



BEML LIMITED

Vigilance Awareness Week

27th Oct 2020 to 2 Nov 2020

COMPENDIUM OF CVC CIRCULARS/GUIDELINES ON INQUIRY/DISCIPLINARY MATTERS

**Theme सतर्क भारत, समृद्ध भारत
Vigilant India, Prosperous India.**

**“Be part of Fight against corruption,
Take Integrity Pledge Online”**

<https://pledge.cvc.nic.in>

FOREWORD

BEML Vigilance has been focusing on Preventive Vigilance measures to identify and plug the risk areas through various systemic improvements in line with CVC circulars/guidelines.

CVC circulars issued periodically in the field of Inquiry_Disciplinary Matters has been digitized in the form of e-book and placed on BEML Website/BEML intranet for the benefit of the users. Further amendments to the circulars will be available on www.cvc.gov.in .

Vigilance Department
BEML Limited.

**e-Book released
on
02.11.2020**



Compendium of CVC Circulars/Guidelines on Inquiry/Disciplinary Matters

By :

**Dr. Deepak Kumar Hota
Chairman & Managing Director**

in August presence of

Shri Vidya Bhushan Kumar, IFS, Chief Vigilance Officer

Shri Suraj Prakash, Director (Finance)

Shri M V Raja Sekhar, Director (Mining & Construction)

Shri A K Srivastav, Director (Defence)

BHEL Limited

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No.....019/VGL/026-462213

दिनांक / Dated.....01.10.2020

Office Order No.13/10/20

Subject: Expeditious disposal of cases involving public servants due to retire shortly.

- Reference: (i) Commission's Office Order No. 34/9/07 dated 27/09/2007
(ii) Commission's Circular No. 03/03/11 dated 11/03/2011
(iii) Commission's Office Order No. 04/7/19 dated 23/07/2019
(iv) Commission's Office Order No. 04/05/20 dated 12/05/2020

The Commission vide its OMs referred above had directed CVOs of all Ministries/Departments/Organisations to ensure expeditious finalization of disciplinary proceedings/action, particularly in respect of officials likely to retire shortly. The Commission had specifically impressed upon the vigilance functionaries as well as administrative authorities concerned about the need to prioritize their activities of conducting investigations and completion of disciplinary action well in advance so as to avoid such late references to the Commission. Further, it was also conveyed vide office order dated 12/05/2020 that all such retirement cases should be received in the Commission by 10th of every month by 5 PM.

2. In continuation of Commission's Office Order dated 12/05/2020, Commission now prescribes that all such retirement cases for advice should be received in the Commission, 30 days before the date of the retirement of the officer. For example, if the officer/official is retiring on 30th November, 2020, **the case should be received for advice before 31st Oct, 2020 in the Commission.**

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.

(J. Vinod Kumar)
Director

All Secretaries/Heads/CMDs of Ministries/Departments/CPSUs/PSBs/PSICs/FIs/
Autonomous Organisations etc.

All Chief Vigilance Officers of Ministries/Departments/CPSUs/PSBs/PSICs/FIs/ Autonomous
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सं./No. 98/DSP/09/461535

दिनांक / Dated 24th Sept., 2020

Circular No. 12/09/20

Sub: Action on anonymous/pseudonymous complaints.

**Ref. (i) DoPT's OM No.104/76/2011-AVD.I dated 18/10/2013 &
18/06/2014.**

(ii) Commission's Circular No.07/11/2014 dated 25/11/2014.

Attention is invited to the DoPT's OM and the Commission's Circular mentioned above wherein it was prescribed that 'no action would be taken on anonymous/pseudonymous complaints' by Ministries/Departments/Organisations and such complaints should be filed.

2. The Commission has observed instances wherein some Departments/Organisations are taking cognizance of anonymous complaints, despite strict guidelines issued by DoPT and the CVC. Such non-compliance/violation of guidelines by the concerned authorities would be viewed seriously.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

To:

All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.

All Chief Vigilance Officers of Ministries/Departments/CPSEs/PSBs/PSICs/FIs/ Autonomous Organisations, etc.



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सं./No.000/VGL/018/459759

दिनांक / Dated 10th Sept., 2020

Office Order No. 11/09/20

Sub: Expeditious disposal of Vigilance cases- regarding

During the course of examination and disposal of cases in the Commission, it has been observed that several reminders are sent to CVOs of concerned Departments/Organisations seeking further information/clarifications on reports received in complaints referred by the Commission for investigation as well as in Vigilance cases referred for First / Second Stage advice of the Commission. Such further information are sought by the Commission, since the references made by CVOs are either incomplete or matters have not been considered/analysed in a proper perspective, due to which the Commission is unable to tender its advice on references received from the Departments/Organisations. The reply/further information from the CVOs are many a time, delayed and takes several months /years and leads to wastage of precious time and reduction in impact of punitive action on suspect / charged officers and to the public at large.

2. The Commission on consideration of the processing/examination of the cases, therefore, has observed that system of examination needs systemic change and has decided that in future, the following course of action would be adhered to finalize and tender advice in such long pending references:

- (i) All such cases/pending complaint cases or ones pending for long periods for further information/clarifications etc., would be reviewed internally in the Commission by 30th September, 2020 under the supervision of the concerned Additional Secretary.
- (ii) For any information/clarification, only one reminder would be sent by Branch Officer concerned to CVO of the Department/Organisation to reply/report back by a particular date (max. 15 days)
- (iii) If no reply is received, the concerned Additional Secretary, CVC would speak to the CVO of the Department/Organisation and ask to send the reply within seven days (indicating a particular date).

contd...

(iv) If no reply comes, a date would be fixed for video conference with CVO in a week's time, and the Secretary/Additional Secretary/Branch Officer would take the reply and if it is not received, the file would be submitted to the Commission for appropriate action.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

To:

1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.

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सत्यमेव जयते

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008/VGL/027-459659

सं. / No.....

09/09/2020

दिनांक / Dated.....

Office Order No.10/09/20

Sub.: Reference to the Commission for reconsideration of its advice- Dispensing with reconsideration of second stage advice – reg.

**Ref.: (i) Commission's Letter No.000/DSP/1 dated 06/03/2000.
(ii) Commission's Circular No.15/4/08 dated 24/04/2008.
(iii) Commission's Circular No.06/08/2020 dated 06/08/2020.**

Para 1.6.4 of Chapter I, Paras 7.19.3 and 7.28.5 of Chapter VII of Vigilance Manual, 2017 and aforesaid Circulars provide for consultation with the Commission, if the administrative authorities do not agree with Commission's advice and propose to take either a "lenient view" or a "stricter view" than recommended by it, for reconsideration of its 1st stage or 2nd stage advice.

2. The Commission has analysed the cases received for reconsideration of its second stage advice tendered, and observes that 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, Commission had reiterated its earlier advice tendered at 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 of second stage advice, there is little scope for reconsideration. Such proposals also result in avoidable delays in finalization / issue of final orders by the Disciplinary Authority concerned.

3. The Commission, therefore, taking into consideration the above and the time lines to be adhered for finalisation of disciplinary cases, in supersession of its existing instructions / provisions in the Vigilance Manual, 2017 has decided to **dispense with consultation for reconsideration of its second stage advice**. Accordingly, no proposal for reconsideration of the Commission's second stage advice would be entertained in future. The provisions of the Vigilance Manual would stand amended to that extent.

:2:

4. However, the Commission would entertain references for reconsideration of its first stage advice within one month of receipt of the Commission's first stage advice only in those exceptional individual cases having additional/new material facts, as prescribed in its Circular No.06/08/2020 dated 06/08/2020.

5. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

To:

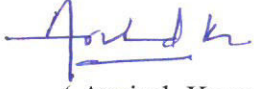
1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.

No. 020/VGL/032
Central Vigilance Commission

Satarkta Bhawan, Block – A,
GPO Complex, INA,
New Delhi-110023
Dated: 24.08.2020

Sub: Completion of Disciplinary proceeding through Video Conferencing in the wake of COVID-19 pandemic – reg.

A copy of the DOPT's OM No. 11012/03/2020-Estt.A--III dated 05.08.2020 on the subject mentioned above is enclosed for information and necessary action.


(Arvind Kumar)
Under Secretary (Coord)

All Chief Vigilance Officers

Encl: As above.

F. No. 11012/03/2020-Estt.A-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel & Training)

North Block, New Delhi
Dated the August 5, 2020

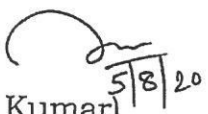
OFFICE MEMORANDUM

Subject: Completion of Disciplinary proceeding through Video Conferencing in the wake of COVID-19 pandemic – reg.

The undersigned is directed to say that it has come to the notice of this Department that due to outbreak of Corona virus (COVID-19) pandemic, the Disciplinary Inquiry proceedings are being deferred/delayed. In this regard, attention is invited to the para-10 of DoPT's OM No. 142/40/2015-AVD.I dated 15.09.2017 vide which it was stated that –

“The Inquiry Officer shall conduct the inquiry proceedings at a location taking into account the availability of records, station/place where the misconduct occurred as well as the convenience of the witnesses/ PO etc. Video Conferencing should be utilized to the maximum extent possible to minimize travel undertaken by the IO/PO/CO. The cadre controlling authorities will facilitate necessary arrangements for the Video Conferencing.”

2. It is hereby reiterated that the authorities concerned may conduct the disciplinary proceedings with the aid of Video Conferencing, subject to the condition that principles of natural justice are fully adhered to, while conducting the proceedings through such digital mode.


(Satish Kumar)

Under Secretary to the Government of India

To

1. All the Ministries/Departments, Government of India
2. PMO/Cabinet Secretariat
3. PS to Hon'ble MOS (PP)
4. PSO to Secretary (Personnel)
5. Sr. Technical Director, NIC, DoP&T



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सं./No.....000/VGL/018....

14th August, 2020

दिनांक / Dated.....

Office Order No.08/08/2020

Sub.: Adherence to time limits for investigation of complaints referred by the Commission to CVOs of Departments / Organisations - reg.

Ref. Commission's Office Order No.20/05/10 dated 19.05.2010.

In terms of the powers under Section 8(1) (d) of CVC Act, 2003, the Commission seeks reports from Chief Vigilance Officers (CVOs) of Departments/Organisations on complaints received by the Commission. The CVOs are required to furnish investigation reports on such complaints within three months from the date of receipt of references from the Commission. The Commission observes that the Departments/Organisations do not adhere to the laid down time limits, due to which such matters are inordinately delayed, whereby timely action on complaints is not possible. Many a time, no valid reasons or justification is provided by the CVOs for such avoidable delays in reporting to the Commission.

