appointment of CVO

DoPT vide their *O.M. No.372/7/2016-AVD-III dated 28.04.2017* has issued a revised procedure for appointment of CVOs in Central Public Sector Undertakings and other organisations under Central Ministries/Departments.

3.2 Appointment of full time CVO in PSUs

- (I) The following guidelines have been prescribed for filling up full-time posts of CVOs:
 - (a) The posts of CVOs in CPSEs and other organisations under Central Ministries/ Departments shall be filled on a deputation basis and these will be Non-Central Staffing Scheme posts.

(DoPT O.M. No. 372/7/2016-AVD-III dated 28.04.2017)

- (b) The DoPT would request the cadre controlling authorities of various organised services, as well as PSUs, to offer officers of proven integrity for these posts. The cadre authorities, as well as the officers who apply, would also be required to indicate their choice of location.
- (c) Officers willing to be posted as CVOs will submit online applications as are done for the Central Staffing Scheme (CSS). The portal will have facilities for exercising the option to apply for (a) CSS only, (b) CVO or (c) both for CVO and CSS posts.
- (d) The Cadre Controlling Authorities will forward the online applications of the officers along with their APAR dossiers. Such applications would be forwarded to CVC for clearance, including clearance on suitability for 'select organisations'. Once cleared by CVC, such officers will be retained on the "CVO offer list" for appointment. The offer list of CVOs will be maintained by the Establishment Officer (EO) on the lines of the CSS offer list, for placing it before the Civil Service Board (CSB) along with the list of vacancies existing/likely to arise in the near future.
- (e) The Selection to the post of CVO will be undertaken following the Civil Services Board (CSB) procedure. For Deputy Secretary/Director level posts, orders for appointment will be issued by the EO with the approval of MOS(PP). For JS-level posts the same procedure will be followed as is being done for appointments of Joint Secretaries under the Central Staffing Scheme.

(DoPT O.M. No. 372/7/2016-AVD-III dated 28.04.2017)

3.3 Charge assumption report by CVOs

In order to facilitate proper communication with Ministries/Departments/ CPSUs etc., the newly appointed CVOs (both full-time and part-time) are required to submit their charge assumption report along with other particulars to the Commission immediately on assumption of charge as CVO.

(CVC Circular No. MISC/CDN-2/19 dated 26.08.2019)

3.4 Tenure of CVO

(I) The tenure of appointment of CVOs in a CPSE/Organisation shall be for a period of three years which is extendable by another 2 years, subject to the overall combined limit prescribed for central deputation and/or being away from the cadre, as issued by the Department of Personnel & Training (DoPT) from time to time. The initial tenure of 3 years as CVO in a CPSE/Organisation is extendable for a further period of 3 years on lateral transfer to another CPSE/Organisations with prior concurrence of CVC, subject to the overall combined limit prescribed for central deputation and/or being away from the cadre, as issued by DoPT from time to time.

(DoPT O.M. No. 372/7/2016-AVD-III dated 28.04.2017)

- (II) Once an officer has worked as CVO in a particular CPSE/Organisation, he shall not be considered for the post of CVO in the same organisation for another term.

 (DoPT O.M. No. 372/7/2016-AVD-III dated 28.04.2017)
- (III) Posting as CVO in a Public Sector Undertaking located at places other than metropolitan cities could be allowed in continuation of a posting with the Government of India, subject to the condition that the total period, including the earlier tenure, shall not exceed seven years. Thus, if an officer has served a post under the Central Staffing Scheme for four years and then proceeds on deputation to a post of CVO in a PSU located at a place other than metropolitan cities, he will have a tenure of three years in the post of CVO subject to an overall ceiling of seven years of combined tenure in the Central Staffing Scheme post and the post of CVO.

3.5 Short-term arrangement in the post of CVO

(I) If, due to unforeseen circumstances, the post of CVO falls vacant without any replacement, then additional charge arrangements amongst the eligible officers of appropriate seniority will be as per the procedure followed for CSS posts. The concerned Ministry/Department can propose any eligible officer (of appropriate seniority) working in the Ministry/Department or working as CVO in any other organisation within the Ministry/Department or outside the Ministry/Department. The concerned Ministry/Department will submit the proposal to DoPT with the concurrence of CVC and after taking approval of the Minister incharge. The approval of the Cabinet Secretary will be required for an additional charge up to three months. For approval beyond three months, approval of the ACC will be required.

(DoPT O.M. no. 372/7/2016-AVD-III dated 28.04.2017)

- (II) As far as feasible, charge of vacant posts of CVOs should be assigned to another CVO within the same Ministry, or to another eligible officer of the Ministry. Asking a junior officer in an Organisation (PSU/PSB/Autonomous body) to hold charge of the CVO's office should be avoided.
- (III) Similarly, an officer who may be a Government Nominee Director in a PSU/PSB should not handle cases where there is a possibility of a conflict of interest with his full-time assignment.

3.6 Association of CVO with other organisational matters

- (I) Participation in decision making or close association of CVO or the vigilance staff in such matters over which they might be required, at a later stage, to sit in judgement from a vigilance point of view, should be avoided. Therefore, CVO and the vigilance functionaries should not be a party to decision-making processes, which are likely to have vigilance sensitivity, as this may result in a conflict of interest. However, advice can be tendered on some policy matters, especially those requiring the implementation of preventive vigilance measures.
- (II) While it may not be difficult for full-time vigilance functionaries to comply with this requirement, the compliance of these instructions could be achieved in respect of part-time vigilance functionaries by confining their duties, other than those connected with vigilance work, as far as possible, to such items of work that are either free from a vigilance angle or preferably serve as input to vigilance activities such as inspection, audit, etc.

3.7 Permanent absorption of CVO

An outsider officer appointed as CVO in any CPSE shall not be permanently absorbed in the same organisation on expiry or in continuation of his/her tenure as CVO in that organisation.

(Para I of DoPT O.M. No. 372/7/2016-AVD-III dated 28.04.2017)

3.8 Assessment of CVO's work

- (I) The Central Vigilance Commissioner assesses the work of CVOs. The assessment is recorded in the APAR of the officer. The following procedure has been prescribed for this purpose:
 - (a) The APARs of the CVOs in the Organisations, whether working on a full-time or a part-time basis, would be initiated by the Chief Executive of the Organisation concerned, reviewed by the Secretary of the Administrative Ministry/ Department concerned and sent to the Central Vigilance Commissioner for writing his remarks as the accepting authority;

- (b) APARs of full-time CVOs in the Ministries will be initiated by the Secretary of the Ministry and reviewed by the Central Vigilance Commissioner.
- (c) The assessment by the Central Vigilance Commissioner in respect of the CVOs in the Ministries/Departments of the Government of India and their attached/subordinate offices, who look after vigilance functions in addition to their normal duties, will be recorded on a separate sheet of paper to be subsequently added to the confidential rolls of the officers concerned.
- (d) However, after the implementation of the scheme of Smart Performance Appraisal Report Recording Online Window (SPARROW) for filing of online APAR by members of AIS and other officers/services, the CVC would be recording its assessment in the APARs of the CVO online. A column in the forms attached with SPARROW for writing the remarks by CVC in the APARs of CVO is being introduced by DoPT.

3.9 Duties and Functions of CVO

- (I) A CVO heads the Vigilance Division of an Organisation and acts as an advisor to the Chief Executive in all matters pertaining to vigilance. He/she is also the nodal officer of the organisation for interaction with CVC and CBI. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed or likely to be committed by the employees of his/her organisation; investigating or causing an investigation to be made into allegations reported to him/her; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices and commission of misconduct, etc.
- (II) Thus, the CVO's functions can broadly be divided into three categories, as under:-
 - (a) Preventive vigilance
 - (b) Punitive vigilance
 - (c) Surveillance and Detection
- (III) While 'punitive action' for commission of misconduct and other malpractices is certainly important, 'surveillance' and 'preventive measures' to be taken by the CVO are equally important, as these are likely to reduce the occurrence of vigilance cases. Thus, the role of CVO should be predominantly preventive.

3.10 Preventive Vigilance Functions by CVO

The CVO is expected to take the following measures on the preventive vigilance side:-

- (I) To undertake a study of existing procedures and practices prevailing in his organisation with a view to identifying those procedures or practices which provide a scope for corruption and require modification.
- (II) To find out the causes of delay, the points at which delay occurs, and devise suitable steps to minimise delays at different stages.
- (III) To review the regulatory functions to see whether all of them are strictly necessary and whether the method of discharge of those functions is capable of improvement.
- (IV) To devise adequate methods to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner; and in accordance with some laid down guidelines.
- (V) To educate the citizens about the procedures of dealing with various matters and also to simplify these as far as possible.
- (VI) To identify the areas in his organisation which are prone to corruption and to ensure that officers of proven integrity only are posted in those areas.
- (VII) To identify sensitive posts in the organisation.
- (VIII) To ensure periodical rotations of staff and, in particular, officers holding sensitive posts.
 - (CVC Circular No. 004/VGL/090 dated 11.09.2013 and No. 18/MISC/02- 392171 dated 23.08.2018)
 - (IX) To ensure that well-defined internal processes as well as corresponding controls with clear responsibilities for different kinds of activities are set out.
 - (X) To ensure that the organisation has prepared manuals on important subjects such as purchases, contracts, procurement, recruitment, etc., and that these manuals are updated from time to time and conform to the guidelines issued by the Commission and the Ministries concerned.
 - (XI) To develop and implement an effective Whistle Blower mechanism.
- (XII) To leverage technology for making preventive vigilance function effective.
- (XIII) To ensure prompt observance of conduct rules relating to integrity, covering (i) statements of assets and acquisitions (ii) gifts (iii) relatives employed in private firms or doing private business.

- (iv) to scrutinise immovable property returns of at least 20% of executive employees every year and (v) keep an eye on benami transactions.
- (XIV) To ensure observance of Vigilance Awareness Week as per directions of the Commission.
- (XV) To scrutinise (a) Internal auditor's reports, (b) Statutory auditor's report and, (c) the CAG audit report.
- (XVI) To scrutinise inspection reports.
- (XVII) In order to keep a watch on the activities of public servants who are of doubtful integrity, the Ministries/Departments/Organisations are required to maintain two lists, viz., (i) "Agreed list" and (ii) list of public servants of gazetted status of "doubtful integrity". The "Agreed list" of suspected officers has its origin in the "Programme for vigilance and anti-corruption work during 1966", whereas the list of public servants of gazetted status of doubtful integrity was prescribed in 1969. The criteria for making such lists have been provided in the Ministry of Home Affairs Letter No.130/1/66-AVD dated 05.05.1966 and Letter No. 105/1/66-AVD dated 28.10.1969. It has been provided in these instructions that the "Agreed list so prepared will remain in force for one year from the date of preparation and officials' work/activities/behaviour during the period would be watched and the list would be reviewed after this period". The list of Officers of Doubtful Integrity will remain in force for a period of three years. In the above perspective, the CVO has to perform the following functions: -
 - (a) To prepare a list of 'Officers of Doubtful Integrity' which would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as
 - (i) Officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances.
 - (ii) Awarded departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of Government although corrupt motive may not be capable of proof.
 - (iii) Against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude.
 - (iv) Who was prosecuted but acquitted on technical grounds as there remained a reasonable suspicion about his integrity.

- (b) To prepare the 'Agreed List' in consultation with the CBI, which will include the names of officers whose honesty or integrity is doubtful or suspicious. The following action would be taken by the CVO and the CBI in respect of the officers appearing on the list:
 - (i) Closer and more frequent scrutiny and inspection of their work and performance by the departments concerned, particularly in spheres where there is scope for discretion or for showing favours.
 - (ii) Quiet check about their reputation both by the department and the CBI.
 - (iii) Unobtrusive watch of their contacts, style of living, etc., by the CBI.
 - (iv) A Secret enquiry by the CBI about their assets and financial resources. The departments will make available their property returns and other relevant records to the CBI, and
 - (v) Collection of information by the CBI on specific instances of bribery and corruption practices.

(CVC Circular No. 3(v)/99(6) dated 18.08.1999; No. 3K-DSP-10 dated 07.04.2000 and 03.09.2001)

(XVIII) Adequate precautions should be taken in drawing up and maintaining the "Agreed list" and the "list of Officers of Doubtful Integrity" to ensure that they are correctly and objectively prepared and reviewed from time to time. CVO should ensure that the officers who are placed on the aforesaid lists should not be posted in sensitive positions. CBI would co-ordinate with the Ministries/Departments/Organisations so that the lists so prepared are periodically reviewed. The Director of CBI and the CVOs of the Departments will keep the Commission posted about the developments from time to time.

(MHA OM No.: 105/1/66-AVD-I dated 28.10.1969 and CVC Circulars No.004/VGL/090 dated 11.09.2013, 04.01.2012 & 01.05.2008, and Nos. 98/VGL/60 dated 02.11.2001 & 15.04.1999)

- (XIX) To conduct CTE type inspection in his organisation, and
- (XX) To tender advice to the Disciplinary Authority and the Appellate Authority in vigilance cases, irrespective of the level of officers involved.

3.11 Punitive Vigilance Functions by CVO

(I) The CVO is expected to scrutinise reports of Parliamentary Committees such as the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings; audit reports; proceedings of both Houses of Parliament; the Standing Committee report for the Ministry, CAG audit report, Statutory Auditor's report, internal audit reports, complaints and allegations appearing in the press; and to take appropriate action thereon.

- (II) The CVO, inter alia, is expected to take the following action on the punitive vigilance aspects:
 - (a) To receive complaints from all sources and scrutinise them as per existing instructions. When he/she is in doubt on the issue of the existence of a vigilance angle in them, the CVO may refer the matter to his administrative head;
 - (i) To update the status of action taken on each complaint sent by the Commission for necessary action on the Commission's portal (i.e., portal.cvc.gov.in);

(CVC Circular No. 07/08/2020 dated 13.08.2020)

- (b) To investigate or cause an investigation to be made into such allegations involving the vigilance angle;
- (c) To investigate or cause an investigation to be made into the allegations forwarded to him by the Commission or the CBI within the prescribed timelines of 03 months;

(CVC Office Order No. 08/08/2020 dated 14.08.2020)

(i) In case of complaints sent by the Commission for investigation, if it is not possible to complete the investigations and refer the matter to the Commission within three months, the CVO should seek an extension of time, stating the specific reasons/constraints in each case, within 15 days of receipt of reference from the Commission. Such a request from the CVO should be with the approval of the Secretary/CMD/Chief Executive of the Department/Organisation concerned, as the case may be;

(CVC Office Order No. 08/08/2020 dated 14.08.2020)

- (d) To process the investigation report expeditiously for obtaining orders of the competent authority about further course of action to be taken and also for obtaining the Commission's advice on the investigation reports, where necessary;
 - (i) To prioritise the activities of conducting investigations and completion of disciplinary action in cases involving public servants due to retire shortly well in advance so as to ensure that such retirement cases for advice should be received in the Commission 30 days before the date of retirement of the officer;

(CVC Officer Order No. 13/10/20 dated 01.10.2020)

- (e) To ensure that the charge sheet, statement of imputations, lists of witnesses and documents, etc., are carefully drawn up; copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority are prudently prepared, issued expeditiously and supplied to the charged officer whenever possible;
- (f) To ensure that there is no delay in appointing the inquiring and presenting authorities where necessary;
 - (i) The CVOs are required to closely monitor the progress of inquiry proceedings, including the quality of performance of Presenting Officers before the IO on a regular basis, and keep the disciplinary authorities posted about it.

(CVC Circular No. 018/VGL/044 dated 27.07.2018)

- (g) To examine the inquiry officer's report, keeping in view the evidence adduced by the prosecution and the defence during the course of inquiry, and to obtain orders of the competent authority about further course of action to be taken and also obtain the Commission's second stage advice and UPSC's advice, where necessary;
- (h) To ensure that the Disciplinary Authority concerned issued a speaking order, while imposing a punishment on the delinquent employee. The order to be issued by the Disciplinary Authority should show that he had applied his mind and exercised his independent judgement;
- (i) To ensure that rules and time limits with regard to disciplinary proceedings are scrupulously followed at all stages by all concerned, as any violation of rules would render the entire proceedings vitiated;
- (j) To scrutinise on a continuous basis complaints and grievances received by other divisions/units in the organisation;
- (k) To see that proper assistance is given to the CBI in the investigation of cases entrusted to them or started by them on their own source information;
- (l) To take proper and adequate action with regard to petitions filed by delinquent officers in Courts of Law/Tribunal;
- (m) To review from time to time the existing arrangements for vigilance work in the Ministry/Department, to see if the work of subordinate officers is adequate and to ensure expeditious and effective disposal of vigilance work;

- (n) To ensure that the competent disciplinary authorities do not adopt a dilatory or lax attitude in processing vigilance cases, particularly in cases when officers are due for promotion or retirement. CVO shall refer such instances to the Commission;
- (o) To ensure that cases against the public servants on the verge of retirement do not lapse due to time limits for reasons such as misplacement of files, etc., and that the orders passed in the cases of retiring officers are implemented in time;
- (p) To review the pendency of references received from the Commission;
- (q) To refer cases, within his jurisdiction, to CBI with the administrative approval of the CEO. In case of a difference of opinion with the CEO, the matter may be referred to the Commission;
- (r) To ensure that the cases receive due consideration of the appropriate Disciplinary Authority before these are referred to the Commission and its tentative recommendation is indicated in the references made to the Commission. The cases requiring reconsideration of the Commission's First Stage Advice (FSA) should be sent with the approval of the concerned Disciplinary Authority/Chief Executive or the Head of the Department, as the case may be, within one month of receipt of the Commission's FSA, and that too only in those exceptional cases having additional/new material facts. The Commission would not entertain any reconsideration proposal/request of first-stage advice received beyond the revised time limit of one month;

(CVC Circular No. 06/08/2020 dated 06.08.2020)

- (s) Although the discretion to place a public servant under suspension, when a disciplinary proceeding is either pending or contemplated against him, is that of the disciplinary authority, the CVO is expected to assist the disciplinary authority in the proper exercise of this discretion;
- (t) To ensure that all cases in which the officers concerned have been under suspension are reviewed within a period of 90 days with a view to see if the suspension order could be revoked or if there was a case for increasing or decreasing the subsistence allowance;
 - (CVC Circular Nos. 006/PRC/1 dated 11.12.2014; 014/VGL/061 dated 03.12.2014; 015/MSC/016 dated 27.04.2015; 010/VGL/095 dated 07.12.2012)
- (u) To scrutinise the matter carefully, wherever the Appellate Authority has disagreed with the Commission's advice which was earlier accepted by the Disciplinary Authority. To take up such matter with the reviewing authority and

also to report such cases immediately after decisions/orders issued at the Appellate/Review stage to the Commission and also indicate in the relevant column in the online QPRs submitted by the CVOs to the Commission;

(CVC Circular No. 05/07/2020 dated 20.07.2020)

- (v) To bring to the notice of the Board specific cases where the Disciplinary Authority has disagreed with the CVO's advice in respect of officials not under the jurisdiction of the Commission;
- (w) To ensure that the CVO is invited and remains present at the time of review of vigilance work by the Board;
- (x) To monitor and to take up for necessary action any case of recruitment in violation of the laid down rules and procedure and wherever necessary, to report the matter to the Commission.

(*Para VII of CVC Circular No. 006/VGL/065 dated 06.07.2006*)

- (y) Identify cases having vigilance angle reported in inspection reports, audit reports, media reports, reports of Parliamentary Committees, etc., carry out investigation and take misconducts, if any, to its logical conclusion.
- (z) Examine the decision of the DA and if they are not in tune with the advice of the Commission, bring it to the notice of the Commission for further consideration.
- (aa) Examine the orders of DA in respect of officers not within the jurisdiction of the Commission and to ensure fairness. Recommend revision of inappropriate orders by the competent authority.

3.12 Surveillance and Detection by CVO

- (I) (a) The CVO should conduct regular and surprise inspections in the sensitive areas in order to detect if there have been instances of corrupt or improper practices by the public servants. He/She should carry out at least six CTE type inspections on one of the projects/works in the organisation every year.
 - (b) He/She should also undertake prompt scrutiny of annual property returns and intimations given by the public servants under the conduct rules and take further necessary action, if called for.
 - (c) In addition, he/she should also gather intelligence from his own sources in whatever manner he/she deems appropriate about the misconducts/ malpractices having been committed or likely to be committed. He/She should also collect source material on misconducts and examine them for

logical conclusion with necessary approval. He/She may also initiate suo motu enquiries based on any prima facie information regarding misconducts. He/She shall, however, carry out enquiries with necessary approvals.

- (II) No prior approval/sanction of CVO's tour programmes is required from CMD/CEO for proceeding on tour for carrying out any surprise inspections.
 - (CVC Circular No. 005/VGL/15 dated 04.05.2005)
- (III) However, in the interest of transparency and accountability, whenever prior approval/intimation has not been given to the competent authority, a detailed report be submitted to the competent authority on conclusion of the tour and the outcome thereof.

3.13 Monitoring of Vigilance Cases and Organising Structured/Periodical Meetings

- (I) CVO should invariably review all pending matters, such as investigation reports, disciplinary cases including departmental inquiries and other vigilance complaints/cases in the first week of every month and take necessary steps for expediting action on those matters.
- (II) The CVO should arrange structured meetings on a quarterly basis to be taken by the Secretary of the Ministry/Department or the Chief Executive for reviewing the vigilance work done in the organisation.
- (III) The CVO should also arrange periodical meetings with the officers of the CBI to discuss matters of mutual interest, particularly those arising from inquiries and investigations.

3.14 Submission of Periodical Reports by CVO to the Commission

(I) The Commission has dispensed with the offline mode of submission of the monthly/annual reports by the CVOs and introduced the online mode of submission of Quarterly/Annual Performance Report. CVO should ensure that quarterly reports of the work done on vigilance matters are furnished to the Commission through online quarterly/annual report module available on www.cvc.gov.in using usernames/passwords being used by CVOs in the Complaint Management System (CMS) portal by the 10th day of the succeeding month after the close of each quarter, i.e., for quarters ending March, June, September and December, by 10th April, 10th July, 10th October and 10th January, respectively.

(CVC Circular No. 01/01/2019 dated 25.01.2019)

(II) CVOs are required to submit the online Annual Report by 15th January every year. Most of the entries in the online Annual Report format would be auto-populated from the quarterly data. However, some of the entries which are descriptive in nature, such as in Parts 2, 5, 6, 8 and Section 9, are required to be filled up by the CVOs before finally submitting it.

(CVC Circular No. 01/01/2019 dated 25.01.2019)

(III) CVO should ensure that quarterly progress reports (QPR of CTEO), on the civil, electrical, horticulture works in progress and also on the procurement of stores, are furnished to the CTEO by the 15th day of the month following the quarters ending March, June, September and December.

3.15 Handling of Complaints against CVO/other Vigilance Functions

Any complaint against the CVO should be immediately referred to the Commission, which would decide on the further course of action. However, complaints against the other vigilance functionaries shall be looked into by the CVO personally and further action taken as per normal procedure. However, in the event of a complaint against the CVO of a Ministry or Department, the Secretary of the Ministry/Department should ask another officer of the same or higher rank to investigate the matter. Situations of conflict of interest in all such matters should be carefully avoided.

3.16 Chief Executive vis-à-vis Vigilance Matters

(I) As already mentioned, the responsibility of ensuring probity, fairness and transparency in an organisation vests with the Chief Executive, i.e., CMD. The CVO assists the Chief Executive in vigilance related matters as an extended arm of the Commission. Any vigilance function should aim at upholding the morale and protecting the value system of the organisation. A responsibility is cast on the Chief Executive who heads the organisation to set the right tone from the top management to ensure that the guilty are punished swiftly and innocents are protected from harassment. This would help prevent misconducts, unethical practices and support the efficient functioning of the organisation. The Chief Executive is, therefore, expected to carefully review the vigilance work at least on a quarterly basis and act upon the reports submitted by CVO in a timely manner.

The Chief Executive should also ensure the following: -

- (a) Filling up of vacancies in the Vigilance Unit;
- (b) Holding structured meetings with the CVO every quarter;
- (c) Develop monitoring mechanisms to ensure probity and transparency in the organisation;

- (d) Encourage efforts made in the direction of preventive vigilance so that occasions for resorting to punitive methods are reduced; and
- (e) Extend adequate support to surveillance activities of the Vigilance Department for developing source information on any malpractices and taking corrective action thereon.
- (f) It is essential for the staff of any organisation to be updated on the rules, regulations, systems and procedures, as they are dynamic and prone to revision. The Chief Executive should facilitate periodic training of all staff members in these areas for generating general awareness about possible deviations and transgressions attracting sanctions so that informed decisions permeate through all levels of the organisation and employees do not suffer due to ignorance.

3.17 Manpower in Vigilance Setup

The Head of the organisation, in consultation with the CVO, should ensure the formulation of suitable guidelines for the manning of personnel for effective vigilance management in the organisation.

3.18 Appointment of Retired Persons in Vigilance Unit

A person, who is not a full-time employee of the Government/Public Sector Enterprise, etc., may be amenable to influence. There is also a possibility that the retired officers, appointed as consultants, may provide a convenient legal cover for going easy on corrupt practices, as they may be financially obliged to the Management. It is also difficult to make them accountable for the misconduct committed by them. Therefore, the vigilance functionaries should always be full-time employees of the organisation and in no case a retired employee should be appointed as a consultant to perform vigilance functions.

(CVC Circular No. 3(V)/99/12 dated 14.08.2000)

3.19 Rotation of Vigilance Officers

(I) Postings in Vigilance Wings/Departments are classified as sensitive. Accordingly, personnel deputed to the vigilance wing from operational wings are to have a tenure of three years, following which they are to be reverted to operational areas. In the case of organisations that have a separate cadre for vigilance, the rotation should be done across regions on expiry of tenure of three years in a particular office. CVOs are to certify annually that this exercise has been carried out.

(CVC Circular No. 98/ VGL/60 dated 02.11.2001)

- (II) In partial modification of its earlier instructions, the Commission vide *Circular No. 020/VGL/054 dated 05.04.2021* has laid down guidelines for rotation of officials in vigilance units which may be followed by the administrative authorities.
- (III) Subsequently, CVC has issued revised guidelines on "Transfer/Posting of officers/officials working in Vigilance Unit of the organisation "vide Circular No. 020-VGL-054/502950 dated 03.02.2022.

3.20 Protection against Victimisation of Vigilance Officials

Independence of the vigilance officials is the foundation for effective vigilance administration in any organisation. They cannot function without fear or favour if they perceive any victimisation as a consequence of their working in a vigilance organisation. The Commission views such incidents seriously, as those working in vigilance organisations should have an assurance that good and efficient work in the vigilance organisation will enhance their opportunities for promotion and not become a sort of disqualification. Instances of denial of the same are to be perceived as victimisation. While the Chief Executive must put in special efforts to ensure this, CVOs are expected to promptly report such instances to the Commission.

(CVC Circular No. 006/VGL/022 dated 28.03.2006)

3.21 Functional and Administrative control over Vigilance Officials:

All matters pertaining to functional and administrative control over vigilance officials, like recruitment, induction, grant of leave, training, transfer/job rotation, promotion, movement/temporary duty, forwarding applications, writing of Annual Performance Report (APR), disciplinary action, etc., would be exercised by CVO.

Chapter 4 VIGILANCE ADMINISTRATION IN BEML

CHAPTER 4

Vigilance Administration in BEML

The primary aim of vigilance is not to hinder but to enhance the level of managerial efficiency and effectiveness in the organisation. The aim and vision of the Vigilance Department of BEML are:

- (I) Preventive actions should prevail over punitive actions.
- (II) To enforce meaningful, workable and objective systems and procedures.

4.1 Vigilance Set Up

- (I) Vigilance units are established in all the Divisions/Complexes of BEML and each unit is headed by a vigilance officer and assisted by vigilance staff. The vigilance units are responsible for carrying out vigilance activities under their jurisdiction. The Vigilance Department in BEML is headed by CVO and assisted by an Executive Assistant (EA) and a group of vigilance staff and officers at the Corporate Office to discharge vigilance functions as mandated by CVC. HoDs of vigilance units of BEML report to the CVO.
- (II) The Vigilance Department plays a vital role in ensuring that the rules and laid down procedures of the Government and Company are adhered to in all circumstances and the discretionary powers vested with the individuals are exercised judiciously so that there is transparency in all official dealings. The Vigilance Department pioneers the anti-corruption work of the company.
- (III) The Vigilance Department primarily focuses on preventive and punitive roles. Another role is detective/surveillance. Preventive vigilance is a proactive approach which looks at creating awareness and education on anti-corruption measures, simplification of rules and procedures, plugging loopholes in the system. Punitive vigilance deals with disciplinary action against the employees who are involved in corrupt activities.
- (IV) Based on time-to-time recommendations and observations of the Vigilance Department in BEML, many systemic improvements were made in the managerial functioning that have not only streamlined the system but also paid rich dividends in the form of savings to the company.
- (V) On a continual basis, the department has been in the forefront, striving consistently to improve by leveraging technology to reduce bottlenecks/delays

in systems/processes and thereby bring in more transparency and expediency in handling businesses of the organisation.

- (VI) Vigilance Department, through its various preventive vigilance activities, makes consistent efforts to reduce scope for corruption.
- (VII) Vigilance functions cover the entire setup of BEML Limited, including manufacturing units, a network of marketing and customer support centres across India, and overseas offices.

4.2 Principles of Vigilance

Principles of vigilance can be broadly classified as:

- a. Integrity in Governance
- b. Combating Corruption
- c. Professionalism
- d. Transparency
- e. Promptness
- f. Impartiality
- g. Accountability

4.3 Definition of Vigilance Angle

Vigilance work within the boundary of Vigilance Angle.

- (I) Vigilance angle is obvious in the following acts:
 - (a) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official.
 - (b) Obtaining a valuable thing without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or his/her subordinates have official dealings or where he/she can exert influence.
 - (c) Obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his/her position as a public servant.
 - (d) Possession of assets disproportionate to his/her known sources of income.
 - (e) Cases of misappropriation, forgery or cheating or other similar criminal offences.

- (II) There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or wilful negligence; recklessness in decision-making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible public interest is evident; failure to keep the controlling authority/superiors informed of required transactions and issues in time; cause of undue loss or a concomitant gain to an individual or a set of individuals/a party or parties; these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.
- (III) Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of a vigilance angle in a case.

(CVC Office Order No. 74/12/05 dated 21.12.2005)

- (IV) Commercial risk-taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bonafides of the case. A positive response to this question may indicate the existence of bonafides. A negative reply, on the other hand, might indicate their absence.
- (V) It would be quite unfair to use the benefit of hindsight to question the technical merits of a managerial decision from the vigilance point of view. At the same time, it would be unfair to ignore motivated or reckless decisions, which have caused damage to the interests of the organisation. Therefore, a distinction has to be made between a business loss which has arisen as a consequence of a bona fide commercial/operational decision and an extraordinary loss which has occurred due to any malafide, motivated or reckless performance of duties. While the former has to be accepted as a normal part of business and ignored from the vigilance point of view, the latter has to be viewed adversely and dealt with under the extant disciplinary procedures.
- (VI) It follows that vigilance investigation on a complaint would not be called for on the basis of a mere difference of opinion/perception or an error of judgement simpliciter or lack of efficiency or failure to attain exemplary devotion in the performance of duties. (Union of India vs. J. Ahmed AIR 1979 SC 1022). Such

failures may be a matter of serious concern to the organisation but not from the vigilance point of view. They have to be dealt with separately.

- (VII) The Commission has decided that the CVOs, while sending the case to the Commission for advice against the lapses of officers exercising quasi-judicial powers, should examine critically whether the criteria laid down by the Hon'ble Supreme Court in K.K. Dhawan's Vs. UoI case (1993 AIR 1478) was attracted or not. The following criteria was laid down: -
 - (a) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;
 - (b) If there is prima facie material to show recklessness or misconduct in the discharge of his/her duty;
 - (c) If he/she has acted in a manner which is unbecoming of a Government Servant;
 - (d) If he/she had acted negligently or that he/she omitted, the prescribed conditions which are essential for the exercise of the statutory powers;
 - (e) If he/she had acted in order to unduly favour a party;
 - (f) If he/she had actuated a corrupt motive, however small the bribe may be.

(CVC F.No.007/MISC/Legal/04(Pt.) Circular No. 39/11/07 dated 01.11.2007)

- (VIII) Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his/her actions. All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules.
 - (IX) Administrative misconduct such as lack of punctuality, drunken behaviour at work, insubordination, etc., would be left to the disciplinary authority to deal with in an appropriate manner. If the lapse is without a vigilance angle, the disciplinary authority would be within its rights to initiate appropriate penalty proceedings against erring employees.

(CVC Office Order No.23/04/04 dated 13.04.2004) (CVC Master Circular No. 01/MC/2025 – 024/VGL/068 dated 23.05.2025)

4.4 Personality Traits of Vigilance Officials

Some of the personality trait of vigilance officials are:

(a) **Diligent:** that is, be thorough in investigation/fact finding, dig as far deep into transactions and as far back in time as possible.

- (b) **Thorough:** that is, let your coverage of the area chosen be intensive and extensive.
- (c) **Dynamic:** that is, do not merely state static facts; make them come alive and speak for you by eliciting any trends and patterns of conduct or any decision-making impinging on vigilance.
- (d) **Quality Oriented:** Vigilance officers should not bother about initiating the number of preventive checks as a criterion for showing more output. They should concentrate on sensitive areas and on the activities of the officers borne on the Agreed and Secret lists. Even if checks are fewer in number, they must be thorough and complete and be able to withstand scrutiny. In fact, few checks resulting in more people being caught/detected indulging in various malpractices and resulting in the improvement of procedures, thus eliminating or minimising the chances for corruption, are much better than the numerous checks conducted perfunctorily.

4.5 Code of Conduct - The Code of Conduct for Vigilance Officials:

- (I) Speedy investigations must be ensured. It is necessary that the investigation is expedited so that either the executive/non-executive is brought to book quickly and punished, or he/she is cleared and is able to regain his/her position in the department. The laid-down schedule of investigation should therefore be strictly followed, and frequent discussions should be held by the Investigating Officer with superiors and the Corporate Vigilance to ensure that the investigations are being carried out on correct lines and that they are not delayed. Expeditious finalisation of investigation is very important.
- (II) Investigation must be fair and impartial. Enough precautions must be taken to ensure that personal prejudices do not influence the investigation. A hasty and faulty conclusion must not be arrived at. The facts and merits of a case and not the reputation of the executive/non-executive should be the real determinant. Whenever disciplinary proceedings are initiated, it must be ensured that departmental enquiries are also conducted expeditiously so that the organisation is able to decide quickly about the role of the charged official in the alleged transaction or malpractice and is able to take an early decision on the penalty to be awarded or otherwise. The vigilance officers must keep constant track of the cases at all stages and ensure a logical conclusion.

4.6 Model Code of Conduct - General

The model code of conduct in general is mentioned below:

(a) Never disclose the source of your information to anyone.

- (b) Never foul up human relations by divulging the identity of the complainant(s) or informant(s) to the personnel concerned.
- (c) Never discuss the case under investigation with any outsider(s) or even colleague(s).
- (d) Never be light hearted, irresponsible, or flippant in your general conduct.
- (e) Never be swayed by preconceptions, prejudices or pressure.

4.7 Personal Conduct

In respect of personal conduct, the following important points may be borne in mind:

- (a) Each vigilance official in a vigilance organisation has to be upright, scrupulous and honest. Vigilance officials have not only to be honest but also to appear to be so.
- (b) Personal prejudices and idiosyncrasies must not get the better of logic or reason. Logic/reason is the instrument to reach the final objectives of truth and justice.
- (c) Humility does not necessarily mean weakness. One should be firm in conviction, determination and argument.
- (d) Nothing should be done with a view to perpetrating revenge on any person to settle an old score.
- (e) The objective of the vigilance organisation is to bring about transparency in the different fields of organisational working. Punishing people is neither the primary nor the only objective; it is incidental to vigilance efforts.
- (f) Be polite and courteous.

4.8 Managing Conflict of Interest

- (I) The conflict of interest issue is an emerging area of concern in public governance. The conflict of interest flows from the principle of natural justice that 'No one should be the judge in his/her own case'. It leads to biases. Bias means an act that leads to unfair activity, whether in a conscious or unconscious stage, in relation to the party or a cause or case. That is where the conflict of interest arises.
- (II) A conflict of interest occurs when an individual's personal interests family, friendships, financial, or social could compromise his or her judgement, decisions, or actions in the workplace. It arises when a public servant is involved in a particular matter as part of his official duties with an outside organisation with which he also has a financial interest, i.e., the executives/non-executive's

- (i) spouse, (ii) children and other relations, (iii) general partner, (iv) an organisation in which the employee serves as its chief, officer, director, trustee, partner, or employee, etc., or (v) a person or organisation with which the employee is negotiating for prospective or has an arrangement for prospective employment.
- (III) Conduct rules or other statutes or guidelines governing the service conditions of public servants appropriately address the conflict-of-interest issue. Prompt action should be taken for violation of such rules, statutes or guidelines.
- **4.9 Functional Wings of Vigilance**: The Vigilance Department in the organisation has five functional wings as given below:
 - a. Investigation Wing
 - b. Disciplinary Wing
 - c. Anti-corruption Wing
 - d. Preventive Vigilance Wing
 - e. Technical Wing
 - (I) The assigned tasks of these wings are given below:
 - (a) **Investigation Wing:** To deal with complaints received from various sources such as individuals, CVC, CBI, Media and Audit. Conduct investigations and verification of files for suspected irregularities.
 - (b) Disciplinary Wing: To deal with and follow up of cases arising out of various investigation reports, disciplinary proceedings and inspection reports. Vetting of charge sheets pertaining to vigilance cases. To monitor the progress of inquiry proceedings all vigilance cases and to put up the Disciplinary Authority's recommendations to CVO's concurrence and to review long-pending Disciplinary Cases periodically.

(c) Anti-corruption Wing:

- (i) To deal with and follow up of cases relating to possession of disproportionate assets, illegal gratification, procedural deviations etc. Preparation of lists of ODI/Agreed list. Liaison with CBI and CVC.
- (ii) To update manuals in line with CVC, MOD, MOF, DPE guidelines. Job rotation of persons posted in sensitive areas. Simplification of rules and procedures enumerated under various circulars and instructions.
- (d) **Preventive Vigilance Wing:** To conduct surprise and regular inspections, system improvement studies and simplification of procedures, scrutiny of POs

and contracts etc. Organise vigilance related seminar/workshops and vigilance awareness training. Identifying red flags in ERP systems vis-à-vis e-procurements, e-tenders, etc.

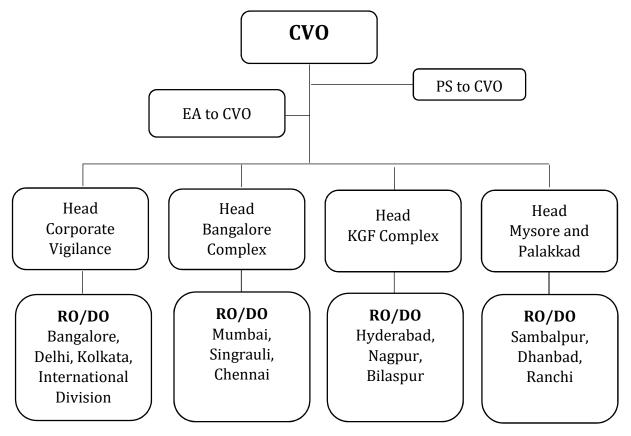
(e) **Technical Wing:** To conduct CTE Type of inspections of Civil, Electrical/Mechanical, Horticultural Works, Stores etc. Scrutinise the reports submitted by the CTE Team and submit the same with technical remarks. To coordinate with CTE/CVC to carry out their inspection at BEML.