2. The Commission on review of the existing instructions would reiterate that the prescribed time lines of three months should be strictly followed by the CVOs of Departments/Organisations. The CVOs should personally review all such complaints pending for investigation in the Organisations in the first week of every month and take necessary steps towards expediting/finalisation of reports and its processing.

3. In case, if it is not possible to complete the investigations and refer the matter to the Commission within three months, the CVO should seek extension of time stating the specific reasons/constraints in each case, within 15 days of receipt of reference from the Commission. Such requests from the CVO should be with the approval of the Secretary/CMD/Chief Executive of the Department/Organisation concerned as the case may be.

4. All CVOs should strictly adhere to the above guidelines and any instance of violation would be viewed seriously by the Commission.

(J. Vinod Kumar)
Director

To: All Chief Vigilance Officers of Ministries / Departments/ CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.

Contd...2/-

Copy for information to:

- (i) All Secretaries of Ministries / Departments of Govt / Chief Executives / CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations / Local Bodies, etc.

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं. / No. 008/VGL/027

दिनांक / Dated. 6th August, 2020

Circular No.06/08/2020

Sub.: **Reference to the Commission for reconsideration of the advice – reg.**

- Ref.: (i) Commission's Circular No.000/DSP/1 dated 06.03.2000 &
(ii) Commission's Circular No.15/4/08 dated 24.04.2008

The Commission, vide its earlier Circulars referred above had prescribed that the Departments / Organisations are required to approach the Commission for advice wherein a lenient view or stricter view than that advised by the Commission is proposed to be taken by the Competent Administrative Authorities. Further, it was also prescribed that such reconsideration proposals should be sent within a period of two month from the date of receipt of the Commission's advice.

2. The Commission has observed that proposals for reconsideration of the Commission's first stage advice are not being received within the specified time line of two months and further, many a time, justification warranting reconsideration / new material facts are not presented meriting reconsideration in such proposals by the Departments / Organisations. Such references for reconsideration result in avoidable delay in processing vigilance cases and taking expeditious action on Commission's advice.

3. Considering the need for expeditious finalization of vigilance cases and to adhere to the time lines for its finalization, the Commission on review of the existing time lines, has decided that any proposal for reconsideration of its 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 henceforth not entertain any reconsideration proposal / request of first stage advice received beyond the revised time line of one month.

4. The above instructions and time lines for sending reconsideration proposals of Commission's first stage advice may be strictly adhered to in future.


(J. Vinod Kumar)
Director

To:

- (i) All Secretaries of Ministries / Departments of GoI / Chief Executives / CEOs of CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.
- (ii) All Chief Vigilance Officers of Ministries / Departments/ CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.

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Block A, INA, New Delhi-110023

सं./No..... 000/DSP/001.....

दिनांक / Dated..... 20.07.2020.....

Circular No.05/07/2020

Sub. Reporting cases of deviations by Appellate / Reviewing Authorities by Chief Vigilance Officers.

Ref.: Commission's Circular Nos.000/DSP/1 dated 10.02.2003 and 05.03.2003.

In terms of the provisions laid down in para 7.38 of Chapter-VII of the Vigilance Manual, 2017 and above mentioned Circulars, in matters of appeal, the Appellate Authority is expected to keep in view the advice tendered by the Commission / penalty imposed by the Disciplinary Authority and decide the appeal. Further, in case the Appellate Authority / Reviewing Authority decides to deviate from the advice given by the Commission and final orders issued by the concerned Disciplinary Authority, the CVO is required to report such individual cases decided at appeal / review stage to the Commission which would thereafter take an appropriate view whether the deviation is serious enough to be included in its Annual Report.

2. Of late, it has been observed that such deviations at the stage of the Appellate Authorities are not being timely reported to the Commission by the Chief Vigilance Officers (CVOs) of the Organisations. In addition, such deviations are also to be reported in the Quarterly Performance Reports (QPRs) being submitted online by the CVOs every quarter under the head "Part 5.(D)- Appellate Authority (Deviation / Non-acceptance)".

3. The Commission while reiterating these instructions would advise all Chief Vigilance Officers to report to the Commission such individual case of deviation without any delay immediately after decision / orders issued at the Appellate / Review stage and also indicate in the relevant column in the QPRs filed by the Chief Vigilance Officers.


(J. Vinod Kumar)
Director

To: All Chief Vigilance Officers.

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सं./No.....No.019/VGL/026...

दिनांक / Dated.....12.May.2020...

Office Order No. 04 /05/20

Sub: Expeditious disposal of cases involving public servants due to retire shortly.

Reference: (i) Commission's Office Order No.34/9/07 dated 27/09/2007
(ii) Commission's Circular No.03/03/11 dated 11/03/2011
(iii) Commission's Office Order No. 04/7/19 dated 23/07/2019

The Commission vide its O.Ms referred above had directed CVOs of all Ministries/Departments/Organisations to ensure expeditious finalization of disciplinary proceedings/action, particularly in respect of officials likely to retire shortly. The Commission had specifically impressed upon the vigilance functionaries as well as administrative authorities concerned the need to prioritize their activities of conducting investigations and completion of disciplinary action well in advance so as to avoid such late references to the Commission. Further, it was also conveyed that all such retirement cases should be received by the first week of the month of superannuation of the officer(s) concerned. Cases/references received for advice after the first week of the month would be returned back to the Department/Organization without advice of the Commission and action recommended against the concerned authority (ies).

2. The Commission while reiterating its earlier instructions would emphasize that all such retirement cases for advice should be received in the Commission by 10th of every month by 5 PM. Further, if 10th is a holiday, by the next working day.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

All Secretaries/Heads/CMDs of Ministries/Departments/PSU's/PSBs/PSICs/FIs/Autonomous organisations etc.

All Chief Vigilance Officers of Ministries/Departments/PSU's/PSBs/PSICs/FIs/Autonomous organisations etc.

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Block A, INA, New Delhi-110023

सं./No. 019/VGL/026-426775

दिनांक / Dated 23rd July, 2019

Office Order No.04/7/19

Sub.: Expeditious disposal of cases involving public servants due to retire shortly.

Ref.: (i) Commission's Office Order No.34/9/07 dated 27/09/2007.
(ii) Commission's Circular No.03/03/11 dated 11/03/2011.

The Commission vide its circulars referred to above had directed CVOs of all Ministries/Departments/Organisations to ensure expeditious finalization of disciplinary proceedings/action, particularly in respect of officials likely to retire shortly. The Commission had specifically impressed upon the vigilance functionaries as well as administrative authorities concerned the need to prioritize their activities of conducting investigations and completion of disciplinary action well in advance so as to avoid such late references to the Commission. Further, it was also conveyed that such instances of undue delays on part of administrative authorities, in dealing with vigilance matters/disciplinary cases, will be viewed very seriously by the Commission and it would be constrained to take an adverse view of CVOs/Administrative authorities for such avoidable delays.

2. Despite, these instructions, references are still being received in the Commission particularly from CPSUs and Public Sector Banks, after the middle of the month, the officer is due to retire which is not acceptable. The Commission has taken a serious note of such lax attitude on the part of CVOs/DAs and would again reiterate that all such retirement cases should be received by the first week of the month of superannuation of the officer(s) concerned. Cases/references received for advice after the first week of the month would be returned back to the Department/Organization without advice of the Commission and action recommended against the concerned authority (ies).

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.


(J. Vinod Kumar)
Director

To

All Secretaries/CMDs of Ministries/Departments/CPSUs/PSBs/PSICs/FIs/ Autonomous organisations etc.
All Chief Vigilance Officers of Ministries/Departments/CPSUs/PSBs/PSICs/FIs/Autonomous organisations etc.

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सं./No.....016/VGL/011.....

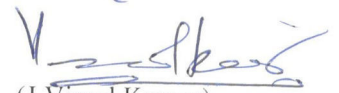
दिनांक / Dated....02.05.2019.....

Circular No.03/05/2019

Sub: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution – regarding.

DoP&T vide Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 has issued revised guidelines in supersession of earlier guidelines issued vide DoP&T's OM No.134/2/85-AVD-I dated 15/17-10-1986 for dealing with/processing cases/requests of granting Sanction for Prosecution.

2. A copy of DoP&T's Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 is enclosed herewith for strict compliance by all Administrative Authorities in the CPSUs/PSBs/PSICs/FIs and Autonomous Bodies etc. while dealing with cases of Sanction for Prosecution.


(J Vinod Kumar)
Director

Encl.: As above.

1. All Chief Executives of CPSUs/Public Sector Banks//PSICs/FIs and Autonomous Bodies etc.
2. All CVOs of CPSUs/Public Sector Banks//PSICs/FIs and Autonomous Bodies etc.
3. To be placed on website.

No. 372/6/2017-AVD-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 1st March, 2019

OFFICE MEMORANDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution - regarding

In supersession of this Department's OM No. 134/2/85-AVD-I dated 15/17-10-1986, the following guidelines are laid down for strict compliance while dealing with disagreement between the Disciplinary Authority (DA) and the Central Vigilance Commission (CVC) in cases of granting Sanction for Prosecution.

2. The work relating to according of Central Government's sanction for the prosecution of any person in a case investigated by the Central Bureau of Investigation (CBI) which was centralised in the Department of Personnel and Training, has since been decentralised and vested in the Ministry/Department concerned vide Cabinet Secretariat's Notification No. CD-826/86, dated the 30th September, 1986.

2.1 The CBI recommends prosecution of persons only in those cases in which they find sufficient justification for the same as a result of the investigation conducted by them. There are adequate internal controls within CBI to ensure that a recommendation to prosecute is taken only after a very careful examination of all the facts and circumstances of the case. Hence, any decision not to accord sanction for prosecution in such cases should, therefore, be for very valid reasons.

2.2 The following guidelines may be kept in view while dealing with cases of sanction of prosecution:

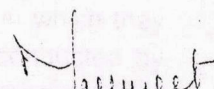
- (i) In cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/Department concerned and it would be for that Ministry/Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned;
- (ii) In cases in which an authority other than the President is competent to sanction prosecution, and that authority does not propose to accord such sanction, it is required to report the case to the CVC and take further action after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13th April, 1984;

Contd... 2/-

(2)

- (iii) In a case falling under (i) above, if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision.
- (iv) In a case falling under (i) above, 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 this Department for a final decision.
- (v) In a case falling under (ii) above, if the CBI has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction, the case should be referred to this Department for final decision.
- (vi) 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 in accordance with the procedure laid down in the above paragraphs. Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any, for final decision.

3. This issues with the approval of Competent Authority.


(Manmeet Kaur)

Under Secretary to the Govt. of India
Tel No. 2309 4541

To:

- 1. All Ministries/Departments of the Government of India as per standard list
- 2. Prime Minister's Office, South Block, New Delhi
- 3. NIC, DoPT for uploading on the website of this Department

Copy to:

- 1. Secretary, CVC, Satarkta Bhawan, New Delhi
- 2. Director, CBI, North Block, New Delhi
- 3. Other as per standard list.

No. 372/6/2017-AVD-III

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

North Block, New Delhi

Dated 18th July, 2019

CORRIGENDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution – regarding

Reference is invited to this Department's OM of even number dated 01.03.2019 on the subject mentioned above.

2. In Para 2.2(ii) of the aforementioned OM, the **phrase**, "...after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13.4.1984" **may be read as** "...after considering the CVC's advice, in terms of the Section 8(1)(g) of CVC Act, 2003."


(Manmeet Kaur)

Under Secretary to the Govt. of India
Tel No. 2309 4541

To:

1. All Ministries/Departments of the Government of India as per standard list
2. Prime Minister's Office, South Block, New Delhi
3. NIC, DoPT for uploading on the website of this Department

Copy to:

1. Secretary, CVC, Satarkta Bhawan, New Delhi
2. Director, CBI, North Block, New Delhi
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CENTRAL VIGILANCE COMMISSION



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सं./No. 18/Misc/02-392171

दिनांक / Dated. 23-08-2018

OFFICE MEMORANDUM

Sub: Rotation of officers working in sensitive posts - regarding.

Ref: CVC's circular No. 03/09/13 dated 11-9-2013 (copy enclosed).

In reiteration of the instructions issued vide circular referred above and other related circulars issued, the Commission vide letter No. 18/Misc/02/378043 dated 1-5-2018 had issued an OM advising all Public Sector Banks, and vide letter No. 18/Misc/02/378044 dated 1-5-2018 advising all Public Sector Insurance Companies to effect rotational transfers in respect of those officers in sensitive posts who are continuing beyond 3 years and also to report compliance within 3 months.


2. Analysis of frauds that have taken place in Public Sector Banks as well as other organizations show that one of the reasons for such frauds was non-implementation of the rotational policy.

3. It is once again reiterated that rotational transfers of officers continuing beyond 3 years may be strictly carried out from the sensitive seats/posts. It is clarified that the Commission's advice is for change from the sensitive seat/post, and not necessarily from the station, which is to be governed by the policy of the respective organizations.

4. Heads/CVOs of all departments/organizations are requested to strictly ensure that the rotational policy is implemented in their respective organizations. CVOs may report on the compliance in this regard in their quarterly reports.

Contd.2/-

5. This issues with the approval of the Commission.


(P. Daniel)
Addl. Secretary

To,

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs/PSBs/Organizations.
3. All CVOs of Ministries/Departments/CPSUs/PSBs/Organizations.

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सत्यमेव जयते



केन्द्रीय सतर्कता आयोग CENTRAL VIGILANCE COMMISSION

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Block A, INA, New Delhi 110023

सं./No. 004/VGL/090

दिनांक / Dated 11.9.2013

Circular No. 03/09/13

Subject:- Rotation of officials working in sensitive posts-regarding.

Central Vigilance Commission and the Department of Personnel and Training have issued instructions for effecting rotational transfers of officials posted on sensitive posts. As per Commission's instructions issued vide letter Nos. 98/VGL/60 dated 15.4.1999, 02.11.2001 and 004/VGL/90 dated 01.5.2008 and 04.01.2012 (for public sector banks) on this issue, it was prescribed that Ministries/Departments/Organisations and CVOs are to identify the sensitive posts and staff working in these posts and also ensure that they are strictly rotated after every two/three years to avoid developing vested interests.

2. The Commission in the superintendence of vigilance administration over the years has observed that such rotational transfers are not effected in many organisations due to which officials continue to remain in the same posts for long periods. Such overstay and continuous postings afford scope for indulging in corrupt activities, developing vested interests etc. which may not be in the interest of the organisation. The Commission would, therefore, emphasise that periodical rotation of officials holding sensitive posts/jobs needs to be ensured. As such, officials should not be retained in the same place/position for long by the Ministries/Departments/PSUs/Banks/Organisations etc.

3. Heads/CVOs of all Departments/Organisations are advised to ensure strict compliance of the Commission's guidelines and implement the same in letter and spirit. Further, the CVOs should specifically report the action taken indicating the number of officials rotated/transferred in the respective organisations in the Monthly Report of CVOs submitted to the Commission.

(K D Tripathi)
Secretary

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs/Public Sector Banks/Organisations.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Organisations.

No.4-24/2016-Vig
Government of India
Ministry of Communications
Department of Posts

New Delhi, the 5th November, 2018.

To

The CPMsG (All Circles)
The Director, Rafi Ahmed Kidwai National Postal Academy
All Postal Training Centers
Addls DG APS, West Block-III, R. K. Puram, New Delhi – 110066
CGM (PLI), Directorate, Chanakyapuri, New Delhi – 110021
CGM (BD), BD Directorate, Dak Bhawan, New Delhi

Subject: Various circular issued from Central Vigilance Commission.


Sir/Madam

I am directed to forward herewith a copy of following circulars issued by Central Vigilance Commission for information and further necessary action:

Sl.No	CVC Circular No & date	Subject
1.	Sl. No 018/ VGL/038-385947 Circular No 05/07/18 Dated 10.07.2018	Second stage consultation with the CVOs of Departments/ Organizations in disciplinary cases of Category 'B' officers.
2.	Sl. No 99/VGL/087-389176 Circular No 08/07/2018 Dated 31.07.2018	Simultaneous action of prosecution and initiation of departmental proceedings-guidance thereof.
3.	Sl. No 018/VGL/044 Circular No 09/07/18 Dated 27.07.2018	CVO to closely monitor presentation of case by Presenting Officer before IO

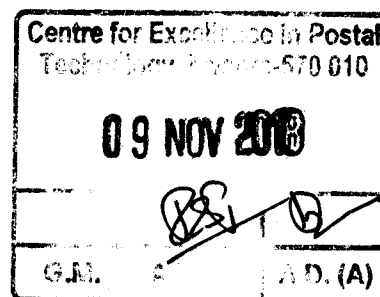
2. This may kindly be brought to the notice of all concerned.

Yours faithfully,


(Vikash Kumar)
Section Officer (Vig.)

Copy to:

1. GM, CEPT, DoP, Mysore with request to upload the letter on the website of Department of Posts.
2. PPS to Secretary (Posts), PPS to all Member (PSB)/PPS to Addls DG Coord/Sr.DDG (PAF)/AS&FA.
3. All DDGs, Dak Bhawan.
4. CE (Civil), Dak Bhawan
5. ADG(Vig-I)/ADG (Vig-II)/ADG (Vig-III)/ ADG(inv-I)/ADG(Inv-II)/AD(CCS).



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CENTRAL VIGILANCE COMMISSION



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सं./No. 018/VGL/038
-385447

दिनांक / Dated 10.07.2018

Circular No. 05/07/18

Subject: Second stage Consultation with CVOs of Departments/ Organizations in disciplinary cases of Category 'B' officers – reg.

The Commission has been receiving references from Departments/ Organisations seeking clarifications/guidance whether consultation with CVO of Department / Organisation is mandatory at second stage before issue of final orders by Disciplinary Authorities (DA) in respect of disciplinary cases of Category 'B' officers (i.e. in non-CVC referred cases of individual cases or composite cases) where the Disciplinary Authority's tentative opinion after completion of enquiry is in line with CVO's first stage advice.

2. The Commission has reviewed the consultation mechanism with CVOs of the Department/Organizations in non-CVC referable cases/matters. In order to ensure speedy finalization of disciplinary matters and to maintain uniformity in processing of disciplinary cases, the Commission would prescribe that 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 cases/matters) 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, would continue to be referred to the CVO for obtaining second stage advice.

3. The Commission has already vide its circular No.08/12/14 dated 03.12.2014 prescribed the procedure on similar lines for processing CVC referable cases of Category 'A' officers as well as composite cases involving Category 'B' officers, wherein CVC had tendered first stage advice.

4. All CVOs are advised to appraise the above guidelines to the concerned Disciplinary Authorities (DAs) and other officers in their Department/Organization for guidance/compliance while processing disciplinary cases/matters.

(J. Vinod Kumar)
Director

To

- (i) The Secretaries of all Ministries/Departments of Govt.
- (ii) All Chief Executives of CPSUs/PSBs/FIs/PSICs/Autonomous Bodies/etc.
- (iii) All Chief Vigilance Officers of Ministries/Departments/CPSEs/PSBs/FIs/PSICs/Autonomous Organizations etc.
- (iv) Website of CVC

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
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सं./No. 99/VGL/087-389176

दिनांक / Date 8th July 2018

Circular No.08/07/2018

Subject: Simultaneous action of prosecution and initiation of departmental proceedings – guidance thereof.

As per judgements of the Hon'ble Supreme Court and guidelines of Department of Personnel & Training issued thereon, it has been reaffirmed that there is no bar in conducting simultaneous criminal and departmental proceedings. Attention is invited to the Department of Personnel & Training O.M. No.11012/6/2007-Estt.(A-III) dated 1st August, 2007 and 21st July 2016 in this regard.

2. The Commission while examining the disciplinary cases referred to it for advice has noticed that in cases where simultaneous action of prosecution and initiation of departmental proceedings are advised, the departmental proceedings are unduly delayed by Departments/Organisations by keeping them in abeyance on the ground that the matter is under trial in the Court. Such an approach in finalizing disciplinary matters is a matter of serious concern and is also not a correct approach.

3. The Disciplinary Authority has been vested with the powers to carry out its statutory duty / obligations by initiation of appropriate departmental actions. This is as much to ensure that a delinquent public servant does not get undue benefit either by the long pendency of court proceedings or by the higher standard of proof required as it is to protect innocent public servant from vexatious proceedings. It is not open to the Disciplinary Authorities to await the outcome or decision of investigating / prosecuting agency or the Court trial.