4.10 Establishment and Vigilance Set Up in BEML

- (I) At the time of its inception, the Vigilance Department co-existed with the security department and was called the S&V (Security and Vigilance) Department. Based on the outcome of the Regional Workshop of Chief Vigilance Officers held in Bangalore on 10th and 11th December 1997, action was taken by BEML Management for the bifurcation of security and the Vigilance Department in the company, with a view to strengthening and focusing on anti-corruption activities.
- (II) With a view to tackle corruption and making the functioning of investigating and vigilance agencies more independent, effective, credible and prompt, the Department of Public Enterprises (Govt. of India), vide their letter No. 15(7)/98(GL-009) GM dated 25th September 1998, has recommended a model vigilance set-up for the PSEs as a broad guideline to be adopted with such modifications as may be appropriate in the case of an individual undertaking. Based on the recommendations made in the above letter of DPE, the vigilance setup in BEML was recognised and the present setup established.
- (III) At the corporate level, the vigilance work is looked after by the Chief Vigilance Officer, who enjoys the status, facilities and perquisites equivalent to that of a Functional Director of the Company. He/she is assisted by an Executive Assistant who directly reports to CVO. At the unit level, a divisional vigilance head will lead all the vigilance functions and report to CVO.
- (IV) Divisional vigilance offices have been set up in Bangalore Complex, Mysore Complex, KGF Complex and Palakkad Division. Functionally and administratively, all the Vigilance Officers report to CVO.

4.11 Organisation chart

Organisation chart of Vigilance Department, BEML Limited



^{*} RO/DO: Regional Office/District office

4.12 Duties and Responsibilities - Corporate Vigilance

(I) Role of Executive Assistant to CVO (EA to CVO):

- (a) Reporting to CVO Administratively and functionally.
- (b) Assist CVO in ensuring implementation of corporate policies and CVC/DPE/MoD guidelines on all vigilance matters in the company.
- (c) Submission of vigilance reports to MoD/CVC/CBI/MoD/and other Govt. departments as per schedule.
- (d) Co-ordinate with Head Corporate Vigilance on the cases pending investigation/enquiry/disciplinary actions in all SBUs/units for timely disposal, as per CVC guidelines for appraisal of CVO.

^{**} District offices coming under the jurisdiction of the respective regional office shall also be covered.

- (e) Inform of shortcomings and difficulties faced, if any, in the working of vigilance and adopt CVO's recommendation.
- (f) Co-ordinate with Head-Corporate Vigilance for review of complaints, progress on investigation, status of disciplinary proceedings etc., for appraisal of CVO.
- (g) Ensure circulation of all CVC/DPE/MoD guidelines and HR circulars pertaining to vigilance matters to all units/divisions for compliance.
- (h) Liaising with CVC/ MoD/DPE/CBI/Vigilance Department of other PSUs for any issues related to vigilance matters.
- (i) Nominations of executives for external training/seminars/meetings relating to vigilance and maintaining record of trained executives.
- (j) Preparation of agenda points for CVO related to MoD/CVC/Board/CMD/ Quarterly and other important meetings relating to vigilance.
- (k) Coordination with Vigilance Heads for observance of Vigilance Awareness Week (VAW) as per directions of the Commission. Compilation and submission of reports to CVC with respect to VAW.
- (l) Agenda preparation and coordinating for a structured meeting between CVO and CMD as per the schedule.
- (m) Monitoring and reporting of executives and non-executives (if any) appearing in the Agreed List/ODI List.
- (n) Scrutinise (i) the Internal auditor's reports, (ii) the Statutory auditor's report (iii) the CAG audit report on the issues related to vigilance and submit for CVO's advice.
- (o) Process of Vigilance Clearance:
 - (i) Approval of Vigilance Clearance for all Executives upto Grade VI of Divisions, Corporate and Regional and Divisional Offices.
 - (ii) Co-ordination of Vigilance Clearance for all executives of Grade VII and above for approval of CVO.
- (p) Co-ordinate with the Corporate Vigilance head for timely submission of vigilance profiles to MoD/CVC for obtaining vigilance clearance for Board level and all candidates/officers recommended by the PESB for appointment to any Board level position in PSEs, irrespective of their holding a Board level or below Board level post at that point of time.
- (q) He/she will officiate as CVO in his absence with prior approval.
- (r) Carry out any other duties entrusted by CVO.

(II) Role of Head - Corporate Vigilance:

- (a) Will report to CVO
- (b) Identification and allocation of PO's to all the divisional vigilance to conduct CTE Type inspection with the approval of CVO. Ensure timely submission of the report.
- (c) Identification of topics to conduct a System Study by the respective divisional vigilance with the approval of CVO. Ensure timely submission of report.
- (d) Monitor and ensure the timely submission of the Monthly/Quarterly reports from all the divisions/units to Corporate Vigilance as per the schedule. Liaise with divisional vigilance chiefs to ensure the submission as per the schedule.
- (e) To carry out identified periodical reports (Monthly and Quarterly) by the 5th of every succeeding month of the quarter/month pertaining to the Corporate office.
- (f) Monitor the timely completion of Fact Verification/Investigation/Enquiry/Disciplinary Proceedings at all the divisions.
- (g) Carry out a system study on the topic identified and submit report as per the timeline indicated.
- (h) Preparation of an internal note, a note to management with respect to System Study, CTE Type inspection, Fact Verification, Investigation etc submitted by division.
- (i) Organise to conduct a CTE Type Inspection of identified PO(s) and ensure timely submission of the report.
- (j) Review of the report submitted by CTE in-house team and submit the report for CVO advice. Recommendation of CVO to be forwarded to concerned Division Head for reply on the observation. Based on the clarification, initiate a note to CVO for further recommendation.
- (k) Collection and compilation of QPR data and submission of the same to EA to CVO for online submission with the concurrence of CVO.
- (l) Collection and compilation of data pertaining to periodical reports as applicable to corporate and marketing functions by the 5th of every succeeding month of the quarter/month.
- (m) Process of Vigilance Clearance:
 - (i) Approval of Vigilance Clearance for all non-executives of the Corporate office, Regional and District Offices.
 - (ii) Co-ordination of Vigilance Clearance for all executives of Corporate office, Regional and District Offices for approval of EA to CVO/CVO, as applicable.

- (n) Monitor the implementation of systemic improvement recommendations by vigilance at different divisions/units through divisional vigilance heads.
- (o) Responsible for maintenance/documentation of all the circulars/office orders released by CVC, DoPT, MoD and BEML HR with respect to vigilance administration.
- (p) Monitor the implementation of CVC/MoD/DPE Guidelines/CMD/CVOs instructions in the unit.
- (q) Organising training/seminar/workshop for executives and non-executives of BEML at the Corporate Office, RO/DO, through the Training Department (HR).
- (r) Identifying training needs for the executives of the Vigilance Department (corporate and divisions) and co-ordinating with the Training Department (HR) for execution.
- (s) Monitor the rotation of executives and non-executives working in sensitive areas for more than 3 years (Corporate Office, RO/DO and Divisions).
- (t) Scrutiny of Annual Property Returns (APR) of all the executives of the Corporate office and RO/DO offices. Abnormalities noticed, if any, are to be brought to the notice of the CVO for advice. (Ref: Monthly Task Format)
- (u) Monitoring the scrutiny of Annual Property Returns at all the divisions. Abnormalities noticed/brought out by the concerned divisional vigilance head are to be put up to CVO for advice.
- (v) Maintain a Vigilance Complaint Register in the prescribed format at the corporate level for keeping records of complaints received at Divisional/Corporate Vigilance (Format 01). He/she will process the complaints as per the complaint handling policy and maintain a register for keeping track of the progress of the investigation and disciplinary proceedings in the prescribed format. If the complaint relates to non-vigilance matters which are received in the vigilance section, then it will be separately entered in the register in part II and after entering the details, the complaints will be forwarded to HR or the concerned department for further action.
- (w) Periodical review of complaints, progress on investigation, status of disciplinary proceedings etc.
- (x) Follow up on the cases pending investigation/enquiry/disciplinary actions in all SBUs/units for timely disposal, as per CVC guidelines.
- (y) Co-ordinate with the CTEO to carry out CTE inspection of CVC.
- (z) Co-ordinate with the Management Audit of Vigilance Unit (MAVU) audit team for carrying out an audit on the vigilance function and take corrective actions based on audit reports.

- (aa) To carry out the vigilance function and submission of report pertaining to the RO/DO assigned under Corporate Office on quarterly basis. Brief details of activities and areas to be covered are outlined in para 4.14. Accordingly, the report to be prepared and submitted.
- (bb) Any other task assigned by CVO from time to time.

4.13 Role of Head - Divisional Vigilance:

- (a) Responsible for timely submission of all periodical reports (Monthly and Quarterly) by the 5th of every succeeding month of the quarter/month to Corporate Vigilance.
- (b) Carry out a system study on the topic identified by Corporate Vigilance and submit report as per the timeline indicated.
- (c) Organise a Vigilance Awareness training programme through HR at least once every 3 months and ensure all the executives and non-executives attend the programme.
- (d) Monitor the implementation of various CVC/MoD/DPE/HR Guidelines/ Circulars and CVOs instructions received from Corporate Vigilance.
- (e) Scrutiny of APRs of all the executives of the complex, maintain the record of scrutiny in the prescribed format and report any abnormalities to Corporate Vigilance.
- (f) Conduct Divisional Vigilance Committee meeting once in every 3 months and send the minutes to Corporate Vigilance within a week's time after conducting the DVC. Follow up with the concerned to take action on the points discussed and minuted in DVC.
- (g) Handling of complaints as per the complaint handling policy. Maintain a vigilance complaint register as per the format, enter the details of the complaints and forward the complaint to Corporate Vigilance for further advice from CVO.
- (h) Based on the Corporate Vigilance advice, carry out Fact Verification/ Investigation/Preliminary Enquiry on the complaint and submit the reports as per the prescribed format (Format - 02) within the timeline specified by Corporate Vigilance.
- (i) Organise/conduct surprise and regular checks/inspections in corruption prone areas/sensitive areas and make a record of such checks in the prescribed formats. Submit the report on actions on the lapses observed to Corporate Vigilance for further advice.
- (j) Co-ordinate with the concerned for expediting the comments/replies on CTE/Inhouse Intensive Examination Reports on POs/Contracts and other reports.

- (k) To monitor the implementation of systemic improvement recommended by Vigilance based on the Fact Verification, Investigation, System study, CTE, etc., and submit a report on the status of implementation quarterly to Corporate Vigilance.
- (l) Maintain all vigilance related documents, including the Complaint Register, Files, Correspondences, Circulars, Returns, Reports, Periodicals/Books etc., and hand over the same to the next incumbent after the completion of tenure as VO, along with an authenticated list of such documents/files as per the handing over taking over policy.
- (m) Process of Vigilance Clearance:
 - (i) Approval of Vigilance Clearance for all non-executives
 - (ii) Co-ordination of Vigilance Clearance for approval of EA to CVO/CVO, as applicable.
- (n) Organise to conduct a CTE Type Inspection of a minimum of 2 identified PO's and ensure timely submission of the report to Corporate Vigilance.
- (o) Organise to conduct a System Study on a minimum of 2 identified Projects and ensure timely submission of the report to Corporate Vigilance.
- (p) Coordinating with HR for submission of monthly report on disciplinary proceedings, both administrative and vigilance matters, by the 5th of every month.
- (q) Follow up with HR for expediting the disciplinary proceedings (if any) for executives and non-executives and updating the status in SAP and SAMPARK Systems.
- (r) Any other task assigned by Corporate Vigilance/CVO.
- (s) Details of monthly tasks to be carried out and reports to be submitted to Corporate Vigilance.

Task No.	Task	Task Description	Responsibility
1	Bills Receivable	Scrutiny of the amount realised against	By Divisional
	against Sale of	the equipment Invoice.	Vigilance Units
	Equipment	 Check Sundry Debtors Check the BEML Sale Order vis-à-vis customer order terms and conditions. 	
		(Minimum 5 Sale Orders to be scrutinised).	

Task No.	Task	Task Description	Responsibility
2	Bills Payable	Scrutiny of bills paid to vendors. Random check for payment period, compliance with terms and conditions of payment. (This may not be clubbed with PO verification/ surprise checks). (Minimum 10 bills to be scrutinised).	By Divisional Vigilance Units
3	EMD, SD, BG.	Status report on reconciliation of Earnest Money Deposit, Security Deposit and Bank Guarantee (Minimum 2 cases of each EMD, SD, and BG to be scrutinised).	By Divisional and Corporate Vigilance
4	Welfare Accounts	Check bills paid to labour contractors, Civil and Electrical contractors and AMC. (Minimum 2 bills to be scrutinised).	By Divisional and Corporate Vigilance
5	Receiving Stores and Weigh Bridge	Surprise checks at Receiving stores Verification of quantity received, time taken for unloading the consignment, preparing the inbound receipts/waybills, storage and weighment of consignment. (Minimum 10 consignments to be checked).	By Divisional Vigilance Units
6	Rejected Stores and Part Disposal Order (PDO)	Surprise checks of sending rejected material to vendors and verification of PDO. (Minimum 10 PDO's to be checked).	By Divisional Vigilance Units
7	Civil/ Construction	Inspection report of Civil Construction. (Minimum 01 PO to be checked).	By Divisional and Corporate Vigilance
8	Purchase Orders Scrutiny (Material Supply/AMC/ House Keeping/ Material Handling)	Report on study of contracts like AMC, House Keeping and Material Handling. PO Selection criteria: Total 10 Nos (Rs. 1 Crores and above - 100%) + (Rs. 50.00 Lakhs and above; Rs. 25.00 Lakhs above, less than Rs. 25.00 Lakhs)	By Divisional and Corporate Vigilance

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Task No.	Task	Task Description	Responsibility
9	Tenders	Percentage of Tenders - Single, Limited, etc., Vertical-wise and Product-wise. (100% to be checked)	By Divisional and Corporate Vigilance
10	Surprise Check at Stores (Physical Stock Verification)	Conduct surprise Stores/Inventory check. (Minimum 10 items of Class A, Class B and Class C categories in the ratio of 50:30:20 to be checked)	By Divisional Vigilance Units
11	E-Procurement and E-Payment	Check for E-Procurement status vis-à- vis the total number of purchase orders placed and the status of E-Payment.	By Divisional and Corporate Vigilance
12	TA/DA and Medical Claims	Scrutiny of TA/DA and Medical claims (Minimum 5 claims each of TA/DA and Medical Claims to be checked).	By Divisional and Corporate Vigilance
13	APRs	Scrutiny report of APRs. (To check 100% during the year)	By Divisional and Corporate Vigilance
14	ERP System	Check for an ERP System in all the modules for any system lapses/lacunae. (As per task 14 under Format-3).	By Divisional and Corporate Vigilance
15	Shipping Department	Status on load distribution for equipment transport contractor. Scrutiny of Transport/Carriers Contract. Procedures for allotment of load, etc. (100% to be checked)	By Divisional Vigilance Units
16	Receiving Inspection	Random check at Receiving Inspection (5 lots from accepted and 5 lots from rejected to be selected).	By Divisional Vigilance Units
17	Stores	Shelf life items are to be checked for FIFO in SAP (Select 5 different category of item and check).	By Divisional Vigilance Units
18	LD Deductions	Check for LD deductions in purchase orders/contracts are proper (Select 5 Invoices where in, supplies are involved- Project/Non-project).	By Divisional and Corporate Vigilance

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Task No.	Task	Task Description	Responsibility
19	Integrity Pact	Verification of all purchase orders/contracts of value Rs 1 crore and above and report the same in CTE format. (100% to be checked).	By Divisional and Corporate Vigilance

(For details, refer Monthly Report/Task: Format - 03).

Note: In addition to carrying out vigilance functions at the respective division, Vigilance activities pertaining to the allotted RO/DO are to be conducted on a quarterly basis.

4.14 Verification at BEML office outside the Manufacturing Division

(This includes the network of marketing units, customer support centres, zonal offices, activity centres, and other related establishments across India and overseas locations)

Brief details of the areas to be covered by Vigilance officers during the periodical verification at the respective offices, in addition to all the applicable formats prescribed under Format – 03, are as follows:

(a) HR Functions:

Attendance, disciplinary issues, HR master data in SAP, compliance with statutory requirements (including contract labour), security management, including surveillance, logistic functions at RO/DO, welfare activities, guest houses/transit houses, annual property returns (APR) scrutiny.

(b) Finance Functions:

Receivables, vendor payments, expense report, etc.

(c) Sale of Equipment:

 Verification of customer order, review of bank guarantee, performance bank guarantee (PBG), liquidated damages (LD), etc.

(d) Spare Parts Sales:

 Spare parts management, annual physical stock verification (PSV) and reconciliation, STO process and its reconciliation, inventory management, scrap management, etc.

(e) After Sales Service:

 Warranty management, contract management, equipment availability report and equipment performance report, etc.

(f) Verifications of various contracts

 Labour and security contract, maintenance contract, service contract, transport and logistic contract, etc.

Note: The scope of verification, data collection, and analysis should not be limited only to the points mentioned above. Any other relevant aspects or observations deemed appropriate may also be examined and reported.

4.15 Constitution and Functions of Divisional Vigilance Committee (DVC)

(I) The Divisional Vigilance Committee will be constituted as follows: [Ref. Circular No. 1257 dated 25th July 2006 issued by K(HR)]

a. Divisional Head
 b. Divisional Personnel Head
 c. Divisional Finance Head
 d. Divisional Material Management
 e. Divisional Plant Maintenance
 f. Divisional Security Head

g. Divisional Vigilance Officer - Member Secretary

- (II) The Divisional Vigilance Committee constituted as above may co-opt any other senior executive of the unit as a member of the committee on a need basis when there is a requirement for such a member in the committee to discuss the vigilance related issues pertaining to the area of activity of such member. Some of the governing rules are given below.
 - (a) The meeting of the Divisional Vigilance Committee will be held quarterly to deliberate on vigilance related matters pertaining to the division. In the absence of the chairman, the senior most member of the committee will officiate as chairman of the committee. The minutes of the meeting, along with the plan of action, are to be sent to Corporate Vigilance within a week from the date of the meeting.
 - (b) Review the status of pending disciplinary/inquiry proceedings and vigilance issues in the division and will take necessary action to ensure timely disposal of such cases. The Member Secretary will put before the committee, the details of such pending cases and other vigilance related matter requiring the attention of the committee.
 - (c) Review the status of implementation of e-tendering/e-procurement in the division to bring transparency in procurement and contracts.

- (d) Review the status of implementation of instructions contained in CVC/MoD/DPE guidelines received from time to time on vigilance matters in the division.
- (e) Review sensitive job rotation as per the guidelines for its effective implementation.
- (f) Review the discrepancies noticed during surprise and regular checks by vigilance during every quarter. The Member Secretary will put up before the committee a brief on surprise/regular inspection conducted in the month highlighting the lapses found. He will also put up actions pending for implementation in earlier surprise/regular checks.
- (g) To review the status of implementation on systemic improvement recommended by the Vigilance Department.
- (h) Any other points/issues related to vigilance as brought out in the agenda by the vigilance head.

4.16 Authority to Carry out Vigilance Work:

The Chief Vigilance Officer and the Vigilance Officials (posted in the Complex/Division) are the extended arms of the Central Vigilance Commission and are duty bound to implement the anti-corruption measures in BEML completely and effectively. In order to achieve the above objectives, all Vigilance Officials are duly empowered by the Chief Vigilance Officer with the following authority:

- (I) All Vigilance Officials will have unrestricted access (including their official vehicles) to any location in the factories/departments/hangars/buildings/shops/establishments/welfare units/township/residential quarters/sports and entertainment amenities/ancillary units/liaison offices/RO/DO Offices/Guest Houses etc., at any time for carrying out Vigilance work.
- (II) A Vigilance Officer, by virtue of powers conferred vide CVC's Circular, is empowered to seize or take into custody all documents/records/material pertaining to a particular complaint/allegation for the purpose of investigations. As per the directions of the CVC, if the allegations contain information that can be verified from any documents/records/material, the Investigating/Vigilance Officer should, without loss of time, secure such records/documents and take them into personal custody.
- (III) All Vigilance Officials are empowered to examine employees of BEML for vigilance enquiries/investigations, record their statements, obtain their signatures on such statements/obtain their signature on the samples, etc.
- (IV) All Vigilance Officials are empowered to conduct surprise/random/routine checks/inspections etc., of the points/places, in any Department/Office/Hangar/

Premises/Estate/Township including shops/establishments/residential quarters etc., as part of either preventive vigilance activity.

- (V) All Vigilance Officials are empowered to collect/obtain samples of materials (in any form) for the purpose of testing, etc during the course of inspection of civil/mechanical/electrical works and obtain photographs, if required, of the articles/ points/places in question.
- (VI) All Vigilance Officials are empowered to draw an inspection/surprise/routine check report at the points/points of check and to obtain the signature of the concerned in charge, user/operator/custodian etc., as a token of confirmation that the same was carried out in their presence and that they are party to the details recorded.
- (VII) All Vigilance Officials and their vehicles are empowered for unrestricted movement (entry and exit) at their place of work at any time for the purpose of vigilance activities.
- (VIII) All Vigilance Officials are empowered to meet their sources or any officials of government/non-government/private/public etc., for vigilance verification/work or for liaison.
 - (IX) All Vigilance Officials are empowered (under the supervision of CVO) for carrying out detective/surveillance as part of Vigilance work.

4.17 Detailing of Vigilance Staff in Committees and Non-Vigilance Activities

The role of the Vigilance staff in the Divisions/Complexes is to study systems and procedures, which include surprise and regular inspections/checks and anticorruption work. Vigilance staff shall not be engaged in activities such as gathering information on union activities, investigation on industrial relations, verification of firms and individuals in non-vigilance cases, members of any committees, routine administrative meetings, etc. The government in consultation with the Central Vigilance Commission, has issued guidelines vide O.M. No.321/77/91-ADV.III dated 9 June 1992 that the vigilance functionaries should not be a party to processing and decision-making processes or any other similar administrative transactions of such nature which are likely to have clear vigilance sensitivity.

4.18 Protection for Vigilance Officials for Acts Done in Good Faith

The Vigilance functionaries conduct enquiries/investigations on behalf of the CVO/Management. During the course of the investigation/enquiries to unearth the facts of the case or what is warranted to bring the case to a logical conclusion, the acts of the functionary should not be treated as prejudicial to good order and discipline or malafide intention. The acts of the Vigilance functionaries are to be

treated as in good faith and in the best interests of the company, and no disciplinary action should be initiated against the Vigilance functionary. Whenever disciplinary action against a Vigilance Officer is contemplated, the authority to sanction is the Chairman through CVO and in case of a vigilance workman, the CVO will be the sanctioning authority.

4.19 Protection Against Victimisation of Vigilance Officials

- (I) Independence of the vigilance officials is the foundation for effective vigilance administration in any organisation. They cannot function without fear or favour if they perceive any victimisation as a consequence of their working in a vigilance organisation. The Commission views such incidents seriously, as those working in vigilance organisations should have an assurance that good and efficient work in the vigilance organisation will enhance their opportunities for promotion and not become a sort of disqualification. Instances of denial of the same are to be perceived as victimisation. While the Chief Executive must put in special efforts to ensure this, CVOs are expected to promptly report such instances to the Commission.
- (II) The CVC Circular No.16/03/06 on protection against victimisation of officials of the vigilance units of various Ministries/Departments/Organisations calls for the need to allow the vigilance officials to work independently and freely without any fear, which is the foundation for effective vigilance administration in any organisation.
- (III) The Commission issued the following consolidated instructions vide CVC circular No. 16/03/06 dt. 28.03.2006 in exercise of its powers under sections 8(1)(h) of the CVC Act:
 - (a) All personnel in vigilance units will be posted only in consultation with and with the concurrence of the CVO. They will be for an initial tenure of three years, extendable up to five years. Any premature reversion before the expiry of such tenure will be done only with the concurrence of the CVO. The CVO shall bring to the notice of the Commission any deviation from the above.
 - (b) The ACR of personnel working in the Vigilance Department will be written by the CVO and reviewed by the appropriate authority prescribed under the relevant conduct rules. The remarks in the review shall be perused by the CVO and in case the CVO has reservations about the comments made under the review, the CVO shall take it up with the CMD to resolve the issue. In case CVO is unable to do this, CVO shall report the matter to the Commission, who will intercede in the matter suitably.

- (c) Since the problem of victimisation occurs, if at all after the reversion of the personnel to their normal line departments, the Commission reiterated the following:
 - (i) On such reversion, the Vigilance personnel shall not be posted to work under an officer against whom, while working in the Vigilance Department, he/she had undertaken verification of complaints or detailed investigation thereafter. Needless to say, his/her ACR shall not be written by such officer(s).
 - (ii) All such Vigilance personnel will be deemed to be under the Commission's purview for the purpose of consultation in disciplinary matters. This is irrespective of their grade. This cover will be extended to a period of not less than five years from the date of reversion from the Vigilance Department.
 - (iii) All Vigilance personnel on reversion shall be entitled to represent through the CVO and CMD of the organisation to the Commission if they perceive any victimisation as a consequence of their working in the Vigilance Department. This would include transfers, denial of promotion or any administrative action not considered routine or normal. This protection will be extended for a period not less than five years after the reversion of such personnel from the Vigilance Department.
- (IV) The above instructions may be noted for strict compliance. The CVO should report promptly to the CVC the details of any real or perceived victimisation of any official who is working in the Vigilance unit. Similarly, CVO should also report such instances pertaining to the former officials of the Vigilance unit, up to a period of five years after they had completed their tenure in the Vigilance unit. CVO should also report where such deserving officials are ignored/superseded in matters of promotion.

4.20 Do's and Don'ts for the Vigilance Fraternity

(I) Do's

- (a) Be objective in collecting facts and evidence both oral and documentary.
- (b) Develop an information channel for planning and conducting preventive checks for the following so as to cover all the departments vulnerable to corruption.
- (c) Before taking up any allegation for investigation, always ensure that it has a vigilance angle.

- (d) Complete investigations within a reasonable time and in an objective manner to instil a sense of confidence.
- (e) Always be fair, impartial and without personal prejudices and influence while investigating.
- (f) Plan adequately before the commencement of an investigation and make reasonable assessments of the time required.
- (g) Investigate in detail to form a logical picture of all the facts and evidence. Link them to conclude in a fair and just manner.
- (h) Check for the authenticity of the source.
- (i) Conduct a quality preventive check.
- (j) Ensure that the investigation is meticulously factual, scrupulously fair and unfailingly speedy.
- (k) Be a man of absolute integrity and devotion to duty.
- (l) Always be firm in conviction and determination.
- (m) Always submit your own claims for TA, Medical Reimbursement, LTC, etc., in time.
- (n) Be polite and courteous. Give due regard to your seniors, even if they are under investigation.
- (o) Do consider everyone as honest and well-meaning, unless proved otherwise.
- (p) Do seek permission from your controlling officer before leaving headquarters.
- (q) Do keep your department head informed of your movements.
- (r) Do exercise vigil on the activities of officials included in the Agreed/ODI List.
- (s) Do remain accessible to all employees.
- (t) Dispose of cases promptly and without undue haste.
- (u) Listen, you cannot afford to miss anything that is being said.
- (v) Be sensitive to the people you are dealing with and don't ask for too much.

(II) DON'Ts

- (a) Do not be instrumental in building up a false case against an employee.
- (b) Do not register a Vigilance case under local pressure or pressure out of affinity, acquaintance, etc.

- (c) Do not conclude in haste.
- (d) Do not disclose the source of your information.
- (e) Do not divulge the identity of the complainant. It could lead to acrimonious relations.
- (f) Do not be light-hearted, flippant, and irresponsible in your official conduct.
- (g) Do not allow bias or prejudice to affect objectivity.
- (h) Do not do anything with a view to settle scores.
- (i) Do not ask for any undue favour.
- (j) Do not avail of any non-entitled facility.
- (k) Do not take up petty cases for registration and investigation.
- (l) Do not try to play the role of a policeman.
- (m) Do not try to bypass any instructions from a superior authority, even in a circuitous way.
- (n) Do not offer advice unless you are sure of its correctness and legal tenability.
- (o) Do not be extravagant in your habits.
- (p) Do not forget to submit your Annual Property Return (APR) in time.
- (q) Do not develop familiarity with any particular employee or junior; otherwise, your impartiality could be questioned.
- (r) Do not accept gifts if the value is beyond the acceptable limits.
- (s) Do not act in a manner that erodes faith of an employee in the functioning of Vigilance.
- (t) Do not engage directly or indirectly in trade or business.

Chapter 5 PREVENTIVE VIGILANCE

CHAPTER 5

Preventive Vigilance

Introduction:

The role of vigilance can be categorised into two primary dimensions: Preventive Vigilance and Punitive Vigilance. Preventive vigilance focuses on creating systems, processes and awareness to prevent unethical or illegal activities, fostering a culture of ascertainability and compliance.

- (I) Preventive vigilance refers to proactive measures taken to prevent corruption, fraud, misconduct and inefficiencies in an organisation. It involves identifying potential risks and implementing systems to minimise the chances of wrongdoing before it occurs.
- (II) The Santhanam committee noted that corruption cannot be eliminated or even significantly reduced unless preventive measures are planned and implemented in a sustained and effective manner. Preventive action must include administrative, legal, social, economic and educative measures.

5.1 The concept of Preventive Vigilance

(a) **Concept:** It is the adoption of a package of measures to improve systems and procedures to eliminate/reduce corruption, promote transparency and ease of doing business.

(b) Who is required to implement preventive vigilance measures?

Preventive vigilance involves systemic improvements which, besides reducing corruption, also lead to better operational results. It is a tool of management and good governance and therefore, it is the duty of the management as a whole and not of the CVO alone. Indeed, it can be said that it is the duty of every employee.

5.2 Preventive Vigilance Measures

(I) Preventive vigilance measures can broadly be categorised as: -

(a) Simplification and Standardisation of Rules:

Simplification and standardisation of rules and procedures result in the elimination of discretion and arbitrariness, which in turn reduces corruption. Identifying areas involving exercise of discretion that are not governed by

guidelines, together with a complete review of existing rules and regulations, needs to be undertaken to introduce clarity and accountability. Similarly, simplification and standardisation of forms/application also reduces the scope for corruption.

(b) Leveraging Technology:

Technology as an enabler for fighting corruption has been effectively demonstrated. E-procurements, E-payments, use of websites for dissemination of information and creating awareness, use of CCTV in places of public dealing, use of GPS-enabled devices/RFIDs, use of appropriate analytical tools and computer assisted audit techniques for detecting fraud are examples of how technology strengthens the system of preventive vigilance.

(c) Automation:

Using IT as an enabler for reducing corruption is also recognised as an effective tool of preventive vigilance. Automation reduces interface/interaction between public officials and common public. It also removes monopoly in the delivery of services and personal discretion, reducing the opportunities for discretion, thus leading to a reduction in corruption. Therefore, the organisations should strive to reduce the interface of officials with the common public/customers by way of automation/online services. However, IT systems are not an end in themselves; they are the means to an end. It follows, therefore, that there is a need to develop a system of alerts as well as a response mechanism.

(d) Business Process Re-engineering (BPR):

BPR is very important as it helps organisations rethink how they do their work and, in the process, encourages a full-scale reassessment of processes to meet the objectives of the organisation. Existing processes may be re-engineered to prevent leakage of revenue.

(e) Transparency:

Transparency removes the information gap between the public and public officials which in turn reduces corruption. The website of the Department/ Organisation should contain rules and regulations, contact details of officials and all other information useful for the common public/customers.

(f) Accountability:

There is no fear of punitive action if there is a lack of accountability. A system with clear accountability and assigned responsibility at each level is necessary not only for smooth functioning but also for increased transparency, efficiency and ensuring effective punitive action in case of misconduct.

(g) Control and Supervision:

Regular and routine inspections, surprise inspections, audits and reviews keep a check on aberrant and corrupt behaviour. A list of points and areas prone to corruption will facilitate the purpose of organising checks and streamlining procedures. A structured interaction between vigilance and internal audit will enable better monitoring and also help identify potential problem areas.

(h) Early Detection of Misconducts:

Early detection of misconduct, apart from bringing to light the damages to the system, will enable recouping the loss wherever possible and facilitate control of further damage.

(i) Time-bound and Effective Punitive Action:

Punitive (disciplinary or criminal) action within a short period of the occurrence of misconduct and finalisation of such cases in a time-bound manner, resulting in the award of exemplary and adequate (commensurate with the gravity of the misconduct) punishment deters others from committing such misconduct. Delays and inefficiencies in such proceedings encourage and embolden others to take the risk of committing misconduct under the belief that nothing would happen to them.

(j) Providing Necessary Infrastructural Facilities:

Lack of adequate infrastructural facilities such as accommodation, conveyance, utilities, etc., also induces corruption.

(k) Training and Awareness:

Capacity building and sensitisation at all levels and across all functional areas are important. Public officials should be made aware of their duties and responsibilities, code of conduct, rules and regulations through regular training and awareness programmes. A list of Dos and Don'ts for employees/officials is a simple yet effective tool. Likewise, familiarisation with Standard Operating Procedures relating to different spheres of activity will enhance awareness and reduce procedural violations/inadvertent errors arising out of a lack of awareness. Knowledge sharing initiatives such as publishing/circulating information relating to areas where fraud/misconduct has been detected and sharing information on best practices are other effective awareness generation methods for more effective preventive vigilance.

(I) Conducive Work Environment:

A conducive work environment for preventive vigilance may include drawing up a list of sensitive posts, a rotation policy for sensitive posts, identification of persons of doubtful integrity and keeping them away from sensitive posts/public dealings. It would be necessary also to create an environment that promotes

ethical behaviour. Protection for "Whistle Blowers" must be ensured so that others are encouraged to bring to light cases of corruption.

(m) Inculcating Moral Values:

Inculcating ethical behaviour among the public, particularly the younger generation, is an important tool of preventive vigilance. Vigilance Awareness Week (VAW), celebrated every year during the last week of October, is aimed at creating such awareness. This opportunity should be utilised by all CVOs/Organisations to create awareness among the public as well as among their own officials regarding the need for imbibing the right values.

5.3 Job Rotation of Officials Working in Sensitive Posts

- (I) Identification of sensitive posts and rotational transfer of officials holding sensitive posts is one of the tools for the effective implementation of the preventive vigilance mechanisms. Periodical rotation of officials holding sensitive posts would be helpful in eliminating the scope of developing vested interests by the officials and would also reduce the scope of indulging in corrupt activities.
- (II) CVC has issued guidelines from time to time directing all the organisations covered under its advisory jurisdiction to identify sensitive posts and ensure periodical rotation of officials working on such sensitive posts.
- (III) In view of the ever changing scenario and increasing use of technology in the functioning of organisations, it is important that the list of sensitive posts is reviewed and updated at regular intervals.
- (IV) The commission desires that the CVOs, in consultation with the Chief Executive/Management of the respective organisations, should undertake exercises to identify sensitive posts in their organisations. The exercise to review and identify sensitive posts may be conducted every three years. Officials holding sensitive posts should be transferred/posted out from such posts as per the time limits prescribed by the Commission and DoPT from time to time, without exception.
- (V) The retention of a person in the same seat in such sections, beyond a term of three years, should not be allowed except with the approval of a higher authority. (Ref. Commission's letter no.2/9/66-coord. Dated 20th May, 1966).
 - Ref: CVC circular no. 004/VGL/090/528696 Dtd 25.10.2022
- (VI) In BEML, the list of sensitive departments and sensitive sections has been revised and notified vide GB NO. 1930 dated 03.04.2025.

5.4 Officers of Doubtful Integrity (ODI):

The recommendations made in the statement laid on the Table of the Lok Sabha on the 10th of August, 1961, and the Rajya Sabha on the 24th of August, 1961, called for measures to be taken to locate officials against whom suspicion exists regarding their integrity amounting to moral conviction. It was decided to prepare a list of officers of doubtful integrity. This scheme provided details of the purpose of this list and the procedure for preparation and maintenance.

(I) Criteria for Entry in the List

- (a) The list will be termed as the 'list of Officers of Doubtful Integrity'. It will include the names of those officers only who, after inquiry or during the course of inquiry, have been found to be lacking in integrity. It will thus include the names of the officers, with certain exceptions mentioned below [5.4(I)(b)], falling under one of the following categories:
 - (i) Convicted in a court of law on a charge of lack of integrity or for an offence involving moral turpitude but on whom, in view of exceptional circumstances, a penalty other than dismissal, removal or compulsory retirement is imposed.
 - (ii) Awarded departmentally a major penalty either on charges of lack of integrity or on charges of gross dereliction of duty in protecting the interests of government although the corrupt motive may not be capable of proof.
 - (iii) Against whom proceedings for a major penalty or a court trial are in progress for alleged acts involving lack of integrity or moral turpitude.
 - (iv) Who were prosecuted but acquitted on technical grounds, and in whose case, on the basis of evidence during the trial, there remained a reasonable suspicion against their integrity.
- (b) The names of officers of the following categories should not be included in this list.
 - (i) Officers who have been convicted of offences not involving lack of integrity or moral turpitude.
 - (ii) Officers against whom disciplinary proceedings have been completed or are in progress in respect of administrative lapses, minor violations of conduct rules and the like.

(II) Purpose of the List:

This list is intended to keep the organisation informed about such officers of doubtful integrity to ensure that they are not posted to 'sensitive' assignments and that this fact is given due consideration when deciding administrative matters affecting the service of these officers. This list would also help the ministries to know about the officers whose work and conduct need both special attention and closer supervisory scrutiny.

(III) Procedure for Preparation of the List

- (a) The procedure for preparation of the list is given below:
 - (i) The vigilance organisation will prepare a list of officers against whom any disciplinary proceedings for a major penalty are in progress or who have been punished in disciplinary proceedings on a charge involving lack of integrity. A copy of these lists will be sent by the vigilance organisation to the Central Bureau of Investigation every year in the last week of February.
 - (ii) As soon as an adverse report against the officer of the nature mentioned in the scheme is received, the Vigilance Officer should bring it to the notice of the head of the concerned department immediately. A decision in regard to the inclusion of the name of such an officer in the list should be taken as soon as possible.
 - (iii) The Central Bureau of Investigation will suggest the addition or deletion of names on the basis of information available to them and return the lists to Heads of Departments concerned.
 - (iv) If the public undertakings concerned do not agree to the inclusion or deletion of any particular name or names, it will be settled by mutual discussion. The decision of the head of the organisation would be final.

(IV) Action on the List

The purpose of maintenance of this list is to also enable the organisation to take such administrative action as is necessary and feasible. The following administrative actions are open:

- (i) Withholding Certificate of Integrity.
- (ii) Transfer from a 'sensitive' post.
- (iii) Non-promotion, after consideration of his case, to a service, grade or post to which he is eligible for promotion.

- (iv) Compulsory retirement in the public interest (otherwise than as a penalty) in accordance with the orders issued by the government. This is now permissible on completion of the age of 50 with certain exceptions.
- (v) Refusal of extension of service or re-employment either under Government or in a Public Sector Undertakings.
- (vi) Non-sponsoring of names for foreign assignment/deputation.
- (vii) Refusal of permission for commercial re-employment after retirement.

(V) Retention Period:

When the name of an officer has been entered in the list for good and adequate reasons, it will not be removed until a period of three years has elapsed. The period of three years for which the name will be current on the list will count from the date of punishment in disciplinary proceedings or from the date of conviction in a court trial. At the conclusion of this period, the cases of such officers may be reviewed by the Ministry/Department concerned in consultation with the Central Bureau of Investigation, and if during the intervening period there has been no further complaint or information against the officer touching on his integrity, the name may be removed from the list. If at the time of review, it is proposed to continue the name of an officer on the list cogent reason for doing so should exist.

(VI) Transfer of Such Officers

In the event of the officers being transferred to another department, the Vigilance Officer concerned should intimate to his counterpart in the organisation the fact of the officer's name being on the list, endorsing a copy to the Central Bureau of Investigation.