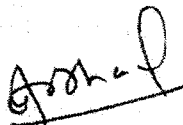
4. The Commission would like to clarify that Disciplinary Authorities are vested with responsibility to ensure that employees under their control, against whom criminal trial is pending are proceeded against forthwith for simultaneous departmental proceedings. Further, a view as to whether simultaneous disciplinary proceedings are to be initiated need to be invariably taken by the Competent Authorities at the time of considering the request for 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 a 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 stayed at one stage, the decision may require reconsideration, if the criminal case gets unduly delayed. 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 misdemeanor 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 administration that persons accused of serious misdemeanor should be continued in office indefinitely, i.e., for long periods awaiting the result of criminal proceedings."

5. The Commission would, therefore, advise all concerned Administrative Authorities that in cases where it is appropriate to initiate disciplinary proceedings along with criminal prosecution, the disciplinary proceedings must be initiated simultaneously.

6. All Ministries/Departments/Organisations may apprise the above guidelines to the concerned officers for compliance in cases of simultaneous proceedings.


(M.A. Khan)

Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Govt.
- (ii) All Chief Executives of CPSUs/PSBs/FIs/PSICs/Autonomous Bodies/etc.
- (iii) All CVOs of Ministries/Departments/CPSUs/PSBs/FIs/PSICs/Autonomous Organizations.
- (iv) Website of CVC

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018/VGL/044

सं. / No.

दिनांक / Dated. 27.07.2018

Circular No. 09/07/18

Subject: CVO to closely monitor presentation of case by Presenting Officer before the IO

It has been noticed by the Commission that many of the CVOs are not monitoring the presentation of cases by the Presenting Officers (PO) before the Inquiry Officers (IO). Undesirable practice of POs taking decisions contrary to the position stated in the charge-sheet without the specific consent of the Disciplinary Authority has also been noticed.

2. In this regard attention is invited to para 7.24.3 (xi) of Vigilance Manual 2017 whereby the Presenting Officers are required to keep the Disciplinary Authority posted with the progress of inquiry proceedings by sending a brief of work done at the end of each hearing. Attention is also invited to para 17 of Chapter 15 of the Handbook for Inquiry Officers and Disciplinary Authorities issued by ISTM (DoPT) wherein guidelines on the responsibilities of the PO during the Regular Hearing have been described in detail.

3. The Presenting Officer is required to lead the evidence of the prosecution logically and forcefully before the Inquiring Authority. The CVOs are required to 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. While examining some of the cases referred to the Commission for second

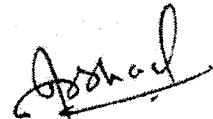
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stage advice, it has been noticed by the Commission that some of the Presenting Officers (POs) have taken a stand / position contrary to the stand / position stated in the charge-sheet without the explicit consent of the Disciplinary Authority. In some cases, the POs have not presented some of the listed/ relied upon documents. Further, in some cases, the POs have not even ensured that the listed witnesses are summoned and produced before the Inquiring Authority for examination and substantiating the position stated in the charge-sheet. There are also instances where the POs have not sought additional documents to be produced before the IO even though they were felt essential for sustaining the charges/imputations.

4. The Commission conveys that the CVOs do not become *functus officio* once the PO is appointed in a departmental proceeding. The CVOs need to closely monitor the presentation of the case by the PO before the IO. The Commission would therefore advise all CVOs to closely monitor the presentation of cases made by the Presenting Officers before the Inquiring Authority and ensure that the cases are suitably presented before the IO on behalf of the Disciplinary Authority. The performance of the CVOs in this regard will be closely watched by the Commission. Further, for any of the observations in the conduct of the proceedings the CVO is answerable.

5. This issues with the approval of the Commission.



(M. A. Khan)

Officer on Special Duty

To

1. All CVOs of Ministries/Departments/CPSEs/PSBs/FIs/PSICs/Autonomous Organisations
2. NIC for uploading the circular on CVC's website

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi-110023
018/VGL/044

सं./No.....

दिनांक / Dated. 27.07.2018

Circular No. 09/07/18

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5. This issues with the approval of the Commission.



(M. A. Khan)
Officer on Special Duty

To

1. All CVOs of Ministries/Departments/CPSEs/PSBs/FIs/PSICs/Autonomous Organisations
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सं./No..... 000/VGL/18-388880

दिनांक / Dated..26.07.2018.....

Circular No.07/07/18

Subject: Adherence to time limits in processing of disciplinary cases – reg.

Reference: (i) Commission's Letter No.000/VGL/18 dated 23.05.2000
(ii) Commission's Office Order No.51/08/2004 dated 10.08.2004
(iii) Commission's Circular No.02/01/2016 dated 18.01.2016

The Commission has been emphasizing from time to time on the need for expeditious completion of disciplinary proceedings. The model time limits for investigation of complaints and for different processes of disciplinary proceedings have been laid down in Commission's letter of even number dated 23rd May 2000.

2. The Commission would like to invite the attention of the Administrative Authorities /Disciplinary Authorities to the undue delays in finalizing vigilance cases especially the conduct of disciplinary proceedings despite having a built in time line for every activity. Further, such unexplained delays lead to Central Administrative Tribunals and the High Courts quashing the charge-sheet(s) on the sole ground that the concerned Disciplinary Authorities had issued charge-sheets to the delinquents after very long periods of commission of alleged misconduct etc. and also for unexplained delays in conducting disciplinary inquiries.

3. Timely completion and finalization of disciplinary proceedings is the prime responsibility of the Disciplinary Authority/Administrative Authorities concerned in all Departments/ Organizations. More so, such long delays in finalizing disciplinary matters are not only unjust to officials who may be finally exonerated, but helps the guilty to evade punitive action. The Commission had earlier vide its circular no.02/01/2016 dated 18/01/2016 emphasized on the various steps needed to be taken by all concerned obviating delays at different stages of the process right from investigation to finalization of disciplinary proceedings by way of regular monitoring of these cases/matters.

4. The Commission while reiterating the above said instructions would impress upon all concerned that the time limits prescribed by the Commission/DoPT for processing disciplinary cases at various stages may be strictly adhered to. All disciplinary authorities in each Ministry/Department/Organization need to regularly monitor the progress of individual disciplinary cases and take necessary steps as deemed appropriate to ensure that the disciplinary proceedings are completed within prescribed time-limits and are not unduly delayed.

5. All CVOs are also therefore advised to apprise the concerned officers regarding the above guidelines for compliance in monitoring progress/ handling disciplinary proceedings.



(M.A. Khan)

Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Gol.
- (ii) All Chief Executives of CPSUs/PSBs/FIs/PSICs/Autonomous Bodies/etc.
- (iii) All CVOs of Ministries/Deptts/CPSUs/PSBs/FIs/PSICs/Autonomous Organizations.
- (iv) Website of CVC



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सं./No. 018/VGL/038
-385947

दिनांक / Dated. 10.07.2018

Circular No. 05/07/18

Subject: Second stage Consultation with CVOs of Departments/ Organizations in disciplinary cases of Category 'B' officers – reg.

The Commission has been receiving references from Departments/ Organisations seeking clarifications/guidance whether consultation with CVO of Department / Organisation is mandatory at second stage before issue of final orders by Disciplinary Authorities (DA) in respect of disciplinary cases of Category 'B' officers (i.e. in non-CVC referred cases of individual cases or composite cases) where the Disciplinary Authority's tentative opinion after completion of enquiry is in line with CVO's first stage advice.

2. The Commission has reviewed the consultation mechanism with CVOs of the Department/Organizations in non-CVC referable cases/matters. In order to ensure speedy finalization of disciplinary matters and to maintain uniformity in processing of disciplinary cases, the Commission would prescribe that 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 cases/matters) 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, would continue to be referred to the CVO for obtaining second stage advice.

3. The Commission has already vide its circular No.08/12/14 dated 03.12.2014 prescribed the procedure on similar lines for processing CVC referable cases of Category 'A' officers as well as composite cases involving Category 'B' officers, wherein CVC had tendered first stage advice.

4. All CVOs are advised to appraise the above guidelines to the concerned Disciplinary Authorities (DAs) and other officers in their Department/Organization for guidance/ compliance while processing disciplinary cases/matters.

(J. Vinod Kumar)
Director

To

- (i) The Secretaries of all Ministries/Departments of Gol.
- (ii) All Chief Executives of CPSUs/PSBs/FIs/PSICs/Autonomous Bodies/etc.
- (iii) All Chief Vigilance Officers of Ministries/Departments/CPSEs/PSBs/FIs/PSICs/Autonomous Organizations etc.
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-110023

सं./No. 016/VGL/006 - 385000

दिनांक / Dated 02.07.2018

To

Chief Secretaries of all State Governments

Subject: Disciplinary action against officials of State Government for misconducts committed while they were on deputation to the Central Government/organisations

Sir/Madam,

The matter regarding initiation of disciplinary action against officials of State Government for misconducts committed while they were on deputation to the Central Government or to the organizations owned or controlled by the Central Government, has been under consideration of the Commission.

2. It has been observed that whenever matters of discipline arise, the Central Government / Statutory Organizations / CPSUs, as the borrowing organization, are empowered to initiate disciplinary proceedings against the concerned officials of the State Government/Departments especially PWDs and such other set-ups and undertakings, etc., while they are on deputation. However, as per extant rules and procedures, such disciplinary proceedings are required to be concluded by the concerned administrative authorities of the State Government. Further, many a time, when disciplinary action is contemplated against such officials of the State Governments, they stand repatriated after deputation to their parent department i.e. the State Government (lending organization). In matters where no disciplinary proceedings were initiated against such officials of the State Government while they were on deputation to the Central Government /Organization and those officials stood repatriated after completion of their tenure, etc. the Central Government /Organization cannot ensure implementation of the disciplinary action by the Administrative Authorities of the respective State Governments.

3. The Commission has further observed that in several cases/ instances disciplinary proceedings have been found to be long pending against the officials of State Governments for misconducts committed by them while they were on deputation to the Central Government /Statutory Organisations like NHAI, AAI, etc./CPSUs, etc. It may also be pointed out that in most of these cases, there is no response from the lending organization of the State Governments. Effectively therefore, it is not possible for the Commission as well as the Central Government /Organization concerned to ensure implementation of disciplinary action in respect of officials of the State Government once they are repatriated to their parent department.