(VII) Maintenance and Custody of the List

It will be the duty of the Chief Vigilance Officer of the organisation to keep these lists up-to-date. The list will be treated as 'SECRET' and the head of the organisation will be responsible for its safe custody. The lists cannot be and are not meant to be fully exhaustive, and these will not fetter the discretion of the organisation in any way.

MHA OM.105/1/66-AVD-1 Dtd 28.10.1969

5.5 Agreed List of Suspected Officers:

(I) The "Agreed list" of suspected officers has its origin in the "Programme for vigilance and anti-corruption work during 1966", whereas the list of public servants of gazetted status of doubtful integrity was prescribed in 1969.

The criteria for making such lists have been provided in the Ministry of Home Affairs Letter No.130/1/66-AVD dated 05.05.1966 and Letter No.105/1/66-AVD dated 28.10.1969.

- (II) The following action would be taken by the CVO and the CBI in respect of the officers appearing on the list:
 - (a) Closer and more frequent scrutiny and inspection of their work and performance by the departments concerned, particularly in spheres where there is scope for discretion or for showing favours;
 - (b) Quiet check about their reputation both by the department and the CBI;
 - (c) Unobtrusive watch of their contacts, style of living, etc., by the CBI;
 - (d) A secret enquiry by the CBI about their assets and financial resources. The departments will make available their property returns and other relevant records to the CBI; and
 - (e) Collection of information by the CBI of specific instances of bribery and corruption practices.
- (III) If these secret checks and enquiries reveal positive material, open enquiries will be started by the C.B.I. and further action taken in light of the results of that enquiry. It may be emphasised that no adverse or punitive action is contemplated against any officer on these lists unless these checks, verifications or enquiries bring forth the adequate material to reasonably conclude that he is lacking in integrity. These agreed lists will remain in force for one year from the date of preparation. At the end of this period, the list will be reviewed, and the names of those officers against whom there is not sufficient evidence to proceed against will be deleted from the list.
- (IV) The CBI branches may prepare their own lists of officers of non-gazetted status about whose integrity or honesty there are complaints, doubts or suspicions, but these need not be the 'Agreed list'. The Superintendents of police of the CBI branches should, however, consult the Heads of the Departments, Public Undertakings and Administration about any names on these lists as and when this is considered necessary. As and when requested by the CBI, the departments etc., should arrange for closure and more frequent scrutiny and inspection of the work of those employees and also for affording assistance to the CBI in making checks and verification about them.

5.6 Vigilance Clearance (VC)

(I) CVC has issued instructions from time to time to improve the vigilance administration in the organisations under its purview and to ensure that the posts in the organisations are occupied by persons with exemplary service and clean vigilance track records.

The Commission advises the organisation in respect of all matters pertaining to maintenance of integrity in administration, which also includes vigilance inputs on the antecedents of public servants. This in common parlance is often referred to as 'Vigilance Clearance'. The Commission has issued guidelines for obtaining vigilance clearance by the organisations in respect of certain categories of public servants.

- (II) The Commission, vide its Circular No. 3(v)/99/4 dated 12.07.1999, issued instructions that "vigilance clearance should be obtained from the Commission in respect of all candidates/officers recommended by the PESB for appointment to any Board level position in PSEs, irrespective of their holding a Board level or below Board level post at that point of time".
- (III) It is clear that vigilance clearance as such is to be granted only by the concerned organisation and therefore maintenance of the career profile and vigilance history of the officers falls within their domain. The Commission considers the vigilance profile furnished by the organisation, duly signed by the CVO. Inputs are also obtained from CBI and the concerned branches in the Commission. Based on the said information, the Commission offers its comments as to whether anything adverse is available on its records against the officer under consideration for empanelment/selection.
- (IV) In BEML, The vigilance clearance procedure has been revised vide :

GB no. 1228 dated 19th April 2011

(a) Cases where vigilance clearance is required before management's approval is accorded:

- (i) Confirmation on appointment/promotion.
- (ii) NOC for issue of Passport.
- (iii) Deputation within the country and foreign assignments, including business/official trips abroad.
- (iv) Personal visits abroad.
- (v) Training abroad, including seminars and conferences abroad.
- (vi) Forwarding of application through proper channel to other PSUs, Government department (both Central and State Governments).
- (vii) To attend interviews for selection for employment in other PSUs/Government Departments (both Central and State Departments).
- (viii) Awards, including National/International.
- (ix) Posting to the sensitive areas, including Transfer to/from Sensitive areas/ Departments, such as Bills payable, Payrolls, Purchase and Stores, Recruitment and Promotions, Security, Vigilance, Construction and Plant Maintenance, Canteen, Sub-Contract Cell, etc.
- (x) Premature retirement

- (xi) Superannuation, Compulsory/Voluntary Retirement
- (xii) Resignation.
- (xiii) Extension/re-employment/commercial employment after retirement.
- (xiv) Recruitment (regular/deputation/contract/assignment basis) to posts in all disciplines of the company, joining from other PSUs/Government Departments (both Central/State Government).
- (xv) Re-employment after retirement from defence services, PSUs and Government Departments (both Central/State Government).
- (b) Further to the above, the relevant format should be utilised by the respective HR Departments while seeking Vigilance Clearance (SAMPARK/manual mode as applicable: Format 04) from the concerned Vigilance Departments in respect of following matters:
 - (i) For the PESB interview/selection
 - (ii) Standard Format (For confirmation/promotion/outside employment, etc.)
 - (iii) For obtaining passport (New/Renewal)
 - (iv) For applying VISA/Travel abroad

The HR Departments concerned are requested to adhere to the formats, without which the Vigilance Department will not entertain such requests.

- (c) Further, it is indicated that vigilance clearance is given by the Vigilance Department based upon vigilance cases initiated/pending/contemplated at the time of seeking vigilance clearance, and such clearance is valid for a period of 30 days. The accordal of vigilance clearance would be preceded by the following procedures:
- (d) Cases investigated and charges proved against the executive/non-executive and report sent to disciplinary authority, along with the gist of charges/punishment awarded, if any, for the last 3 years are to be furnished by respective HR Department.
- (e) If the information in respect of 5.6(IV)(d) is 'nil', then the Vigilance Department should give clearance, stating that there is no vigilance case against the executive/non-executive for the last 3 years.
- (f) Vigilance clearance will not be accorded in case of the following:
 - (i) Contemplation/pending of vigilance cases on the date of vigilance clearance requirement.
 - (ii) Cases pending in terms of CDA Rules/Standing Orders/Service Rules.
 - (iii) Officer/Employee who is under suspension.
 - (iv) Officer/Employee in respect of whom a charge sheet has been issued and disciplinary proceedings are pending.

- (v) Officer/Employee in respect of whom prosecution for a criminal charge is pending.
- (vi) Officer/Employee undergoing a penalty imposed by the Disciplinary Authority or sentence ordered by a Court of Law.
- (vii) Non-submission of up-to-date Annual Property Returns (applicable for officers only).
- (g) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three years after the currency of the penalty. In cases where a major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. This is applicable to all the cases referred for vigilance clearance under para 5.6(IV)(a).
- (h) While seeking vigilance clearance, relevant points as mentioned in the above paragraphs may be provided by the respective HR Department.
- (i) A photocopy of note sheet, along with vigilance clearance given, shall be kept with Vigilance Department for records and reference.
- (j) Vigilance clearance in respect of cases covered under para 5.6 (IV)(a)(xiv) and (xv) shall be obtained from the Vigilance Department of PSUs/Government Departments (both Central/State Government) through their HR department, from where the executive/employee is being recruited or re-employed after retirement.
- (k) Further, at the time of issuance of the offer of appointment, the prospective executive/employee may be requested to furnish a copy of the vigilance clearance given by the Vigilance Department of his/her previous employer. In case the applicant is not in a position to furnish a copy of vigilance clearance as above, the same may be referred to his/her previous employer for clearance, and if the same is not received within 45 days of joining the company, the matter may be referred to CVO, BEML, for getting the clearance from their end. Probation will get closed only after obtaining the vigilance clearance either from the previous employer or from the Vigilance Department of BEML.

(l) Further, vide DoPT OM 104/33/2024-AVD-1A Dtd. 09-10-2024, Vigilance clearance shall be denied on the following grounds:

(i) (a) A complaint has been received against the officer and it has been established by the concerned Government on the basis of at least a preliminary inquiry as stipulated in para 6 of DoPT OM No. 104/76/2024-AVD-IA dated 09.10.2024 Consolidated guidelines regarding handling of complaints in Ministries/Departments/ Organisations/State Governments; or on the basis

of any information that the concerned government may already have in its possession, that there is prima facie substance to verifiable allegations regarding acts of an officer that involve a vigilance angle, such as:

- 1. Corruption, including demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his/her influence with any other official; or obtaining a valuable thing, without consideration or with inadequate consideration from a person with whom he/she has or is likely to have official dealings or whose subordinates have official dealings or where he can exert influence; or obtaining for himself/herself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- 2. Possession of assets disproportionate to known sources of income
- 3. Involvement in cases of misappropriation, forgery or cheating or other similar criminal offences
- 4. Moral turpitude
- 5. Violation of CCS (Conduct Rules), 1964
- (b) Vigilance clearance shall be granted if a preliminary inquiry, if so required, and as envisaged at para (i) (a) above is not initiated by the concerned government within three months from the date of receipt of the complaint or if the preliminary inquiry after initiation remains pending for more than three months without completion.
- (ii) The officer is under suspension.
- (iii) The officer is on the Agreed List, provided that in all such cases the position shall be mandatorily revisited after a period of one year.
- (iv) Disciplinary proceedings have been initiated against the officer as per the approval of the Disciplinary Authority with the issuing of the charge sheet, and the proceeding is pending.
- (v) Orders for instituting a criminal case or sanction for investigation/enquiry/inquiry against the officer have been approved by the Disciplinary Authority/ Government, and the charge sheet is served within three months.
- (vi) A charge sheet has been filed in a court by the Investigating agency in a criminal case, and the case is pending.
- (vii) Sanction for prosecution has been granted by the Competent Authority in a case under the Prevention of Corruption Act,1988 (as amended in 2018) or any other criminal matter, and the case is pending in the trial court.

- (viii) The officer is involved in a trap/raid case on charges of corruption and an investigation is pending.
 - (ix) After an investigation on an FIR filed on the basis of a private complaint, a charge sheet against the officer has been filed by the Investigating Agency in the Court.
 - (x) An FIR has been filed or a case registered by the concerned government against the officer, provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.
 - (xi) The officer fails to submit the Annual Immovable Property Return of the previous year, at the latest, by 31st January of the current year, as required under Rule 18 of the CCS (Conduct) Rule, 1964.
- (xii) In cases where a minor penalty has been imposed on an officer, vigilance clearance will not be granted for a period of three years after the currency of the penalty. In cases where a major penalty has been imposed on an officer, vigilance clearance will not be granted for a period of five years after the currency of the punishment. After the currency of the penalty, the performance of the officer should be closely watched, and vigilance clearance will continue to be denied if the name of the officer is included in the Agreed List or ODI List.
- (m) Vigilance clearance shall be decided on a case-by-case basis by the competent authority, keeping in view the sensitivity of the purpose, gravity of the allegations/charges, and facts and circumstances in the following situations:
 - (i) Where a pre-investigation enquiry undertaken by any investigating agency against the officer in a criminal matter remains pending for more than three months.
 - (ii) Where the investigating agency has not been able to complete its investigations and file charges even after a period of two years from the date of initiation of the investigation. However, such vigilance clearance will entitle the officer to be considered only to be appointed to non-sensitive posts and premature repatriation to the cadre and not for the other matters of the dispensation listed in Paragraph-7 above. Ministries/Departments will identify sensitive posts within their organisations forthwith. All posts of Joint Secretary and above (not equivalent) in the Ministries/Departments shall be treated as sensitive, inter alia.
- (iii) In cases where the investigating agency or the competent authority recommends closure of the case, but the closure of the case/FIR is not permitted by the court.
- (iv) In cases where the Investigating Agency/IO holds the charges as proved, but the Competent Administrative Authority differs on the converse.

- (n) While considering cases for grant of vigilance clearance for the purpose of empanelment of members of Central Civil Services/Central Civil posts, the vigilance status will continue to be ascertained also from the respective Cadre Authority. The comments of the CVC will also be obtained for all cases of empanelment of members of Central Civil Services/Central Civil posts.
- (o) The vigilance clearance will be issued with the approval of the Head of the Vigilance Division for officers to the level of Deputy Secretary/Director in the Ministry/Department. For Joint Secretary/Additional Secretary/Secretary, vigilance clearance will be issued with the approval of the Secretary. In case of doubt, orders of the Secretary in the Ministry/Department concerned will be obtained, keeping in view the purpose for which 'vigilance clearance' is required to be given.

Ref: DoPT OM 104/33/2024-AVD-1A Dtd. 09-10-2024

(V) Vigilance clearance for Board Level Executives:

- (a) Whenever some officer is given additional charge of another post for a short duration i.e., up to 3 months, clearance from the CVC will not be required. In such cases, the CVO of the organisation would give the vigilance clearance (No. 005-VGC-101 Dated: 11th August, 2005). For Board level executives, the CVO of the Ministry will issue the VC.
- (b) In case of PESB selection, CVO of the Ministry may be asked to send the VC of board level functionaries in CPSEs, and CVO of the CPSE may be asked to send the VC of below board functionaries of CPSEs to the PESB.
- (c) DoPT vide OM dated 22.10.2014 on the subject "Guidelines for processing proposals for appointment to Board level posts in Central Public Sector Enterprises (CPSEs)" has issued guidelines as follows:
 - (i) The instructions contained in DoPT's O.M. No.104/76/2011-AVD.I dated 18.10.2013 regarding handling of pseudonymous/anonymous complaints should be strictly adhered to at all levels. Further, as per CVC's instructions issued vide Office Order No.57/8/04 dated 31.08.2004 (Annexure-04), no cognisance should be taken of any complaint received within six months prior to the initiation of the selection process. For this purpose, the date of the interview held by the PESB would be the crucial date, six months prior to which no cognisance would be taken of complaints received against the selected candidates. Such complaints therefore should not have any bearing on the ACC process and would not prejudice the same. Such complaints should, however be dealt with separately and necessary action be taken in the event of any adverse conclusion, even after the appointment is made.

- (ii) In case vigilance clearance is not denied by CVC within the two-months period stipulated above (which would include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarification etc.), the Ministries shall proceed with the appointment process without waiting any further.
- (iii) While submitting such proposals for the consideration of ACC, the Ministry shall provide the complete details of cases/complaints, if any, pending against the selected candidate and their specific views regarding the gravity of the allegations and the culpability of the concerned candidate. While the Ministry may not have much difficulty in processing the proposal when the selected candidate is from an organisation under the control of the same department, some advance action would be required when the candidate is coming from outside. For this purpose, the Ministry shall obtain the complete vigilance profile of the candidate from the concerned Ministry/Department to which the selected candidate belongs as soon as the PESB recommendation is received by them. The Ministry shall also obtain complete details of the cases/complaints, if any, which are pending for enquiry and the concerned department's views thereon.
- (d) DoPT vide OM dated 30.10.2014 on the subject "Policy guidelines for Extension of tenure of Board level incumbents where vigilance clearance is not available' has issued the following procedure:
 - (i) As in the case of fresh appointments, in line with CVC's instructions dated 31.08.2004, no cognisance should be taken of any complaint which is received within 06 months prior to the terminal date of the approved tenure of Board-level appointees. This is imperative, as it has been frequently observed that there is a spate of allegations and complaints against board-level officials whose cases become due for extension of tenure.
 - (ii) The department should take a decision on whether to extend the term of a board-level appointee one year in advance of the completion of his initial term so that adequate time is available for the department to obtain CVC clearance.
 - (iii) Taking into account the vigilance status as on the date six months before the terminal date of initial appointment, the CVC may give its clearance within two months of receiving the reference in this regard from the Administrative Ministry. This limit of two months will include time taken for back references, CBI references/inquiries, etc.

- (iv) Even though complaints received after the cut-off date shall have no bearing upon the process of extension of tenure and would not prejudice the same, such complaints shall be dealt with as per the normal procedure. Disregarding such complaints received after the cut-off date at the time of deciding upon extension of tenure may not be any serious consequences, as the appointment can always be terminated at a later date if the charges are substantiated on the basis of an inquiry.
- (v) In respect of the cases where CVC clearance has been delayed beyond the prescribed timelines, merely on account of procedural reasons, and where there is no denial of vigilance clearance, the case of extension could be processed without waiting any further.
- (vi) In respect of the cases where CVC clearance is awaited, and there are cases/ complaints pending against the officer, the Ministry shall submit to ACC a proposal for extension of tenure at least two months prior to the officer's approved tenure with:
 - 1. All available information in respect of the complaint.
 - 2. Material received from/sent to CVC, including an enquiry report, if any, of the CVO of the Ministry.
 - 3. The comments of the Ministry thereon.
- (e) DoPT vide D.O No 372/4/2016-AVD.III dated 19th January 2017 on the subject "Technology based mechanism for vigilance clearance of CPSEs officers "had taken a decision to introduce a technology-based mechanism that enables efficient vigilance clearance of officers who apply for the senior level posts.
- (f) The implementation of online vigilance status of Board Level Executives of CPSEs would require feeding/updating of data pertaining to the details of the employee's vigilance profile, i.e., pending disciplinary proceedings, status of complaints received, details of prosecution sanctions, Agreed lists, ODIs etc., at regular intervals. While Central Vigilance Officers (CVOs) would be responsible for maintaining and updating data of Board Level Executives, the CVOs of the CPSEs will be responsible in respect of below Board level employees of their organisation.
- (g) Responsibility of CVOs:
 - CVOs will undertake the updating of the vigilance profile regularly as follows:
 - (i) For Board Level Officials and officials who are one level below board, this update will have to be carried out every month. The update will have to be done even if there are no changes in the vigilance profile. Even a nil/clear report will have to be updated every month.

- (ii) For officers who are second level or below, the update will have to be done every three months in the same way as above.
- (iii) As and when the selection process for any vacancy is initiated, the ACC/PESB, as the case may be, will communicate through the online system, the details of officers who have applied against the notified vacancies. Such requests will be reflected in the module of the following stakeholders.
 - 1. Central Vigilance Commission.
- 2. CVOs of the concerned Ministries/Departments of the CPSEs/Organisations where the officials are working depending upon whether the officials are board level or below.
- 3. Central Bureau of Investigation.
- 4. The administrative Ministry/Department under which the vacancy exists.
- 5. The request sent will be flagged online as a priority list and communicated through the registered email. The CVO will ensure the vigilance profile of such officers is updated in a week's time based on the available records. The same will be reflected on the portal with the last date of update being displayed.

(VI) Resignation

- (a) In all cases of resignation, the Competent Authority shall insist, as mandatory measure, on prior vigilance clearance before taking a decision on the request for resignation.
- (b) A checklist of points for consideration of cases of resignation has been prescribed, which inter alia, includes the following points:
 - (i) Whether any inquiry or investigation or disciplinary case is pending or contemplated.
 - (ii) Whether under suspension.
- (c) If an officer against whom an inquiry or investigation is pending (whether he has been placed under suspension or not) submits his resignation, such resignation should not normally be accepted. Where, however, the acceptance of resignation in such a case is considered necessary in the public interest because one or more of the following conditions are fulfilled, the resignation may be accepted with prior approval.
 - (i) Where the alleged offence does not involve moral turpitude.

- (ii) Where the quantum of evidence against the accused officer is not strong enough to justify the assumption that if the departmental proceedings were continued, the officer would be removed or dismissed from service.
- (iii) Where the departmental proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation.
- (d) Concurrence of the Central Vigilance Commission should also be obtained if the CVC had advised initiation of departmental action against the government servant concerned, or such action has been initiated on the advice of the CVC.

Reference: - DoPT O.M. No. 28034/4/94-Estt.(A) dated 31st May 1994

- G.I. MHA (D.P. & A.R.) OM no. 24011/1/76-Estt(B) dtd 17th May 1976 and Clause 6.14.1 of CVC Vigilance Manual 2005.

(VII) Retirement on Superannuation

- (a) The information regarding the pendency of any departmental or judicial proceedings against the government servant is required in order to sanction the pension, gratuity and encashment of leave of the retiring officer.
- (b) Orders on the subject are governed by:
 - (i) Sub Rule 4 of the Rule 9 of the CCS (Pension) Rules, 1972
 - (ii) Sub-Rule (3) of Rule 39 of the CCS (Leave) Rules, 1972
- (c) Vigilance clearance shall be withheld if the officer fails to submit his annual immovable property return (AIPR) of the previous year, at the latest, by 31 January of the following year. In all such cases, where vigilance clearance was withheld due to non-submission of AIPR by 31 January of the following year, vigilance clearance shall not be withheld any further on subsequent submission of AIPR by the officer.

Ref: DoPT OMs no. 11013/17/2023-PP-A.III dated 14th July 2023.

(VIII) Forwarding of Applications for Other Posts

- (a) An application of a government servant for appointment, whether by direct recruitment, transfer on deputation or transfer, to any other post, should not be considered/forwarded if:
 - (i) He is under suspension.
 - (ii) Disciplinary proceedings are pending against him, and a charge sheet has been issued.

- (iii) Sanction for prosecution, where necessary, has been accorded by the competent authority.
- (iv) Where a prosecution sanction is not necessary, a charge sheet has been filed in a court of law against him for criminal prosecution.
- (b) When the conduct of a government servant is under investigation (by the CBI or by the controlling department) but the investigation has not reached the stage of issue of a charge sheet or prosecution sanction or filing of a charge sheet for criminal prosecution in a court, the application of such a government servant may be forwarded together with brief comments on the nature of allegations.
- (c) It should also be made clear that in the event of actual selection of the government servant, he would not be released for taking up the appointment if, by that time, a charge sheet for imposition of penalty under CCS (CCA) Rules, 1965, or sanction for prosecution is issued, or a charge sheet is filed in a court to prosecute the government servant, or he is placed under suspension.

Ref:DoPT OM no. AB 14017/101/91-Estt(RR) dated 14th Jul 1993.

(IX) Issue of Identity Certificate (IC) or No Objection Certificate (NOC) for Issue of Ordinary Passport.

- (a) It is mandatory for the administrative Department/Controlling Authority to check whether any provision of the Section 6(2) of the Passport Act, 1967, are attracted in the case of employees who are working under them while obtaining an Indian Passport. As such, it is required to check the vigilance clearance of such a government servant.
- (b) Vigilance clearance can be withheld only under the following circumstances:
 - (i) The officer is under suspension;
 - (ii) A charge sheet has been issued against the officer in a disciplinary proceeding, and the proceeding is pending.
 - (iii) A charge sheet has been filed in a court by the investigating agency in a criminal case, and the case is pending.
 - (iv) Sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter.
 - (v) An FIR has been filed or a case has been registered by any government entity against the officer after a preliminary fact-finding inquiry.

- (vi) The officer is involved in a trap/raid case on charges of corruption, and an investigation is pending.
- (c) Vigilance clearance shall not be withheld due to a FIR filed on the basis of a private complaint unless a charge sheet has been filed by the investigating agency, provided that there are no directions to the contrary by a competent court of law. However, the information regarding FIR may be provided to the Passport Office. The final decision will be taken by the concerned Passport-Issuing Authority.
- (d) There may be situations wherein wards and relatives of the civil servants residing abroad (for education and other purposes) could be having medical emergencies or family events. The officer him/herself may be require to visit abroad for medical reasons. Therefore, as a policy, ordinarily, a passport will not be granted if a disciplinary proceeding is pending against the officer. However, the competent authority can take a view wherein foreign travel is necessitated due to extreme urgent situations like medical emergencies, etc., on a case-by-case basis.

Ref: DoPT No 11012/7/2017-Estt.A-III Dtd 28th March 2018.

(X) Prior Permission to Visit Abroad

- (a) Prior permission of leave Sanctioning authority is essential before a govt. servant leaves his station or headquarters and more so when he proposes to go abroad during such absence, as such a visit may have wider implications. Vigilance clearance is mandatory for the government servant before he visits abroad.
- (b) Permission to visit abroad may be given or denied by the Leave Sanctioning Authority after going through all aspects, including pending Vigilance/Disciplinary proceedings.
 - Ref: (a) DoPT O.M. no. 11013/7/94-Estt (A) dated 18th May 1994
 - (b) DoPT O.M. no. 11013/8/2000-Estt (A) dated 7th November 2000
 - (c) DoPT O.M. no. 11013/7/2004-Estt (A) dated 5th October 2004

(XI) Pendency of Departmental/Disciplinary Proceedings

- (a) Departmental proceedings shall be deemed to be instituted from the date on which the statement of charges is issued to the government servant.
- (b) The pendency of a disciplinary proceeding starts with the issue of the charge sheet and continues till a final order is made by the disciplinary authority.

(c) A departmental proceeding is deemed to be instituted if the government servant has been placed under suspension from an earlier date on such date.

Ref: Rule 9 (6) (a) of CCS (Pension) Rules and Observations of Allahabad High Court in State of U.P. v. Jai Singh Dixit (1976) 2 LLJ(ALL)246.

(XII) Contemplation of Disciplinary Case

- (a) A departmental enquiry is contemplated when, on objective consideration of the material, the appointing authority considers the case as one which would lead to a departmental enquiry.
- (b) A disciplinary case against a government servant is considered contemplated from the date the disciplinary authority takes a view to proceed, under Rule 14 or Rule 16 of CCS (CCA) Rules, against the officer in a case to the date of issue of the charge sheet.

Ref: Observations of Allahabad High Court in State of U.P. v. Jai Singh Dixit (1976) 2 LLJ(ALL)246

(XIII) Institution of Judicial Proceedings

- (a) In the case of criminal proceedings, judicial proceedings shall be deemed to be instituted on the date on which the complaint or report of a police officer, of which the Magistrate takes cognisance, is made.
- (b) In the case of civil proceedings, judicial proceedings shall be deemed to be instituted on the date the complaint is presented in the court.

Ref: Rule 9 (6) (b) of CCS (Pension) Rules.

(XIV) Online Vigilance Clearance:

(a) For the purpose of vigilance clearance, exclusive software named "SAMPARK" has been developed by BEML and online access has been provided to HR Departments of Division/Corporate to initiate the process of vigilance clearance for the employees in line with the company policy. The employee-related data is maintained in the BEML SAP systems. Annual Property Return(APR) and Vigilance Clearance data are maintained in the "SAMPARK" portal. The HR Dept.

has been authorised to initiate the vigilance clearance process in the SAMPARK portal for promotion, posting to a sensitive area, etc., and against the receipt of the request from the employees for NOC for job, passport, personal visit abroad, etc. The request will be forwarded to Vigilance Department at Division/Complex/Corporate office on real-time basis, along with the necessary HR data and other documents.

(b) The vigilance clearance process involves checking the status of the employee's disciplinary matters, vigilance cases, penalties, suspensions and, including his/her name in the Agreed list, or the ODI list. Upon verification of these details, VC is forwarded to the Corporate Vigilance office and/or put up for approval of HOD vigilance or CVO according to the position/grade. The approved vigilance status is provided to the concerned HR function for further processing. The portal has the provision to access by individuals with a User ID and password for all stakeholders with built-in security features and backups. Each vigilance clearance request bearing a unique ID. The separate vigilance clearance module enables processing of multiple clearances at a time on real-time basis and has enabled fast and hassle-free processing of clearances. Vigilance clearances are issued within less than 48 Hours, and complete backup data of earlier vigilance reports are available online for immediate reference.

(c) VC approving authority:

Location	Category	Initaited by	Co-ordinated by	Approved by
Manufacturing Units	Non-Executives	Unit HR	Divisional Vigilance - VO	Divisional vigilance - Head
	Executive upto Gr - VI		Divisional Vigilance and Corporate Vigilance	EA to CVO
	Gr VII to Gr X			cvo
Corporate Office and RO/DO	Non-Executives	Corporate HR / Marketing HR	Corproate Vigilance	EA to CVO
	Executive upto Gr - VI			
	Gr VII to Gr X			cvo

5.7 Annual Immovable Property Return (AIPR)

- (I) Every government servant belonging to any service or holding any post shall submit an annual return in such form as may be prescribed by the government in this regard, giving full particulars regarding immovable property inherited by him/her or owned or acquired by him/her or held by him/her on lease or mortgage, either in his/her own name or in the name of any member of his/her family or in the name of any other person.
- (II) Departments to ensure that these returns are submitted in respect of every calendar year by 31st January of the next year. It may be impressed upon them that failure on the part of a government servant to comply with the requirement

of the aforesaid rule can form good and sufficient reasons for instituting disciplinary proceedings against him/her.

Ref: DoPT OMs no. 11013/17/2023-PP-A.III dated 14th July 2023.

BEML Circular No:1911 dated 01st October 2024

5.8 Chief Technical Examiners' Organisation (CTEO)

- (I) The Chief Technical Examiner's Organisation became part of the Central Vigilance Commission when it came into existence in 1964.
- (II) Considering the fact that a major chunk of government expenditure was on public procurement and public procurement was one of the important means of delivery in day-to-day governance, other types of procurement were also brought within the purview of scrutiny by the Chief Technical Examiners' Organisation (CTEO).
- (III) The CTEO is headed by two Chief Technical Examiners (CTEs) one of them is generally responsible for the examination of civil/horticulture related procurement cases and matters, and the other for all other types of procurement contracts, viz., supply contracts, electrical/mechanical contracts, IT procurements, consultancy and service contracts, transport contracts, etc., and related matters.

(IV) Role and Functions

- (a) The primary responsibility of CTEO is to conduct technical and financial scrutiny of different procurement cases to ensure better economy and efficiency in the procurement process and thereby to achieve financially and qualitatively better output in fair, equitable and transparent manner.
- (b) Secondly, as the technical wing of the Commission, CTEO advises on specific references by the Commission, involving substantial technical issues and other related matters referred to it.
- (c) To give effect to its main function, CTEO conducts Intensive Examinations (IEs), shortlisting some of the critical procurement cases, with the approval of the Commission, mainly from those reported by different organisations through Quarterly Progress Reports (QPRs), beyond a laid-down threshold value. The procurement cases, so selected, are thoroughly examined right from the stage of their inception to the stage of fulfilment of all contractual obligations and beyond in an objective manner.

In the course of intensive examination, issues involving vigilance anglereflecting gross negligence, grave procedural irregularities, financial imprudence resulting in loss to the organisation, malafide, etc., are converted into vigilance references, with the approval of the Commission and duly followed up, by the concerned vigilance branch of the Commission, with the organisation concerned for suitable disciplinary action or otherwise, against the officials found responsible. Punitive actions, recovery or any other suitable administrative action are also advised against the defaulting firms/contractors.

It needs no over emphasis that systemic improvements, in the matters found lacking in one aspect or the other in the course of the examination, are regularly advised as a measure of preventive vigilance and better performance in times to come.

(d) As a measure of preventive vigilance and system improvement, CTEs/TEs participate in workshops and seminars to share experience and familiarise people with the issues related to public procurement.

(V) Role of CVO in Intensive Examination conducted by CTEO

CVO of the organisation plays a vital role in the intensive examination process. With the limited staff available, CTEO can only undertake intensive examination of a few of the contracts of organisations covered under the jurisdiction of CVC. Therefore, it was felt necessary by the Commission that the CVOs should also undertake a similar intensive examination of procurement contracts in their respective organisations. Other important functions of the CVO in respect of the intensive examination are listed below for timely action to enable the organisation to effect immediate recovery from the contractors/suppliers as well as to ensure accountability of officials responsible for the lapses.

(a) Timely submission of

- (i) QPR
- (ii) Documents required for intensive examination
- (iii) Preliminary examination of the impugned contract and submission of report to CTEO before intensive examination is carried out by the technical examiner and
- (iv) Replies to Intensive Examination Reports/rejoinders
- (v) Investigation report with the assistance of an independent engineer

(b) Ensuring

- (i) Presence of engineers responsible for planning, design, tender scrutiny, award of work and construction during inspection
- (ii) Presence of representatives of CVO during inspection
- (iii) Rectifications of defects in the project/supplies.
- (iv) Recoveries from the contractors for the over-payments

- (v) Implementation of necessary directions issued by the Commission/STEO
- (c) Carrying out a periodical inspection of works with the assistance of the technical staff of CVO in line with CTE's inspection.
- (d) Pursuing, preparing and issuing a procurement manual
- (e) Implementation of guidelines/circulars issued by the Commission/CTEO.

(CVC circular no. 021/VGL/032 dated 05.09.2022)

(VI) CTE Type Intensive Examination by CVOs

In order to bring about qualitative and in-depth improvement in vigilance administration, especially with reference to procurement, both in terms of content and scope, Chief Vigilance Officers of the respective organisations have been mandated by the Commission to carry out intensive examinations like CTEO, of some judiciously chosen contracts. The details of such CTE type inspections are required to be reported in the online Quarterly Performance Report by CVOs.

(VII) Selection of Procurement cases for Intensive Examination by the Chief Vigilance Officer:

- (a) The selection of procurement cases for intensive examination by the CVO should be done out of the procurement cases reported through QPRs and those which have not been reported to the Commission. Each Chief Vigilance Officer shall carry out an intensive examination of not less than 6 procurement cases of different nature (supply, works/services/consultancy etc.,) in a year. Preferably, selection should be done in such a manner that, at least, 3 cases of large value, 2 cases of medium value and 1 case of small value are selected for intensive examination.
- (b) Value of the procurement contracts may be judiciously categorised to decide the large, medium and small value cases, keeping in view the scale and nature of procurement activities in the organisation. The Chief Vigilance Officer shall inform the CTEO about the details of contracts selected for intensive examination so as to avoid duplicity of examination by the CTEO and the Chief Vigilance Officer, if any.

(VIII) **Documents/Records for Examination to be called for by the CVO:**

(a) After selection of the procurement cases for intensive examination, all relevant documents and samples pertaining to the said contract shall be collected and

examined. Following is a list of documents which should normally be requisitioned for taking up an intensive examination:

- (i) 1. Press cuttings indicating publication of Notice Inviting Tender (NIT)/ Expression of Interest (EOI) and subsequent corrigendum(s), if any.
 - 2. Copy of print out in support of publicity of the tender on the website (i) for pre-qualification of architects/consultants; (ii) for pre-qualification of contractors; (iii) call of tenders.
 - 3. Record of sale of tenders.
 - 4. Record of tender opening.
- (ii) Report of Administrative Approval and Expenditure Sanction.
- (iii) Copy of Detailed Project Report (DPR)/Detailed Estimate (DE) and its Technical Sanction by the Competent Technical Authority.
- (iv) Approval of NIT in original and Draft Tender Document.
- (v) Pre-tender Documents.
- (vi) Record of proceedings of Tender Scrutiny Committee (TSC)/Tender Evaluation Committee (TEC):
 - 1. for selection of architects/consultants;
 - 2. for contractors/suppliers/other service providers.
- (vii) Record of the current assessment of the cost to assess the reasonableness of the L1/H1 offer.
- (viii) Details regarding negotiations, if any, conducted with a recording of reasons before acceptance of tenders.
- (ix) Record of acceptance of tender by the Competent Authority.
- (x) Original contract with consultant/contractor.
- (xi) Guarantee bonds towards Performance Guarantee, Security Deposit, Specialized items, Machinery/Mobilization/Material Advances, etc., including extension of their validity, if any.
- (xii) 1. Insurance Policies for work, materials, equipment, men, etc., including extension of validity;
 - 2. letter of credit in original.
- (xiii) Guarantee for water tightness/proofing, termite proofing, etc.
- (xiv) Standard specifications, inspection documents.
- (xv) Standard Schedule of Rates.
- (xvi) Drawing Architectural and Structural.
- (xvii) All connected measurement books, level books, field books and lead charts.

- (xviii) All bills paid in original/running account bills with all connected enclosures/statements/vouchers.
- (xix) Statements showing details of the check of measurements by superior officers, and copies of the order laying down such requirements.
- (xx) 1. Materials at site accounts of cement, steel, bitumen, paints, waterproofing compound, pig head, anti-termite chemical, etc.;
 - 2. Stock/issue register of stores.
- (xxi) Site order book/test records/log books.
- (xxii) Details of extra/substituted items and of deviated quantities being executed considered for execution in the work along with an analysis of rates.
- (xxiii) Hindrance Register.
- (xxiv) Office correspondence files and inspection notes issued by the inspecting officer and their file.
- (xxv) Complaint records, if any.
- (xxvi) Any other documents relevant to the procurement process. This list is not exhaustive; CVO may requisition more documents, as considered necessary, for an effective and holistic examination of the procurement case.

(IX) Check Points to carry out Intensive Examination by CVO:

- (a) No number of instructions can be adequate and all-inclusive to lay down the areas/points, to be covered in the course of an intensive examination across the different organisations. It is only out of experience in an organisation that a CVO will get to know about the sensitive areas/activities/stages which are to be kept under watch. However, a broad list of the points to guide intensive examination in any organisation is as follows: -
 - (i) Objective to be fulfilled by way of undertaking the procurement process under examination;
 - (ii) Feasibility study, if any, before formulating the project;
 - (iii) Assessment of the requirement/quantity, any past trend, forecast, etc.;
 - (iv) Preparation of a realistic cost estimate; administrative and technical approvals of the proposal by the competent authorities; sanction of the expenditure by a competent authority; budgetary provisions, etc.;
 - (v) Various aspects related to the tendering stage of the procurement process, including the nomination basis award;
 (CVC Circular No. 06/07/18 dated 11.07.2018 & Circular No. 04/04/21 dated 06.04.2021)
 - (vi) Various aspects related with the post tendering and execution stage of the procurement process;

- (vii) Availability and compliance of the extant policies/instructions/guidelines, including the Public Procurement (Preference to Make in India) Order 2017 as revised from time to time, on the subject matters of procurement under examination of the GoI or CVC; availability, compliance and regular updation (in light of extant policies/instructions of the GoI/concerned bodies and current trends and practices, as considered relevant to the overall objectives of the procurement process) of Departmental Codes/Manuals/Instructions on the subject matters of procurement under examination;
- (viii) Leveraging technology–status of implementation of Procurement, e-Auction, e-Reverse Auction, etc.;
- (ix) Training of the officials dealing with the procurement process in different aspects of procurement;
- (x) Timely fulfilment of the objective, to be met by way of the procurement process under examination.
- (b) During the Intensive Examination/CTE Type Intensive Examination, it is to be kept in mind that the Commission's guidelines relating to procurement/sales, etc., would not be applicable to projects funded by the World Bank and other international funding agencies.

(X) Intensive Examination Report:

- (a) Based upon scrutiny of documents and field inspections carried out, the Chief Vigilance Officer shall summarise the findings in the form of a Preliminary Report. Wherever required, references shall be made to the concerned unit heads, seeking clarification and/or advising immediate interim actions, if any. The reply from the concerned unit head will be made in a time-bound manner, within 15 days from the date of receipt of reference from the Chief Vigilance Officer or as decided by him depending upon the merit of the case.
- (b) After due consideration of the reply/clarification received from the concerned unit heads, intensive examination report shall be prepared.

(XI) Follow-up Action on the CTE Type Intensive Examination Report:

- (a) The CVO shall submit the Intensive Examination Report for information and necessary action. The management shall take appropriate/corrective/punitive action(s) with regard to the report within 90 days from the date of its receipt and ensure taking them to finality.
- (b) Where serious irregularities, grave misconduct, negligence, etc., are observed on the part of any public servant and disciplinary actions, or otherwise, involve advice of the Commission, the same shall be processed within 90 days from the date of preparation of the report.

- (c) The CVO shall report details/information regarding these intensive examinations and the outcome to the Commission through quarterly/annual reports.
- (d) Regular submission of Quarterly Progress Reports, as per laid down instructions, and qualitative aspects of the minimum prescribed number of Intensive Examinations by the CVO will be considered by the Commission while assessing the annual performance of the CVO.

Detailed guidelines on the subject are available in 'Guidelines for Intensive Examination of Public Procurement Contracts by Chief Vigilance Officers'.

(CTEO circular no. 021/VGL/032 dated 05.09.2022)

5.9 INTEGRITY PACT (IP):

(I) Background:

- (a) To ensure transparency, equity, and competitiveness in public procurement, the Commission has recommended the adoption and implementation of the Integrity Pact (IP) by Ministries/Departments/Public Sector Enterprises, Public Sector Banks, Insurance Companies, Financial Institutions and Autonomous Bodies, etc.
- (b) The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer, committing the persons/officials of both sides not to resort to any corrupt practices in any aspect/stage of the contract. Only those vendors/bidders, who commit themselves to such a pact with the buyer would be considered competent to participate in the bidding process. In other words, entering into this pact would be a preliminary qualification. The essential ingredients of the Pact include:
 - (i) A promise on the part of the principal not to seek or accept any benefit that is not legally available;
 - (ii) Promise on the part of bidders not to offer any benefit to the employees of the principal that is not available legally;
 - (iii) Principal to treat all bidders with equity and reason;
 - (iv) Bidders are not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
 - (v) Bidders are not to pass any information provided by the principal as part of the business relationship to others and not to commit any offense under PC Act/IPC.

- (vi) Foreign bidders to disclose the name and address of agents and representatives in India and Indian bidders to disclose their foreign principals or associates;
- (vii) Bidders to disclose the payments to be made by them to agents/brokers or any other intermediary;
- (viii) Bidders to disclose any transgressions with any other company that may impinge on the anti-corruption principle. The date of such transgression, for the purpose of disclosure by the bidders in this regard, would be the date on which cognisance of the said transgression was taken by the competent authority. The period for which such transgression(s) is/are to be reported by the bidders shall be the last three years, to be reckoned from the date of bids submission. The transgressions, for which the cognisance was taken even before the said period of three years but are pending conclusion, shall also be reported by the bidders.
- (c) Any violation of the Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules/Guidelines, etc., as may be applicable to the organisation concerned.
- (d) IP would be implemented through a panel of Independent External Monitors (IEMs), appointed by the organisation. The IEM would review independently and objectively whether and to what extent parties have complied with their obligations under the Pact on receipt of any complaint from the bidder(s).
- (e) An Integrity Pact, in respect of a particular contract, shall be operative from the date the IP is signed by both parties. The IEMs shall examine all the representation/grievances/complaints received by them from the bidders or their authorised representative related to any discrimination on account of lack of fair play in the modes of procurement and bidding systems, tendering method, eligibility conditions, bid evaluation criteria, commercial terms and the conditions, choice of technology/specification, etc.
- (f) For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an investigation, and submit their joint recommendations to the management. In case the full panel is not available due to some unavoidable reasons, the available IEM(s) will conduct an examination of the complaints. Consent of the IEM(s), who may not be available, shall be taken on record.
- (g) The role of the CVO of the organisation shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by

the CVO in terms of the provisions of the CVC Act or vigilance manual if a complaint is received by him/her or directed to him/her by the Commission. CVO and/or the officials of the vigilance wing should not be associated by IEM's during the examination of the complaints in any manner.

(II) Implementation procedure:

- (a) The provision for the Integrity Pact is to be included in all requests for proposal/tender documents issued in future in respect of procurements that meet the criteria laid down by the Ministry/Department in terms of the department of expenditure's OM dated 19.07.2021.
- (b) In all the tenders covered under IP, particulars of all IEMs including their e-mail IDs should be mentioned instead of mentioning details of a single IEM.
- (c) The purchase/procurement wing of the organisation would be the focal point for the implementation of IP.
- (d) It has to be ensured, through an appropriate provision in the tender document, that the Integrity pact is deemed part of the contract so that the parties concerned are bound by its provisions.
- (e) A clause should be included in the IP that a person signing the IP shall not approach the courts while representing the matters to IEMs and he/she will await their decision in the matter.
- (f) In the case of the joint venture, all the partners of the joint venture should sign the integrity pact. In the case of subcontracting, the principal contract shall take responsibility for the adoption of IP by the subcontractor. It is to be ensured by all sub-contractors also sign the IP. In the case of subcontractors, the IP will be a tri-partite arrangement to be signed by the organisation, the contractor, and the subcontractor.
- (g) The final responsibility of the implementation of IP vests with the head of Organisation/CMD/CEO of the organisation.

(III) Role and Duties of IEMs

- (a) The IEMs would be provided access to all documents/records pertaining to the tender for which a complaint or issue is raised before them, as and when warranted.
- (b) The procurement win of the organisation shall hold the quarterly meeting with the IEMs. A summary of contracts awarded in the previous quarter, which are covered under the IP, shall be shared with the IEMs during the quarterly meeting. Such a summary of the contracts should include details like tender number, mode

- (c) of tendering, period allowed for publicity, number of bids received, number of bidders considered eligible, and name and address of the successful bidder.
- (d) The above summary of contracts is to help IEMs in analysing whether the appropriate mode of tendering is being adopted by the organisation, i.e., limited tender mode, or nomination mode or not unduly used; number of bidders is not too low; a large number of bidders are not excluded while judging the eligibility or during the technical bid evaluation stage; and whether a particular firm or set of particular firms is repeatedly getting the contracts etc. Based on their analysis, IEMs can suggest to the management suitable systemic improvements and measures to improve objectivity in decision-making, capacity building, etc.
- (e) It would be desirable to have structured meetings of the IEMs with the Chief Executive of the organisation on a half-yearly basis to discuss/review the information on tenders awarded during the preceding six months' period. Additional such meetings, however, can be held as per requirement. All such meetings with the procurement wing or with the chief executive of the organisation should be minuted.
- (f) IEM should examine the process integrity; they are not expected to concern themselves with fixing the responsibility of officers. Complaints alleging malafide on the part of any officer of the organisation should be looked into by the CVO of the concerned organisation.
- (g) In the event of any dispute between the management and the contractor relating to those contracts where an Integrity Pact is applicable, in case both parties are agreeable, they may try to settle the dispute through mediation before the panel of IEMs in a time-bound manner. If required, the organisations may adopt any mediation rules for this purpose. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties.
- (h) In case the dispute remains unresolved even after mediation by the panel of IEMs, the organisation may take further action as per the terms and conditions of the contract.
- (i) All IEMs should sign non-disclosure agreements with the organisation in which they are appointed.
- (j) IEMs would also be required to sign a declaration of absence of conflict of interest. A person acting as an IEM shall not be debarred from taking up other assignments such as consultancy with other organisations or agencies subject to his/her declaring that his/her additional assignment does not involve any

conflict of interest with existing assignments and it is not a full-time assignment. In case of any conflict of interest arising at a later date from an entity wherein he is or has been a consultant, the IEM should inform the CEO and recuse himself/herself from that case.

5.10 Review System:

- (I) CVOs of all organisations would keep the Commission posted with the implementation status through their annual reports and special reports, wherever necessary.
- (II) All organisations are called upon to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and ensure its effective implementation.

Ref: CVC circular: 015/VGL/091 Dtd 14.06.2023

5.11 System Study/Systemic Improvement:

- (I) Systemic improvement in an organisation, as a part of a preventive vigilance strategy, causes a change, which not only alters a fundamental system/process being followed till now but also improves the efficaciousness of the whole organisation.
- (II) Systems and processes are essential building blocks of an organisation and play a part role in its growth. It is, therefore, very important to consider the significance and accuracy of the systems and procedures especially when business scenarios are dynamic and changing very fast.
- (III) A potential tool in the fight against corruption, as it improves upon existing systems and establishes in-built checks within the system to bring about more clarity, standardisation and transparency in the operation.
- (IV) Each Division shall conduct a minimum of two (2) system studies per year on subjects identified by Corporate Vigilance. Upon completion of each system study, a detailed report shall be submitted within the timelines, including recommendations for systemic improvement based on the analysis conducted during the study.

5.12 Vigilance Awareness Week (VAW):

(I) The Commission has been observing Vigilance Awareness Week every year since the year 2000 as an outreach campaign to spread awareness against corruption among citizens, especially among youths and students. The VAW begins in the

week in which the birth anniversary of Bharat Ratna Sardar Vallabh Bhai Patel, the first Home Minister of India, falls. A specific anti-corruption theme is selected every year for observance of VAW.

- (II) It should be a five-day programme beginning from 31st October to 4th November.
- (III) Normally, the President, Vice President, Prime Minister, Home Minister and CVC address the nation through their messages on this occasion. Such messages received would be given wide publicity through the media and also through the CVC website.
- (IV) The Vigilance Awareness Programme would begin with an Organisational Pledge and Integrity Pledge. The pledge would be administered by the head of the department or the senior-most officer available and taken by all public servants, irrespective of their status on the occasion.
- (V) After the pledge, the message from the President, Vice President, Prime Minister, Home Minister, CVC, etc., would be read out to the audience.
- (VI) The Chief Vigilance Officer will consider taking the following steps depending upon the financial resources
 - (a) To display banners, posters, etc., at prime locations in their office at the corporate centre, regional centre, zonal offices, factories/works, public places, etc.
 - (b) To organise seminars at different locations on the occasion and to invite prominent faculty from the area to address the participants. The CVC/VC will also address the participants in some of the seminar.
 - (c) To organise competitive debates/lectures on anti-corruption topics amongst the employees and to distribute prizes.
 - (d) To organise competitive lectures/debates on anti-corruption methods at the student levels in the colleges/schools in the city and to award prizes for the best participation.
 - (e) To issue special journals during the week; and
 - (f) To conduct gram sabhas and conduct various programmes on the anticorruption theme or on the theme set by CVC for the said year.
 - (g) To request the non-government organisations, institutions and service associations in the local area to also participate in the vigilance awareness campaign.
- (VII) The participants in the programme can also select specific procedures or offices and study them and make suggestions about how corruption can be checked by simplification or improvement of procedure by bringing in greater transparency and speed in the disposal of work apart from spreading the message on the role of citizens in fighting the corruption.

5.13 Integrity Club at School/College

- (I) With an objective to create awareness amongst the students in the schools and colleges on the importance of imbibing values like honesty, integrity, ethics, moral values, etc. Integrity clubs were started by the Vigilance Department of BEML at various schools in Bangalore (BEML Shishya Public School) and KGF (BEML Composite PU College, (BCPUC), KGF, Jain International School, Bangarpet, and Sri Datta Sai School, Bethamangala).
- (II) Key objectives of an Integrity Club are :
 - (a) Promote Ethical Behaviour: Encourage students to act with honesty, fairness and respect in all areas of life.
 - (b) Develop leadership Skills: Provide students an opportunity to lead by example and inspire their peers.
 - (c) Build Accountability: Guide students to take responsibility for their actions and decisions.
 - (d) Community Engagement : Organise events that foster social responsibility and kindness.
- (III) Activities conducted at the Integrity Club:

Workshops and seminars, Guest Lectures, role-pay sessions, pick and speak, Distribution of books on integrity, Narration of quotations and proverbs related to integrity during daily school assembly, march past/cultural programme, etc., as a part of day-to-day activities, Monthly and quarterly activities, special events.

Ref: Various statutory provisions are described under BEML CDA Rules and Standing Orders.

BEML HR Service Manual, MAY 2009, and CDA vide GB No. 1360 Dtd 14.11.2019

Chapter 6 COMPLAINTS AND INVESTIGATIONS

CHAPTER 6

Complaints and Investigations

Introduction

- (a) BEML strives to achieve commercial success with emphasis on self-reliance, profitability and competitive strengths to meet challenges from other Indian as well as foreign companies. In order to achieve these objectives, there has to be greater transparency and accountability in the functioning of managers who are handling operations, expenditure and sales. The organisation has to get the best possible results with effective vigilance against unethical acts, corruption and malpractices. These unethical acts come to notice through complaints, supervisory controls, surprise checks, source information, etc.
- (b) A complaint is a piece of statement or information containing details about offences/irregularities/alleged to have been committed either under the PC Act 1988, or malpractice/misconducts under conduct rules governing specified categories of public servants.

6.1 Source of Complaints

- (I) Information about fraud, corruption, malpractice or misconduct on the part of public servants may flow to the administrative authority, the Commission, the CBI or the police authorities from any of the following or other sources:
 - (a) Complaints received from employee(s) of the organisation or from the public.
 - (b) Departmental inspection reports, stock verification reports and reports of irregularities in accounts detected during routine audits of accounts.
 - (c) Scrutiny of annual property returns.
 - (d) Scrutiny of transactions reported under the Conduct Rules applicable.
 - (e) Audit reports on government accounts and on the accounts of central public undertakings and other corporate bodies, etc.
 - (g) Reports of Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings.
 - (h) Proceedings of the Houses of Parliament.
 - (i) Complaints and allegations appearing in the print and electronic media.
 - (j) Intelligence shared by agencies like CBI, ACB, Lokayukta, etc.

- (II) Information about corruption, malpractice and misconduct may also be gathered by the CVOs by adopting appropriate methods, keeping in view the nature of work of the respective organisation.
- (III) Information about corruption and malpractices on the part of public servants may also be received from their subordinates or other public servants in the form of complaints.

6.2 Action on Audit Reports, including CAG Paras, News Items, etc.

- (I) The reports of internal audit, statutory audit and Comptroller and Auditor General are important tools of preventive vigilance, as they provide an independent periodic check of the efficacy of the internal controls within the organisation and create awareness about areas at risk of fraud or weak controls. The Commission has advised CVOs to look into all such reports with the objective of identifying vigilance issues. As a strategy of good governance, the Commission has been advising all government organisations to evolve a strong internal audit mechanism.
- (II) The audit report of the CAG many a time reveals not only administrative and financial irregularities but also actual cases of misconduct and corruption. The CAG reports are generally well documented and would be useful in bringing the corrupt public servants to book. The valuable information available through the CAG's reports in the form of documented cases of misconduct or corruption calls for prompt action on the part of the disciplinary authorities.

(CVC Circular No. 3(V)/99/14 dated 16.05.2001)

(III) CVOs in all the organisations must scrutinise internal and external audit reports, including the audit report of the CAG, to check whether any cases of misconduct or corruption are revealed in them. In all such cases, immediate action must be initiated against the public servants concerned through the standard practice of referring vigilance cases to CVC.

(CVC Circular No. 3(V)/99/14 dated 16.05.2001)

(IV) All serious cases of malpractices reported by CAG which are perceived to have a vigilance angle would also be sent to the Commission for examination and follow-up action. On receiving such references from CAG, the Commission would take follow-up action with the disciplinary authorities. In this way, it will be ensured that the cases of corruption and issues having a vigilance angle are not lost sight of and there is effective synergy between CAG and the Commission to strengthen the system to fight corruption.

(CVC Circular No. 3(V)/99/14 dated 16.05.2001)

(V) The audit reports (internal, statutory and Comptroller and Auditor General) are also authentic sources which reveal not only instances of inappropriate activities but also point out specific and serious violations of rules/procedures, etc., involving suspected acts of corruption. These reports should be scrutinised by the CVOs and other authorities concerned to look for any possible misconduct. In case any vigilance angle is perceived, the same has to be brought to the notice of the Commission for further appropriate action, as per the Commission mandate and relevant rules, etc.

(CVC Circular No 021/VGL/051 dated 24.12.2021)

6.3 Complaint Handling Policy of CVC

- (I) The complaint handling policy of the Commission has been laid down in detail in:
 - i. CVC Circular No. 98/DSP/9 dated 15.12.2014
 - ii. CVC Circular No. 004/VGL/020 (pt.) dated 01.07.2019.
 - iii. CVC Circular No. 021/VGL/051 dated 24.12.2021
 - iv. CVC Circular No. 021/VGL/051 dated 03.11.2022

(II) Applicability

The guidelines shall apply to the complaints made against the following categories of officials, who are covered under the jurisdiction of the Commission:

Sl	Organisation	Category of Officers
No		
1	Central Public Sector Undertakings	Chief Executives and
	(a) Schedule "A" and "B"	Executives on the Board
		and other officers of E-8
		and above

6.4 Complaints Forwarded for Necessary Action (N.A.) or Closed Without Any Action

(I) Complaints Forwarded to CVOs for Necessary Action

- (a) In respect of those complaints which are forwarded to CVOs of respective organisations for Necessary Action (N.A.), the CVO is required to scrutinise the complaints thoroughly and decide action on such complaints within a period of one month from the date of receipt of the complaint from the Commission.
- (b) Before initiating action on complaints forwarded for Necessary Action (N.A.), CVO should seek confirmation from the complainant for owning or disowning the complaint, as the case may be, together with a copy of his identity proof, as the

Commission does not seek confirmation from the complainant on such complaints.

- (c) In respect of the complaints referred by the Commission to CVOs for necessary action, in case they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission, the case must be referred back to the Commission for obtaining its First Stage Advice. In such complaints, the timeline of three months for completion of investigation and submission of report would apply. Otherwise, such complaints require no further reference to the Commission and are to be disposed of by the organisations concerned themselves after taking required action.
- (d) CVO should update the status of complaints sent for necessary action on the Commission's website at www.portal.cvc.gov.in.

(Commission's Circular No. 004/VGL/020 (Pt.) dated 13.08.2020).

(e) In case it has been decided to send the complaint to the CVO concerned for necessary action, the complainant will also be informed about the same. In such a scenario, the responsibility of informing the complainant about the outcome of the complaint would lie with the CVO of the organisation concerned, through the portal itself.

(Commission's Circular No. 021/VGL/051 dated 03.11.2022)

(II) Complaint Closed Without Any Action

The following categories of complaints would ordinarily be closed without taking any further action on the same: -

- (a) Complaints which are anonymous/pseudonymous or contain vague, frivolous, non-specific allegations
- (b) Complaints about sub judice matters
- (c) Complaints against private persons, state government officials, members of Parliament or state legislature, elected representatives of other bodies, members of judiciary officials or private organisations, etc., which are not covered within the Commission's jurisdiction
- (d) Complaints which are illegible

6.5 Procedure for Handling Complaints Received Against Chief Executives/CMDs and Functional Directors of PSEs

(I) Complaints against the Chief Executives and Functional Directors of Public Sector Undertakings and the CMDs received by authorities other than the Commission

will be placed before a group of officers headed by the Secretary (Coordination) in the Cabinet Secretariat. The detailed procedure for the same is laid down in DoPT's OM No. 104/100/2009-AVD.I dated 14.01.2010 as amended by Corrigendum of the same no. dated 08.03.2010 and in DPE's OM No. 15(1)/2010/DPE (GM), dated 11.03.2010 as amended by OM of the same no. dated 12.04.2010 and dated 11.05.2011.

- (II) The complaints received in the Commission against Chairmen/CMDs/MDs/CEOs/Functional Directors of CPSEs would be forwarded to the CVO of the Administrative Ministry for obtaining an investigation report or for necessary action.
- (III) Complaints referred by the Commission to the Ministries/Departments against categories of officials as mentioned in para 4.4 (b) above, are to be dealt/inquired into, and a report is to be submitted to the Commission by the respective authorities to whom the complaints are sent. Such complaints or reports thereon should not be forwarded to the group of Secretaries or Group of Officers for consideration.

(Commission's Circular No. 010/VGL/008 dated 27.07.2010 and 14.03.2011).

6.6 Action on Complaints Received by Organisation:-

Complaints received by the Ministries/Departments/Organisation in respect of the employees under their administrative control are to be dealt with by the administrative ministry/organisation concerned.

6.7 Initial Action on Complaints Received by Ministries/Departments/ Organisations

(I) Every Vigilance Section/Unit will maintain a vigilance complaint register in Form CVO-1, in two separate parts for category 'A' and category 'B' employees. A specimen of Form CVO-1 is annexed as **Format - 01** to these guidelines. Category 'A' includes such employees who are covered under the jurisdiction of the Commission, whereas category 'B' includes other employees. If a complaint involves both categories of employees, it should be shown against the higher category, i.e., Category "A".

- (II) Every complaint, irrespective of its source, would be entered in the prescribed format in the complaints register chronologically. A complaint containing allegations against several officers may be treated as one complaint for statistical purposes.
- (III) Entries of only those complaints in which there is an allegation of corruption or improper motive, or if the alleged facts prima facie indicate an element or potentiality of a vigilance angle, should be made in the register. Complaints of purely administrative matters or technical lapses should not be entered in the register and should be dealt with separately under "non-vigilance complaints".
- (IV) A complaint against an employee of a public sector enterprise received by the administrative ministry concerned and also in the commission will normally be sent for inquiry to the organisation where he is employed. Such complaints should be entered in the vigilance complaints register of that organisation only and not in the vigilance complaints register of the administrative ministry in order to avoid duplication and inflation of statistics, except in cases in which, for any special reason, it is proposed to deal with the matter in the ministry itself without consulting the employer organisation.

(V) Scrutiny of Complaints

Each complaint will be examined by the Chief Vigilance Officer and the following actions should be taken:

- (a) If the allegations are vague, general and prima facie unverifiable, the complaint may be dropped and filed by CVO. Wherever considered necessary, the Head of Department may also be consulted.
- (b) A further check, a preliminary inquiry/investigation, may be made to verify the allegations to decide whether or not the public servant concerned should be proceeded against departmentally or in a court of law or both, if complaints give definite information to do so. Detailed guidelines about the nature of investigation and the agency, which should be entrusted with it, are given in Chapter V of CVC Manual 2021. The information passed on by the CBI to the ministry/department regarding the conduct of any of its officers should also be treated in the same way.

(VI) Disposal of Complaints

(a) A complaint which is registered can be dealt with as follows: (i) file it (close it) without or after investigation, or (ii) forward it to the CBI for investigation/appropriate action; or (iii) forward it to the authority concerned for appropriate action if no vigilance angle is involved: or (iv) to take up for

detailed investigation by the vigilance wing of the organisation. An entry to that effect would be made in columns 6 and 7 of the Vigilance Complaint Register (Form CVO-1) with regard to "action taken" and "date of action", respectively. A complaint is to be treated as disposed of in the Quarterly Performance Report (QPR) either on the issue of charge sheet or on the final decision for closing or dropping the complaint. If a complaint is taken up for investigation by the vigilance wing or in cases in which it is decided to initiate departmental proceedings or criminal prosecution, further progress would be monitored through other relevant registers. If there were previous cases/complaints against the same officer, it should be indicated in the remark's column, i.e., Column 8.

- (b) Complaints received from the Commission under the provisions of PIDPI Resolution are not required to be verified for genuineness by the organisations, as the process of verification/confirmation is completed in the Commission prior to referring it for investigation or further necessary action. Therefore, such complaints should be taken up for investigation by the organisations immediately upon receipt of the same from the Commission. Such complaints shall, in other words, be treated as registered immediately on receipt. The authorities concerned are required to send the report to the Commission within three months from the date of receipt of the reference.
- (c) Complaints received by the Department where the Commission has called for an investigation report, shall be treated as a signed complaint (not required to be verified for genuineness) and taken up for investigation.

(Commission's Circular No. 01/01/2015 dated 23.01.2015)

6.8 Parallel Investigation by Departmental Vigilance Agency And The CBI

(I) Once a case has been referred to and taken up by the CBI for investigation, further investigation should be left to them and a parallel investigation by the Departmental agencies should be avoided. Further action by the Department in such matters should be taken on completion of investigation by the CBI on the basis of their report. However, the departmental agency is not precluded from investigating the non-criminal misconducts in such matters for achieving quick results and if they decide to do so, the CBI should be informed of the non-criminal aspects which the departmental agency is investigating. Further, if the Departmental proceedings have already been initiated on the basis of investigations conducted by the Departmental agencies, the administrative authorities may proceed with such Departmental proceedings. In such cases, it would not be necessary for the CBI to investigate those allegations, which are the subject matter of the Departmental inquiry proceedings, unless the CBI apprehends criminal misconduct on the part of the official(s) concerned.

CVC Circular No. 99/VGL/87 dated 30.09.2005 may be kept in view.

(II) Instances have come to the notice of the Commission that while CBI is investigating allegations made in a complaint against a public servant on issues involving criminal misconduct, the concerned organisation does not take up investigation into other misconducts contained either in the same complaint or in other complaints which are of departmental nature, pending investigation by CBI. It is to be clarified that the concerned organisation shall enquire/investigate

on issues which are not being investigated by CBI and take the matter to logical conclusion as per laid down procedure. Further, if CBI is investigating criminal misconduct by a bank employee or a borrower relating to some loan/fraud/forging of accounts, etc., the bank must not wait for CBI to complete its investigation to initiate action for recovery

6.9 Referring Matter For Investigation

(I) The Commission has issued instructions that investigations into criminal misconduct including financial irregularities and frauds should be entrusted to the CBI. Such cases are to be entrusted to the CBI if the allegations (i) are criminal in nature (e.g., bribery, corruption, forgery, criminal breach of trust, possession of assets disproportionate to known source of income, cheating, etc. or (ii) require inquiries to be made from non-official persons; or (iii) involve examination of private records; or (iv) need expert police investigation for arriving at a conclusion; or (v) need investigation abroad. Further, the CVOs of the CPSEs are also required to interact frequently and exchange information with CBI on a quarterly basis. The CPSEs should ordinarily send to the CBI only cases involving transactions not less than 25 lakhs or otherwise possessing national or international ramifications; and other cases are to be sent to the local police authorities.

As a general rule, investigations into criminal matters involving officials of the CPSEs should be entrusted to the Anti-Corruption Branch of CBI with the approval of the CMD. If involvement of officials of the CPSE is prima-facie not evident, the matter should be referred to the Economic Offences Wing of CBI. Criminal matters of the above nature would be referred to the local police/State police only in matters wherein CBI has refused/rejected to take up investigations or where transaction value is less than Rs. 25 lakh.

(II) Further, CVOs of the CPSEs are required to interact frequently and exchange information with CBI on quarterly basis. In their Quarterly Performance Reports, CVO should report regularly to the Commission the details of cases/matters noticed in the CPSEs and the action taken status thereon.

6.10 Competency To Refer Matter to CBI

All Chief Vigilance Officers, subject to the administrative approval of the Chief Executive concerned, have complete discretion to refer the above types of cases to the CBI. In case of difference of opinion between the CVO and the Chief Executive, matter needs to be referred to the Commission

6.11 Complaint Handling Policy - BEML

(I) Process of Complaint Handling

- (a) Every complaint, from whatever source received, should be entered in the Register of Complaints chronologically as it is received or taken notice of. A Regular Case (RC) number is to be obtained from Vigilance Administration, which will be used as the unique serial number for all correspondence in the matter till its logical conclusion or till the case is registered for preliminary or regular investigations. A complaint containing allegations against several officials may be treated as one complaint for the purpose of registration and should be shown against the highest-ranking official.
- (b) Whenever a preliminary open Inquiry needs to be conducted into an irregularity/case, the concerned investigation officer will obtain proper approval of the CVO on the note sheet. This number will be used as the unique serial number for all correspondence in the matter till its logical conclusion or till the case is registered for regular investigations. A PI is to be registered only to ascertain whether a prima facie case exists.
- (c) When it is established that a prima facie case exists and it is necessary to conduct detailed investigations involving recording of statements by various officials/employees associated with the case, analysing the outcome and finally making recommendations in the case (punitive or preventive), the concerned IO should obtain approval of the CVO on the Note Sheet for registering an RC. As in earlier types of cases, the RC number will thereafter be the unique serial number for all correspondence till the logical conclusion of the case. All cases registered as RC must be reported to the CVC in the Monthly Reports, and IOs must ensure that the schedule of time limits for investigations to be completed within three months is strictly adhered to. All cases referred for investigations and reports by the CVC/MOD need to be registered as RC upfront before commencing investigations. All cases involving officers at two levels below board level and above, which fall under the jurisdiction of the CVC, need to be registered in a separate register and need to be categorised as Category A cases.
- (II) The complaint handling policy of BEML has been released vide GB 1581 dated 30th January 2015. The same is reproduced below:

(a) Preamble:

- (i) Complaints containing information about corruption, malpractice or misconduct by public servants are received in a decentralised manner. CVOs receive complaints from many decentralised locations also. According to the prevailing practice, what is sent to the CVO from different decentralised locations entirely depends on the appreciation of the 'vigilance angle' or otherwise by the officers controlling these decentralised locations.
- (ii) In such a system there is every chance that a complaint with a vigilance overtone may not be forwarded to the CVO, due to a lack of appreciation or for other bonafide reasons. This has also been revealed through the vigilance audit by the CVC in some organisations.
- (iii) In order to have uniform practices and procedures in the handling and processing of complaints in an organisation, it is imperative that a 'Complaint Handling Policy' is laid down for receipt, handling and processing of all types of complaints/grievances from the public, contractors, vendors, suppliers, etc.

(b) Objective:

Any complaint/grievance received in the organisation by any functionary containing any element of alleged corruption, malpractices or misconduct, etc., should necessarily be sent to the CVO of the organisation for scrutiny and action.

(c) Complaint:

Receipt of information about alleged corruption, malpractice or misconduct on the part of public servants, from whatever source, would be termed a COMPLAINT.

(d) Types of Complaints:

- (i) **Identifiable or Signed Complaints:** These are complaints wherein the identity of the complainant is mentioned by virtue of name, contact details, etc. Further, the complainant owns/confirms the details mentioned in the complaint, when the complainant is contacted at the address/contact no. mentioned in the complaint.
- (ii) **Pseudonymous Complaints:** (bearing a false or fictitious name; writing or written under a fictitious name) These are complaints wherein the identity of the complainant is mentioned by virtue of name, contact details, etc.

However, when the signatory of the complaint is contacted at the address/contact no. mentioned in the complaint, the complaint is either disowned or there is no response within a reasonable time.

- (iii) **Anonymous Complaints**: These are complaints where the complainant has not revealed a verifiable, or traceable or contactable identity while making the complaint.
- (iv) **Source Information:** Source information received by the Vigilance Department shall be reduced in writing and shall be treated as a signed complaint.

(e) Action on Complaints Received by Vigilance Department:

The complaints received directly by the Vigilance Department have to be marked or forwarded to the CVO (in original) for deciding the further course of action.

(f) Action on Complaints Received by Sections/Departments of Division, Complex, RO/DO:

- (i) **Nodal Agency:** Under the Complaint Handling Policy of BEML Limited, the Chief of HR, Corporate office is notified as the Nodal Agency.
- (ii) Any complaint, as defined, received by the Heads of Sections/Departments of Complex should invariably be forwarded to the respective Complex HR Heads who inturn shall forward the same to Chief of HR, Corporate Office. Similarly, the complaints received at ROs/DOs and Corporate Office shall also be forwarded to Chief of HR, Corporate office.
- (iii) Chief of HR, Corporate Office shall receive the complaints from the respective HR chief of the Complex/Division/ROs/DOs in original and send the same to CVO as and when received to decide upon the existence of a vigilance angle vide BEML circular No. 1581 dated 30.01.2015.
- (iv) Every complaint, irrespective of source, should be entered in the Complaint Register in the prescribed format (Format 01). The respective HR department shall then forward the complaints as and when received to the Chief of HR, Corporate office. No other action on the complaint should be initiated by the respective HR department at this stage.

(g) Scrutiny of Complaints:

- (i) All complaints, including Anonymous/Pseudonymous received by/forwarded to the Nodal Agency will be sent to CVO as and when received.
- (ii) No action is required to be taken on the anonymous complaints, irrespective of the nature of allegations, and such complaints need to be simply filed.
- (iii) Complaints containing vague allegations could also be filed without verification of the identity of the complainant.
- (iv) If a complaint contains verifiable allegations, CVO will take cognisance of such a complaint.
- (v) In such cases, the complaint will be first sent to the complainant for owning/disowning, as the case may be. If no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. After waiting for 15 days after sending the reminder, if still nothing is heard, the said complaint may be filed as pseudonymous.
- (vi) The decision with regard to the existence of a vigilance angle in such a complaint case will be taken by the CVO. The CMD or his nominee may, if there are valid reasons, within a period of 15 days, differ from the CVO. In case of a difference between CVO and CMD, the matter will be referred to the CVC for advice. Otherwise, the complaint will be registered in the Vigilance Complaint Register, and the CVO will then process the matter further to decide as to whether the allegations or the matter requires further investigation or should be entrusted to the CBI or local police or taken up departmentally.
- (vii) A case may be entrusted to the CBI with the approval of the CMD if the allegations:
 - 1. Are criminal in nature (e.g., bribery, corruption, forgery, criminal breach of trust, possession of assets disproportionate to known sources of income, cheating, etc.); or
 - 2. Require inquiries to be made from non-official persons; or
 - 3. Involve examination of private records; or
 - 4. Need expert police investigation for arriving at a conclusion or need investigation abroad.

A decision in this regard shall be taken by the CMD within 15 days from the date on which papers are received by him for consideration and decision.

(viii) A complaint involving a board-level appointee, alone or with others, shall be forwarded to the CVO of the Administrative Ministry.

(h) Methods of Receiving Complaints in BEML:

- (i) Through the Vigilance Portal of BEML website 'www.bemlindia.in'.
- (ii) Through the drop boxes placed at various locations.
- (iii) Directly/By post/Source.
- (iv) Through Ministry/CVC/CVC Portal/CBI

6.12 Action on Anonymous/Pseudonymous Complaints:

(I) The instructions/guidelines issued from time to time in the matter by DoPT/CVC are as follows: -

DoPT OM No. 104/76/2011-AVD.I dated 18.10.2013 and Commission's Circular No. 07/11/2014 dated 25.11.2014 provide that no action is required to be taken on anonymous complaints irrespective of the nature of the allegations, and such complaints need to be filed.

- (II) The Commission has furnished clarifications vide *Circular No.03/03/16 dated 07.03.2016* regarding action to be taken on anonymous/pseudonymous complaints which were acted upon and were at different stages of process (including disciplinary proceedings) before issuance of Commission's *Circular No. 07/11/2014 dated 25.11.2014*. The following actions are to be taken in such matters:
 - (a) No action should be taken on anonymous/pseudonymous complaints in line with the Commission's Circular No. 07/11/2014 dated 25.11.2014, and such complaints should be filed.
 - (b) However, where the action was initiated on anonymous/pseudonymous complaints prior to the issuance of the Commission's *Circular No.3(v)/99/2 dated 29.6.1999*, it can be pursued further and be taken to its logical end.
 - (c) Where action was initiated on anonymous/pseudonymous complaints between the period 11.10.2002 and 25.11.2014 with prior concurrence of the Commission but the same has not been concluded, further action is permissible on such complaints.

- (d) Material/evidence gathered during the investigation/verification of anonymous complaints when the action was prohibited on such complaints (i.e., between 29.6.1999 and 11.10.2002) or where such inquiry was initiated without the approval of the Commission can be utilised for further initiation of disciplinary proceedings on misconducts noticed in such verification/inquiry.
- (III) It may be noted that the procedure for handling anonymous/pseudonymous complaints has been modified in view of the fact that complainants who desire to protect their identity now have the protection of the *Public Interest Disclosure and Protection of Informers Resolution 2004 (PIDPIR). Relevant instructions on this have been issued vide DoPT OM No. 104/76/2011- AVD.I dated 18.10.2013.*

(CVC Circular No. 021/VGL/051 dated 24.12.2021)

6.13 Preliminary Inquiry (P.I.)

- (I) The purpose of a preliminary investigation is to ascertain the existence of a Vigilance angle in the complaint, and this should be done within ONE MONTH from the date of receipt of the complaint CVC Circular No.000/VGL/18, dated 23rd May, 2000.
- (II) Each complaint will be examined by the CVO to see whether there is any substance in the allegations made in it which merit being looked into. Where allegations are vague and general and prima facie unverifiable, the investigating officer may decide, with the approval of the CVO, that no action is necessary and the complaint should be dropped. However, in respect of such complaints pertaining to the officers in whose case CVC's advice is necessary, as well as complaints received from the CVC or CBI, the P.I. Report will be forwarded to the CVC (with the views of the CMD), CVO, or CBI, as the case may be. The CVO will take a decision based on the recommendations of IO regarding 'Lodging' or 'Filing' of a complaint, but under information to the CVC/CBI, as the case may be.
- (III) Whenever a P.I. report is required to be sent to the CVC, the Investigating Officer should conclude his investigation within a period of two weeks and forward the Report to the CVO so that the decision on the existence of vigilance angle is taken within the stipulated period of one month.
 - (a) A preliminary inquiry may result in one of the following decisions:
 - (i) The complaint is lodged (having no vigilance angle).
 - (ii) The complaint with no vigilance angle is forwarded to the concerned department for administrative action.

- (iii) A prima facie vigilance angle is found and the case is taken up for detailed investigation and registered as an RC.
- (b) Preliminary Inquiry Guidelines: The Preliminary Inquiry may be done keeping in view the matters having Vigilance angle. The investigation process is a comprehensive activity involving:
 - (i) Information Collection
 - (ii) Application of Logic.
 - (iii) Exercise of Sound Reasoning.
- (c) The objective is to seek answers to the basic questions: What, Who, Where, When, How and Why.

What - Happened? (Wrongful Omission/Commission).

Who - Did it/Was responsible (Persons, i.e., Employees of the Company or Outsiders).

Where - To look for and find Information? (Location/documents/files).

When - The Incident occurred/act was committed? (Time period).

How - The act was committed? Means? (Methodology).

Why - The act was committed? Motive? (Malafide or Bonafide).

- (d) Answers to the above investigative questions can be developed through observation or by communication.
- (e) On receipt of a complaint, the following checklist may be prepared by the investigation Officer within three days in consultation with the EA to CVO:
 - (i) Veracity of the complainant.
 - (ii) List out allegations made, departments and persons involved against each allegation.
 - (iii) Inspect the site/office/premises for possible evidence.
 - (iv) Collect the files and documents with reference to the allegation for examination. Seizure of files/documents to be taken possession of by the Investigation Officer (IO) should be done at the earliest.
 - (v) Study the system/rules/guidelines on the subject.
 - (vi) Study the past practices.
 - (vii) Study delegation of powers. Whether any discretionary power been used?
 - (viii) Gather information from persons around (selection of persons is important). Recording a statement at this stage may not be necessary.

- (ix) Analyse the facts and conclude about the existence of the vigilance angle in the complaint.
- (x) Prepare and submit a P.I. Report within two weeks.

6.14 Registration of Regular Case (RC)

- (a) After it has been decided, with the approval of the CVO, that the allegations contained in a complaint should be looked into departmentally. Corporate Vigilance may conduct the detailed investigation themselves or entrust it to one of the Vigilance Officials as an Investigating Officer.
- (b) The detailed investigation may be made in several ways depending upon the nature of the allegations and the judgement of the investigating officer.
 - (i) If the allegations contain information which can be verified from documents, files or other departmental records, the IO should, without loss of time, secure such records, etc., for personal inspection. If any paper is
 - found to contain evidence supporting the allegations, it should be taken over by him/her for retention in his/her personal custody to guard against the possibility of the available evidence being tampered with later on. If the papers in question are required for any current action, it may be considered whether the purpose would be served by substituting authenticated copies of the relevant portions of the record, the originals being retained by the Investigating Officer in his custody. If that is not feasible, the officer requiring the documents or papers in question for current action should be made responsible for their safe custody after retaining authenticated copies for the purpose of inquiry.
 - (ii) In cases where the alleged facts are likely to be known to any other employee of the department, the investigating officer should interrogate them orally or ask for their written statement. In case of oral interrogation, a full record of the interrogation may be kept, and the person interrogated may be asked to sign as a token of his confirmation of his statement.
 - (iii) If necessary, important facts disclosed during oral interrogation or in the written statement should be sought to be corroborated.
 - (iv) If it is necessary to make enquiries from the employees of any other government department or organisation or PSE or Bank, the investigating officer should seek the assistance of the CVO/nodal authority concerned for providing the necessary facilities.