4. Therefore, the Commission is of the view that all such disciplinary actions initiated and matters where the Administrative Authorities of respective State Governments are required to initiate action as requested by the borrowing organisations of the Central Government, for commission of misconduct while on deputation, needs to be brought to a logical conclusion by the State Governments. The Commission would therefore suggest that the Chief Secretaries of the States concerned may review all such disciplinary cases/matters pending against officials of the State Government and its organisations in respect of officials who were on deputation to the Central Government/ or its Organisations and had repatriated.

5. All Chief Secretaries are therefore requested to review such disciplinary cases/ matters pending against the officials of State Government under their jurisdiction and update the action taken status to the concerned borrowing departments of the Central Government as well as to the Central Vigilance Commission in individual cases, as the case may be.

(Archana Varma)
Additional Secretary

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Block A, INA, New Delhi-110023

सं./No. 017/MSC/002-333346.....

दिनांक / Dated.....10.01.2017.....

OFFICE MEMORANDUM

Subject: Expeditionary finalisation of departmental proceedings pending with the Ministries / Departments / Organisations – regarding.

The Commission has observed that the conduct and finalisation of departmental inquiry proceedings are unduly delayed and even after receipt of Inquiry Officer's report, further processing for its consideration and final orders of the respective Disciplinary Authorities take long time. CVO's of all Ministries / Departments / Organisations are directed to furnish particulars of all departmental inquiries, as on 31.12.2016, pending with them after submission of IO's report in respect of officials under the CVC jurisdiction (Category 'A' cases) and other officials (Category 'B' cases) as per enclosed format at coord1-cvc@nic.in positively by 31st January, 2017.

(J Vinod Kumar)

Director

Tel.No. 2465 1019

Encl: Format as stated above.

All Chief Vigilance Officers of Ministries / Departments / CPSUs / Public Sector Banks / Insurance Companies / Autonomous Organisations / Societies etc.

Name of Organisation

Departmental Inquiries pending with Ministries/Departments/Organisations as on 31.12.2016

Under the CVC jurisdiction (Category 'A' cases)

1	2	3	Details and break up of IO's reports pending finalisation			
No. of disciplinary cases pending with IO's	No. of IO's reports received and pending finalisation with DA	Total (1+2)				
			No. of reports received and pending consideration of DA	No. of cases wherein after consideration by DA, sent for representation of charged officer, which is awaited	No. of cases wherein Officer's representation received and is under consideration of DA	Charged
			< 2 months	< 2 months	< 2 months	Over 2 months

Non – CVC inquiries (Category 'B' cases)

1	2	3	Details and break up of IO's reports pending finalisation			
No. of disciplinary cases pending with IO's	No. of IO's reports received and pending finalisation with DA	Total (1+2)				
			No. of reports received and pending consideration of DA	No. of cases wherein after consideration by DA, sent for representation of charged officer, which is awaited	No. of cases wherein Officer's representation received and is under consideration of DA	Charged
			< 2 months	< 2 months	< 2 months	Over 2 months

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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं./No..... 017/MSC/002-

दिनांक / Dated..... 07.03.2017

OFFICE MEMORANDUM

Subject: Expeditious finalisation of departmental proceedings pending with the Ministries / Departments / Organisations – regarding.

Reference: Commission's O.M. of even no. dated 10.01.2017.

The Commission had vide its O.M. referred to above directed CVOs of all Ministries/Departments/Organisations to furnish particulars of all departmental inquiries, as on 31.12.2016, pending with them after submission of IO's report in respect of officials under the CVC jurisdiction (Category 'A' cases) and other officials (Category 'B' cases) in a prescribed format by 31.01.2017.

2. The Commission has since received information from around 290 organisations till date. On perusal of the data furnished by the individual organisations, the Commission has noticed that significant number of IO's reports in disciplinary cases are pending for consideration / processing at various stages with 173 organisations. The Commission has been time and again emphasising the need for expeditious finalisation of disciplinary proceedings and adherence to the time lines prescribed by the DoPT/CVC by all Administrative Authorities. Despite such persuasion, it is observed that the required attention is not being accorded to this activity by the DA's concerned entailing inordinate delays in finalisation of cases.

3. All Disciplinary Authorities (DAs) may note that such inordinate delay in processing inquiry reports is neither in the interests of the organisation nor the officer concerned. The Commission has directed that all such departmental inquiries pending after receipt of IO's report are required to be brought to a logical conclusion within the prescribed timeline by issue of final orders by the competent authorities concerned in the Ministries/Departments/Organisations expeditiously without any further delay, following

laid down procedure. The DAs concerned in the individual organisations are, therefore, advised to expeditiously process all such pending reports. Further, the CVOs concerned are also directed to vigorously pursue all such pending matters with the DAs. Non-compliance to the above directions and timelines would be viewed adversely by the Commission.

4. This issues with the approval of the Central Vigilance Commissioner.



(J Vinod Kumar)
Director
Tel.No. 2465 1019

To:

The CEOs / CVOs as per enclosed list (173 nos.)

Departmental Inquiries pending with Ministries/Departments/Organisations as on 31.12.2016

Information received upto 07.03.2017

UNDER THE CVC JURISDICTION (CATEGORY 'A' CASES)

S. No.	Organisation name	1 No. of disciplinary cases pending with IO's	2 No. of reports received and pending finalisation with DA	3 Total (1+2)	Details and break up of IO's reports pending finalisation					
					No. of reports received and pending consideration of DA		No. of cases wherein after representation by DA, sent for representation of charged officer, which is awaited		No. of cases wherein Officer's representation received and is under consideration of DA	
					< 2 months	Over months	< 2 months	Over months	< 2 months	Over 2 months
1.	CPCL	0	0	0	0	0	0	0	0	0
2.	MSTC	0	0	0	0	0	0	0	0	0
3.	GIC	0	1	1	0	0	0	0	0	1
4.	KPT	2	0	2	0	0	0	0	0	0
5.	WCL	2	1	3	0	0	1	0	0	0
6.	Swami VNIRT&R	0	1	1	0	1	0	0	0	0
7.	SJVNL	0	0	0	0	0	0	0	0	0
8.	Andhra Bank	2	0	2	0	0	0	0	0	0
9.	CONCOR	0	0	0	0	0	0	0	0	0
10.	CPWD	29	18	47	3	1	0	0	1	13
11.	IOCL	1	17	18	15	2	0	0	0	0
12.	Engineers India Ltd.	1	2	3	0	0	0	0	0	2
13.	BIS	5	4	9	1	3	0	0	0	0
14.	Coal India Ltd.	2	0	2	0	0	0	0	0	0
15.	BCCL	2	2	4	0	0	2	0	0	0
16.	NHPC	0	0	0	0	0	0	0	0	0
17.	Pasteur Institute of India	0	2	2	0	0	0	0	0	2

18.	Indian Institute of Entrepreneurship	0	1	1	0	0	1	0	0	0	0	0	0
19.	South Eastern Coalfields Ltd.	3	0	3	0	0	0	0	0	0	0	0	0
20.	M/o Civil Aviation	2	3	5	0	0	0	0	0	0	0	3	0
21.	SAIL	6	0	6	0	0	0	0	0	0	0	0	0
22.	STC	6	0	6	0	0	0	0	0	0	0	0	0
23.	PGCIL	2	1	3	1	0	0	0	0	0	0	0	0
24.	Bank of India	2	4	6	3	0	0	0	0	0	0	0	0
25.	IRCON International Ltd.	0	0	0	0	0	0	0	0	0	0	0	0
26.	Hindustan Insecticides Ltd.	0	0	0	0	0	0	0	0	0	0	0	0
27.	Oriental Bank of Commerce	4	0	4	0	0	0	0	0	0	0	0	0
28.	PFC Ltd.	1	0	1	0	0	0	0	0	0	0	0	0
29.	State Bank of Hyderabad	0	0	0	0	0	0	0	0	0	0	0	0
30.	Central Institute of Plastics Engineering & Technology	0	0	0	0	0	0	0	0	0	0	0	0
31.	M/o Food Processing Industries	0	0	0	0	0	0	0	0	0	0	0	0
32.	M/o RT&H	1	1	2	0	0	0	0	0	0	1	0	0
33.	State Bank of Travancore	0	0	0	0	0	0	0	0	0	0	0	0
34.	D/o Heavy Industry	3	1	4	0	0	0	0	0	0	1	0	0
35.	State Bank of India	41	11	52	0	0	0	0	0	0	8	3	0
36.	Indian Institute of Forest Management	0	0	0	0	0	0	0	0	0	0	0	0
37.	NMDC Ltd.	1	0	1	0	0	0	0	0	0	0	0	0
38.	Oriental Bank of Commerce	4	0	4	0	0	0	0	0	0	0	0	0
39.	Union Bank of India	9	2	11	0	0	0	0	0	0	1	1	0
40.	GAIL India Ltd.	4	0	4	0	0	0	0	0	0	0	0	0
41.	TCIL	0	0	0	0	0	0	0	0	0	0	0	0
42.	Central Warehousing Corp.	4	0	4	0	0	0	0	0	0	0	0	0
43.	Prime Minister's Office	0	0	0	0	0	0	0	0	0	0	0	0
44.	Bank of Baroda	2	1	3	0	0	0	1	0	0	0	0	0
45.	Mahanadi Coalfields Ltd.	1	0	1	0	0	0	0	0	0	0	0	0
46.	Bharat Dynamics Ltd.	0	0	0	0	0	0	0	0	0	0	0	0

[illegible]

[illegible]

NON – CVC INQUIRIES (CATEGORY 'B' CASES)