- (v) During the course of the detailed investigation, the concerned employee, as a fundamental administrative requirement, should also be given an opportunity to tender his version of the facts so as to find out if he has any plausible explanation. In the absence of such an explanation, the concerned employee may be proceeded against unjustifiably. There is, however, no question of making available to him/her any document at this stage. Such an opportunity need not be given in cases in which a decision to institute departmental proceedings is to be taken without any loss of time, e.g., in cases in which the public servant is due to superannuate soon and it is necessary to issue charge sheet to him/her before his retirement.
- (vi) If the public servant complained against is in-charge of stores, equipment, etc., and there is a possibility of his tampering with the records pertaining to such stores or equipment, the enquiry/vigilance officer may consider whether the public servant concerned should not be transferred immediately to other duties. If considered necessary, he may seek the assistance of the Head of the Department or Office in doing so.
- (vii) While, normally, the preliminary enquiry will be made by the vigilance officer himself, he may suggest to the administrative authority to entrust the inquiry to any other officer considered suitable in the particular circumstances of the case, e.g., it may be advisable to entrust the conduct of the preliminary enquiry to a technical officer if it is likely to involve examination and appreciation of technical data or documents. Similarly, the administrative authority may entrust the inquiry to an officer of sufficiently higher status if the public servant complained against is of a senior rank.
- (viii) While conducting the inquiry, it is recommended that the Enquiry Officer may take the help of the Scientific Tools and Forensic Tools to aid the enquiry / investigation, whenever required.
- (ix) Where a case involves both criminal misconduct as well as flagrant violation of systems and procedures of the organisation, further investigation into the former should be left to CBI. The PSE concerned may, however, simultaneously consider the latter and initiate appropriate disciplinary proceedings, in accordance with the prescribed procedure, if required. The CVO of the PSE and the DIG concerned with the CBI should coordinate their efforts to ensure that violations of rules, regulations and PSE norms which are best covered under RDA are left to the disciplinary authority to deal with. The CBI on the other hand, should focus their investigation on the criminal aspects of the case.

6.15 Internal Investigation

(I) Procedure (Questionnaire)

- (a) What is the Task?: The first and foremost requirement is to understand the task properly. It should be clear to the I.O. as to what exactly is the scope and purpose of the investigation.
- (b) **How to Approach?**: The I.O. should adopt an objective and analytical approach, must make the suspected employee confident that he is not biased against him/her. If the suspected employee volunteers "Administration", it should be recorded and his signatures obtained thereon.
- (c) **How to Plan ?**: The I.O. must plan his work carefully before beginning to record the evidence. He must know what are all the documents required and who the persons are whose evidence may be recorded.
- (d) What are all the Documents to Inspect?: In departmental proceedings, the documentary evidence is of paramount importance. A witness may lie, but a document will not. In departmental proceedings, a case built on documentary evidence is always on a stronger ground than the one based on oral depositions. A careful study of documents will help in planning future steps.
- (e) **Whom to Examine?**: After a thorough scrutiny of the documents, the I.O. should be in a position to reconstruct the situation and find out the various persons involved in the matter. This I.O. should be able to spot whom to examine and about what.
- (f) **How to Examine the Witnesses ?** : Before examining the witnesses, the I.O. should acquaint himself fully with the relevant rules and procedures governing the situation. Keeping in view these factors and the role analysis of the witnesses done earlier, the I.O. may plan his investigation. The I.O. should be courteous and gentle to the witnesses. Intimidating or browbeating a witness must be avoided. The witness should be asked to offer the facts in her/his possession.
- (g) **How to Examine a Suspected Employee ?**: The suspected employee should be taken into confidence before his evidence is recorded. He/she may be examined as the last witness after collecting all other evidence. The examination of the suspected employee is a very important process and is extremely useful in processing the case further.
- (h) **How to Analyse the Evidence?**: The objective of the I.O. is to find out the truth. He/she should, after collecting all documentary and oral evidence, analyse and draw up his conclusions. He/she must avoid presenting a motivated and coloured report and thus should not do injustice to the suspected employee. In a reasonable manner, the report should contain an analysis of the various pieces of

evidence recorded and the conclusions drawn therefrom. In his/her report, the I.O. should not say that the allegations stand proved against the employee concerned; at best he/she can say that, on the basis of the evidence on record, the allegations prima facie appear to be correct.

(II) Investigation Technique

Investigation of complaints is not always a straightforward matter. Investigation techniques are acquired by experience and a strong will to investigate. A good investigation is essential to unearth the hidden truth behind a complaint. In order to achieve this goal, the investigators should be properly trained, and they should develop basic investigation skills and capacities. A skilled investigator can pick up valuable clues which a normal investigator may not be able to see, even if such clues are lying clear on the surface.

(III) Investigation Process:

- (a) Examination and recording of allegation:
 - (i) Examine the complaint for the allegations made. Identify/bring out the allegations, which may be one or more.
 - (ii) Record the allegations in clear, well-directed and specific terms.
 - (iii) Record names of persons(s), department, etc., against whom the allegations have been made.
- (b) Based upon the allegation:
 - (i) List out files to be examined and immediately seize them from their location.
 - (ii) List out any documents/records to be scrutinised and take them into possession without delay.
 - (iii) List out persons directly involved in the allegations for interrogation in the future, but make no immediate communication with them till the files/documents/records are examined in totality.
 - (iv) If any file/record could not be seized due to non-availability at their location, send a written demand for the same to the custodian.
- (c) Examination of Files/Records:
 - (i) Keep the specific allegation in mind and flag pages wherever related matters appear in Files/records.

- (ii) Carefully go through the files/records page by page and note down the events/notings, etc., date-wise, i.e., prepare a short history of the events separately.
- (iii) There may be points arising out of the scrutiny having some vigilance angle which can form an allegation other than or separate from those in the complaint.
- (iv) Flag those pages and record all such points separately. Bring out the allegation in clear-cut terms from all such points and enlist it in the list of allegations with a note mentioning its source.
- (d) Results of the Examination : Examination done at (c) above will result in either of the following :
 - (i) No evidence substantiating the allegation is found.
 - (ii) *Evidence substantiating the allegations is found.
- (IV) Action Taken After Investigation: Based on the above result, the following actions may be taken:
 - (a) Depending on the merit of the complaint/allegations made, the case can be either closed or further pursued. If the allegations are such that they could only be established through evidence in files/records etc., and the basis of the complaints rests on these alone, then the investigation can be concluded with the approval of CVO.
 - (b) *If the basis of the complaint does not rest on files/records scrutinised alone, then the persons/agencies who can contribute to substantiating the allegations or from whom further clues can be obtained will have to be identified.
 - (c) Both the situations marked * above will lead to obtaining statements from persons or interrogation of persons involved.

(V) Interrogation

(a) Call the person to be interrogated, giving her/him the date, time, venue, etc., through written intimation to her/his superior/Sectional Head/HOD. In the case of exigency, the same can be done over the telephone. No disclosure is to be made about the nature of the complaint/allegations in this intimation. Only in cases where personal documents like a Birth Certificate, School Leaving Certificate, etc., are required to be seen/examined, she/he shall be asked to bring them with her/him.

- (b) The statements/replies obtained during the interrogation are extremely valuable. Therefore, these have to be recorded at the time of interrogation, and, as per the norm, one copy of the same has to be handed over to the person interrogated.
- (c) Keeping the allegation fully in focus, prepare a list of queries which must be raised and the clarifications that need to be obtained well in advance of the interrogation, so that no point is missed. Though the necessity of calling the same person more than once cannot be ruled out, try to cover all aspects of the allegations in the very first interrogation to avoid giving her/him a feeling of harassment.
- (d) When the person to be interrogated arrives:
 - (i) Welcome her/him heartily.
 - (ii) Do not let her/him feel that you are prejudiced about her/his guilt/misconduct.
 - (iii) Give no indication about the allegation to begin with, till the same becomes essential for further questioning.
 - (iv) Keep cool while putting questions even when the answers given are irrelevant and go on recording them. Repeat your queries in specific terms till satisfactorily replied.
 - (v) If documents, etc., are shown to her/him for verification/authentication, the same must be recorded in the proceedings. Such documents should also be signed by her/him as "SEEN".
 - (vi) If the person under interrogation names some other person, get the same recorded with full details. If she/he refers to files etc., not in hand, record these and take her/his commitment to submit the same within a fixed date.
 - (vii) Ensure all points are covered. Most of the time, the reply given leads to the next question to be asked. Even in some situations, queries may get directed to a completely new dimension, issue or area of concern.
 - (viii) During the course of interrogation even a fresh case may crop up; be prepared for that.
- (e) At the end of the interrogation:
 - (i) Ensure correctness of recording of all statements.
 - (ii) Read out the replies/statements given by the person interrogated.
 - (iii) Get each page signed and also at the end with the date.

- (iv) Hand over the copy after obtaining a receipt for the same.
- (f) The result of the interrogation shall now be analysed in totality along with the result of scrutiny of files/records wherever applicable. This may lead to the following:
 - (i) The allegations are not established.
 - (ii) The allegations are established in full or partly established.
 - (iii) New cases with separate charges may evolve.
- (g) In all the situations, a comprehensive report with recommendations has to be submitted to the CVO, enclosing all the documents and statements.
 - (i) For a case at f(i), the recommendation shall be to close the complaint.
 - (ii) For case f(ii), depending upon the severity of misconduct, the recommendation can be either initiation of RDA for Minor Penalty or Major Penalty proceedings.
 - (iii) For f(iii), begin with another investigation afresh with the allegations evolved.

6.16 Regular Case (RC) Report

- (I) The objective of the investigating officer is to find out the truth. After the detailed investigation has been completed, the I.O. should prepare a self-contained report, containing inter alia the material to controvert the defence and his own recommendations.
- (II) The structure of the report may be formulated as under:
 - (a) Specific allegations on each of the issues contained in the complaint.
 - (b) Facts on each allegation along with documentary and oral evidence relied upon.
 - (c) Analysis with respect to relevant rules, procedures, guidelines and the explanation of the suspected employee.
 - (d) Findings, clearly bringing out the wrongful omissions/commissions on the part of each of the suspected officials and the wrongful loss caused to the company.
 - (e) Need for system improvements, if any, with recommendations.
- (III) The Report of the Investigating Officer should be comprehensive and completely documented so as to enable the Disciplinary Authority to form an opinion as to

- (IV) whether to take disciplinary or any other action. Seized documents and the statements of the witnesses and the suspected employee recorded during the investigation should be enclosed with the investigation report.
- (V) CVC have provided detailed guidelines vide their Circular No.21/8/09 communicated vide letter N.006/PRC/1 dated 6th August, 2009 on the documents to be submitted for seeking their First Stage Advice in cases involving officers under their jurisdiction (two levels below Board level: in the case of BEML, officials at the level of General Manager and above). These guidelines detail the parameters according to which a Vigilance Report needs to be submitted. For ease of application and understanding, all Vigilance Reports (whether or not relating to the cases to be referred to CVC for advice) will conform to these parameters which are reproduced below:

6.17 Vigilance Report:

The constituents of vigilance report are as given below:

- (a) Source.
- (b) Gist of Allegations.
- (c) Facts.
- (d) Observations.
- (e) Response of the Officials Concerned.
- (f) Counter to the Response.
- (g) Conclusion.
- (h) Responsibility of Officials.
- (i) Recommendation for Action.
- (j) Recommendation for Systemic Improvement.
- (a) **Source**: Background of the Report, whether based on source information, a complaint referred to by the CVC, CTE/CTE-type inspection or direct inquiry, etc.

(b) Gist of Allegations

- (i) Specific and verifiable allegations should be extracted from the complaint.
- (ii) One allegation shall correspond with one alleged25 act of commission/willful omission.
- (iii) The allegations will drive the points to be probed.

(c) Facts

- (i) The relevant facts relating to the issue under examination should be presented in chronological or activity-wise sequence.
- (ii) Each fact should be supported by documentary evidence (other forms of evidence may also be presented) denoted as E1, E2, E3, etc. Since the facts occur in chronological order, the evidence E1, E2, E3, etc., should necessarily be arranged below the report in the same order, thus making it easier for reference.
- (iii) While annexing the evidence, the relevant portion of the said document should be highlighted for ready access. For example, the evidence for educational qualifications for promotion should consist of the photocopy of only the clause prescribing the qualifications and not the whole 20 pages of the promotion policy.
- (iv) There may be several issues in a report which may be conveniently arranged as different paras viz., 2.1, 2.2 etc.
- (v) All relevant facts required to support the observations/conclusion should be gathered and presented. Irrelevant facts, bearing no consequence on the issues under inquiry, should be avoided.
- (vi) Evidence presented should be credible and adequate.

(d) Observations

- (i) Ordinarily, observations are logical deductions arrived at through a set of facts. They are in the nature of discrepancies or anomalies observed with reference to the gathered facts. There may be several observations arising out of the analysis of facts.
- (ii) Observations are also arrived at by evaluating the facts against certain criteria, viz., rules, regulations, policies, procedures, norms, good practices or normative principles. Evidence of these criteria (extracts of rules, procedures, etc.) should also be presented as E1, E2, etc.

(e) Response of Officials Concerned

(i) It is necessary to elicit the reasons and clarifications of the management or the officers concerned for the anomalies pointed out in the observations. Every deviation from rules or procedures cannot be attributed to a malafide/corrupt intent. There may be situations where it may be difficult to achieve the objective of a task by strictly abiding by the rules. Rules may

be circumvented while expediting the work or in the larger interest of the work, with good intentions. It is, therefore, essential for Vigilance to distinguish between acts of omission and acts of commission. Therefore, obtaining the response of the officers concerned is essential in order to arrive at an objective conclusion.

(ii) A response from the management is also necessary in order to clarify differences in interpretation/understanding of the issues between Vigilance and the management.

(f) Counter to the Response

In order to sustain the observations made by Vigilance, it is necessary to counter the defence given by the management/officers concerned with facts and supporting evidence. It should be clearly and convincingly brought out why the explanation given by the management is not tenable.

(g) Conclusion

- (i) The Conclusion is the logical summation of the observations. The observations denoting various counts of irregularity, lapses, or impropriety should finally lead to a logical conclusion on whether the case involves commission of irregularity/impropriety with the intention of corruption.
- (ii) Undue favour given to a party or obtained for oneself and its adverse impact on the government or the citizens in terms of additional cost, poor quality or delayed service should be clearly highlighted.

(h) Responsibility of Officials

- (i) Having determined the vigilance angle in the case, the next step is to fix the accountability of the individuals involved in the misconduct. Names of the officers should be clearly stated in this paragraph.
- (ii) The role of each officer should be judged with reference to his prescribed charter of duties. In case the Tender Committee is responsible for the misconduct, then, as far as possible, all members should be held responsible equally and collectively.
- (iii) Comments of disciplinary authority should invariably be included.

(i) Recommendation for Action

(i) Recommendation for closure of the case, if it is found that there is no discernible vigilance angle or criminal misconduct, should be clearly spelt out.

(ii) The biodata of the officials reported against in the investigation report should be included in the given format.

(j) Recommendation for Systemic Improvement

Punitive action on the detection of corruption does not by itself lead to a logical conclusion unless it is able to prevent the recurrence of the lapse. Any fraud, corruption, irregularity or impropriety indicates a failure of control mechanisms or gaps in systems and procedures. Therefore, each case throws up an opportunity to identify these control failures and suggest ways of plugging them to prevent the recurrence of the lapse. Report should also cover the recommendation on systemic improvements in order to prevent the risk of a recurrence of the lapse/misconduct.

6.18 Action on Investigation Report

- (I) After completion of the investigation within the prescribed time schedule, a report in the specified format shall be submitted for the perusal of CVO. Further action shall be initiated based on the directives of the CVO.
- (II) For cases falling within the CVC's jurisdiction (officers who are two levels below Board level), a reference to the CVC needs to be made for their First Stage Advice after obtaining the comments of the DA. The biodata of the suspected officials, an assurance memo signed by the CVO and draft charge sheet to be issued to the delinquent should also be sent along with the report, along with a tabular statement as prescribed by CVC's circular dated 1st December, 2008, which contains the names of the delinquents, the allegations levelled against them, and the findings of the vigilance investigation, with the recommendations of the CVO and the DA.
- (III) Other cases may not ordinarily be referred to the CVC unless, due to special reasons, the Commission calls for a report or, in cases where the PSE would like to seek the advice of the Commission. (Ref. CVC letter No.98/VGL/51 dated 11 August, 1999).
- (IV) As per CVC's instructions, in a composite case which includes officers/staff who are not within the commission's jurisdiction along with other officers who come within the commission's jurisdiction, reference would be required to be made to the CVC in respect of these 'other' officers and staff too.

6.19 Action on Complaints Received by CPSE

(I) The following procedure may be followed: -

- (a) Guidelines as laid down in preceding paras are, by and large, common to all and need to be followed by every CVO.
- (b) Initially, the decision about the existence of a vigilance angle in a complaint may be taken by the CVO. The Disciplinary Authority (DA) may differ with the CVO within a period of 15 days, giving valid reasons. However, in case of a difference of opinion between the CVO and the Disciplinary Authority (DA) regarding the existence of a vigilance angle, the matter, along with the investigation reports on the complaint, would continue to be referred to the Commission for its first stage advice.

(CVC Circular No. 07/04/15 (015-MSC-016) dated 27.04.2015)

- (c) After registering the information as a complaint in the Vigilance Complaint Register (physical or electronic form), he would then process the matter further to decide as to whether the allegations are general or vague and deserve to be filed or the matter requires further investigation. In the latter case, he would also have to decide as to whether the investigation into the allegations should be entrusted to the CBI or local police or taken up internally.
- (d) In exercise of its functions and powers, the Commission can call for a report in respect of any complaint having a vigilance angle relating to an organisation covered under the Commission's jurisdiction. Wherever the Commission calls for 'investigation and report' on a complaint, the report of the investigation should normally be sent to the Commission. However, after investigation, if it is found that the officials involved in the case are not covered under the commission's jurisdiction, the matter may be dealt with by the CVO of the organisation concerned himself. However, action taken by the CVO may be intimated to the Commission in order to monitor compliance. Further, it is clarified that in so far as PIDPI complaints are concerned, the Commission has jurisdiction over all officials (irrespective of their level) of the organisation covered under the Commission's jurisdiction. Therefore, in respect of PIDPI complaints, an investigation report is to be sent to the Commission for all categories of officials.

6.20 Handling of Complaints Against Board Level Officials

(I) A complaint involving a board-level appointee, whether figuring alone or in association with others, is to be forwarded by the CVO of the CPSE to the CVO of the administrative ministry. Under no circumstances should the CVO of an organisation initiate action against the board-level appointee in his organisation. The CVO of the administrative ministry would initiate action on such complaints in accordance with the instructions given in CVC Manual Chapter III, para 3.5.

- (II) In a case where the Commission calls for an investigation and report against a board-level appointee, the CVO of the administrative ministry shall initiate investigations and furnish a report to the Commission in the prescribed format.
 - (CVC Circular No. 06/03/11 dated 14.03.2011)
- (III) If the CVO of an administrative ministry asks for a factual report against a board-level appointee from the CVO of the organisation concerned, the latter will send the same to the CVO of the ministry/department, after endorsing a copy of the report to the CMD. The CVO of the ministry/department may make a reference to the commission after collecting all the relevant facts after following the prescribed procedure.
- (IV) If a complaint against a Board-level appointee is directly received by the CPSEs, the CVO shall forward the same to the CVO of the administrative ministry for consideration.
- (V) In the case of PSEs, sometimes, it is found that there is a spate of complaints against individuals whose names are being considered/finalised for board Level appointments. Similarly, when an official is due for promotion, sometimes old complaints are taken cognisance of and investigations are started against the official. In order to avoid unnecessary harassment of the officials, against whom frivolous complaints are received at the time of their promotion, selection or empanelment, the Commission has decided that for the purpose of giving vigilance clearance in such cases: -
 - (a) As a rule, complaints/cases which are more than 5 years old and against which no action has been taken till then should not be taken into cognisance. However, the limit of 5 years will not apply to cases of fraud and other criminal offences; and
 - (b) No cognisance should be taken of any complaint which is received up to 6 months prior to the initiation of the selection process for board Level officials.

(CVC's Office Order No. 57/8/04 dated 31.8.2004)

6.21 Handling of Complaints Against CVO, VO, etc.

Any complaint against the CVO should be immediately referred to the commission, and the Commission would decide the further course of action thereon. However, the complaints against the other vigilance functionaries shall be looked into by the CVO personally, and further action would be taken as per prescribed procedure.

6.22 Action Against Persons Making False Complaints

(I) There are specific provisions in law to deal with false, frivolous, and motivated complaints. The same are not evoked ordinarily for the sake of genuine complainants. However, in cases where it can be established that the complaints were lodged with a malafide/ulterior motive to harass or harm an innocent government servant, necessary action could be taken against such complainants as per law.

The following actions may be taken against persons making false complaints:

- (a) Under Section 182 of the Indian Penal Code, 1860, a person making a false complaint can be prosecuted.
- (b) Under Section 195(1)(a) of the Code of Criminal Procedure, 1973, a person making a false complaint can be prosecuted on the basis of a complaint lodged with a court of competent jurisdiction by the public servant to whom the false complaint was made or by some other public servant to whom he is subordinate.
- (c) If the person making a false complaint is a public servant, departmental action may also be considered against him as an alternative to prosecution.

6.23 Withdrawal of Complaints by Complainant

Some complainants, after confirming the complaint made by them, make a request for withdrawing the same or stopping the inquiry/investigation by the Commission/organisation. It is to be noted that once a complainant confirms the complaint and action has been initiated for inquiry/investigation by the Commission/organisation, it is not permissible to withdraw/stop such enquiry/investigation even if the complainant withdraws the complaint. The allegations contained in the complaint have to be taken to its logical conclusion irrespective of complainant's request for withdrawal of the complaint.

6.24 Public Interest Disclosure and Protection of Informers Resolution, 2004 (PIDPI) Complaints

Introduction

Department of Personnel and Training's Resolution No. 89 dated 21st April, 2004, commonly known as the Public Interest Disclosure and Protection of Informers Resolution, 2004, resolves to set up a mechanism by which a complainant can lodge a complaint in the prescribed manner and also seek protection against his victimisation for doing so (such complaints, called Whistle Blowers, are entitled to non-disclosure of their identity publicly, unless they themselves do so). The Central Vigilance Commission has been authorised under

the PIDPI Resolution as the designated agency to receive complaints from whistle blowers.

(I) Provisions of PIDPI Resolution

The Government of India vide Gazette Notification No. 371/12/2002-AVD-III dated 21.04.2004 r/w A corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004, where the following provisions relating to the complaints being lodged by Whistle blowers have been made:

- (a) The Central Vigilance Commission is authorised as the "Designated Agency" to receive written complaints or disclosures on any allegation of corruption or of misuse of office by any employee of the Central Government or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government;
- (b) Any public servant or a person, including an NGO, can make written disclosure to the designated agency except those referred to in clauses (a) to (d) of Article 33 of the Constitution:
- (c) The designated agency may call for further information or particulars from the persons making the disclosure.
- (d) Anonymous complaints shall not be acted upon.
- (e) The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity.
- (f) The Head of the Department/Organisation is to keep the identity of the informant secret if he comes to know about it.
- (g) The designated agency may call the comments/explanation of the Head of Department/Organisation on the disclosure made.
- (h) The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received.
- (i) The designated agency for finding the allegation of misuse of office or corruption substantive shall recommend appropriate action to the concerned department or organisation concerned.

- (j) If the informant feels he is being victimised, he may make an application before the designated agency seeking redressal in the matter. The designated agency may give suitable directions to the public servant or the public authority concerned.
- (k) If on an application or on the basis of information gathered, the designated agency is of the opinion that the complainant or the witness needs protection, it shall issue appropriate directions to the government authorities concerned; and
- (l) In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

(II) Amendments to PIDPI Resolution

The DoPT vide Notification No.371/4/2013 AVD.III dated 14.08.2013 partially amended the PIDPI Resolution, 2004. The amended provisions are as under:

- (a) The Chief Vigilance Officer of the Ministries or Departments of the Government of India is also authorised as the "Designated Authority" to receive written complaints or disclosures on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or Department.
- (b) Either on the receipt of the application from the complainant or on the basis of the information gathered otherwise, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority shall take up the matter with the Central Vigilance Commission for issuing appropriate directions to the government authorities concerned.
- (c) The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

(III) Protection to Whistle Blowers

- (a) The PIDPI Resolution dated 21.04.2004 provides for the following provisions for protection of Whistle Blowers:
 - (i) Clause 6 If any person is aggrieved by any action on the ground that he/she is being victimised due to the fact that he had filed a complaint or disclosure,

he may file an application before the designated agency i.e., CVC, seeking redressal in the matter, which shall take such action as deemed fit. The designated agency may give suitable directions to the public servant or the public authority concerned, as the case may be.

- (ii) Clause 7 Either on the application of the complainant or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the government authorities concerned.
- (iii) Clause 11 In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.
- (b) The Commission, after receipt of representation(s) from Whistle Blowers about threats to their lives, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle Blowers. On the advice of the Ministry of Home Affairs, state government/UTs have appointed nodal officers and details of such officers nominated by state governments are furnished to the Commission from time to time by the Ministry of Home Affairs.
- (c) As regards protection against victimisation or harassment within the organisation, the Commission forwards such complaints of Whistle Blowers to the CVO of the organisation concerned for appropriate action.

(IV) Supervision and Monitoring of Designated Authority

Clause 11 of the PIDPI Resolution dated 14.08.2013 (amendments) provides that the Central Vigilance Commission shall supervise and monitor the complaints received by the Designated Authorities. A report on PIDPI complaints received by the Designated Authorities, including cases of alleged harassment/victimisation received is required to be sent to the Commission by the CVOs of the respective ministries/departments.

(For complete details on PIDPI may refer Chapter – IV of CVC Manual 2021)

BEML Portal - Complaint Registration

All complaints relating to corruption, lack of integrity/fairness/transparency in dealing with BEML Limited (which necessarily have a vigilance angle) have to be made in writing to:

Chief Vigilance Officer BEML Limited, BEML Soudha, 23/1, 4th Main, SR Nagar, Bangalore - 560 027.

Phone No.: 080 - 22963249

Email: cvo@bemlltd.in

- a. Complaints can also be lodged online on this portal through the Vigilance Complaint Form on the BEML Website - www.bemlindia.in
- b. The complaints will be acknowledged with a duly assigned number. Based on the merit of the complaints, further courses of action will be taken as per the company policy. Nevertheless, the status of the complaints can be viewed at this portal through Complaint Status.

6.25 Systemic Improvement

It should be ensured by the organisations concerned that each and every complaint and the resultant investigation report is scrutinised thoroughly to find out the possibility of systemic lacunae that may have resulted in irregular acts being committed by the suspected officials. The outcome of such scrutiny should be utilised to devise and implement systemic improvements to stop the recurrence of such irregular acts. The organisation should prepare case studies giving details of modus operandi along with corrective measures, and the same should be circulated in the organisation for educating/alerting the officials/authorities. In case it is felt that the systemic loopholes that have come to notice may have an effect across the industry or among other organisations also, the permissible details may be shared with the administrative ministry/department, the regulatory authorities concerned and also with the commission for issuing appropriate guidelines, as may be deemed fit.

6.26 Reporting and Review of Complaints

It is the responsibility of the CVO to review all complaints pending for investigation in the organisations at regular intervals, preferably in the first week of every month, and take necessary steps for ensuring expeditious finalisation of reports and further necessary action, as may be required in individual cases.

6.27 Various Timelines Related to Complaints

The Commission has been laying emphasis on timely/prompt action on complaints in order to ensure that irregularities, if committed, are surfaced at the earliest possible time and all preventive/punitive measures can be taken expeditiously. For this purpose, the Commission has issued guidelines on various occasions, specifying the time limit for dealing with complaints. The same as summaries in the following table: -

Sl No	Description	Timeline
1	Timeline for seeking confirmation from the complainant before initiating the Investigation process.	15 days
2	If confirmation is not received within 15 days, a reminder is to be sent to the complainant. (If no response is received even after a reminder, a complaint may be filed treating it as pseudonymous complaints.)	15 days
3	Timeline for submission of investigation report to the Commission on Complaints referred by it to the CVOs concerned for investigation	3 months (or as may be specified by the Commission, an individual matter)
4	In case it is felt that it would not be possible to complete the investigation within the specified period, there is a time limit for approaching the Commission for seeking an extension of time with the approval of the competent authority.	15 days
5	Timeline for submission of investigation report in PIDPI complaints, referred by the Commission.	12 weeks
6	Timeline for submitting a response by CVOs to the Commission in respect of references made by it to CB1/Ministries for clarification/comments in the matter of complaints	6 weeks
7	Timeline for CVOs to scrutinise and decide about action to be taken on the complaints sent by the Commission for necessary action to the CVOs concerned.	2 months
8	Timeline for giving an opinion by the Disciplinary Authority about the existence of vigilance angle in the complaint in case of a difference of opinion with the CVO	15 days

Chapter 7 CENTRAL BUREAU OF INVESTIGATION

CHAPTER 7

Central Bureau of Investigation

7.1 Evolution

The Special Police Establishment (SPE) was set up in 1941 to investigate bribery and corruption in transactions of the War and Supply Department of India during World War II, with its Headquarters in Lahore. The Delhi Special Police Establishment (SPE) Act was brought into force in 1946, which enlarged its scope to cover all departments of the Government of India. The Central Bureau of Investigation (CBI) was set up through a Home Ministry Resolution No. 4/31/61-T dated 1.4.1963 and SPE became one of the constituents of CBI. The Central Government has been empowered under section 5 to extend to any area (including Railway area) in a State not being a Union Territory, the powers and jurisdiction of members of the DSPE for the investigation of any offence or classes of offences specified in a notification under section 3 of the DSPE Act subject to the consent of the Government of the concerned State, under section 6 of the Act.

7.2 Jurisdiction of CBI vis-à-vis State Police

- (I) The Special Police Establishment of CBI (Ant-Corruption Division) enjoys with the respective State Police Force concurrent powers of investigation and prosecution under the Code of Criminal Procedure, 1973. However, to avoid duplication of effort, an administrative arrangement has been arrived at with the state governments according to which:
 - (a) Cases which substantially and essentially concern Central Government employees or the affairs of the Central Government, even though involving State Government employees, are to be investigated by the SPE. The State Police is, however, kept informed of such cases and will render necessary assistance to the SPE during investigation;
 - (b) Cases which substantially and essentially involve state government employees or relate to the affairs of a state government, even though involving certain central government employees, are investigated by the state police. The SPE is informed of such cases, and it extends assistance to the State Police during investigation, if necessary. When the investigation made by the State Police authorities in such cases involves a Central Government employee, the requests for sanction for prosecution of the competent authority of the Central Government will be routed through the SPE.

7.3 Enquiry/Investigation by CBI

- (I) An enquiry or investigation into complaints alleging corruption and related malpractices is taken up by CBI either after verification of information collected from its own sources (SIR Source Information Report), or obtained from the members of the public or from public servants, or on the basis of complaints referred to them by the Commission, administrative authorities or the courts.
- (II) In cases in which the information available appears to be authentic and definite so as to make out a clear cognisable offence or to have enough substance in it, the C.B.I. may register a regular case (R.C.).
- (III) If the available information appears to require verification before formal investigation is taken up, a preliminary inquiry (P.E.) may be made in the first instance. As soon as the preliminary inquiry reveals that there is substance in the allegations, a regular case may be registered.

7.4 Forwarding Copies of FIR/PE Registration Report to Administrative Authorities

- (I) As soon as the Preliminary Inquiry (P.E.) or a Regular Case (R.C.) is registered, a copy of the P.E. Registration Report (P.E.R.R.) or the F.I.R. will be sent by the SPE confidentially to the Head of the Department and/or the administrative ministry concerned, and the Chief Vigilance Officer of the organisation concerned.
- (II) In the case of officers of public sector enterprises, a copy of the P.E.R.R. or the F.I.R. will be sent to the head of the organisation concerned.
- (III) In respect of the PC Act cases, a copy of the P.E.R.R. or the F.I.R. will also be sent to the Secretary, Central Vigilance Commission immediately, and in any case not later than fifteen days after registration.

7.5 Final Disposal of PE

The preliminary enquiries will result either in

- (a) Registration of Regular Case or
- (b) Recommendation for departmental action, or
- (c) Reference to the department through a self-contained note to take 'such action' as deemed fit by them, or
- (d) Closure for want of proof.

7.6 Final Disposal of RC

- (I) On completion of investigation, CBI will file the Final Report under section 173 of the Code of Criminal Procedure, 1973, in the competent Court of Law. The regular case will result either in the launching of criminal prosecution against the accused public servant(s) or in the Closure of the criminal case. In either circumstance, CBI may also recommend (a) Regular Departmental Action for Major or Minor penalty against Suspect Public Servants (SPS) or (b) such action as deemed fit by the competent administrative authority or no action against them to be taken.
- (II) In cases where a previous sanction is necessary for the prosecution of a public servant or where Regular Departmental Action has been recommended, the CBI will forward its Report to the competent authority.

7.7 Action on CBI Report

(I) Cases where Action by Department Recommended

In cases in which sufficient evidence is not available for launching criminal prosecution, C.B.I. may come to the conclusion that:

- (a) The allegations are serious enough to warrant Regular Departmental Action being taken against the public servant concerned. The CBI Report in such cases will be accompanied by (i) draft article(s) of charge(s) in the prescribed form, (ii) a statement of imputations in support of each charge, and (iii) lists of documents and witnesses relied upon to prove the charges and imputation; or
- (b) Sufficient proof is not available to justify prosecution or Regular Departmental Action, but there is a reasonable suspicion about the honesty or integrity of the public servant concerned. The CBI Report in such cases will seek to bring to the notice of the disciplinary authority the nature of irregularity or negligence for such action as may be considered feasible or appropriate.

7.8 Cases where Prosecution Recommended

(I) On completion of investigation, if the C.B.I. comes to a conclusion that sufficient evidence is available for launching a criminal prosecution, they shall forward its report to the Central Vigilance Commission if previous sanction for prosecution is required under the Prevention of Corruption Act, 1988, to be issued in the name of the President and also to the authority competent to sanction prosecution, through the CVO concerned.

(II) In other cases, the report will be forwarded to the authority competent to sanction prosecution through the CVO concerned. The report, which may be accompanied by the draft sanction order, should give the rank and designation of the authority competent to dismiss the delinquent officer from service and the law or rules under which that authority is competent to do so.

(CVC Circular No. 005/VGL/11 dated 12.05.2005, 28.03.2012 and 25.05.2015)

7.9 Previous Sanction For Criminal Prosecution

- (I) **Requirement of sanction:** Section 19 of the Prevention of Corruption Act, 1988, lays down that no court shall take cognisance of an offence punishable under *sections 7,11,13 and 15 of the Prevention of Corruption Act, 1988,* alleged to have been committed by a public servant, except with the previous sanction of the authority competent to remove him from his office.
- (II) It may be noted that the requirement of previous sanction under *Section 19 of the Prevention of Corruption Act, 1988,* was earlier necessary only in respect of serving public servants; however, with the amendment of the Prevention of Corruption Act, 1988, in 2018, sanction is also required in respect of retired public servants under the PC Act.

(III) Guidelines for the Sanctioning Authorities

On receipt of a request for grant of previous sanction necessary for prosecution under section 19 of the Prevention of Corruption Act, 1988, from the CBI or other investigating agencies, and while processing such requests, all the ministries/departments/organisations shall take decisions expeditiously and in accordance with the guidelines issued by the Commission vide *CVC Circular No. 005/VGL/11 dated 12.05.2005, 28.03.2012 and 25.05.2015*.

7.10 Assistance and Co-operation to CBI in Enquiry/Investigation

- (I) The administrative authorities and the individual public servants should extend full cooperation to the CBI during the course of investigation.
- (II) The directive on "Investigation of cases by the SPE Division of the CBI and facilities and cooperation to be extended by Administrative Authorities" was issued vide MHA OM NO 371/13/66-AVD.II dated 25.06.1969 and DoPT OM No. 371/5/73-AVD.III dated 05.09.1975.
- (III) A revised version of the Directive, incorporating all amendments up to then, was issued vide DoPT OM No. 371/13/87-AVDII dated 11.09.1988.

(IV) They were issued in pursuance of recommendations of the Committee on Prevention of Corruption that the separate instructions issued by different departments be reviewed by the Central Vigilance Commission and a single consolidated directive be issued in their place by the MHA.

7.11 Inspection, Seizure and Examination of Records and Providing Documents to DA

(I) Inspection of Records by SPE (CBI):

- (a) The Inspector General, Special Police Establishment, and his staff are authorised to inspect all kinds of official records at all stages of investigation. The Heads of Departments/Offices, etc. will ensure that the Superintendent of Police (S.P.) of the Special Police Establishment, or his authorised representatives, are given full cooperation and facilities to scrutinise all relevant records during investigation, whether preliminary or regular. If the C.B.I. wishes to check the veracity of information in their possession from the official records, even before registration of a P.E. or R.C., they may be allowed to see the records on receipt of a request from the S.P., S.P.E.
- Investigations are often held up or delayed on account of reluctance or delay on the part of departmental authorities to make the records available for various reasons. Sometimes, departmental authorities express their inability to release the records without the prior permission of the superior authority, or the Special Police Establishment is requested to take photostat or attested copies of documents without realising that the Special Police Establishment necessarily requires the original records for the purpose of investigation, as the authenticity of attested or photostat copies could be contested by the delinquent officials, thereby hampering the progress of investigation. In asking for original documents, particularly those forming part of current files, the SPE will exercise due consideration so as to ensure that day-to-day work is not impeded. The departmental authorities may thus ensure that the documents asked for by the SPE are made available to them with the least possible delay. Where necessary, the departmental authorities may keep attested or photostat copies of the records for meeting urgent departmental needs or for disposing of any action that may be pending on the part of the department, without prejudice to the investigation being carried out by the Special Police Establishment.
- (c) The records required by the Special Police Establishment should be made available to them ordinarily within a fortnight and positively within a month from the date of receipt of the request. If, for any special reasons, it is not possible to hand over the records within a month, the matter should be brought to the notice of the Superintendent of Police of the branch concerned, by the authority

in possession of the records, pointing out the reasons for not making available the records within the specified period; and also, to the notice of the Chief Vigilance Officer of the administrative ministry concerned for such further direction as the Chief Vigilance Officer might give.

- (II) **Inspection of Classified/Graded Documents**: When the Special Police Establishment desires to see any classified documents/records, sanction of the competent authority to release such documents/records should be obtained promptly by the administrative authority in charge of records, and the records should be made available to the Special Police Establishment in the following manner:
 - (a) "Top Secret" documents should be handed over only to a gazetted officer of the Special Police Establishment;
 - (b) "Secret" and "Confidential" documents should be given to gazetted officers of the Special Police Establishment or to an Inspector of the Special Police Establishment if he is specially authorised by the Superintendent of Police of the Special Police Establishment to obtain such documents;
 - (c) A temporary receipt should be obtained whenever any graded document is handed over to an officer of the S.P.E., who will be asked to comply with the provisions of para 27(a), (b), (c) and (e) of the pamphlet entitled "Classification and Handling of Classified Documents, 1958";
 - (d) Where original documents cannot be made available to the investigating officer for any reason, he should be supplied with photostat copies or attested copies, and a certificate should be given by an officer of appropriate rank that the originals are in safe custody and out of reach of the suspect official and will be produced whenever required;

7.12 Close Liaison Between CBI and the Administrative Authority

(I) The need for close liaison and cooperation between the Chief Vigilance Officer/Vigilance Officer of the Ministry/Department/Office and the S.P.E., during the course of an inquiry and investigation and the processing of individual cases, hardly needs to be emphasised. Both the S.P.E. and the Chief Vigilance Officers receive information about the activities of the officer from diverse sources. As far as possible, the information could be cross-checked at appropriate intervals to keep officers of both the wings fully apprised of the latest developments.

(II) The Chief Vigilance Officers or Vigilance Officers of the Ministries/Departments/Offices should keep themselves in touch with Joint Directors/Head of Zone concerned of the S.P.E. at New Delhi. In other places, the Superintendent of Police/Head of S.P.E. Branch will frequently call on the Head of the Department/Office, etc., and discuss personally matters of mutual interest, particularly those arising from enquiries and investigations. Periodical meetings between the Chief Vigilance Officers and the Officers of the Central Bureau of Investigation will help to a great extent in avoiding unnecessary paper work and in eliminating unnecessary delay at various stages of processing cases. Such meetings could be held once a quarter or more frequently.