S. No.	Organisation name	1 No. of disciplinary cases pending with IO's	2 No. of reports received and pending finalisation with DA	3 Total (1+2)	Details and break up of IO's reports pending finalisation					
					No. of reports received and pending consideration of DA		No. of cases wherein after consideration by DA, sent for representation of charged officer, which is awaited		No. of cases wherein Charged Officer's representation is under consideration of DA	
					< 2 months	Over months	< 2 months	Over months	< 2 months	Over months
1.	CPCL	1	1	2	0	0	0	0	1	0
2.	MSTC	0	1	1	0	1	0	0	0	0
3.	GIC	0	0	0	0	0	0	0	0	0
4.	KPT	2	7	9	0	0	7	0	0	0
5.	WCL	3	0	3	0	0	0	0	0	0
6.	Swami VNIRT&R	0	0	0	0	0	0	0	0	0
7.	SJVNL	0	1	1	1	0	0	0	0	0
8.	Andhra Bank	12	11	23	5	0	2	1	2	1
9.	CONCOR	1	1	2	0	0	0	0	1	0
10.	CPWD	1	1	2	0	1	0	0	0	1
11.	IOCL	8	4	12	2	0	1	0	0	1
12.	Engineers India Ltd.	0	1	0	0	0	0	0	0	1
13.	BIS	0	0	0	0	0	0	0	0	0
14.	Coal India Ltd.	1	1	2	0	0	0	1	0	0
15.	BCCL	7	3	10	0	0	0	0	1	2
16.	NHPC	3	1	4	0	1	0	0	0	0
17.	Pasteur Institute of India	6	2	8	2	0	0	0	0	0
18.	Indian Institute of Entrepreneurship	0	0	0	0	0	0	0	0	0
19.	South Eastern Coalfields Ltd.	1	0	1	0	0	0	0	0	0

45.	Mahanadi Coalfields Ltd.	2		3		5		0		0		0		1		2
46.	Bharat Dynamics Ltd.	2		2		4		2		0		0		0		0
47.	M/o Social Justice & Empowerment	1		0		1		0		0		0		0		0
48.	HUDCO	4		0		4		0		0		0		0		0
49.	Bank of Maharashtra	47		21		68		0		0		1		8		12
50.	M/o Steel	0		0		0		0		0		0		0		0
51.	Central Coalfields Ltd.	7		2		9		0		0		1		1		0
52.	NBCC (India) Ltd.	1		1		2		0		1		0		0		0
53.	National Textile Corp. Ltd.	13		7		20		6		1		0		0		0
54.	The New India Assurance Co. Ltd.	15		15		30		0		1		0		2		10
55.	RINL	0		4		4		0		0		1		3		0
56.	Cement Corp. of India Ltd.	0		1		1		0		0		0		0		1
57.	Bird Group of Companies	1		0		1		0		0		0		0		0
58.	M/o Power	0		0		0		0		0		0		0		0
59.	MMTC Ltd.	2		1		3		0		0		0		0		1
60.	CRPF	10		21		31		13		2		5		1		0
61.	National Technical Research Orgn.	8		3		11		0		3		0		0		0
62.	SCI	5		7		12		0		7		0		0		0
63.	Chennai Port Trust	9		12		21		2		10		0		0		0
64.	National Institute for the Empowerment of Persons with Intellectual Disabilities	0		0		0		0		0		0		0		0
65.	Hindustan Shipyard Ltd.	7		1		8		1		0		0		0		0
66.	NTPC	1		16		17		15		0		0		1		0
67.	The Rubber Board	1		0		1		0		0		0		0		0
68.	University of Delhi	1		2		3		0		0		0		0		2
69.	Prasar Bharti	16		9		25		6		2		0		0		1
70.	MTNL	19		15		34		0		0		2		4		9
71.	Mumbai Port Trust	3		0		3		0		0		0		0		0

72.	M/o Ayush	0	0	0	0	0	0	0	0	0
73.	Vijaya Bank	14	1	15	0	0	0	0	1	0
74.	Scooters India Ltd.	4	0	4	0	0	0	0	0	0
75.	Kendriya Bhandar	1	2	3	0	2	0	0	0	0
76.	D/o Expenditure	0	0	0	0	0	0	0	0	0
77.	Punjab & Sind Bank	18	8	26	0	0	4	0	2	2
78.	State Bank of Mysore	8	5	13	0	0	3	0	0	2
79.	IDBI Bank Ltd.	47	8	55	0	0	4	0	2	2
80.	MECON Ltd.	1	0	1	0	0	0	0	0	0
81.	HPCL	25	15	40	2	0	0	0	2	11
82.	Corporation Bank	18	4	22	0	0	1	0	3	0
83.	The National Small Industries Corp. Ltd.	0	3	3	2	0	0	0	0	1
84.	ITI Ltd.	0	1	1	1	0	0	0	0	0
85.	V.O. Chidambaranar Port Trust	0	2	2	0	0	0	0	1	1
86.	United India Insurance Co. Ltd. (UIICL)	46	27	73	6	0	9	0	5	7
87.	Geological Survey of India	1	0	1	0	0	0	0	0	0
88.	National Institute of Health & Family Welfare	0	2	2	0	1	0	1	0	0
89.	D/o Scientific and Industrial Research M/o Science and Technology	0	0	0	0	0	0	0	0	0
90.	Central Industrial Security Force	0	0	0	0	0	0	0	0	0
91.	D/o Posts	4	8	12	4	1	1	0	2	0
92.	Syndicate Bank	39	32	71	3	12	8	2	4	3
93.	Hindustan Paper Corp. Ltd.	0	1	1	0	0	0	0	0	1
94.	Konkan Railway Corp. Ltd.	1	1	2	0	0	0	0	1	0
95.	Ch. Charan Singh National Institute of Agricultural Marketing	1	1	2	0	1	0	0	0	0

96.	Controller General of Defence Accounts	31	12	43	3	1	0	1	3	4
97.	Hindustan Copper Ltd. (HCL)	1	2	3	1	1	0	0	0	0
98.	D/o Higher Education (M/o HRD)	0	0	0	0	0	0	0	0	0
99.	Canara Bank	27	2	29	1	0	0	0	1	0
100.	Delhi Transport Corp. (DTC)	3	0	3	0	0	0	0	0	0
101.	Sashastra Seema Bal, MHA	2	0	2	0	0	0	0	0	0
102.	Indian Bank	17	6	23	1	0	2	1	0	2
103.	State Bank of Bikaner & Jaipur (SBBJ)	8	12	20	0	0	8	0	3	1
104.	NLC India Ltd.	1	6	7	0	0	0	0	1	5
105.	M/o Human Resource Development (M/o HRD)	0	0	0	0	0	0	0	0	0
106.	North Eastern Regional Institute of Science and Technology	0	0	0	0	0	0	0	0	0
107.	Central Council for Research in Ayurvedic Sciences	0	0	0	0	0	0	0	0	0
108.	Central Cottage Industries Corp. of India Ltd.	1	0	1	0	0	0	0	0	0
109.	Nuclear Power Corp. of India Ltd. (NPCIL)	0	0	0	0	0	0	0	0	0
110.	Indian Institute of Tropical Meteorology	3	0	3	0	0	0	0	0	0
111.	Visakhapatnam Port Trust	4	0	4	0	0	0	0	0	0
112.	Software Technology Parks of India	0	0	0	0	0	0	0	0	0
113.	National Aluminium Co. Ltd. (NALCO)	10	1	11	0	0	1	0	0	0
114.	REPCO Bank	2	2	4	0	2	0	0	0	0
115.	M/o Textile	0	0	0	0	0	0	0	0	0
116.	AAI	7	2	9	0	1	0	0	1	0

117.	DDA	0	4	4	4	1	0	0	1	0	2
118.	Directorate General, ITB Police	3	4	7	1	3	0	0	0	0	0
119.	D/o Economic Affairs	0	0	0	0	0	0	0	0	0	0
120.	M/o Shipping	0	0	0	0	0	0	0	0	0	0
121.	Rashtriya Chemicals and Fertilizers Ltd.	1	4	5	4	0	0	0	0	0	0
122.	Directorate General of Civil Aviation	0	0	0	0	0	0	0	0	0	0
123.	India Tourism Development Corp. Ltd.	4	4	8	0	2	0	1	0	1	1
124.	Hindustan Aeronautics Ltd.	13	9	22	5	4	0	0	0	0	0
125.	Life Insurance Corp. of India (LIC)	31	44	75	1	14	0	27	0	2	2
126.	Archaeological Survey of India	4	2	6	2	0	0	0	0	0	0
127.	Bharat Sanchar Nigam Ltd. (BSNL)	140	256	396	11	96	7	3	15	124	124
128.	Central Electricity Authority (M/o Power)	1	0	1	0	0	0	0	0	0	0
129.	D/o Agriculture, Cooperation & Farmers Welfare	0	0	0	0	0	0	0	0	0	0
130.	M/o Mines	0	0	0	0	0	0	0	0	0	0
131.	Dena Bank	30	14	44	2	0	1	1	4	6	6
132.	Employees' Provident Fund Organisation (EPFO)	38	35	73	2	23	0	8	1	1	1
133.	Central Electronics Ltd.	0	1	1	1	0	0	0	0	0	0
134.	Narcotics Control Bureau (NCB) MHA	8	2	10	2	0	0	0	0	0	0
135.	Dte. General Border Security Force, MHA	2	4	6	1	2	1	0	0	0	0
136.	Atomic Energy Education Society	4	1	5	0	0	0	0	1	0	0

137.	M/o Electronics & Information Technology	1	0		1	0	0	0	0	0	0	0
*138.	Air India	10	10		20	0		6	0	0	0	4
139.	Controller General of Accounts	4	4		8	1	3	0	0	0	0	0
140.	M/o Corporate Affairs	0	1		1	0	0	0	0	0	0	1
141.	GNCTD	101	44		145	6	9	4	0	6	19	
142.	National School of Drama (M/o Culture)	NOT PROVIDED										
143.	Nehru Memorial Museum & Library	NOT PROVIDED										
144.	M/o Railways	250	130		380	39	37	11	9	7	27	
145.	National Insurance Co. Ltd., Kolkata	0	2		2	0	0	0	0	0	2	
146.	Punjab National Bank (PNB)	75	18		93	1	0	7	0	9	1	
147.	India Trade Promotion Organisation (ITPO)	0	0		0	0	0	0	0	0	0	
148.	NCCF of India Ltd.	0	1		1	0	1	0	0	0	0	
149.	National Seeds Corp. Ltd.	5	3		8	2	0	1	0	0	0	
150.	Directorate of PPQ&S	1	3		4	0	0	0	0	1	2	
151.	Coconut Development Board	1	0		1	0	0	0	0	0	0	
152.	Directorate of Marketing & Inspection	2	2		4	0	0	2	0	0	0	
153.	Bharat Pumps & Compressors Ltd.	0	2		2	0	2	0	0	0	0	
154.	HLL Lifecare Ltd.	0	0		0	0	0	0	0	0	0	
155.	Central Board of Secondary Education	1	0		1	0	0	0	0	0	0	
156.	ONGC	10	11		21	4	0	1	0	0	6	
157.	RITES	1	2		3	0	2	0	0	0	0	
158.	Indian Council of Agricultural Research	1	2		3	0	1	0	0	0	1	
159.	CAPART	0	0		0	0	0	0	0	0	0	