7.13 Assistance in Preparation and Maintenance of Agreed List

The Agreed List of officers of gazetted status against whose honesty or integrity there are complaints, doubts or suspicions is prepared in consultation with the CBI by the Departments/Organisations to keep a secret watch on them. The guiding principles for preparation and maintenance of the Agreed List are derived from paras 7 to 9 of the Ministry of Home Affairs' OM No. 130/1/66-AVD dated 05.05.1966.

7.14 Assistance in Preparation and Maintenance of List of Officers of Doubtful Integrity (ODI)

The list of public servants of gazetted status of doubtful integrity is maintained by the Departments/Organisations as per the scheme laid down in Ministry of Home Affairs OM No. 105/1/66-AVD-I dated 28.10.1969. The CBI assists in the addition or deletion of names in the ODI List.

7.15 **Joint Surprise Check**

CBI may conduct joint surprise checks at places and points of corruption in cooperation with the Vigilance Unit of the department concerned, after thoroughly acquainting themselves with the rules, regulations, procedures and practice as well as the modus operandi adopted by the corrupt public servants.

7.16 Appreciation Reports

(I) Appreciation Reports are prepared by CBI in consultation with the Vigilance Officers, highlighting the organisational structure and points/places of corruption modes of corruption in the said Government Departments/Public Sector Undertakings including the modus operandi of the suspected officers.

- (II) After the preparation of the lists, the following actions are required to be taken:
 - (a) Quiet and unobtrusive watch by the CBI, followed by joint surprise checks, as and when considered appropriate.
 - (b) Collection of information about specific instances of bribery and corrupt practices by the CBI so as to start open enquiries.
 - (c) Closer and more frequent scrutiny and inspection by the Department or Public Sector Undertakings of the work done at these points and places.
 - (d) Surprise checks by the departments or undertakings.

7.17 List of Unscrupulous Contractors, Suppliers, Firms and Clearing Agents

The list will be prepared of unscrupulous contractors, suppliers, firms and clearing agents who are suspected of indulging in corrupt practices. These lists are to be prepared by the departments, undertakings and administrations concerned as they are in the best position to do so. They need not be 'Agreed' Lists. Copies of these lists should be sent to the CBI for its information. The CBI, on its part, will pass on to the departments, undertakings or administrations concerned any information regarding corrupt practices of contractors, suppliers, firms and clearing agents for their information and for considering whether the name of any such contractor, etc., should be brought on their lists.

Chapter 8
DISCIPLINARY
PROCEEDINGS

CHAPTER 8

Disciplinary Proceedings

Introduction

After considering the report of the preliminary enquiry or investigation, the Disciplinary Authority may come to the conclusion that certain departmental rules or instructions have been violated and a formal departmental action needs to be initiated against the delinquent public servant. The moment a decision is taken by the Disciplinary Authority to frame charges against the delinquent public servant and a memorandum of charges is served on him, the process that follows is called disciplinary proceedings. It ends after the final orders of punishment or exoneration are passed.

8.1 Disciplinary Rules

- (I) Public servants have got a special relationship with their employer, viz., the government, which is, in some aspects, different from the relationship under the ordinary law between the master and servant. The government has framed different sets of rules governing the recruitment and the conditions of service of government servants as per the provisions of Articles 309 and 312 of the *Constitution*. Further, the government has made rules under the above provisions for regulating the conduct and discipline of government servants.
- (II) The procedures for departmental disciplinary proceedings have been laid down in different sets of rules applicable to government servants. The rules having the widest applicability are the *Central Civil Services*.
 - (Classification, Control and Appeal) Rules, 1965, often referred to as CCS (CCA) Rules, 1965, which apply to all civil government.
- (III) The employees of public sector undertakings are governed by the discipline and appeal rules framed by the respective public sector undertaking or corporation in exercise of the powers conferred upon it by the statute or by the articles of memorandum constituting it. In certain cases, they are laid down in the contract of service. The Central Vigilance Commission, on the basis of the report of a working group, including representatives of important public sector undertakings, had also approved the draft of a set of Model Conduct, Discipline and Appeal Rules for public sector undertakings. The *Model Rules* were circulated by the Bureau of Public Enterprises to all the public undertakings for their adoption.

(IV) The disciplinary rules applicable to government servant have been framed in conformity with the provisions of Article 311 of the *Constitution*. The basic provisions in them are, therefore, similar in character. As most of the government servants in civil employment are governed by the *CCS (CCA) Rules, 1965*, the procedures discussed in the manual are those prescribed in those rules. While a reference to variations of an important nature in other rules has been made in appropriate places, the Chief Vigilance Officer or the Vigilance Officer should take care to ensure that the provisions of the respective rules are observed where they vary from those prescribed in the *CCS (CCA) Rules, 1965*. This is particularly necessary in the case of public sector enterprises, and statutory corporations, as their employees are governed by the rules framed by the respective organisations. The departmental proceedings against any employee shall be taken strictly as per the disciplinary rules notified by the organisation/applicable to the organisation.

8.2 PENALTIES

(I) Under Rule 11 of the *CCS (CCA) Rules, 1965,* the competent authority may, for good and sufficient reasons, imposes a corresponding penalty on a government servant.

Ref: BEML HR Service Manual, MAY 2009, and CDA vide GB No. 1360 Dtd 14.11.2019 for details.

(II) Warning: There may be occasions when a superior officer may find it necessary to criticise/comment adversely on the work of an officer working under him (e.g., point out negligence, carelessness, lack of thoroughness, delay, etc.), or he may call for an explanation for some act or omission, and taking all factors into consideration, it may be felt that, while the matter is not serious enough to justify the imposition of the formal punishment of censure, it calls for some formal action, such as the communication of a written or oral warning, admonition, reprimand or caution. Administration of a warning in such circumstances does not amount to a formal punishment. It is an administrative device in the hands of the superior authority for conveying its criticism and disapproval of the work or conduct of the person warned and for making it known to him that he has done something blameworthy, with a view to enabling him to make an effort to remedy the defect and generally with a view to toning up efficiency and maintaining discipline.

Where a departmental proceeding has been completed and it is considered that the officer concerned deserves to be penalised, he should be awarded any of the statutory penalties mentioned in rules 11 of the CCS (CCA) Rules, 1965. In such a situation, a recordable warning should not be issued, as it would for all practical purposes amount to a "censure" which is a formal punishment to be imposed by

a competent disciplinary authority after following the procedure prescribed in the relevant disciplinary rules.

A warning or reprimand, etc., may also be administered when, as a result of a preliminary investigation or inquiry, the competent Disciplinary Authority comes to the conclusion that the conduct of the official is somewhat blameworthy, though not to the extent calling for the imposition of a formal penalty.

(MHA OM No. 39/21/56-Ests (A) dated 13.12.1956 regarding the distinction between 'Warning' and 'Censure'.)

(DoPT OM No. 22011/2/78-Estt (A) dated 16.02.1979: Effect of Warning, Censure, etc., 'on promotion and the "sealed cover" procedure).

8.3 Institution of Formal Proceedings

- (I) Once a decision has been taken, after a preliminary inquiry, that a prima facie case exists and that formal disciplinary proceedings should be instituted against a delinquent government servant under the *CCS (CCA) Rules, 1965*, the Disciplinary Authority will need to decide whether proceedings should be taken under Rule 14 (i.e., for imposing a major penalty) or under Rule 16 (i.e., for imposing a minor penalty).
- (II) Certain types of vigilance cases in which it may be desirable to start proceedings for imposing a major penalty are given below as illustrative guidelines: -
 - (a) Cases in which there is a reasonable ground to believe that a penal offence has been committed by a government servant but the evidence forthcoming is not sufficient for prosecution in a court of law, e.g.,
 - (i) Possession of disproportionate assets;
 - (ii) Obtaining or attempting to obtain illegal gratification;
 - (iii) Misappropriation of government property, money or stores;
 - (iv) Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration.
 - (b) Falsification of government records;
 - (c) Gross irregularity or negligence in the discharge of official duties with a dishonest motive.
 - (d) Misuse of official position or power for personal gain;

- (e) Disclosure of secret or confidential information even though it does not fall strictly within the scope of the official Secrets Act;
- (f) False claims on the government like T.A. claims, reimbursement claims, etc.
- (III) In cases in which the institution of proceedings is advised by the Central Vigilance Commission, the Commission will also advise, keeping in view the gravity of the allegations, whether proceedings should be initiated for the imposition of a major penalty or a minor penalty.

8.4 Common Proceedings

- (I) Where two or more government servants are concerned in any case, the President or any other authority competent to impose the penalty of dismissal from service on all the accused government servants may make an order directing that disciplinary action against all of them be taken in a common proceeding. If the authorities competent to impose the penalty of dismissal from service on such government servants are different, an order for common proceedings may be made by the highest of such authorities with the consent of the others. Such an order should specify: -
 - (a) the authority which may function as the disciplinary authority for the purpose of such common proceedings;
 - (b) the penalties which such a disciplinary authority will be competent to impose;
 - (c) whether the proceedings shall be initiated as for a major penalty or for a minor penalty.
 - Ref: 1. Rule 18 of CCS (CCA) Rules, 1965
 - 2. 'Handbook for Inquiry Officers and Disciplinary Authorities' issued by DoPT.
- (II) If the alleged misconduct has been committed jointly by a person who has retired from government service and a person who is still in service, common proceedings against them cannot be started. Proceedings against the retired person will be held under Rule 9 of the CCS (Pension) Rules, 1972, and against the persons in service under Rule 14 of the CCS (CCA) Rules, 1965. The oral inquiry against both of them could, however, be entrusted to the same Inquiring Authority.
- (III) A joint proceeding against the accused and accuser is an irregularity which should be avoided.

(IV) It may also happen that two or more government servants governed by different disciplinary rules may be concerned in a case. In such cases, proceedings will have to be instituted separately in accordance with the rules applicable to each of the government servant concerned.

8.5 Prior Consultation of CVO in Disciplinary Proceedings

- (I) There are various stages in disciplinary proceedings consequent to a vigilance recommendation where the competent authority is required to consult the CVO before proceeding further.
- (II) Once the Competent Authority takes a decision to implement the Vigilance recommendations for the award of penalties, a draft Show Cause Notice is to be referred to the CVO for vetting. No show cause notice will be issued without it being vetted by CVO.
- (III) If the Competent Authority feels that the explanation received is not satisfactory and decides to proceed with the issuance of a charge sheet, the draft charge sheet will also be similarly forwarded to the CVO for vetting. If it is felt that, despite the delinquent accepting all the charges, it is necessary to proceed with a departmental inquiry, the issuance of such charge sheet will also be guided by the above rule.
- (IV) If, however, the Competent Authority feels that the explanation offered by the delinquent is satisfactory and that departmental action is not required, the same has to be referred to the CVO for consultation within the time limits stipulated by the CVC. In case the CVO does not agree with the views of the Competent Authority in the matter, it will be referred by the CVO to the CMD for a decision.
- (V) Once the Competent Authority receives the Inquiry Report from the Inquiry Officer/Committee in a disciplinary proceeding based on Vigilance recommendations, she/he is expected to go through the Report and apply her/his mind before arriving at a decision to impose a penalty on the delinquent.
- (VI) After application of mind and after going through the personal file and history of performance of the delinquent, the competent authority will arrive at the appropriate penalty to be imposed on the delinquent in keeping with the laws of natural justice.
- (VII) It is necessary that all cases with a vigilance angle be regulated by the Vigilance Department in order to maintain consistency in the penalties imposed and ensure that penalties imposed are appropriate w.r.t. the gravity of the misconduct. Prior Vigilance consultation is, therefore, necessary before the

- award of the penalty, and hence the Competent Authority should seek the concurrence of the CVO by forwarding the proposed penalty detailing the justifications for her/his decision.
- (VIII) The final Show Cause Notice to be issued to the delinquent shall be issued only after the CVO has been consulted with respect to the quantum of punishment.
 - (IX) So far as action against private parties is concerned, it shall be done by the concerned authority as an administrative action.

8.6 Special Procedure in Certain Cases

- (I) Rule 19 of CCS (CCA) Rules, 1965, provides that notwithstanding anything contained in Rules 14 to 18: -
 - (a) where any penalty is proposed to be imposed on a government servant on the grounds of conduct which has led to his conviction on a criminal charge, or
 - (b) where the Disciplinary Authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an inquiry in the manner provided in the *CCS (CCA) Rules, 1965*, or

8.7 Prosecution vis-à-vis Departmental Proceedings

- (I) Prosecution should be the general rule in all cases which are found fit to be sent to a court after investigation and in which the offences are of bribery, corruption or other criminal misconduct involving loss of substantial public funds. In other cases, involving less serious offences or involving malpractices of a departmental nature, departmental action only should be taken, and the question of prosecution should generally not arise.
- (II) Whenever there is a difference of opinion between the department and the CBI whether prosecution should be resorted to in the first instance, the matter should be referred to the CVC for advice.
 - (MHA O.M. No. 39/8/64-Ests (A) dated 04.09.1964 regarding prosecution or departmental action according to the seriousness of the offence in the cases of bribery, corruption or other criminal misconduct).
- (III) There is no legal bar to the initiation of departmental disciplinary action under the rules applicable to the delinquent public servant where criminal prosecution is already in progress, and generally there should be no apprehension of the outcome of the one affecting the other, because the ingredients of delinquency/misconduct in criminal prosecution and departmental proceedings,

as well as the standards of proof required in both cases, are not identical. In criminal cases, the proof required for conviction has to be beyond reasonable doubt, whereas in departmental proceedings, **proof based on preponderance of probability is sufficient** for holding the charges as proved. What might, however, affect the outcome of the subsequent proceedings may be the contradictions which the witnesses may make in their depositions in the said proceedings. It is, therefore, necessary that all relevant matters be considered in each individual case and a conscious view taken whether disciplinary proceedings may not be started alongside criminal prosecution. In a case where the charges are serious and the evidence strong enough, simultaneous departmental proceedings should be instituted so that a speedy decision is obtained on the misconduct of the public servant and a final decision can be taken about his further continuance in employment.

(CVC Circular No. 1K/DSP/3 dated 03.02.1981 regarding starting of departmental proceedings along with prosecution)

- (IV) The Supreme Court in the case of *Delhi Cloth and General Mills Ltd vs. Kushal Bhan (AIR 1960 SC 806)* observed that it cannot be said that "principles of natural justice require that an employer must wait for the decision at least of the criminal trial court before taking action against an employee". They, however, added that "if the case is of a grave nature or involves questions of fact or law, which are not simple, it would be advisable for the employer to wait for the decision of the trial court so that the defence of the employee in the criminal case may not be prejudiced".
- (V) Should the decision of the court lead to acquittal of the accused, it may be necessary to review the decision taken earlier as a result of the departmental proceedings. A consideration to be taken into account in such a review would be whether the legal proceedings and the departmental proceedings covered precisely the same grounds. If they did not, and the legal proceedings related only to one or two charges, i.e., not the entire field of departmental proceedings, it may not be found necessary to alter the decisions already taken. Moreover, while the court may have held that the facts of the case did not amount to an offence under the law, it may well be that the competent authority in the departmental proceedings might hold that the public servant was guilty of a departmental misdemeanour and he had not behaved in the manner in which a person of his position was expected to behave.
- (VI) The most opportune time for considering the question of whether departmental action should be initiated simultaneously is when the prosecution is sanctioned. At that stage, all the documents are available, and taking photostat copies or producing the originals before the Inquiring Authority is not a problem. Once the

originals have been admitted by the Charged Officer, the photostat copies duly attested by the Inquiring Officer and/or the Charged Officer could be utilised for further processing of the departmental proceedings, as the originals would be required in court proceedings.

(DoPT OM No. 11012/6/2007-EsttA dated 01.08.2007 regarding simultaneous action of prosecution in a court and initiation of Departmental proceedings)

- (VII) As per the judgements of the Hon'ble Supreme Court and guidelines of DoPT issued thereon (OM No. 11012/6/2007-Estt. (A-III) dated 01.08.2007 and 21.07.2016), there is no bar in conducting simultaneous criminal and departmental proceedings.
- (VIII) Disciplinary Authorities are vested with responsibility to ensure that employees under their control against whom a criminal trial is pending are proceeded against forthwith for simultaneous departmental proceedings.
 - (IX) Further, a view as to whether simultaneous disciplinary proceedings are to be initiated needs to be invariably taken by the Competent Authorities at the time of considering the request for the grant of sanction for prosecution itself. However, the disciplinary authority may withhold departmental proceedings only in exceptional cases wherein the charge in the criminal trial is of grave nature which involves questions of fact and law. In other words, in complex matters where, in case it is not possible to delineate the misconduct for the purpose of RDA. If the charge in the criminal case is of grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case. Further, even if it stayed at one stage, the decision may require reconsideration if the criminal case gets unduly delayed.
 - (X) It may be noteworthy to mention that the Hon'ble Supreme Court in *State of Rajasthan vs. B.K. Meena & Ors. (1996) 6 SCC 417* emphasised the need for initiating departmental proceedings and stated as below:

"It must be remembered that interests of administration demand that the undesirable elements are thrown out and any charge of misdemeanour is enquired into promptly. The disciplinary proceedings are meant not really to punish the guilty but to keep the administrative machinery unsullied by getting rid of bad elements. The interest of the delinquent officer also lies in a prompt conclusion of the disciplinary proceedings. If he is not guilty of the charges, his honour should be vindicated at the earliest possible moment, and if he is guilty, he should be dealt with promptly according to law. It is not also in the interest of the administration that persons accused of serious misdemeanours should be continued in office indefinitely, i.e., for long periods awaiting the result of criminal proceedings."

(XI) Thus, in cases where it is appropriate to initiate disciplinary proceedings along with criminal prosecution, the disciplinary proceedings must be initiated simultaneously.

(CVC Circular No. 99/VGL/087-389176 dated 31.07.2018: Simultaneous action of prosecution and initiation of departmental proceedings – guidance thereof.)

8.8 First Stage Advice from CVC

A. Procedure for obtaining Commission's First Stage Advice

- (I) CVOs of the Departments and all other organisations are required to seek the Commission's first stage advice after obtaining the tentative views of Disciplinary Authorities (DAs) on the reports of the preliminary inquiry/investigation of all complaints involving allegation(s) of corruption or improper motive; or if the alleged facts prima-facie indicate an element of vigilance angle which are registered in the Vigilance Complaint Register before the competent authority takes a final decision in the matter.
- After enquiry/investigation by the CVO in complaints/matters relating to (II) Category-A officers, as well as composite cases wherein Category-B officers are also involved, if the allegations, on inquiry, do not indicate a prima facie vigilance angle/corruption and relate to purely non-vigilance/administrative lapses, the case would be decided by the CVO and the DA concerned of the public servant at the level of the department/organisation concerned. The CVO's reports recommending administrative/disciplinary action in non-vigilance/ administrative lapses would, therefore, be submitted to the DA, and if the DA agrees to the recommendations of the CVO, the case would be finalised at the level of the department/organisation concerned. In all such matters, no reference would be required to be made to the Commission seeking its first-stage advice. However, in case there is a difference of opinion between the CVO and the DA as to the presence of a vigilance angle, the matter, as well as enquiry reports on complaints having a vigilance angle, though unsubstantiated, would be referred to the Commission for first-stage advice.
- (III) The above consultation procedure/dispensation would not apply to the complaints received by the Commission and referred for investigation and report to the CVO of the department/organisation and CVOs would continue to furnish their investigation reports in all matters for seeking the first stage advice of the Commission, irrespective of the outcome of inquiry/investigation.
- (IV) Similarly, all written complaints/disclosures (Whistle Blower complaints) received under the *Public Interest Disclosure and Protection of Informers' Resolution (PIDPI), 2004, or the Whistle Blowers Protection Act, 2011,* would also

continue to be handled/processed by CVOs in terms of the existing prescribed procedures or as amended from time to time.

(CVC Circular No. 07/04/15 dated 27.04.2015 - Consultation with CVC for First stage advice -Revised procedure)

B. Information to be submitted for obtaining the Commission's First Stage Advice

- (I) While seeking first-stage advice of the Commission, the following material should be submitted: -
 - (a) A self-contained note clearly bringing out the facts and the specific point(s) on which the Commission's advice is sought. The self-contained note is meant to supplement and not to substitute for the sending of files and records.
 - (b) The biodata of the officer concerned;
 - (c) Other documents required to be sent for first-stage advice: -
 - (i) A copy of the complaint/source information received and investigated by the CVOs;
 - (ii) A copy of the investigation report containing the allegations in brief and the results of the investigation on each allegation;
 - (iii) Version of the concerned public servant on the established allegations, the reasons why the version of the concerned public servant is not tenable/acceptable, and the conclusions of the investigating officer;
 - (iv) Statements of witnesses and copies of the documents seized by the investigating officer;
 - (v) Comments of the Chief Vigilance Officer and the Disciplinary Authority on the investigation report {including the investigation done by the CBI and their recommendation};
 - (vi) A copy of the draft charge sheet against the SPS along with the list of documents and witnesses through which it is intended to prove the charges;
 - (vii) Assurance memo.

(CVC Circular No. 14/3/06 dated 13.03.2006: Reference to the Commission for its advice - Documents including the draft charge sheet to be enclosed for seeking first stage advice and the documents to be enclosed for seeking second stage advice)

(CVC Circular No. 21/8/09 dated 06.08.2009: References to the Commission for first-stage advice procedures regarding)

(CVC Circular No. 09/11/2017 dated 28.11.2017: Reference to the Commission for advice - documents/information to be furnished regarding.)

C. Timeline for submission of cases involving public servants due to retire shortly

- (I) The Commission, from time to time, has issued guidelines that the CVOs as well as the administrative authorities should prioritise investigation and completion of disciplinary action against delinquent public servants well in advance so that late references for advice are not made to the Commission, especially in respect of officers due for retirement shortly.
- (II) It has now been decided that all retirement cases for advice should be received in the Commission 30 days before the date of the retirement of the officer.

(CVC Office Order No. 13/10/20 dated 01.10.2020: Expeditious disposal of cases involving public servants due to retire shortly)

D. Commission's advice in composite cases

If a government servant falls within the commission's jurisdiction, the advice of the commission would be required, and any decision of the disciplinary authority at this juncture may be treated as tentative. Such a reference would be required to be made even in respect of an officer/staff who are not within the Commission's jurisdiction if they are involved along with other officers who are within the jurisdiction of the Commission, as the case would then become a composite case and fall within the Commission's jurisdiction.

(I) A composite case should be processed as 'one', and action against every individual employee should be taken only on the Commission's advice, even if there is only one official who comes within the Commission's jurisdiction.

(CVC Office order No. 2/1/04 dated 08.01.2004: Obtaining Commission's advice in composite cases)

E. Making available a copy of CVC's first stage advice to the concerned employee

A copy of the Commission's first-stage advice may be made available to the concerned employee along with a copy of the charge sheet served upon him for his information.

(CVC Circular No. 99/VGL/66 dated 28.09.2000: Consultation with the CVC - Making available a copy of the CVC's advice to the concerned employee)

F. Difference of opinion between the CVO and the Chief Executive and between the Vigilance Officers and the Head of Office

(I) With regard to category 'A' cases, i.e., the cases which are required to be referred to the Commission for advice, all relevant files, including the file on which the case has been examined, are required to be sent to the Commission. In such cases, the Commission would, thus, be in a position to examine all facts and viewpoints of all the authorities concerned who might have commented on various aspects of the case. However, with regard to category 'B' cases, which are not required to be sent to the Commission for advice, if there is a difference of opinion between the concerned vigilance officer and the Head of Office, the matter may be reported by the Head of Office to the concerned Chief Vigilance Officer for obtaining orders of the Chief Executive in order to resolve the difference of opinion between the vigilance officer and the Head of Office. In case of a difference of opinion between the CVO and the CMD in respect of a corruption case involving below-board-level appointees in a public sector undertaking, it is the responsibility of the CMD to bring the case to the Board.

(II) Reconsideration of Commissions' First Stage Advice

Any proposal for reconsideration of the Commission's first stage advice should be made to the Commission with the approval of the concerned Disciplinary Authority/Head of the Department/Chief Executive of the organisation concerned within one month of receipt of the Commission's first stage advice, and that too only in those exceptional individual cases having additional/new material facts. The Commission would not entertain any reconsideration proposal/request of first-stage advice received beyond the time limit of one month.

(CVC Circular No. 06/08/2020 dated 06.08.2020: Reference to the Commission for reconsideration of the advice)

8.9 Second Stage Advice from CVC

A. Procedure for Obtaining Second Stage Advice of the Commission

(I) In cases where the Disciplinary Authority (DA), on conclusion of disciplinary proceedings, proposes to impose a penalty which is in line Disciplinary Proceedings and Suspension with the Commission's first stage advice in respect of officers falling within the jurisdiction of the Commission, second stage advice of the Commission is not required. Such cases would be dealt with at the level of the CVO and DA concerned in the organisation/department. However, the CVO should forward a copy of the final order issued by DA in all such cases of officers for the Commission's record. All such cases, where the Disciplinary Authority

proposes to take any action which is at variance with the Commission's first-stage advice, would be referred to the Commission for obtaining second stage-advice.

(II) The CVO would exercise proper check and supervision over such cases and would ensure that the cases are disposed of expeditiously within the time norms stipulated by the Commission and will ensure that the punishment awarded to the concerned officer is commensurate with the gravity of the misconduct established on his part. The Commission may depute its officers to conduct vigilance audit through on-site visits to check the compliance. If the Commission comes across any matter which, in its opinion, has not been handled properly, it may recommend its review by the appropriate authority or may give such directions as it considers appropriate.

(CVC Circular No. 08/12/14 dated 03.12.2014: Second stage consultation with the CVC in disciplinary cases)

B. Advice in Composite Case

In respect of composite cases wherein the Commission had tendered its first-stage advice for all categories of officers involved, second-stage advice of the Commission should be sought only if the DA's opinion is at variance with the Commission's advice.

(CVC Office order No. 03/01/10 dated 28.01.2010 – Clarification regarding making reference to the Commission for advice on complaints and second-stage advice cases)

C. Second stage consultation with CVOs of departments/organisations in disciplinary cases of Category 'B' officers

The consultation with CVO for second-stage advice in respect of such cases where the Disciplinary Authority proposes to impose a penalty which is in line with the CVO's first-stage advice in respect of Category 'B' officers (in non-CVC referred cases of individual cases or composite cases) may be dispensed with. However, in disciplinary cases of officers, where the DA tentatively proposes to take any action which is at variance with the CVO's first-stage advice, it would continue to be referred to the CVO for obtaining second-stage advice.

(CVC Circular No. 05/07/18 dated 10.07.2018: Second stage consultation with CVOs of departments/organisations in disciplinary cases of Category 'B' officers.)

D. Materials to be furnished for second-stage advice

The following material should be furnished to the Commission while seeking its second-stage advice:

- (a) A copy of the charge sheet issued to the public servant;
- (b) A copy of the Inquiry Report submitted by the Inquiring Authority (along with a spare copy for the Commission's records);
- (c) The entire case records of the inquiry, viz., copies of the depositions, daily order sheets, exhibits, and written briefs of the Presenting Officer and the Charged Officer;
- (d) Comments of the CVO and the Disciplinary Authority on the assessment of evidence done by the Inquiring Authority and also on the further course to be taken on the Inquiry Report.

(CVC Circular No. 14/3/06 dated 13.03.2006 - Reference to the Commission for its advice – Documents, including the draft charge sheet, to be enclosed for seeking first- stage advice and the documents to be enclosed for seeking second-stage advice, reg.)

E. No reconsideration of Second Stage advice

- (I) The Commission's second stage advice is tendered based on inputs received from departments/organisations which includes all material/information pertaining to the individual disciplinary case. Further, in most of the cases, the Commission had reiterated its earlier advice tendered at the second stage, and in almost all such proposals, no new material/additional facts were brought out by the departments/organisations to justify any change. Also, in such cases or second-stage advice, there is little scope for reconsideration. Such proposals also result in avoidable delays in finalisation/issue of final orders by the disciplinary authority concerned.
- (II) The Commission, therefore, has decided to dispense with consultation for reconsideration of its second stage advice. Hence, no proposal for reconsideration of the Commission's second stage advice would be entertained.
 - (CVC Office Order No. 10/09/20 dated 09.09.2020: Reference to the Commission for reconsideration of its advice Dispensing with reconsideration of second stage advice)
 - (ii) The *CVC Circular No. 8/12/14 dated 03.12.2014* stipulates that all such cases where the DA proposes to take any action which is at variance with the Commission's first stage advice would continue to be referred to the Commission for obtaining second stage advice. However, the aforementioned circular applies only to the disciplinary cases of non presidential appointees, including officials of CPSEs.

8.10 Difference of Opinion with CVC's Advice

The CVOs to ensure that wherever it has been finally decided to disagree with

the Commission's advice, reasons for the same are communicated to the Commission along with a copy of the final order in the case, to enable the Commission to decide about the inclusion of the case in its Annual Report.

(CVC Circular No. 006/VGL/098 dated 10.10.2006 - difference of opinion with CVC advice)

8.11 Action for Past Misconduct in Previous Employment

Action can be taken against an employee in respect of misconduct committed by him in his previous or earlier employment if the misconduct was of such a nature as has a rational connection with his present employment and renders him unfit and unsuitable for continuing in service. When such action is taken, the charge should specifically state that the misconduct alleged is such that it renders him unfit and unsuitable for continuance in service.

(MHA OM 39/1/67-ESTs(a) dated 21.02.1967)

8.12 Deviation Case to be Reported to Commission

(I) Sometimes after the imposition of the punishment by the Disciplinary Authority, the charged official makes an appeal. The Appellate Authority is expected to keep in view the advice tendered by the Commission and decide on the appeal. In case the Appellate Authority decides to deviate from the advice given by the Commission on appeal, the CVO will report this to the Commission, which will take an appropriate view of whether the deviation is serious enough to be included in its Annual Report.

(CVC Circular No. 000/DSP/1 dated 10.02.2003: non-acceptance of the Commission's advice in matters of appeals)

- (II) Cases of deviations are to be reported to the Commission by CVO without any delay, immediately after decision/orders are issued at the Appellate/Review stage, and also indicated in the relevant column [Part 5. (D) Appellate Authority (Deviation/Non-acceptance)] in the Quarterly Performance Reports (QPRs) being filed online by CVOs every quarter.
- (III) All such cases of disagreement/deviation from the Commission's advice (in respect of Non-presidential appointees), which presently are not being referred to *DoPT* by the authorities concerned, shall be reported by the CVOs of the ministry/department concerned to the secretary of that ministry/department.
- (IV) In respect of Central Public Sector Enterprises, cases of disagreement/deviation from the Commission's advice, in respect of Non-Presidential Appointees, shall be reported to the CVO or the administrative ministry/department concerned, through the chief executive of the organisation.

The CVO of the administrative ministry shall put up all such cases to the secretary of the administrative ministry/department concerned. A confirmation in this regard shall be sent to the Commission by the CVO of the administrative ministry/department.

(V) All actions regarding reporting of cases of disagreement/deviation from Commission's advice in respect of Non-Presidential Appointees, to the Secretary of the administrative Ministry/Department should be completed within a period of two months from the date of issue of orders by the Disciplinary Authority concerned.

(CVC Circular No. 000/DSP/001 dated 20.07.2020: Reporting cases of deviations by Appellate/Reviewing Authorities by Chief Vigilance Officers)

8.13 Action in Cases in Which Departmental Proceedings Had Been Initiated Before Retirement

If departmental proceedings had been initiated against a government servant under the *CCS* (*CCA*) *Rules, 1965,* while he was in service, including reemployment, the proceedings will be deemed to be proceedings under *Rule 9 of the CCS* (*Pension*) *Rules, 1972,* and will be continued and concluded by the authority by which the proceedings were commenced in the same manner as if the government servant had continued in service.

8.14 Judicial Proceedings

If a government servant is found guilty of grave misconduct or negligence as a result of judicial proceedings instituted against him/her before his/her retirement, including re-employment, action may be taken against him/her by the government under *Rule 9 of the CCS (Pension) Rules, 1972*.

8.15 Enquiry Against Officers Under Suspension/Close to Retirement

Enquiry into the allegations against officers under suspension, or those about to retire should be given the highest priority. It should also be ensured that there is sufficient time for processing the enquiry reports involving retiring and retired employees so that the matter does not get time barred for action (if warranted) under the Pension Rules or Regulations. Sending cases of retiring officials close to their retirement / superannuation to the Commission should be avoided. Such cases may be sent to the Commission preferably three months in advance in the prescribed format duly approved by the competent authority.

8.16 Disciplinary Action Against Retired PSU Employees

Public Sector Undertakings (PSUs) are non-pensionable establishments.

However, departmental proceedings against PSU employees will continue after retirement, and a penalty can be imposed on delinquent employee on the conclusion of departmental proceedings that continued beyond the date of their superannuation, provided a provision has been incorporated in CDA Rules on the following lines:

"The officer against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation, but the disciplinary proceedings will continue as if he/she were in service until the proceedings are concluded and final order is passed in respect thereof. He/she will also not be entitled to the payment or retirement benefits till the proceedings are completed and a final order is passed thereon except for his/her own contribution to CPF."

The CVO will ensure that this provision is incorporated in CDA Rules framed by the organisation.

8.17 Adherence to Time Limit in Conducting Departmental Inquiries

- (I) The departmental inquiry is often delayed due to laxity on the part of IO, lack of monitoring by DA and CVO, non-availability of listed or additional documents, delay in inspection of original or certified documents, frequent adjournments, non-attendance of witnesses, especially private witnesses, faulty charge sheets, frequent change of IO/PO and non-monitoring of progress of inquiry. The following steps may be ensured and complied with strictly by the IOs/administrative authorities to avoid delay in the conduct of departmental inquiries.
 - (a) In cases where an investigation has been conducted by the CBI/other investigating agency and the documents have been seized by them for prosecution in courts and RDA is also contemplated, it is the responsibility of the CVO/DA to procure from the CBI/investigating agency legible certified copies of seized documents required for RDA.
 - In cases investigated by CVOs, it must be ensured that certified legible photocopies of all documents are made available at the time of preparation of the draft charge sheet itself.
 - (b) While drafting the charge sheet, it may be ensured that all the relied-upon documents as well as copies of relevant rules/instructions are in the custody of the CVO. After the issue of the charge sheet and submission of the defence statement, the DA is required to take a decision within 15 days for the appointment of IO/PO in major penalty cases.
 - (c) As far as practicable, the IO should be chosen from amongst the serving officers/retired officers in the same station where the charged officer is posted, who is likely to continue till the conclusion of the inquiry.

- (d) It may be ensured that the PO is appointed simultaneously. Changes in IO/PO should be resorted to only in exceptional cases under intimation to the Commission (in respect of officers within the jurisdiction of the Commission).
- (e) In cases involving more than one charged officer, it may be ensured that, as far as practicable, the same IO/PO is appointed in all cases.
- (f) The PO must keep copies of relevant rules/regulations/instructions, etc., readily available with him/her. Departments/organisations should also ensure online availability of all their rules/regulations/instructions, etc. so that it can be downloaded during the inquiry proceedings without any loss of time.
- (g) It may be ensured that the defence documents are made available within the time allowed by the IO. Responsibility should be fixed on the custodian of such documents for any undue delay/not producing them in time or loss of these documents.
- (h) The IO should normally conduct regular hearing on a day-to-day basis and not grant more than one adjournment for the appearance of witnesses. It may be ensured that all the prosecution or defence witnesses are summoned and examined in separate but simultaneous batches expeditiously.
- (i) If witnesses do not appear in response to notices or are not produced by PO/CO, as the case may be, powers conferred under the Departmental Inquiries (Enforcement of Attendance of Witnesses and Production of Documents) Act, 1972, be exercised to request the Competent Court to pass orders for the production of the witness through summons issued by the Court.
- (j) The request for admission of additional documents during the Inquiry is to be allowed by the IO only after due application of mind, making sure that such request is not delaying the process.
- (k) The time limit for various stages of inquiry, as prescribed by the Commission vide its Circular No. 8(1)(g)99(3) dated 03.03.1999, may be complied with strictly by the Disciplinary Authorities and the Inquiry Officers.
- (l) Where the CO or PO do not cooperate in the manner of attendance, production of documents, witnesses, etc., IO may, after affording reasonable opportunity, proceed to give a report ex-parte based on facts, documents, witnesses produced before him/her.
 - (CVC Circular No. 02/01/2016 dated 18.01.2016 Timely completion of disciplinary proceedings)
 - (DoPT O.M. No. 425/04/2012-AVD-IV(A) dated 29.11.2012 regarding guidelines for monitoring and expeditious disposal of the disciplinary proceeding cases)

8.18 Model Time Limit

The model time limit for investigation of complaints and different stages of departmental inquiry, as mentioned below, shall be adhered to: -

SN	State of Investigation or Inquiry	Time Limit
1	Decision as to whether the complaint involves a vigilance angle.	One month from receipt of the complaint.
2	Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by a departmental agency or to be sent to the concerned Administrative Authority for necessary action.	3 months in terms of <u>CVC Circular No.</u> 021-AIS-1(2) dated 19.04.2021.
3	Conducting investigation and submission of a report.	Three months.
4	Department's comments on the CBI reports in cases requiring the Commission's advice.	One month from the date of receipt of CBI's report by the CVO/Disciplinary Authority.
5	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of the investigation report.
6	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of the Commission's advice.
7	Issue of charge sheet, if required	(i) One month from the date of receipt of the Commission's advice.(ii) Two months from the date of receipt of the investigation report.
8	Submission of defence reply/statement.	Ordinarily ten days or as specified in CDA rules. However, in respect of members of AIS, it is 30 days which is further extendable by 30 days but not exceeding 90 days. [Rule 8(5)(b) of AIS(D&A) Rules, 1969].
9	Consideration of defence reply/statement.	Within 15 (fifteen) days.
10	Issue of final orders in minor penalty cases.	Two months from the receipt of defence statement.
11	Appointment of IO/PO in major penalty cases.	Within 15 (fifteen) days after receipt and consideration of the defence statement.

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SN	State of Investigation or Inquiry	Time Limit
12	Conducting a departmental inquiry and submission of a report.	Six months from the date of appointment of IO/PO
13	Sending a copy of the IO's report to the Charged Officer for his representation.	(i) Within 15 (fifteen) days of receipt of the IO's report if any of the Articles of charge have been held as proved;
		(ii) 15 (fifteen) days if all charges are held as not proved. Reasons for disagreement with IO's findings are to be communicated.
14	Submission by charged officer to IO's findings/DA's disagreement note.	Within 15 (fifteen) days. However, in respect of members of AIS, it is 15 days, extendable for a further period of 15 days but not exceeding 45 days. [Rule 9(5)(b) of AIS (D & A) Rules, 1969].
15	Overall time limit for the conclusion of disciplinary proceedings.	DoPT vide OM No. 372/3/2007AVDIII (Vol. 10) dated 14.10.2013 has prescribed a time limit of 18 months for completion of major penalty proceedings against government servants from the date of delivery of charge sheet and till the date of passing of final orders.

8.19 Time limits for finalisation of Departmental Inquiry Proceedings

(I) In continuation of CVC Guidelines vide <u>Circular No. 000/VGL/18 dated 23.05.2000</u> and <u>DoPT OM No. 372/3/2007AVD-III (Vol. 10) dated 14.10.2013</u>, the Commission has advised to ensure prompt/timely action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated and further prescribed the following time limits for finalisation of departmental inquiry proceedings:

S. No.	Stage of disciplinary action	Time limits
1	Issue of Charge Sheet to the stage of appointment of IO and PO.	All the required action may be completed within a period of two months from the date of issue of the First Stage Advice of the Commission.