160.	National Training Institute (NPTI)	0	0	0	0	0	0	0	0	0	0	0
161.	Dattopant Thengadi National Board for Workers Education and Development	5	3	8	0	0	2	0	0	0	0	0
162.	Indian Institute of Mass Communication	0	0	0	0	0	0	0	0	0	0	0
163.	Indian Overseas Bank	122	60	182	3	0	0	10	06	27	14	0
164.	Indian Rare Earths Ltd.	0	0	0	0	0	0	0	0	0	0	0
165.	Central Council of Indian Medicine	1	1	1	0	0	0	0	0	0	0	0
166.	Madras Fertilizers Ltd.	2	0	2	0	2	0	0	0	0	0	0
167.	National Institute of Industrial Engineering	0	1	1	0	0	0	0	1	0	1	0
168.	State Bank of Patiala	13	9	22	1	8	0	0	0	0	0	0
169.	Establishment Division of DAC&FW	7	2	9	1	0	0	1	0	1	0	0
170.	National Horticulture Board	1	0	1	0	0	0	1	0	0	0	0
171.	Mazagon Dock Ltd.	0	0	0	0	0	0	0	0	0	0	0
172.	Staff Selection Commission	1	6	7	1	5	0	0	0	1	0	0
173.	NABARD	5	2	7	2	0	0	1	1	0	0	0



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केन्द्रीय सतर्कता आयोग CENTRAL VIGILANCE COMMISSION

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007/VGL/054-

सं./No.....

24th Oct.2016
दिनांक / Dated.....

Circular No. 12/10/16

Subject:- Criteria to be followed while examining the lapses of authorities exercising judicial or quasi-judicial functions— regarding.

The Commission vide its Circular No. 39/11/07 dated 1st November 2007 had desired that while examining cases of officials exercising quasi-judicial functions, the criteria laid down by the Supreme Court in the K.K. Dhawan's case should be kept in mind for a uniform approach in such matters.

2. In a recent judgment dated 12th July 2016 in R.P. Parekh Case (Civil Appeal Nos. 6116-6117 of 2016), the Supreme Court has prescribed the procedure / principles to be followed while examining the case against an officer exercising judicial/quasi-judicial function. The relevant para -15 of the judgment is reproduced below:

"The issue of whether a judicial officer has been actuated by an oblique motive or corrupt practice has to be determined upon a careful appraisal of the material on the record. Direct evidence of corruption may not always be forthcoming in every case involving a misconduct of this nature. A wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle. In the absence of a cogent explanation to the contrary, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that the judicial officer was actuated by extraneous considerations can be drawn. Cases involving misdemeanours of a judicial officer have to be dealt with sensitivity and care. A robust common sense must guide the disciplinary authority. At one end of the spectrum are those cases where direct evidence of a misdemeanour is available. Evidence in regard to the existence of an incriminating trail must be carefully scrutinized to determine whether an act of misconduct is established on the basis of legally acceptable evidence. Yet in other cases, direct evidence of a decision being actuated by a corrupt motive may not be available. The issue which arises in such cases is whether there are circumstances from which an inference that extraneous considerations have actuated a judicial officer can legitimately be drawn. Such an inference cannot obviously be drawn merely from a

hypothesis that a decision is erroneous. A wrong decision can yet be a bona fide error of judgment. Inadvertence is consistent with an honest error of judgment. A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact. ”.

3. The Supreme Court in R P Parekh case has laid down the following conditions / procedure to be followed to determine as to whether an act of a judicial officer has been actuated by an oblique motive or corrupt practice:

- (i) Since, direct evidence of corruption may not always be forthcoming in every case involving a misconduct, a wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle.
- (ii) In the absence of cogent explanation, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that an officer was actuated by extraneous considerations can be drawn.
- (iii) The disciplinary authority has to determine whether there has emerged from the record one or more circumstances that indicate that the decision which form the basis of the charge of misconduct was not an honest exercise of judicial power.
- (iv) A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact.

4. The Commission desires that in addition to the principles enunciated in the Commission's Circular dated 1st November, 2007, the afore-mentioned criteria in the judgment may also be kept in mind while examining alleged lapses/misconducts in respect of officials exercising quasi-judicial functions/powers.

5. All CVOs are also advised to apprise the above said principles to all Disciplinary Authorities / Administrative Authorities in the Organisations for guidance.



(J.Vinod Kumar)
Director

To,

All CVOs of Ministries/Depts./CPSEs/ PSBs/FIs/PSICs/Autonomous Organisations.

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CENTRAL VIGILANCE COMMISSION



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सं./No..... 015/IT/01-317795

दिनांक / Dated..... 21.06.2016

Circular No. 07/06/2016

Subject:- Processing of priority cases on Fast Track basis – regarding.

The Commission has taken a serious note of huge delays in finalisation of Vigilance cases and accordingly has decided to fast track important cases for being attended on priority. Following type of cases shall be considered as Fast track Cases:

- Cases involving serious nature of misconduct like bribery, embezzlement of Government fund, forgery, frauds of amount exceeding Rs 10 crores and cases of nature of scam which attracted national public attention and which are likely to have deterrent or demonstrative effect on other employees/officers.
- Cases referred by Supreme court/High courts to the Commission & being monitored by these courts and Cases referred by PMO/Committee of Parliament seeking specific report/attention of the Commission.
- Cases wherein retirement of charged officer is due within next six months and in case of retired government officers within the limitation period.
- Cases of Board level officers in PSUs, Public Sector Banks, Insurance companies, Autonomous Bodies etc. and of the rank of AS & above in Central Government & in All India services.
- Any other case as may be decided by the Commission.

2. The time limits for various activities of a vigilance case like conducting investigation and submission of report, action on investigation report, reference to CVC for first stage advice, action taken on CVC's advice, issue of charge sheet, if required, appointment of IO/PO, conduct of oral inquiry, forwarding the case for Commission's second stage advice etc have been prescribed by the Commission vide its circular no 000/VGL/18 dated 23/05/2000.

3. The Commission would therefore, flag vigilance cases of each Department / Organisation identified as such for fast tracking. It will be the personal responsibility of the CVO and the Disciplinary Authority concerned to follow and adhere to the above prescribed time limits for each Fast Track case. CVOs would be able to see the Fast Track references in their respective accounts with “FT” flag after the file number. CVOs should, therefore, regularly login to their respective accounts under the link CVO’s corner on Commission’s website cvc.nic.in and take stock of the pendency so that action could be taken within the specified time limits.

4. All Administrative Authorities/Disciplinary Authorities/CVOs are therefore advised to ensure that the above time limits are adhered to in all cases designated as Fast Track case right from the start of investigation of complaints, processing of investigation reports, seeking & implementing Commission’s advice.


[J. Vinod Kumar]
Director

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs / Public Sector Banks / Insurance Companies / FIs / Organisations.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/ Insurance Companies/FIs/Organisations.

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CENTRAL VIGILANCE COMMISSION



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सं./No. 016/CRD/001-313425

दिनांक / Dated 02.05.2016

Circular No. 05/05/2016

Subject:- Inquiry proceedings pending before the IOs – regarding.

The Commission has observed that a number of inquiry proceedings are pending with the Departmental Inquiry Officers as the Chief Vigilance Officer / Presenting Officer, as the case may be, are not able to make available listed documents of the case. It appears that this problem is particularly acute in respect of disciplinary proceedings initiated on account of investigations by the CBI.

2. All CVOs are therefore, advised to review the pending inquiries with the Departmental Inquiry Officers and furnish a status report in their next monthly report to the Commission.

[Asit Gopal]
Director

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सं./No. 000-VGL-18

दिनांक / Dated 18.01.2016

Circular No. 02/01/2016

Subject: Timely completion of disciplinary proceedings/departmental inquiry proceedings—improving vigilance administration.

- Ref:**
- | | | |
|-------|--|------------------|
| (i) | Commission's Circular No. 8(1)(g)/99(2) | dated 19.02.1999 |
| (ii) | Commission's Circular No. 8(1)(g)/99(3) | dated 03.03.1999 |
| (iii) | Commission's Circular No. 3(v)/99(7) | dated 06.09.1999 |
| (iv) | Commission's Circular No. 000/VGL/18 | dated 23.05.2000 |
| (vi) | Commission's Office Order No. 51/08/2004 | dated 10.08.2004 |

The Commission has noted with serious concern that the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings. In a recent study conducted by the Commission, it has been noticed that while the average time taken by the administrative authorities in finalisation of disciplinary proceedings is more than 2 years, the maximum time taken in a particular case was eight (8) years and at least in 22% cases the inquiry took more than two years. The Commission vide its Circular No. 8(1)(g)/99(3) dated 03.03.1999 and No. 000/VGL/18 dated 23.05.2000 has laid down the time limits for various stages of disciplinary proceedings right from the stage of investigation to finalisation of the disciplinary case. The time-limit for completion of departmental inquiry is six months from the date of appointment of the IO. Thus, it appears that this time limit is not being adhered to by a majority of the Departments/Organisations. Such long delays not only are unjust to officials who may be ultimately acquitted, but help the guilty evade punitive action for long periods. Further, they have an adverse impact on others who believe that "nothing will happen". The Commission has been emphasising from time to time on the need for expeditious completion of disciplinary proceedings.

2. Recently, the Hon'ble Supreme Court in its judgment dated 16.12.2015 in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr has viewed the delay in handling of disciplinary cases adversely. The Hon'ble Supreme Court while allowing the said appeal in favour of the Appellant Employee has observed as follows:

“29. One cannot dispute in this case that the suspension period was unduly long. We also find that the delay in completion of the departmental proceedings was not wholly attributable to the appellant but it was equally attributable to the respondents as well. Due to such unreasonable delay, the appellant naturally suffered a lot because he and his family had to survive only on suspension allowance for a long period of 9 years.

30. We are constrained to observe as to why the departmental proceeding, which involved only one charge and that too uncomplicated, have taken more than 9 years to conclude the departmental inquiry. No justification was forthcoming from the respondents' side to explain the undue delay in completion of the departmental inquiry except to throw blame on the appellant's conduct which we feel, was not fully justified.