S. No.	Stage of disciplinary action	Time limits
2	Conducting a departmental inquiry	The inquiry report should be
	and submission of a report by the	submitted within six months from the
	inquiry officer (I.O).	date of appointment of the inquiry
		officer.
3	Overall additional time for all/any of	In addition to the above time limit, a
	the above stages of disciplinary	period of 1 more month may be taken,
	proceedings due to some	if required.
	unavoidable/unforeseen	-
	circumstances.	

(CVC Circular No. 18/12/20 dated 14.12.2020: Timely finalisation of Departmental Inquiry Proceedings – improving vigilance administration)

(CVC Circular No. 20/12/20 dated 30.12.2020: Disposal of old pending cases)

- (II) Timely completion of departmental inquiry/departmental proceedings is the prime responsibility of the disciplinary authority. Therefore, the disciplinary authorities in each ministry/department/organisation may regularly monitor the progress of the inquiry on a regular basis and ensure that the inquiry/departmental proceedings are completed within the time limit prescribed. The CVO concerned would assist the Disciplinary Authority in monitoring the progress of departmental proceedings. The Commission may recommend adverse action against the concerned disciplinary/administrative authority who is found responsible for any unexplained delay observed in any case. In appropriate cases, wherein the IO delays the proceedings, DA may not hesitate to take necessary and appropriate action against the IO.
- (III) Delay in decision-making by authorities in the processing of vigilance cases would also be construed as misconduct under the relevant conduct rules and would be liable to attract penal action. All administrative authorities shall take note and strictly adhere to the prescribed schedule of time limits in dealing with disciplinary cases.

(CVC Office Order No. 51/08/2004 dated 10.08.2004 regarding adherence to time limits in processing of disciplinary cases)

(IV) Subsequent to receipt of the Commission's first and second stage advice, the responsibility for finalisation and award of punishment passes on from the Vigilance to the personnel department. Administration may impress upon all concerned and especially the personnel departmental that in view of the shift in responsibility from the Vigilance to the personnel, any delay over and above the prescribed time limits for finalisation of disciplinary cases will be viewed as misconduct by the Commission and will render the concerned officials of the

personnel department and others concerned liable for being proceeded against from the vigilance angle with its attendant ramifications.

(CVC Circular No. 000/VGL/18 dated 03.03.2003: Delay in Implementation of Commission's Advice)

(V) The Chief Vigilance Officers shall pursue the implementation of the CVC's first and second stage advice within a month of the receipt of the Commission's advice with the concerned Disciplinary Authority to get the orders issued on such matters.

(CVC Circular No.002/VGL/49 dated 19.09.2002: Delay in implementation of CVC's advice)

Chapter 9 **E-VIGILANCE**

CHAPTER 9

E-Vigilance

Introduction

(a) E-Vigilance or Electronic Vigilance, refers to the use of technology and online platforms to enhance the vigilance functions and monitoring activities, aiming to improve transparency, efficiency and accountability in administration and organisation.

(b) E-Vigilance is a modern tool of watchfulness, prevention and detection by leveraging modern technology. E-Vigilance ensures compliance with laws, rules and instructions in governance activities by means of an inbuilt system of machine intelligence, thereby detecting violations, if any. It also ensures integrity, transparency and equity in the functioning of government and public entities which are the epitome of good governance.

9.1 Background

- (I) In this era of technological revolution, it has become possible to deal with complex and diverse government activities in an efficient, transparent, and citizen-centric manner. Over the years, a large number of initiatives have been undertaken by various organisations and authorities of central and state governments to usher in an era of e-governance. Sustained efforts have been made at multiple levels to improve the delivery of services and simplify the processes of accessing them. Use of Information and Communication Technology (ICT) in India has steadily evolved from computerisation of government departments to initiatives that encapsulate the finer points of governance, such as citizen centricity, service orientation, speed, and transparency.
- (II) Organisations undertake automation, digitisation and digitalisation in order to streamline their internal systems and processes to ensure effective customer interface and delivery of seamless services, such as Government to Government (G2G), Government to Citizen (G2C), Citizen to Government (C2G), Government to Business (G2B) and Business to Consumers (B2C) services, etc. The major areas where online systems have made a huge impact are e-procurement, e-land records, e-office, e-exams, e-recruitment, e-payments, e-banking, scholarships, life certificates for pensioners, e-subsidies, online booking/reservation (railways, airlines, roadways, etc.), passport services, e-courts and other legal services, medical consultancy, and other IT-enabled services.

(III) While digitisation has brought in lots of merits, such as reducing petty corruption, efficient delivery of services, improving the quality of life, reduction in time taken for availing services, enhanced transparency, and awareness amongst citizens, it poses its own challenges of vulnerability of intentional/unintentional manipulations which need to be diagnosed and tackled on a continuous basis. Instances of cyber fraud, cyber crimes, malpractices by government officials and employees of vendors manning the IT systems and outsiders have also come to notice. Apart from the organisations concerned, the Commission is receiving/has received reports/complaints about incidents of such malpractices.

(IV) Organisations should have robust systems and processes of IT-based platforms, and vigilance needs to play a proactive role and to adapt to such organisational changes so that the processes and information in such an environment are within their ambit for scrutiny against vigilance angle or systemic deficiencies. In order to undertake such an examination, there is a felt need for requisite capacity building in the form of competencies, skills and tools that would help vigilance examine the data, the reports and the processes.

9.2 Challenges

- (I) A few possibilities to illustrate existing IT systems' susceptibility to corruption and incidents of malpractices are cited below:
 - (a) **E-procurement/e-tender**: There may be instances wherein some bidders could get to know critical information such as bids of the competitors because of inherent infirmities/vulnerabilities of the system itself and succeed in clinching the tender in their favour. Non-encryption of technical/financial bid and its accessibility is a vulnerability area. Encryption and audit trail/log need to be ensured. The trails/logs are required to be maintained in such a manner that they cannot be modified/altered by the system administrators.
 - (b) **E-Recruitment**: Delayed publishing of vacancies/recruitment notices on e-platform and actual reduction in e-visibility period of the said notice; additionally, the broken link to open the online form and the system becoming slow/hung in the last few days/hours of the cut-off time and non-provision of an objection period is an area of concern.
 - (c) **E-payment fraud and duping**: Numerous cases are reported on a regular basis wherein citizens are duped while making online transactions with various banks and available apps. Payment gets deducted from the account of the customer, but services/goods are not delivered and without auto-reversal of payment or

instant refund. A huge amount of money gets siphoned off in this kind of malpractice. Given the extensive use of technology in the Banking, Financial Services, and Insurance (BFSI) sector, the risk of unauthorised access, disclosure and modification by unscrupulous employees remains high.

Many government schemes now involve Direct Benefit Transfer to the intended beneficiaries. Such kinds of e-payment transfers need to be protected from any possible unscrupulous manoeuvring. Pay and allowances to employees and payment to the contractors/vendors are now made through electronic transfers and are vulnerable to manipulations and frauds.

Modification of bank details of intended beneficiaries (for contractual payments, refunds, etc.) should normally not be allowed. If it becomes absolutely necessary (for example, in the case of closure/merger of banks, etc.), it should be done in a controlled manner with multi-level approvals and audit trails.

9.3 Proactive Measures to Enhance the Robustness of the IT-Based Systems

- (I) E-Systems and processes should be aligned with provisions in the IT Act, rules and guidelines issued by the Ministry of Electronics and Information Technology (MeitY) from time to time.
- (II) Relevant SOPs should be put in place by the organisations for strict adherence.
- (III) To ensure information security in terms of confidentiality, integrity, availability and indisputable authentication of ownership of any action (non-repudiation), the ICT infrastructure, such as e-platforms and IT-enabled services comprising websites, portals, applications, databases, user accounts, cloud services, mobile applications, storage devices, Application Program Interfaces (APIs), encryption mechanisms, etc., are needed. The electronic service environment of the organisations needs to be updated and made robust.
- (IV) Security Audit: All the IT systems and processes should be security audited by agencies such as STQC or CERT-In empanelled agencies. The software applications and IT systems should be tested/audited at regular intervals as per the CERT-In guidelines. However, if there is a major change in software application or IT system, then the impact of change should be analysed, and testing/auditing for security should be done before putting the changed application/IT system in a production environment. However, basic details of key personnel of the CERT-In empanelled agencies or any other such organisation, like name, Aadhar number, PAN number, etc., need to be maintained and dynamically updated by CERT-In or any other similarly placed organisation.

(V) **Information Security Management System**: Organisations should have a policy which ensures data authorisation, process authorisation, data safety, non-repudiation, etc., depending upon the need and necessity of the organisation. The hiring organisation, having sensitive and confidential data, may exercise due diligence to ensure the integrity of the key personnel of the empanelled agency while getting the security audit done for the organisation.

- (VI) Ownership and control of the data shall exclusively rest with the concerned public organisation.
- (VII) Maker/Checker Concept: The agency which has made/supplied the IT systems should not be the checker of the IT system. The checker should, inter alia, examine the code for the possibility of leakage of confidential data/data loss through malicious code. This should be done for each and every patch that is deployed thereafter.
- (VIII) IT systems and their online auditing systems should be in separate silos so as to maintain the exclusivity of the auditing system. Control of the auditing system should not be with the administrator of the IT system.
 - (IX) Organisations may consider having backup server(s)/Disaster Management Server (DMS) placed at a different place other than the primary server(s) where exact replicas of the primary server(s) are created on run-time basis or at regular intervals as may be decided by the organisation. This will help the organisation recover data in case of any disaster, crashing of the primary server, etc.
 - (X) System of auto-generated alert in cases, such as it becoming slow below a certain level or disruption during submission of bids, applications for various services, etc., on the cut-off date and time. A window period for receiving grievances and their redressal should be there.
 - (XI) All transactions should be time-stamped with the server clock time. The server time should be synced with a verified source like the NPL clock, ISRO clock, etc., to prevent denial of service, unauthorised availing of service after the due date, and unauthorised access of confidential data (e.g., viewing of bids before closing time) through tampering of the server clock time. A log should be maintained for any change in server time, and such changes should also trigger SMS/email alerts to designated officials.
- (XII) Guidelines to be prepared by the organisation concerned for a comprehensive audit on the lines of e-procurement 'Guidelines for compliance to quality

requirements of e-procurement systems' issued by MeitY, also mandated by the Ministry of Finance.

- (XIII) **Audit trails**: All the IT systems (hardware and software) should maintain audit trails which can establish the digital footprints of the user login, access duration, etc. These logs must be enabled and maintained for an appropriate period as per extant guidelines of the government.
- (XIV) **Forensic readiness**: E-services should have robust forensic readiness so as to maintain the usefulness of incident evidence data and the ability to perform forensic investigations quickly and with ease. Organisation should have a policy for recording, preserving, and validating the transactions and activity log records. E-services should be periodically tested for their forensic readiness in case of breach or manipulation by insiders or external actors.
- (XV) **Continuous monitoring and visibility**: ICT infrastructure facilitative e-services should be continuously monitored for the security status and visibility on operations. Apart from monitoring the e-services themselves, organisations should maintain ongoing awareness of information security, assets, vulnerabilities, and threats to protect the systems and prevent cyber-attacks and misuse from external as well as internal actors.
- (XVI) **Awareness**: Operators, insiders, and owners of the e-services could intentionally or unintentionally facilitate breach or manipulation of the e-services. A role-based information security awareness programme, including concepts of external and internal threats, needs to be devised for key staff members. The awareness programme may also include vendors and suppliers of the e-services. Senior management may monitor the effectiveness of such programmes.
- (XVII) **Capacity Building**: Regular training programmes encapsulating the major areas of vulnerability, system and security audit, robustness of IT infrastructure, etc., should be organised for the key managerial, IT personnel, and other staff members of the concerned public organisations.
- (XVIII) In case the deployed software and hardware are not security audited, it should be done at the earliest by STQC or CERT-In empanelled agencies. These audit certificates, if displayed on the home page of the IT system, will instil a sense of confidence in the minds of the users.
 - (XIX) When a software system is developed through a hired agency, ample care should be taken to distinguish the software developed and testing setup from the live setup. This means that the server or machine used for development and testing

must be different from the server or hardware where the software is going to be operated, preferably at a different place.

- (XX) All the IT systems in operation must ensure periodic re-audit every two to three years or when a major functional change has been incorporated.
- (XXI) IT systems must use a digital signature system, e-sign, OTP or biometric-based user authentication rather than just relying on user ID and password. Additionally, the system of screen log-out after an appropriate time lapse, as may be decided by the organisation, can also be introduced so as to ensure safeguards against any unauthorised person's access to the system. Besides, sensitive documents should be encrypted before transmission. For example, in an e-tender system, technical bids as well as financial bids should be encrypted so that nothing is visible to the back-end staff.
- (XXII) The Chief Vigilance Officer needs to take up a periodic review to ensure the integrity of the existing automated systems and processes. Such a review shall be carried out at least once a year by a committee comprising an officer of vigilance department, HR department and IT department of the organisation. A report on such a review shall be submitted within one month to the head of the organisation. Any serious deficiencies identified during the review shall be examined from a vigilance angle, and further investigation shall be taken up wherever required.
- (XXIII) The government has empanelled information auditing organisations to facilitate regular audits of ICT infrastructure. Guidelines related to good information security audit practices are published for auditees, auditors, data handling and cyber security audit baseline requirements. For further details, the following weblinks may be visited:

https://www.meity.gov.in/writereaddata/files/CISCO Roles Responsibilities.pdf https://www.cert-in.org.in/PDF/guideline_auditee.pdf https://www.cert-in.org.in/PDF/Auditor Guidelines.pdf https://www.cert-in.org.in/PDF/CyberSecurityAuditbaseline.pdf

9.4 Internet of Things (IoT):

(I) Increasing digitisation and networking of processes and physical devices—Popularly known as the Internet of Things (IoT), it generates massive amounts of diverse data streams. By subjecting accumulated data to analytic and intelligence tools which are now widely available at low cost, it is not only possible to generate entirely new insight into organisational functions and boost

productivity and efficiency, but also to spot hard-to-detect vulnerabilities within. On the flip side, as more and more processes, transactions, and interactions continue to get driven from ICT interfaces, different kinds of threats can arise in the form of potential manipulators and fraudsters exploiting possible weaknesses and loopholes in the digital infrastructure. The following measures should be in the knowledge of the senior management of the organisation: -

- (a) Initialisation and calibration of embedded sensors in any IoT (Internet of Things) System.
- (b) Compatibility of multiple software driving disparate/legacy ICT hardware.
- (c) Real-time corrective action and evidence gathering on alerts generated from any IoT device.
- (d) Use of big data analytics enhances capacity building within organisations and minimises external dependence for sensitive processes.
- (e) Have a proper data storage protocol, quantum and mode of storage, retrieval frequency.
- (f) Study operational data through freely available open-source business intelligence software to spot hidden trends, productivity, loss, etc., to the extent possible.
- (g) Identify sensitive/vulnerable areas prone to cybercrime/insider malpractices and sharing of such information among organisations for prevention.

9.5 E-Vigilance Initiative in BEML

- (I) **Online Complaint Lodging:** Provision has been made for registering the complaint as well as tracking the status through online in the BEML Vigilance portal to facilitate the stakeholders/citizens to raise/report complaints or grievances online.
- (II) **Vigilance Clearance System**: BEML has introduced the SAMPARK e-platform for online processing of vigilance clearance on a real-time basis, which is totally transparent and accountable and prevents any delays. (i.e., SAMPARK System).
- (III) Paperless Office Management: BEML has introduced an online platform, i.e., FLM (File Life Cycle Management), through which all approvals are being processed online on a real-time basis there by achieving faster processing of approvals, easy storage and retrieval, maintaining confidentiality, etc., there by implementing a paperless office system.
- (IV) **Annual Property Returns (APR) :** BEML has introduced the SAMPARK portal for online filing of Annual Property returns through which all officers are made

to submit their annual property return and allows storing APR related data of previous years in digital mode.

- (V) **Biometric Attendance Management System (BAMS)**: BEML has introduced a smart card reader cum Biometric attendance recording system for recording and maintenance of attendance of all the executives and non-executives of BEML on real-time basis and storing data in digital mode.
- (VI) **Tendering System**: BEML has implemented an e-platform for tendering, and all the tenders, irrespective of tender type, are processed through either SRM (Supplier Resource Management) or through the GeM (Government e-Market) portal.
- (VII) **e-Connect Platform**: BEML has introduced e-connect platform, through which travel management, leave management, Handing over and taking over, leave encashment, exit management, payslip generation and print out, movement pass (both official and personal), e-learning, air ticket booking etc., are being used by BEML personnel.
- (VIII) **Material Gate Pass (MGP)**: Online system for processing returnable and non-returnable material gate passes.
 - (IX) **Vendor Payments**: Online processing of vendor payments, Bank Guarantee (BG), etc.

The above process has brought a significant role as a part of preventive vigilance by leveraging IT solutions, increasing operational efficiency, accountability and transparency in the operations of the organisation.

9.6 Benefits of E-Vigilance

- (a) Faster processing
- (b) Streamlined processes and online platforms lead to quicker processing of complaints and investigations
- (c) Improved transparency
- (d) Enhance transparency and accountability
- (e) Reduced corruption
- (f) Deter corrupt practices
- (g) Better citizen engagement
- (h) Cost-effectiveness and efficient operation (associated with paper-based processes and manual operation)

Chapter 10 PERIODICAL MEETINGS

CHAPTER 10

Periodical Meetings

10.1 Sectoral Meeting

- (I) CVC conducts Sectoral Meeting with specific sectors like the banking sector, defence sector, insurance sector etc. BEML, being a DPSU, will participate in the Sectoral Meeting of the defence sector. The sectoral meeting will be chaired by the CVC, with the attendance of all the CVOs of the sector (along with the CMDs based on the discretion of the CVC).
- (II) The venue of the Sectoral Meeting would be decided by CVC, and the participants would be in attendance for the same. The Sectoral Meeting would cover all areas of Vigilance administration, specific initiatives undertaken during the preceding year and proposed for the next year. Complaint handling mechanism, punitive and preventive vigilance measures are undertaken in terms of timelines and effectiveness. Review of pending vigilance practices systemic/procedural improvements made, steps for strengthening core functional areas of operations, and identification of areas prone to corruption. Briefing CVC on the review consisting of the existing systems and improvements/modifications introduced to minimise scope for corrupt practices, improve transparency and governance, along with efforts made for outreach activities and participative vigilance. Further, a review of the action taken report of the previous Sectoral Meeting too would be done.

10.2 Quarterly Structured Meeting between CVO and CMD

- (I) A structured meeting between CVO and CMD will be held quarterly at HQ. The agenda points are prepared by the office of CVO in advance. A presentation is made by CVO to review the following aspects:
 - (a) Previous structured meeting/action taken points.
 - (b) Investigation reports pending with DAs.
 - (c) Pending Disciplinary Cases.
 - (d) Ongoing CBI cases.
 - (e) Systemic improvements suggested by Vigilance.
 - (f) Any other matter as desired by CVO.
 - (g) The minutes of the meeting are prepared, and after approval of CMD, the actionable points are forwarded to departments concerned for further necessary action.

10.3 Quarterly Vigilance Committee Meeting

- (I) The meeting will be chaired by the CVO and attended by all vigilance officers from corporate/complex/divisions. The vigilance meeting is held keeping in view the various effective modes available for real-time interaction amongst the vigilance fraternity. The aim of the meeting is to deliberate, discuss and delve on various subjects that are important from a vigilance and organisational perspective with the thrust on preventive vigilance.
- (II) Agenda points of the meeting:
 - (a) Review of vigilance work carried out in the divisions/RO/DO
 - (b) Discussion on System Study/CTE
 - (c) Experience sharing and sharing of knowledge
 - (d) Status of ongoing/pending disciplinary cases
 - (e) Implementation status of system improvement recommendations
 - (f) Job Rotation
 - (g) Other issues. if any

10.4 Quarterly - Divisional Vigilance Committee (DVC) Meeting

The constituted committee will meet once in three months. (For details refer chapter 4, section 4.14.)

Annexure 1 Record Retention Schedule

Record Retention Schedule

Sl no.	Particulars of Document/Records	Period of preservation
01	Anonymous Complaints	1 year
02	Pseudonymous Complaints	1 year
03	Authenticated (Genuine) Complaints	permanent
04	Fact Verification Reports, Investigation Reports, Disciplinary Enquiry Reports,	Permanent + SC *
05	Vigilance Clearance	Sampark System (SC)
06	List of Doubtful Integrity, Agreed list, Internal Agreed list.	10 Years
07	Monthly Reports	3 Years
08	Quarterly Progressive Reports	3 Years
09	Action Plan on Anti-Corruption	3 Years
10	Surprise/ Regular checks reports, Audit Reports	3 Years
11	Annual Zonal sector Meeting Minutes & correspondence	5 years + SC
12	Foreign Delegates/Visitors	3 years + SC
13	Vigilance Awareness Week	3 years + SC
14	Intensive Examination of Works/Contracts/Purchase Order/Sub-contracts Orders carried out by Intensive Examination Teams.	5 years + SC
15	Vigilance Activity Reports to Board	5 years + SC
16	Regular Review of POs covered under Integrity pact. (IEM)	3 Years
17	Seminar/Training/Conference/Workshops etc.	3 years + SC
18	System Study Reports	3 Years + SC
19	Minutes of Structure meeting with CEO (CMD)	3 Years + SC
20	Minutes of DVC Meeting received from Divisions.	3 Years + SC
21	Internal Correspondence	3 Years
22	Annual Vigilance Activity report to CVC	5 Years + SC
23	Appointment/Transfer/Separation	3 Years
24	PESB Correspondence	5 Years

Sl no.	Particulars of Document/Records	Period of preservation
25	Monthly report on Disciplinary cases from Division	3 Years
26	Correspondence with CVC, MoD & DoPT	5 years + SC
27	Correspondence with CBI	15 years + SC
28	Correspondence with State Police (w.r.t case)	15 years + SC
29	General Correspondence Files	3 Years
30	Any other Miscellaneous Files.	3 Years

^{*} SC : Soft Copy stored either in a Computer Hard Disc/External Hard Disc/any other Storage Device.

Annexure 2 Reports and Formats

Format - 01

Complaint

Register Format

Complaint Register:

(I) A - Register (Owned complaints having Vigilance Angle)

Complaints to be maintained in separate columns for Category A and Category B employees.

Sl. No.	Source of Complaint (see N.B.1)	Date of receipt	Name designa office complaine Category "A"	tion of er(s)	Reference to file No.	Action taken (See N.B.2)	Date of action	Remarks (See N.B.3)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

N.B.

- 1. A Complaint includes all types of information containing allegations of misconduct against public servants, including petitions from aggrieved parties, information passed on to the CVO by CVC, and CBI, press reports, findings in inspection reports, audit paras, PAC reports, etc. In the case of petitions the name and address of the complainants should be mentioned in Col. 2 and 1 and in other cases, the sources as clarified above should be mentioned.
- 2. Action taken will be of the following type:

Taken up for investigation by Departmental vigilance agency.

- 3. Remarks column should mention (a) and (b).
- (a) If there were previous cases/complaints against the same officer, the facts should be mentioned in the "Remarks" column.
- (b) Date of charge-sheet issued, wherever necessary.

(II) B - Register (All complaints - both vigilance and non-vigilance)

Sl. No.	Source of Complaint (see N.B.1)	Date of receipt	Name and designation of officer(s) complained against	Reference to file No.	Action taken (See N.B.2)	Date of action	Remarks (See N.B.3)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

N.B.

- 1. A Complaint includes all types of information containing allegations of misconduct against public servants, including petitions from aggrieved parties, information passed on to the CVO by CVC, and CBI, press reports, findings in inspection reports, audit paras, PAC reports, etc. In the case of petitions the name and address of the complainants should be mentioned in Col. 2 and 1 and in other cases, the sources as clarified above should be mentioned.
- 2. Action taken will be of the following types: (a) Filed without enquiry (b) Filed after enquiry (c) Passed on to other sections as having no vigilance angle (c) Taken up for investigation by Departmental vigilance agency.
- 3. Remarks column should mention (a) and (b).
- (a) If there were previous cases/complaints against the same officer, the facts should be mentioned in the "Remarks" column.
- (b) Date of charge-sheet issued, wherever necessary.

Format - 02

Report Format for
Fact Verification /
Investigation / System Study

Fact Verification Report

(Complaint/Source Information)

On receipt of a complaint and based on the advice of CVO, fact verification need to be carried out and the report to be prepared and submitted in the following format:

1. Reference

Mention the reference by which the fact verification is taken up.

2. Allegation

- 2.1 Specify in brief the allegation contained in the Complaint/Source Information.
- 2.2 Specify against whom allegation is?
- 2.3 The allegations are to be serially numbered.

3. Adherence to Schedule

- 3.1 State date of receipt of complaint/source information for fact verification and date of sending the Fact Verification Report (maximum 2 months).
- 3.2 State whether allegations are substantiated partly/fully by the fact verification?

4. Fact Verification

Examination and mention appropriate:

- a) Rules
- b) Procedures (Purchase/Sub contract/Works Contract)
- c) Guidelines/Directions relevant to the event/transactions (Enclose extract of relevant provisions)

5. Examination of Documents

- 5.1 Examination of documents concerning allegations/transactions. Facts emerging from the examination. (Take authenticated copies in custody)
- 5.2 Violations of Procedures/Rules/Directions:

From examination of documents, what are violations vis-à-vis the procedures prescribed as approved by BEL, by different persons. If financial loss caused, then estimation of the correct financial loss.

6. Conclusion

- 6.1 If allegations are proved by fact verification, then mention what is proved, against which executive/non-executive and also mention financial loss to the Company or gain to individual or vendors if any.
- 6.2 If allegations not proved, mention accordingly.

Report Format - 02

7. Recommendation

Provide recommendation for Systemic Improvements and Disciplinary (if any) based on the verification, analysis and conclusion.

8. Annexures

- a) Copies of relevant documents.
- b) Extracts of relevant guidelines and procedures.

NOTE: The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

Investigation Report

1. Reference

- 1.1 To specify the source of Complaint.
- 1.2 Mention on whose order the Investigation is taken up.

2. Allegation

- 2.1 This should specify in brief the allegation contained in the Complaint.
- 2.2 Specify against whom allegation is?
- 2.3 The allegations are to be serially numbered.

3. Adherence to Schedule

- 3.1 State date of receipt of complaint for investigation and Date of sending the Investigation Report (3 months maximum)
- 3.2 Whether Allegation Substantiated: State whether allegations are substantiated partly/fully by the Investigation.

4. Investigation

Examination and mention appropriate:

- a) Rules
- b) Procedures (Purchase/Sub contract/Works Contract)
- c) Guidelines/Directions relevant to the event/transactions (Enclose extract of relevant provisions)

5. Examination of Documents:

Examination of documents concerning to allegations/transactions. Facts emerging from the examination. (Take original records/files and/or authenticated copies in custody)

6. Violations of Procedures/Rules/Directions

6.1 Based on examination of documents, the violations (if any) noticed vis-à-vis the rules/procedures prescribed in BEML, by different persons? Bring out details of malafide intentions noticed if any, details of financial loss caused and bring out the approximate estimation of the financial loss caused to the company by each individual and/or gain caused to an individual/vendors/parties.

- a) Obtain statements of persons involved.
- b) Statement of witnesses (if any) who corroborate & support charges.

c) Interrogation/Written statement of the concerned delinquent executive/non-executive (Executives/Non-Executive) regarding the violations whether with or without financial loss to the Company. (If oral statements taken, then signature of person making the statement to be taken. Also Investigating Officer should sign after writing "statement recorded by me")

7. Assessment of Evidence

After investigation, the documentary/oral evidence should be assessed on the facts, which have emerged from examination of documents & explanations of the concerned parties to arrive at conclusion as to what is proved against whom, allegation wise. Assessment of evidence will focus on the following points:

- a) The allegations taken up
- b) The allegations prime facie "Not Substantiated" or "Substantiated", including the financial loss/gain.
- c) State the evidences leading to the proof of the allegation (both oral and documentary).
 - i. Suspected executive/non-executives version of the case.
 - ii. Discussion of both versions.
 - iii. Conclusion of the Investigation Officer on each of the allegations whether proved or not proved.

8. Conclusion

- a) If allegations are proved then, points, which are proved against each delinquent executive/non-executive, enumerated serially. Mention also the relevant misconduct as mentioned in BEML CDA Rules and Standing Orders (as applicable). Also mention financial loss to the company or gain to individual or vendor.
- b) If allegations not proved, mention accordingly.

9. Recommendation

Recommendation proposal on both Systemic Improvement and necessary disciplinary proceedings against each delinquent executive/non-executive whether minor penalty/major penalty/criminal prosecution etc.

10. Annexures

- a) Copies of relevant documents.
- b) Extracts of relevant guidelines and procedures.
- c) Copies of written statements/interrogation.
- d) Articles of charge proved.
- e) Imputations of misconduct.
- f) List of oral and documentary evidence to prove against delinquent executive/ non-executive allegation wise.

NOTE: The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

Report Format - 02

Report on System Study

1. Reference

- 1.1 Indicate the details of order to take up system study.
- 1.2 Submission of synopsis in the prescribed format.

2. Adherence to Schedule

3 Months/6 Months from the date of receipt of communication to conduct system study from Corporate Office or as per the time schedule indicated on case to case basis.

- 3. Brief/Back ground of the System Study
- 4. Details of documents and records verified/examined
- **5.** Violations of Procedures/Rules/Directions noticed (if any)
- **6.** Details of statement and supporting documents obtained from the concerned personnel
- 7. Assessment of documents and evidence
- 8. Conclusion

9. Recommendation

Recommendation proposal on both Systemic Improvement and necessary disciplinary proceedings against each delinquent executive/non-executive (if any) indicating the type of disciplinary proceeding such as minor penalty/major penalty/criminal prosecution etc.

10. Annexures

- a) Copies of relevant documents.
- b) Extracts of relevant guidelines and procedures.
- c) Copies of written statements/interrogation.
- d) List of oral and documentary evidence to prove against delinquent executive/ non-executive allegation wise.

NOTE: The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

Format - 03
Monthly Report /
Task Formats

	ks	
Date:	Remarks	
ills Receivable	Compliance to sale order terms & Revenue recognition	Purpose: - To conduct scrutiny of Amount realised against Equipment Invoice Scrutiny of BEML Sale Order terms vis-à-vis Customer Order terms and conditions - Minimum number of Invoices to be Scrutinised: 5 - Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head
l Check on B	Sale order value (Rs.)	oice. rms and cond n of Division
on Periodica	Sale Order No./ Date	uipment Invomer Order te
Task 1:Report on Periodical Check on Bills Receivable	Equipment / Qty	Purpose: To conduct scrutiny of Amount realised against Equipment Invoice. Scrutiny of BEML Sale Order terms vis-à-vis Customer Order terms and conditions Minimum number of Invoices to be Scrutinised: 5 Report to be prepared by VO and sent with the co-ordination of Divisional Vig
I	Customer Name (M/s.)	tiny of Amount re L Sale Order term er of Invoices to b
For the Month :	Invoice No./ Date	Purpose: - To conduct scrutiny of Amount realised against Eq Scrutiny of BEML Sale Order terms vis-à-vis Custor - Minimum number of Invoices to be Scrutinised: 5 Report to be prepared by VO and sent with the co
For the	SI.No	Note:

Task 2: Report on Periodical Check on Bills Payable

For the Month:

Date:

Payment Due Date as per PO terms	(F)	
Inbound No. & Date	(E)	
Vendor Invoice No., Invoice Date & Amount Claimed	(D)	
PO Item, Payment Term as per Vendor Invoice No., Inbound No. Payment Due Description & P.O & Delivery Terms Invoice Date & Date as per PO Qty Delivered (FOR / Ex-Works) Amount Claimed terms	(c)	
PO Item, Description & Qty Delivered	(B)	
Firm Name & PO Ref	(A)	
SI. No		

Remarks	
Payment made after Due Date (In Days)	(L) = [F-J] (M) = [J-F]
Payment made before Due Date (In	(L) = [F-J]
Time taken to Payment Process Invoice (No. made of days) before Due	(K) = [I-H]
Clearing document no. & Date	(f)
E	(1)
& Date Clearance No. & Date	(H)
GR No & Date	(9)

Purpose: Scrutiny of Bills paid to vendors. Random check for payment period, compliance of terms and conditions of payment.

- · Extract Bills paid during the month from SAP using T-code FBL1N for document type KZ (Payment) & RE (MIRO)
 - Randomly select the bills
- Tabulate the details as per the format
- Ascertain the delay in Inspection, MIRO & Payment
- In case of delay in payment, Seek clarification of concerned and report

- Minimum Bills to be scrutinised : 10 bills $\tt Report$ to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head

Task 3 : Report on Periodical check on BG (Bank Guarantee), SD (Security Deposit) and EMD (Earnest Money Deposit)

1) Report on Bank Guarantee (BG):

For the Month:

During the currency of **BG** lapsed Contract Whether Amount (Rs) Ref. No & Date **Details of BG Returned** Re Validated Period (For Works) If Any Extended Validity Period Bank Details Issued no. & Date Reference BG per PO terms as BG Order No. **Purchase** Firm Name (M/s.) SINo

Remarks

Date:

1 No. of BG's received for the month

2 No. of BG's returned for the month :

3 No. of BG's expired for the month

4 No. of BG's extended for the month

Note:

Purpose: Status report on reconciliation of Bank Guarantee (Whether lapsed / valid during the currency of the contract).

- Collect BG's received/returned/expired /extended during the month from Finance (Local finance & Book keeping)

Select 2 BG's which are returned

- Fill up the data as per format

Analyse and report on BG Validity, Amount, extension if any, BG confirmation from originating bank etc.

verification from the bank, Status on return to vendor

			S3		
			Remarks		
	Date:	Whother	SD Refunded In Time		
			Amount (Rs.)		
		SD Refunded	SAP Doc. No		
			Date		ort
		p	Amount (Rs.)	he policy	ıtus and rep
		Security Deposit Received	SAP Doc. No & Date	ed as per t	ı, refund sta
		ırity Depo	Bank Name	ed / deduct	tment of retentior
		Secu	DD No. & Date	mount receive	inance Depar ount, period o
			SD terms as per PO / Contract	ation of SD ar	nonth from F funded nat ted to SD am
<u>Deposit (SD)</u>			Firm Name	on re-concili	etails for the rewhich are restate as per form
2) Report on Security Deposit (SD):	onth:		PO Number & Daterms & SD terms & SD terms & Date & Contract	Note: Purpose: Status report on re-conciliation of SD amount received / deducted as per the policy	 Collect SD details for the month from Finance Department Select 2 SD's which are refunded Fill up the data as per format Analyse the PO terms related to SD amount, period of retention, refund status and report
2) <u>Keport</u>	For the Month :		ON IS	Note: Purpose:	

3) <u>Repo</u>	3) Report on Earnest Money Deposit (EMD):	foney Depos	sit (EMD):											
For the	For the Month :												Date:	
SI.	Request for		Firm Name	Tender		EMD R	EMD Received		Purchase Order	E	EMD Refunded	p	Whether EMD	Remarks
	Quotation No.	opening Date	(M/s.)	(EMD amount)	DD No. & Date	Bank Name	SAP Doc. No & Date	Amount (Rs.)	released Date Against RFQ	Date	SAP Doc. No	Amount (Rs.)	Kennded in Time	
											6 -4			
Note: Purpos	Note: Purpose Status report on return of EMD	on return of	EMD											
	- Collet EMD ra- Check for the - Collect detail	eturned deta Tender tern s of EMD ret	Collet EMD returned details for the month from Finance Check for the Tender terms for EMD amount and Submission status of all the bidders against the tender Collect details of EMD returned to all the Bidders Voilier whether the column of EMD is an earth forms in Danches manned.	onth from Fina nount and Sul ne Bidders	ance bmission st	atus of all t	he bidders	against the	tender					
	 Verify whether the return of Evil is as per the terms given in rutchase manda Report the variation Minimum 2 EMDs to be checked 	ariation EMDs to be c	checked	ber une termi	S given in r	m chase m	ii nai							
Present	Present Guide line on return of EMD ;	return of EM	Ü.											
3 5 7	Validity of Bid security (EMD) Rejection during pre-qualification stage Rejection during technical evaluation	security (EM ng pre-qualif ng technical	(D) fication stage evaluation		: 45 days : Immedi: : Return v	beyond finately return	45 days beyond final bid validity period Immediately return on rejection of bid d Return with in 30 days from the date of	ity period on of bid du he date of de	45 days beyond final bid validity period Immediately return on rejection of bid during pre-qualification stage Return with in 30 days from the date of declaration of result of First stage evaluation (technical)	stage First stage ev:	aluation (tech	ınical)		
4 ro	Commercially unsuccessful bidders Firm on which the order is placed	unsuccessfu the order is	l bidders placed		: Return	vith in 30 d d against re	Return with in 30 days after aw Returned against receipt of BG	Return with in 30 days after award of contract Returned against receipt of BG	itract					
	All the above three reports to be prepared by VO	three repor	ts to be prep	ared by VO a	and sent w	ith the co-	ordination	of Divisio	and sent with the co-ordination of Divisional Vigilance Head					

Remarks Date: per Work Order per Gate Entry Consumables supplied as **Consumables to** be supplied as **Amount Paid** Task 4: Report on Welfare Account attended during How many the month required to be deployed many Labourers were As per Contract How Contract description PO No./ For the Month: Date SI No Note:

Purpose: Check bills paid to Labour contractors, Civil & Electrical contractors and AMC. (2 Bills).

- From the data provided by finance on payments made to Vendors for the month, Select Two bills pertaining to Contracts PO (Labour/Service)

Verify the bill for the following:
 * Check for total number of Mandays claimed by the contractor with respect to Muster roll

(Certified by user department) against PO terms

* Verify for Payment considered per man day, as per Contract terms

* Check for Penalty, if any as per PO

* Check for Attendance (Muster roll) certified by user department

* Check for Bill certification

* Deductions made towards ESI & PF etc.,

* Verify the Bank statement for payment made to Labourers, as per Contract terms

* Verify the Payments made for ESI/PF of previous month against challans submitted on ESI/PF

Make a report on deviations observed in remarks column

· In case the contractor has claimed for consumables, verify the document for confirmation on receipt of item & quantity supplied/received against each item claimed and value with respect to PO.

One welfare contract to be checked

Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head

				Tas	ik 5 : Report	Task 5 : Report on Surprise Check at Receiving stores	k at Receivir	<u>ig stores</u>				
For the	For the Month:										Date:	
SINO	Date	Store	Invoice Number & Date	Description of Material and Vendor Name	Supplied Quantity (Nos)	VEP & Vehicle Number	Inbound No. & Date and GR No. & Date	Vehicle IN & OUT	Gross Tare Net	r Kg.	Weighing Card S/N	Remarks
Note:	Purpose: Surprise checks a weighment of consignment Make a surprise visit to rec Select 10 items received du Verify time taken to unloa Check for Inbound details, - Check for item received wi.	Surprise c t of consig urprise vis items rect ne taken t Inbound i	Varpose: Surprise checks at Receiving storveighment of consignment. Make a surprise visit to receiving stores Select 10 items received during the day/n Verify time taken to unload/inbound/GR Check for Inbound details, GR details, Inv Check for item received with manual inbo	Purpose: Surprise checks at Receiving stores for verifying the quantity received, time taken for unloading the consignment, preparing the Inbound receipts/way bills, Storage and weighment of consignment. - Make a surprise visit to receiving stores - Select 10 items received during the day/ month - Verify time taken to unload/inbound/GR - Verify time taken to unload/inbound/GR - Check for Inbound details, GR details, Invoice details for quantity - Check for item received with manual inbound (Not through System) or with out inbound	he quantity r uantity	eceived, time taken	ı for unloadin	g the consignmen!	, preparing th	e Inbounc	d receipts/way b	ills, Storage and
	- Check for - Report th - Minimum - Minimum	weighme e deviatio 10 consig be prepa	- Check for weighment details from the syst - Report the deviation observed - Minimum 10 consignments to be checked Report to be prepared by VO and sent w	- Check for weighment details from the system for Exworks supplies - Report the deviation observed - Minimum 10 consignments to be checked Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head	supplies	isional Vigilance H	Iead					

			Ta	ısk 6:Report on !	Task 6 : Report on Surprise check at Rejected stores	<u>Rejected stores</u>				
Fort	For the Month:									Date:
SI. NO		PDO No & PO Ref, Date & Firm Part No., I Date Name Qty Re	Part No., Part Name & & Qty Rejected	Whether the rejected item Cleared by Initially Clea Source by Receivir Inspection Insp	rejected item Initially Cleared by Receiving Insp	SAP Doc No. & Date for Recovery	Amount (Rs) Recovered	DA Doc No & MGP Date	Reason For Rejection	REMARKS
Note:		rrprise checks of sending	Purpose: Surprise checks of sending Rejected material to vendors	ndors						
	- Extract Det Extract dets Select 5 PD.	 Extract Details of despatch of rejected items during th Extract details of Items rejected during the month usi Select 5 PDO's from list extracted using ZMGPVEN Fill in the details called in the above format 	 Extract Details of despatch of rejected items during the month using T-code ZMGPVEN Extract details of Items rejected during the month using the T-code QM 11 Select 5 PDO's from list extracted using ZMGPVEN Fill in the details called in the above format 	nth using T-code ZN ? T-code QM 11	AGPVEN					
	- Verify the d - Check any s - Indicate wh	 Verify the details of credit memo made, payme Check any subsequent payments made with ou Indicate whether these items were cleared init Select 5 DIM's from list extracted using OM 	 Verify the details of credit memo made, payment recovery done and time taken for despatch from the PDO date Check any subsequent payments made with out effecting the recovery against rejection Indicate whether these items were cleared initially, by Receiving Inspection/Source Inspection Solort 5 DDO's from list extracted using OM 11 	done and time take ie recovery against siving Inspection/ S	n for despatch from rejection Source Inspection	the PDO date				
	Fill the deta - Physically c - Verify the d - Indicate wh - Check any s - Minimum 1	Fill the details called in the above format - Fill the details called in the above format - Physically check for availability/receipt o - Verify the details of credit memo made & Indicate whether these items were cleare. Check any subsequent payments made wi - Minimum 10 PDO's to be checked	- Fill the details called in the above format - Physically check for availability/receipt of rejected items (Qty) against the PDO - Verify the details of credit memo made & payment recovery done - Indicate whether these items were cleared initially, by Receiving Inspection/ Source Inspection - Check any subsequent payments made with out effecting the recovery against rejection - Minimum 10 PDO's to be checked - Minimum 10 PDO's to be checked	Qty) against the PD ¹ y done eiving Inspection/ ? Le recovery against ation of Divisiona	O Source Inspection rejection I Vigilance Head					

			Repor	Report 7 : Report on Civil Construction	il Construction		
For th	For the Month :						Date:
SI. No.	Firm Name & PO No. / Date	Contract Terms	Bill of Quantity	Executed Quantity	Bank Guarantee / Security Deposit as per Contract / PO Terms	% of progress of Construction Works	Vigilance Remarks
Note:	2. Purpose : Inspection Report of Civil Construction	ort of Civil Construction					
	Obtain list of Ongoing CiSelect one project and OlVisit the site and make a	- Obtain list of Ongoing Civil work project from Civil Maintenance department - Select one project and Obtain the Civil work details (PO, BOQ etc.,) from Civil Department - Visit the site and make a physical check to ascertain the progress of the work	intenance d'), BOQ etc.,) e progress o	epartment from Civil Departrr of the work	lent		
	 Obtain BoQ for the completed work from measusecheck for Terms of Contract like Contract agreers. Check for any payment made and verify the bills. 	 Obtain BoQ for the completed work from measurement book maintained by -Check for Terms of Contract like Contract agreement, CAR Policy, SD/BG etc., -Check for any payment made and verify the bills Record the variation and report 	nt book maii SAR Policy, S	ntained by Civil Ma D/BG etc.,	 Obtain BoQ for the completed work from measurement book maintained by Civil Maintenance and compare it with PO/Contract BoQ quantity Check for Terms of Contract like Contract agreement, CAR Policy, SD/BG etc., Check for any payment made and verify the bills Becord the variation and report 	t BoQ quantity	
	- Minimum one PO to be checked Report to be prepared by VO an	- necolar the variation and report. - Minimum one PO to be checked Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head	dination of	Divisional Vigila	nce Head		
Anne	Annexure to Report 7						
SI No	Description of Work	B0Q (Asper P0)	NOM	Actual Completion	Unit Price	Total Price	% completion

		Tasi	(8: Rep	Task 8: Report on Periodical Check of Mode of Tenders	iodical Cl	eck of Mo	de of Ten	ders					
For th	For the Month:											Date:	
			Bel	Below Rs.1 lakh	ıkh	Between	Between Rs.1 lakh to Rs.10 lakh	to Rs.10	Abo	Above Rs.10 lakh	akh	Total	tal
Sl. No.		Type of tender	No of POs	Value (Rs. Lakhs)	% of total value	No of POs	Value (Rs. Lakhs)	% of total value	No of POs	Value (Rs. Lakhs)	% of total value	No of POs	Value (Rs. Lakhs)
1	ELS	E-Proc Ltd tender PO with Single offer											
2	EMG	P O without Tendering on Emergency basis											
3	EOS	Open Tender E Proc. with single offer											
4	EOT	Open Tender thro E Procurement											
2	ETC	Long Term Contracts thro E Procurement											
9	ETL	E-Proc. Limited tender PO											
7	ETR	E-Proc. Proprietary P0											
8	ETS	E-Proc. Single tender PO											
6	NTP	Non-Tender Purchase order											
	Total												
	Note:												
		Purpose: Percentage of Tenders - Single, Limited, etc., Vertical wise and Product wise.	l, etc., Ver	tical wise	and Produ	ct wise.							
		 Extract PO's made during the month from SAP using T-Code ZM074 Verify Reason code for ordering with collective number and ascertain that there is no discrepancy in reason code for ordering and tabulate the values as per the above format The above details have to be made division wise Data for the month to be compiled Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head	using T-(e number the value se	Sode ZM07 and ascer is as per th nation of	74 tain that the above for Divisiona	nere is no c rmat I Vigilanc	liscrepanc e Head	y in reasol	n code for	ordering			

	Task 9 : REPORT ON VERIF	FICATION OF PURCHASE ORDER
For the	Month:	Date:
PO Ref		
PO VAL	UE	
REFEREI	NCE	
	D. C. I.	01 //
_	Particulars PARTICULARS OF PO	Observation
A 1	Type of Tender	
2	Purchase Order No. and Date	
3	Value of the Purchase Order	
4	Firm's Name and Address	
5	Description of Item & Quantity	
6	Unit rate(Rs.)	
7	Required for Project/Non-project	
8	Regular Order/Repeat/Amendment	
9	Whether Scope, Terms & Conditions are	
15.0	available in SAP Purchase order (Annexures)	
В	Previous Purchase order details (LPP)	
1	Purchase order no. & date.	
2	Details of previous supplier	
	Last purchase price/estimated cost in case	
3	first time procurement	
4	Whether the present rate (as in A06 Above) is justified as against LPP/Estimated Cost?	
	Purchase Requisition PR No. & Date	
1	Specification, Value, Source	
	Details of PR approval &	
2	Competent authority as per DOP	
D	Tender Details	
1	Mode of Tendering (Manual/e-mode/GeM)	
	Type of Tender	
2	(Open/Limited/Single/Proprietary)	
3	Type of Bid (Single Bid / Two Bid)	
4	No. of firms contacted	
5	No of firms to be contacted as per Purchase Manual	
6	Competent Authority who has approved contacting fewer than stipulated	
7	Reason recorded for contacting less number of sources (if any)	
8	Date of release of tender	
9	Tender Opening	
10	Pre-bid meeting if any	
11	Details of Corrigendum to NIT, if any	
12	Tender closing date	
13	No. of quotations received	
14	Details of firms who have submitted the bids	

	Particulars	Observation
Е	Tender Evaluation	
1	Details of Pre-qualification, if any	
2	Technical Evaluation process (committee	
2	approval and recommendation)	
	Annuoval for accontance of Tachnical	
3	Approval for acceptance of Technical evaluation and opening of commercial bid	
	evaluation and opening of commercial bid	
4	Price comparison	
5	Price & Landed cost of bidders	
6	Arriving at L1	
7	Post tendering deviations on specification /	
	tender conditions etc	
8	If any deviation, whether approved with due	
	justification	
	Whether Negotiations conducted (Yes/No)	
9	Details of Negotiation procedure	
10	Reference of Minutes of meeting &	
	Observation- Minutes of Meeting	
11	Lowest amount accepted with other	
50000	commercial terms & Conditions	
12	Details of MPC, if any	
F	Award of contract	
,	Note Sheet - Details of proposal	
1	Approval Ref.	
2	Approval of competent authority with date	
3	DOP	
4	Purchase scrutiny co ordination	
5	PC minutes reference, if any	
	Division of patronage adopted with Terms and	
6	conditions - Approval – Ref.	
	Details of PO with approval reference	
7	Price (Unit rate & Total Value in Rs.)	
8	Applicable GST	
9	Payment terms	
10	Despatch terms	
11	Delivery schedule	
12	BG terms, if any	
13	Other terms like Warranty, LD etc.,	
G	Post contract details	
_	Details of amendments (if any) with approval	
1	reference	_
2	Supply of material (Stores/goods)	
3	Quality checks	
4	Status of Payment	
5	• LD, BG	
6	Delay aspects	
Н	Vigilance Observation :	
I	Remarks of the concerned purchase officer i	n case of deviation :

Note:

Purpose:

Extract List of PO's made by the complex and list the details in the descending order of PO value \underline{PO} selection Criteria:

- One PO on AMC to be considered for Scrutiny
- Trading Division, Aerospace Division, Marine Division to be covered by Corporate Vigilance.
- Scrutiny of PO to be carried out as per the format
- Check for the compliance of procurement process followed with reference to Purchase $\,$
- Report the deviations observed after obtaining necessary clarification from the concerned $% \left(1\right) =\left(1\right) \left(1\right) \left($

(X	ducted on :	REMARKS			list, respectively	10Cat1011/ DIII	- The above surprise visit/report to be done covering all the Divisions, alternatively, for Project items / Non-Project items, Pharmaceutical, Construction, Maintenance Spares, Tool Stores, Oil and Lubricants, Paints etc., Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head
Task 10: Report on Surprise Check at Stores (Inventory)	Surprise Check conducted on :	PHYSICAL QTY (Nos) as on		waar from Andit	S Class & C Class items	uty iii tile respective i	rt to be done covering all the Divisions, alternatively, for Project ii Maintenance Spares, Tool Stores, Oil and Lubricants, Paints etc., and sent with the co-ordination of Divisional Vigilance Head
t on Surprise Check		SYSTEM QTY (Nos) as on	10 chaire.	/s Physical stock	ratio from A Class, B	int for rnysical quair e variation (if any)	ring all the Divisions es, Tool Stores, Oil ar e co-ordination of 1
Task 10: Repor		DESCRIPTION	V. Le c. O. c. to c. to cit cit cit.	Furpose: Check for Variation in System Stock V/S Enysical stock Collect (A Class B Class & C Class) Home list in the hearinning of the year from Audit	- Conect (A class), D class & C class J terms list in the beginning of the year if our Addit - Randomly select 10 items in the ratio 50:30:20 ratio from A Class, B Class & C Class items list, respectively Male commissionicit to stone and about and count for physical quartities the managing basis of this	- Make a surprise visic to store and check and countrior russical quality in the respective focation, but - Obtain clarification from stores in charge for the variation (if any) - Make a report with observation	- The above surprise visit/report to be done covering all the Divisions, alternatively, for Projec Pharmaceutical, Construction, Maintenance Spares, Tool Stores, Oil and Lubricants, Paints etc., Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Hez
	For the Month :	PART NO.		Furbose: cneck for	- Confect (A class, B c - Randomly select 10	 Make a surprise visit to store an Obtain clarification from stores Make a report with observation 	- The above surprise visit/repo Pharmaceutical, Construction, I Report to be prepared by VO
	For the	SL.NO	Note:	,			

			L.	
	Date:		Total amount Reason for not paid other than E-payment (Rs)	
<u>ıent</u>			Total amount paid other than E- payment (Rs)	
ocurement & E-Payn			% E-Payment	
Task 11: Report on E-Procurement & E-Payment		nt	Total amount paid through E-payment (Rs)	
Tas	For the Month :	(a) Report on Status of E-payment	Total Payment made (Rs)	
	For the	(a) Rep	No	

PO value less than Rs.1 lakh POs released during PO Released in E- the month mode PO value more than Rs.1 lakh POs released during PO Released in E- E- mode (%) PO Other than E- mode PO value more than Rs.1 lakh POs released during PO Released in E- E- mode (%) PO Other than
PO value mo

	Date:		Amount Paid Remarks	(cu)			(Verify Number of days DA paid, Travel reimbursement made with respect to Tickets, Lodging charges (Hotel Bills),		Date:		NATURE OF REMARKS / Ref ILLNESS	
ral Claims			Amount Claimed	(cu)		ıt made)	n respect to Tickets				AMOUNT ALLOWED (Rs)	ide)
se and Medi			tion			short paymer	nt made wit				AMOUNT CLAIMED (RS)	t payment ma
ravel Exnens			Duration From			for excess / :	reimburseme				NAME OF HOSPITAL	excess / shor
Task 12 : Renort on Reimhursement of Travel Exnense and Medical Claims			Place of Outstation	án a		Company policy (Check ay rolls	ا Travel ال days DA				RELATION	pany policy (Check for erolls tification by Doctor
isk 12 : Renort on			Approval Reference			ith respect to the C ous month from Pa		oservation			NAME OF PATIENT (Shri./ Smt.)	ith respect to Compus month from Pay CGHS rates and Cer representations representation of
	1	ement	Grade / Group			rsement made w paid during previ	espect to Approva	ient and make your ok ted			GRADE OR GROUP	rsement made wi aid during previou ainst MAT Rates/C ent mat and make you ted and sent with the
	For the Month :	(a) Travel Expense Reimbursement	Name, Dent No & Staff No			Purpose: To check the reimbursement made with respect to the Company policy (Check for excess / short payment made) - Call for all the expense report paid during previous month from Pay rolls - Randomly select 5 hills	- Check for Claims made with respect to Approval Conveyance charges etc.)	- Check for excess / short payment - Report the data as per format and make your observation - Minimum 5 claims to be checked	For the Month:	(b) <u>Medical Claim</u>	NAME & BADGE NO.	Purpose: To check the reimbursement made with respect to Company policy (Check for excess / short payment made) - Call for all the Medical bills paid during previous month from Pay rolls - Randomly select 5 Bills - Check for the Claims made against MAT Rates/CGHS rates and Certification by Doctor - Check for excess / short payment - Report the data as per the format and make your observations - Minimum 5 claims to be checked - Minimum 5 claims to be checked
	Forth	(a) <u>Tr</u>	SL.			- Call f	- Chec Conve	- Chec - Repc - Mini	For th		SL. NO.	
					Note:							Note:

Task 13: Report on Scrutiny of Annual Property Return (APR)

(Data to be tabulated for the officials and their dependents (if provided) separately)

Name of the Official : Badge No :

Grade (Present and Previous):

Name of the Public Servant / Spouse / Dependent Child :

Sl No	Description	Year 1 (Indicate the period)	Year 2 (Indicate the period)	Observations
Moval	ole Property : (In Rs.)	•		
(i) *	Cash and Bank balance			
5001150	Foreign Bank details, if any			
(ii) **	Insurance (premia paid)	5		
	Fixed /Recurring Deposit(s)			
	Shares / Bonds			
	Mutual Fund(s)			
	Pension Scheme / Provident Fund			
	Other Investments, if any			
(iii)	Personal loans / advance given to any			
	person or entity including firm,			
	Company, trust etc. and other			
	receivables from debtors and the			
	amount (exceeding two months basic			
	pay or Rupees one Lakh, as the case			
(iv)	Motor Vehicles (details of make,			
473 1570	Registration Number, Year of purchase			
	and amount paid)			
(v)	Gold (Grams)			
	Silver (Kilogram)			
	Precious metals and precious stones:			
	Composite items: (indicate approximate value) ***			
(vi)	Any other assets [give details of movable assets not covered in (i) to (v) above			
	Furniture / Fixture/ Antique / paintings			
	Electronic Equipment :			
	Others: [indicate the details of an asset. only if the total current value of any			
	particular asset in any particular			
	category (e.g., furniture, fixtures,			
	electronic equipment, etc) exceeds two months basic pay or Rs. 1.00 lakh, as the case my be]			

Note: * Details of deposits in the foreign Bank(s) to be given separately,

 $^{^{**}}$ Investment above Rs. 2 lakhs to be reported individually. Investments below Rs. 2 lakhs may be reported together.

^{***} Value indicated in the first return need not be revised in subsequent returns as long as no new composite item had been acquired or no existing items had been disposed of, during the relevant year.

Immo	vable Property	500	л.	
Property No.	Details of Property	Year 1	Year 2	Vigilance Observation (The variations observed between two years w.r.t each propoerty to be recorded seperately on all the parameters brought out in the APR format)
1				,
2				
3				
4				
5				
Debts	and Other Liabilities			
1				
2				
3				

Note:

 $\underline{\textbf{Purpose:}} \ \textbf{To check the accumulation of asset disproportionate to the known sources of income}$

- APR Scrutiny for all officers to be completed with in the Calendar year
- Check for submission date whether in time or delay
- Check for completeness on information provided by the officer as per the APR format in ${\tt SAMPARK}$
- Bring out the discrepancy observed and send the report as per format
- Advise HR to seek clarification from the officer

Task 14: Report on Red Flag in ERP system

Date:

Note:

For the Month:

Purpose: Check for ERP System in all the modules, System lapses/Lacuna, Provision of Manual intervention which can lead to manipulation of data, Scope for Corruption etc and bring out the details with examples if any - The above to be checked while processing of Monthly report, Quarterly report data, CTE type inspection, System study, Surprise Checks, Periodical checks etc.,

- A brief report to be made on the Process involved, Process owner, Problem statement, Repercussions and suggestion

for improvement in system with T-Code of the transaction where observation was noticed (if any)

				Task	c 15: Report	on Periodic	al Check on Despa	Task 15 : Report on Periodical Check on Despatch of Equipment (Shipping Department)	pping Department)		
	For th	For the Month:									Date:
	SI. No.	Equipment Model / SI No.	Transporter Name	Vehicle Deployed (Vehicle Number)	Vehicle IN Date & Time	Vehicle Out Date & Time	Whether type of vehicle deployed is justified	Whether type of Whether contract is vehicle deployed in regular period or is justified extended period	Whether the BG submitted as per PO terms / Valid	Whether Hindrance Register is maintained, and that justifies unequal load distribution	Remarks
Note:			1				E		=	(1000)	
	- Colle Tende	Furpose: Status on Ioad dis - Collect details of all the eq Tender serial number <i>etc</i>)	Furpose <u>.</u> Status on Ioad distribution for equipment tr Collect details of all the equipment despatched durin Tender serial number etc	ror equipmen despatched du	it transport co iring previous	ontractor. Sci s month fron	ruuny or 1 ransport, 1 shipping departme	Furpose : status on load distribution for equipment transport contractor. Scrutiny of Fransport / Carriers Contract, Procedures for allounent of load, etc. (190%) - Collect details of all the equipment despatched during previous month from shipping department (Equipment sl.no, Invoice number, Vehicle number, Transpor Tender cerial number, etc.)	cedures for allounents of the second of the	ransport contractor. scrutiny of 1 ransport/ Carriers Contract. Procedures for allotment of load, etc. (100%) Ig previous month from shipping department (Equipment sl.no, Invoice number, Vehicle number, Transporter, Sale order number,	rder number,
	- Extra	act Vehicle entr	y details (Vehicle	e time in/out,	Vehicle type,	Transporter	r) from SAP using T	Extract Vehicle entry details (Vehicle time in/out, Vehicle type, Transporter.) from SAP using T-code: ZMVEP during the month Verify the Transporter for correctings of francointer and	he month	Extract Vehicle entry details (Vehicle time in/out, Vehicle type, Transporter] from SAP using T-code: ZMVEP during the month Verify the Transporter details & Quantity with respect to Tender SI no of Corners contract for correctness of transporter and load distribution between 1.1 1.2 etc.	
	- Chec	k for Hindrance ort data as per t	e register for any	variation in c	quantity and u	use of alterns obtaining cla	Check for Hindrance register for any variation in quantity and use of alternate transporter other than identification from user department.	Check for Hindrance register for any variation in quantity and use of alternate transporter other than identified in the corporate contract. Report data as per the format and the variation observed after obtaining clarification from user department	corporate contract		
	- To er - Load Renor	nsure shipping I distribution to	department of a be checked for c	Il the divisions quantity despa	s maintain the atched against	e hindrance I t the tender I	 To ensure shipping department of all the divisions maintain the hindrance register and update the details reg Load distribution to be checked for quantity despatched against the tender type on monthly/quarterly basis Report to be prepared by VO and sept with the co-ordination of Divisional Visilance Head 	To ensure shipping department of all the divisions maintain the hindrance register and update the details regularly. Load distribution to be checked for quantity despatched against the tender type on monthly/quarterly basis Renort to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head			

Fort	For the Month:	Task 16 : Repor	Task 16 : Report on Surprise Check at Receiving Inspection Surprise Ch	ck at Receiving	<u>Inspection</u> Surprise Check conducted on :	
SI.	Inspection Lot No. & Vendor / P O Date Descr	No / Part No / ription	Inspection Lot Size (Qty)	Usage Decision / Date of Clearance	Whether the item Cleared or Rejected as per Drawing requirement (Based on Inspection Report)	Remarks
Note:	_ =	Purpose: To validate the rejection process including time taken for disposition - Extract details of Inspection lot cleared during the previous month using the T-code - ZQA33 - Randomly select 10 Inspection lots with usage decision (i.e., 5 lots from accepted and 5 lots from rejected) - Tabulate the details as per format - Make a surprise Check and verify documents like availability of Drawing, Inspection check sheet, SIT clears time taken for usage decision etc Seek clarification on the deviation from the concerned and report the observation - Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head	ime taken for dispos s month using the T-c. e., 5 lots from accepted ty of Drawing, Inspec report the observatio	sition ode - ZQA33 d and 5 lots from tion check sheet,	Extract details of Inspection process including time taken for disposition Extract details of Inspection lot cleared during the previous month using the T-code - ZQA33 Randomly select 10 Inspection lots with usage decision (i.e., 5 lots from accepted and 5 lots from rejected) Tabulate the details as per format Make a surprise Check and verify documents like availability of Drawing, Inspection check sheet, SIT clearance, Self certification, Approval for SIT Wave off, ime taken for usage decision etc. Seek clarification on the deviation from the concerned and report the observation Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head	or SIT Wave off ,

Task 17: Report on Periodical Check of Shelf Life items at Stores

For the Month:

Store check conducted on:

Whether FIFO maintained (Qty/Date) **Issued** Before Manufacturing Date on Pack GR No / Date Received (Nos) Quantity PO No Part No / Description / SI No

Note:

Purpose: Validate drawl of shelf life items [Process of FIFO (First in First out) is followed] of Project and Non-Project items including consumables having shelf life restrictions (Paints, Oil & Lubricants, Adhesive etc.,)

- Identify Items having shelf life
- Select 5 different category of item
- Check the bin /storage location of 5 items
- Make a surprise visit to stores and check for latest receipt date and Issue date
- · Verify the system of issue of parts to follow the system of FIFO
- Report the data as per the format with compliance statement

				Task 18 : Report on LD Deductions	on LD Deductio	<u>su</u>				
	For the	For the Month:							Date:	
	SI No	Firm Name (M/s.) & Purchase Order Number	Part No. & Material & Delivery Schedule as Quantity	Delivery Schedule as per PO	Inbound Delivery Date (FOR)	Invoice Date (EX Works)	Supply delay in days	LD Amount (Rs.)	Remarks	
Note:		Purpose: To validate LD deductions made in	uctions made in line wit	line with purchase orders / contracts terms	ontracts terms					
	- From the Check the Check the Lin case of Lin case of Lin case of Shills to Report (From the extracted data of Payment made in the Check the PO delivery schedule of the Invoice ite. In case of delay in supplies, calculate the applical In case of variation, seek clarification from finantials to be considered for scrutiny Report to be prepared by VO and sent with		previous month, Select 5 Invoices where in, supplies are involved (Project/Non project) am & Item receipt date (Inbound in case of FOR, Invoice date in case of Ex-works) ble LD as per PO terms and verify whether the LD deductions have been effected in the pase, other concerned official and report the observation the co-ordination of Divisional Vigilance Head	ss where in, suppli in case of FOR, Inv v whether the LD d eport the observat onal Vigilance H	es are involved (P roice date in case · leductions have bo cion	'roject/Non p of Ex-works) een effected i	oroject) - in the payment		

	Date:	Remarks						
		Name of all bidders participated in the tender & Status of Integrity Pact submitted by them				s etc., for all bidders	,) from both parties	
egrity Pact		PO Status (Released/ Held)				address, contact details	ess, contact details etc.	
mentation of Int		IP obtained or Not		<u>.</u>		r processing ss with their full a	ith witness (addr	ead
n Status on Imple		Value (Rs. Lakhs)		e and above (100%)	nual)	aluation and furthe ne bidder and witne	ling Sign and seal w	sional Vigilance Ho
Task 19 : Report on Status on Implementation of Integrity Pact		Firm Name on whom PO is placed (M/s.)		Purpose: Verification of all purchase orders/contracts of value Rs 1 Crore and above (100%).	 Extract PO's placed duting the previous month with PO value more than RS 1 cf. Check the note sheet put up for approval for placement of PO (FLM / Manual) Identify the bidder participated 	- Check for submission of IP by all the bidders considered for Technical Evaluation and further processing - Check IP details like Tender reference, Description, Seal & Signature of the bidder and witness with their full address, contact details etc., for all bidders	- Check IP of the bidder on whom the PO is placed for completeness including Sign and seal with witness (address, contact details etc.,) from both parties - Check in the tender for the inclusion of IEM details.	- Report the status Report to be prepared by VO and sent with the co-ordination of Divisional Vigilance Head
		PO Description		all purchase orders/	ing the previous mon t up for approval for j icipated	IP by all the bidders	 Check IP of the bidder on whom the PO is placed for Check in the tender for the inclusion of IEM details. 	by VO and sent with
	fonth:	PO Number & Date	:	:Verification of	Extract rO's placed dufing the p Check the note sheet put up for a Identify the bidder participated	r submission of details like Ten	of the bidder of the tender for t	he status • be prepared l
	For the Month:	SI. No		Purpose	- Extract r - Check th - Identify t	- Check fo - Check IP	- Check IP - Check in	- Report the status Report to be prep
			Note:					

Format - 04 **Vigilance Clearance Formats**

- a. PESB interview/selection
- b. Standard Format
- c. Passport (new/renewal)
- d. VISA/Travel abroad

(a) For the PESB interview/selection

Particulars of the officers for whom Vigilance Comments/Clearance being sought

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :

2. Father's Name :

3. Date of Birth :

4. Date of Retirement :

5. Date of Entry into Service (BEML) :

6. Service to which the officer belongs Including batch/year cadre – etc.,

wherever applicable :

7. Positions held including whether the officer has functioned as a CVO in part time or additional charge capacity

(during the ten preceding years) :

Sl. No.	Organisation (Name in full)	Designation and Place of Posting	Administrative/nodal Ministry/Deptt. Concerned (in case of officers of PSUs etc.)	From	То
				īi.	

_			
11	21	⊦∽	
1,	a		0

(NAME AND SIGNATURE)

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Vigilance profile of officers for whom vigilance comments/clearance being sought

(To be furnished and signed by the CVO or HOD)

Name of the Officer (in full)

- 8. Whether the officer has been placed on the "Agreed List" or "List of Officers of Doubtful Integrity".

 (If yes, details to be given)
- 9. Whether any allegation of misconduct involving vigilance angle was examined against the officer during the last 10 years and if so, with what result (*).
- 10. Whether any punishment was awarded to the officer during the last 10 years and if so, the date of imposition and details of the penalty (*).
- 11. Is any disciplinary/criminal proceedings or charge sheet pending against the officer, as on date. (If so, details to be furnished including reference no., if any, of the Commission).
- 12. Is any action contemplated against the officer as on date. [If so, details to be furnished) (*)].
- 13. Whether any complaint with vigilance angle is pending against the officer [if so, details to be furnished]

** The above details for the respective official are to be furnished for their tenure in BEML Limited.

:

Date: (Name and Signature)

(*) If vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter.

(b) Standard Format:

Ref No:

Part A: To be filled by the HR Department

1) Complex / Division :

2) Name of the Applicant :

3) Dept. & Staff No :

4) Designation & Grade/Group :

5) Purpose for seeking Vigilance Clearance :

6) Any other details, as applicable :

7) Whether any Disciplinary proceedings contemplated/initiated against the individual (Also indicate previous record, if any)

If Yes, indicate details / status

8) Whether the official is presently under the punishment period

9) Whether any police case filed by BEML/ pending for filing the case

10) Whether any court trial currently ongoing or pending in connection with the said official?

11) Details of Annual Property Returns submission – last 5 Years

Sl No	Year	Date of submission of APR	Whether APR submitted in time (Yes/No)	Any discrepancy noticed in APR

12) In case of resignation, the executive/non-executive is bound to complete the service tenure as per the obligation/agreement of the company

Date : (Signature of the Chief of HR Dept.)

(PTO)

^{*} Note: The above format to be duly filled before submission

Part B: To be filled by Vigilance Department

1) Whether the official is presently under the period as specified in Vigilance Manual clause 5.6 (IV)(g)/5.6(IV)(l)(xii)

 Remarks of Vigilance Department (Indicate Complete Status and Recommendations, if any. Attach separate Sheet, if required)

3) Vigilance Clearance : ACCORDED/NOT ACCORDED/STATUS

V.C. Report No :

Date: (Signature of Vigilance Dept.)

INSTRUCTIONS:

Applications for Vigilance Clearance being initiated by HR Dept for nomination for member in Promotion, Confirmation, Resignation, Superannuation, Voluntary Retirement, etc. should be filled by the HR Department.

Vigilance Clearances shall be issued by the CVO (as applicable). Application to corporate vigilance to be routed through Division/Complex Vigilance Department, as applicable. HR Department may forward this application directly to VO, Vigilance Department in the respect of the employees in the Divisions/Complex.

(c) For obtaining Passport (New/Renewal):

Ref No:

Part A: To be filled by the Applicant

1) Complex/Division :

2) Name of the Applicant :

3) Dept. & Staff No :

4) Designation & Grade/Group :

5) Purpose for seeking Vigilance Clearance : New passport/Renewal of passport

6) Passport number (in case of renewal) :

7) Any other details, as applicable :

Date: (Signature of the Applicant)

Part B: To be filled by HR Department

1) Whether any Disciplinary proceedings contemplated/initiated against the individual

(Also indicate previous record, if any)

If Yes, indicate details/status :

2) Whether the official is presently under the punishment period :

3) Whether any police case filed by BEML/ pending for filing the case :

4) Whether any court trial currently ongoing or pending in connection with the said official?

5) Details of Annual Property Returns submission – last 5 Years :

Sl No	Year	Date of submission of APR	Whether APR submitted in time (Yes/No)	Any discrepancy noticed in APR

Date: (Signature of the Chief of HR Dept.)

(PTO)

Vigilance Manual 3.0

V

^{*} Note: The above format to be duly filled before submission

Vigilance Clearance Format - 04

Part C: To be filled by Vigilance Department

Remarks of Vigilance Department
(Indicate Complete Status and
Recommendations, if any.
Attach separate sheet, if required)

Vigilance Clearance : ACCORDED/NOT ACCORDED/STATUS

V.C. Report No:

Date:

(Signature of Vigilance Dept.)

INSTRUCTIONS:

Vigilance Clearances shall be issued by the CVO (as applicable). Application to corporate vigilance to be routed through Division/Complex Vigilance Department, as applicable.

Concerned HR Department may forward this application directly to VO, Vigilance Dept in respect of the employees in the Divisions/Complex.

Vigilance Clearance Format - 04

(d) For Applying VISA/Travel abroad :

Sl No	Particulars	Details
1	Name (BLOCK LETTERS)	
2	Department and Staff Number	
3	Designation	
4	Residential Address	
5	Father's/Mother's /Husband's Name	
6	Passport No	
7	Country of Visit (Please indicate address(es) of place(s) where you intend to visit)	
8	Purpose of Visit	
9	Name of person(s) and Relationship being visited abroad	
10	Arrangements for stay	
11	Duration of stay/visit (vide Sl Nos. 7 & 9 above)	
12	Expenditure being incurred for the visit (to include travel and stay expenses separately)	
13	Source of Finance for the visit	
14	Details of previous private foreign travel, if any, undertaken during the last one year	
15	Photocopy of the Visa Application	

Place:

Date: Signature of applicant

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Annexure 3 Vigilance Circulars

VIGILANCE CIRCULARS

(I) References of Important Circulars issued by CVC, DoPT, MoD etc.

Sl No	Subject	Circular Reference
01	Revised guidelines regarding grant of 'Vigilance Clearance' to AIS officers & Central Civil Services/Central Civil Posts	DoPT OM 104/33/202-AVD-1A Dated. 09-10-2024
02	Instruction on timely submission of Annual Immovable Property Return by the members of Central Civil Services/Posts	DoPT OMs no. 11013/17/2023-PP-A.III dated 14th July 2023
03	Revised guidelines on Intensive Examination of Public Procurement Contracts 2022	CVC circular no. 021/VGL/032 dated 05.09.2022
04	Adoption and Implementation of Integrity Pact – Revised Standard Operating Procedure	CVC Circular No. 015/VGL/091 dated 14.06.2023 CVC Circular No. 015/VGL/091/3153
05	Comprehensive guidelines on Complaint Handling Mechanism Including PIDPI Complaints, Action on Anonymous/Pseudonymous Complaints	dated 05.09.2023 CVC Circular No. 021/VGL/051 dated 24.12.2021 CVC Circular No. 021/VGL/051 dated 03.11.2022
06	Simultaneous action of prosecution in a court and initiation of departmental proceedings	DoPT OM 11012/6/2007-Estt A dated 01st August 2007
07	Consultation with CVC for First Stage Advice – Revised Procedure	CVC Circular No. 015/MSC/016 Dtd 27 th April 2015
08	Second Stage Consultation with the CVC in disciplinary cases	CVC Circular No. 014-VGL-061 Dtd 03 rd December 2014
09	Adherence to time limits in processing of Disciplinary Cases	CVC Circular No. 000/VGL/18-388880 dated 26.07.2018
10	Timely finalization of Departmental Inquiry Proceedings – improving vigilance administration	CVC Circular No. 000/VGL/018 dated 03.12.2021 CVC Circular No. 000/VGL/018/19009 dated 13.02.2024
11	Detailing of Vigilance Staff in Committees and Non-Vigilance Activities	Commission's O.M. No.321/77/91-ADV.III dated 9 June 1992
12	Timely disposal of Disciplinary Proceedings	CVC Circular No. 024/VGL/020/19821 dated 21.02.2024

Sl No	Subject	Circular Reference
13	Systemic Improvement Guidelines – Engagement of Consultant	CVC Circular No. 011/CGL/063/334701 dated 23 rd January 2017
14	Implementation of Final Penalty Orders issued by the Competent Authority and submission of compliance report	CVC Circular No. 000/VGL/018/507722 dated 21.03.2022
15	Simultaneous action of prosecution and initiation of departmental proceedings	CVC Circular No. 99/VGL/087-389176 dated 31st July 2018
16	Protection against victimisation of officials of the Vigilance Units of various Ministries/Departments/Organisations	CVC Curular No. 006/VGL/022 dated 28 th March 2006
17	Revised Guidelines on Intensive Examination of Public Procurement Contracts 2022	CVC Circular No. 021/VGL/032 dated 05.09.2022
18	Management Audit of Vigilance Unit (MAVU)	CVC Circular No. 021/MSC/026 dated 23.12.2021
19	Submission of online Quarterly Report by CVOs	CVC Circular No. 018/VGL/019 dated 23.08.2021
20	Procedure for handling complaints referred by Lokpal to CVOs	CVC Circular No. 2025/DFS/DFS/Lokpal/2 dated 18.02.2025
21	Master Circular on Definition of Vigilance Angle	CVC Circular No. 024/VGL/068 dated 23.05.2025

Note: Please visit following websites for above circulars:

(i) CVC website: https://www.cvc.gov.in

(ii) DoPT website: https://dopt.gov.in

(iii) DPE website: https://dpe.gov.in

(II) Circulars issued by BEML

Sl No	Subject	Circular Reference
01	Reconstitution of Divisional Vigilance Committee and In-house Committees for CTE Type Inspection	BEML Circular No. 1542 dated 03.09.2013
02	Submission of Declaration of Assets and Liabilities by the Public Servants	BEML Circular No. 1911 dated 01.10.2024
03	Complaint Handling Policy	BEML Circular No. 1581 dated 30.01.2015

Note: Please visit BEML BULLETIN BOARD for details.

Annexure 4 Abbreviations

ABBREVIATIONS

ACB	Anti-Corruption Branch/Bureau
ACC	Appointment Committee of Cabinet
ACR	Annual Confidential Report
AIPR	Annual Immovable Property Report
AIS	All India Service
APAR	Annual Performance Appraisal Report
AVD	Administrative Vigilance Division
BG	Bank Guarantee
BPR	Business Process Re-engineering
CBI	Central Bureau of Investigation
CCS (CCA) Rules, 1965	Central Civil Services (Classification Control & Appeal) Rules, 1965
CDA Rules	Conduct Discipline & Appeal Rules
CDI	Commissioner for Departmental Inquiries
CEO	Chief Executive Officer
CMD	Chairman and Managing Director
CMS	Complaint Management System
CPSE	Central Public Sector Enterprise
CrPC	Code of Criminal Procedure
CSO	Charged Sheeted Officer
СТЕ	Chief Technical Examiner
СТЕО	Chief Technical Examiners' Organisation
CVC	Central Vigilance Commission
CVO	Chief Vigilance Officer
DA	Disciplinary Authority
DoPT	Department of Personnel and Training
DPE	Department of Public Enterprise
DPR	Detailed Project Report
DSPE	Delhi Special Police Examiner
EMD	Earnest Money Deposit
FIR	First Information Report
FSA	First Stage Advice
FVR	Fact Verification Report
	I.

IA	Inquiring Authority
IC	Identity Certificate
IEM	Independent External Monitor
10	Investigating Officer/Inquiry Officer
IP	Integrity Pact
IPC	Indian Penal Code
MAVU	Management Audit of Vigilance Unit
MoD	Ministry Of Defence
NIT	Notice Inviting Tender
NOC	No Objection Certificate
ODI	Officer of Doubtful Integrity
OEM	Original Equipment Manufacturer
OM	Office Memorandum
PC	Prevention of Corruption
PDO	Part Disposal Order
PE	Preliminary Enquiry
PI	Preliminary Inquiry
PIDPI	Public Interest Disclosure and Protection of Informers
PO	Presenting Officer
PSE	Public Sector Enterprise
PSU	Public Sector Undertaking
QPR	Quarterly Progress Report/Quarterly Performance Report
RC	Regular Case
RDA	Regular Departmental Action
RO/DO	Regional Office/ District Office
SD	Security Deposit
SOP	Standard Operating Procedure
SPE	Special Police Establishment
SSA	Second Stage Advice
TA/DA	Travelling Allowance/Dearness Allowance
VAW	Vigilance Awareness Week
VC	Vigilance Commissioner
VCl	Vigilance Clearance
VRS	Voluntary Retirement Service
VO	Vigilance Officer



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