31. Time and again, this Court has emphasized that it is the duty of the employer to ensure that the departmental inquiry initiated against the delinquent employee is concluded within the shortest possible time by taking priority measures. In cases where the delinquent is placed under suspension during the pendency of such inquiry then it becomes all the more imperative for the employer to ensure that the inquiry is concluded in the shortest possible time to avoid any inconvenience, loss and prejudice to the rights of the delinquent employee.

32. As a matter of experience, we often notice that after completion of the inquiry, the issue involved therein does not come to an end because if the findings of the inquiry proceedings have gone against the delinquent employee, he invariably pursues the issue in Court to ventilate his grievance, which again consumes time for its final conclusion.

33. Keeping these factors in mind, we are of the considered opinion that every employer (whether State or private) must make sincere endeavor to conclude the departmental inquiry proceedings once initiated against the delinquent employee within a reasonable time by giving priority to such proceedings and as far as possible it should be concluded within six months as an outer limit. Where it is not possible for the employer to conclude due to certain unavoidable causes arising in the proceedings within the time frame then efforts should be made to conclude within reasonably extended period depending upon the cause and the nature of inquiry but not more than a year.”

3. The Commission has observed that a number of factors contribute to the delay in the conduct of departmental inquiries and with prudent management this needs to be checked. The departmental inquiry is often delayed due to laxity on the part of IO, lack of monitoring by DA & 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 and frequent change of IO/PO and non-monitoring of progress of inquiry. The Commission suggests that the following steps may be ensured and complied strictly by the IOs/administrative authorities:

- (i) In cases where 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 draft charge-sheet itself.

- (ii) 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 CVO. After issue of charge-sheet and submission of defence statement, the DA is required to take a decision within 15 days for appointment of IO/PO in major penalty cases.
- (iii) 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 inquiry.
- (iv) It may be ensured that the PO is appointed simultaneously. Changes in IO/PO be resorted to only in exceptional cases under intimation to the Commission (in respect of officers within the jurisdiction of the Commission).
- (v) In cases involving more than one charged officer, it may be ensured that, as far as practicable, same IO/PO is appointed in all cases.
- (vi) The PO must keep copies of relevant Rules/Regulations/Instructions etc. readily available with him. 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.
- (vii) 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 it in time or loss of these documents.
- (viii) The IO should normally conduct Regular Hearing on a day to day basis and not grant more than one adjournment for appearance of witnesses. It may be ensured that all the prosecution or defence witnesses are summoned and examined in separate but simultaneous batches expeditiously.
- (ix) 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 production of the witness through summons issued by the Court.
- (x) The IO should, as far as practicable, desist from allowing interlocutory documents sought either by the PO or the CO as additional documents during the deposition of witnesses.
- (xi) 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.
- (xii) Where the CO or PO do not co-operate 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.

4. The suggested time limits for conducting departmental inquiries prescribed by the Commission for various stages is annexed for ready reference. 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 inquiry on regular basis and ensure that the inquiry/departmental proceedings are completed within the time-limit prescribed as laid down by Hon'ble Supreme Court in the above cited case. 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.



(J. Vinod Kumar)

Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies/etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies/ etc.
- (iv) Website of CVC

Copy to:

Department of Personnel & Training [Shri Jishnu Barua, Joint Secretary (S&V2) & CVO], North Block, New Delhi-110001 for information and necessary action.

Model Time Limit for Departmental Inquiries as laid down in Circular No. 8(1)(g)99(3) dated 03.03.1999

Stage of Departmental Inquiry	Time Limit prescribed
<ul style="list-style-type: none"> Fixing date of Preliminary Hearing and inspection of listed documents, submission of Defence documents/witnesses and nomination of a Defence Assistant (DA) (if not already nominated) 	Within four weeks
<ul style="list-style-type: none"> Inspection of relied upon documents/submission of list of DWs/Defence documents/Examination of relevancy of Defence documents/DWs, procuring of additional documents and submission of certificates confirming inspection of additional documents by CO/DA Issue of summons to the witnesses, fixing the date of Regular Hearing and arrangement for participation of witnesses in the Regular Hearing Regular Hearing on Day to Day basis 	3 months
<ul style="list-style-type: none"> Submission of Written Brief by PO to CO/IO 	15 days
<ul style="list-style-type: none"> Submission of Written Brief by CO to IO 	15 days
<ul style="list-style-type: none"> Submission of Inquiry Report from the date of receipt of written Brief by PO/CO 	30 days

NB: If the above schedule is not consistent /in conflict with the existing rules/ regulations of any organisation, the outer time limit of six months for completing the Departmental Inquiries should be strictly adhered to.

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CENTRAL VIGILANCE COMMISSION



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005/VGL/011

सं./No.....

दिनांक / Dated..... 25th May, 2015

CIRCULAR No.08/05/15

Sub: Guidelines to be followed by the administrative authorities competent to accord sanction for prosecution u/s.19 of the PC Act – 1988 - Hon'ble Supreme Court Judgment in Criminal Appeal No. 1838 of 2013 - reg.

Ref: CVC Office Order No.31/5/05 dated 12.05.2005
CVC Circular No.07/03/12 dated 28.03.2012

The Commission has been emphasising the need for quick and expeditious decisions on requests of sanction for prosecution received from CBI/other investigating agencies under the PC Act, 1988 and also to strictly adhere to the time limit of three months for grant or otherwise of sanction for prosecution laid down by the Hon'ble Supreme Court in Vineet Narain & Ors. Vs. Union of India (AIR 1998 SC 889). Despite these instructions and close monitoring of such pending matters; the Commission has been concerned with the serious delays persisting in processing requests for sanction for prosecution by the Competent Authorities.

2. The Commission had earlier vide its Office Order No. 31/5/05 dt. 12/05/2005 brought to the notice of all competent authorities guidelines to be followed by the sanctioning authorities. Subsequently, the Apex Court in the matter of Dr.Subramanian Swamy Vs. Dr.Manmohan Singh & another (Civil Appeal No. 1193 of 2012) referred to the above guidelines of CVC, and observed that, "the aforementioned guidelines are in conformity with the law laid down by this Court that while considering the issue regarding grant or refusal of sanction, the only thing which the Competent Authority is required to see is whether the material placed by the complainant or the investigating agency prima facie discloses commission of an offence. The Competent Authority cannot undertake a detailed inquiry to decide whether or not the allegations made against the public servant are true". Thereafter, the Commission vide circular No.07/03/12 dated 28/03/2012 reiterated its guidelines dated 12/05/2005 and advised all concerned Competent Authorities to adhere to the time limits for processing requests for prosecution sanction under Section 19 of PC Act as laid down by the Apex Court in letter and spirit.

3. The Hon'ble Supreme Court has recently in Criminal Appeal No. 1838 of 2013 in the matter of CBI Vs. Ashok Kumar Aggarwal, in para 7 of the judgment observed that "there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge

of the material facts of the case. Grant of sanction is not a mere formality. Therefore, the provisions in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought. Sanction lifts the bar for prosecution. Therefore, it is not an acrimonious exercise but a solemn and sacrosanct act which affords protection to the Government servant against frivolous prosecution. Further, it is a weapon to discourage vexatious prosecution and is a safeguard for the innocent, though not a shield for the guilty".

4. In para 8 of the above judgment, the Court has issued guidelines to be followed with complete strictness by the Competent Authorities while considering grant of sanction as below:-

a). *The prosecution must send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, statements of witnesses, recovery memos, draft charge-sheet and all other relevant material. The record so sent should also contain the material/document, if any, which may tilt the balance in favour of the accused and on the basis of which, the competent authority may refuse sanction.*

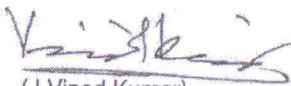
b). *The authority itself has to do complete and conscious scrutiny of the whole record so produced by the prosecution independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to give or withhold the sanction.*

c). *The power to grant sanction is to be exercised strictly keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.*

d). *The order of sanction should make it evident that the authority had been aware of all relevant facts/materials and had applied its mind to all the relevant material.*

e). *In every individual case, the prosecution has to establish and satisfy the court by leading evidence that the entire relevant facts had been placed before the sanctioning authority and the authority had applied its mind on the same and that the sanction had been granted in accordance with law.*

5. The Commission, would therefore, in terms of its powers and functions under Section 8(1) (f) of the CVC Act, 2003 direct all administrative authorities to scrupulously follow the guidelines contained in para 2 (i) to (vii) of Commission's circular No 31/5/05 dated 12/05/2005 and the recent explicit guidelines laid down for compliance by the Hon'ble Supreme Court at para 4 above, while considering and deciding requests for sanction for prosecution. Since non-compliance of the above guidelines vitiates the sanction for prosecution, therefore, competent sanctioning authorities should discharge their obligations with complete strictness and would be held responsible for any deviation / non-adherence and issues questioning the validity of sanction arising at a later stage in matters of sanction for prosecution.


(J Vinod Kumar)
Officer on Special Duty

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सं./No.....015/MS/016

27th April, 2015
दिनांक / Dated.....

CIRCULAR No.07/04 /15

Subject: Consultation with CVC for first stage advice – revised procedure - reg.

Reference : (i) Commission's letter No. DO VGL 10 dated 3.9.1985

(ii) Commission's Office Order No. 24/4/04 dated 15.4.2004

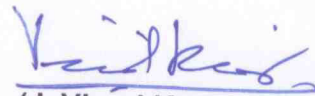
(iii) Commission's Office Order No. 25/4/05 dated 29.4.2005

As per the existing scheme for consultation with the Commission, the CVOs of the Ministries / 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 involving Category-A officers (i.e., All India Service Officers serving in connection with the affairs of the Union, Group-A officers of the Central Govt. and the levels and categories of officers of CPSUs, Public Sector Banks, Insurance companies, Financial Institutions, Societies and other local authorities as notified by the Government u/s 8(2) of CVC Act, 2003) before the competent authority takes a final decision in the matter. Such references also include cases wherein the allegations on inquiry do not prima facie indicate any vigilance overtone / angle / corruption.

2. On a review of the scheme of consultation with the Commission and to expedite the processes of vigilance administration in the Ministries/Departments/Organisations, it has been decided that, henceforth after inquiry / investigation by the CVO in complaints / matters relating to Category-A officers as well as composite cases wherein, Category-B officers are also involved, if the allegations, on inquiry do not indicate 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 Ministry / 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 Ministry / 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 vigilance angle, the matter as also enquiry reports on complaints having vigilance angle though unsubstantiated would continue to be referred to the Commission for first stage advice. The provisions of the Vigilance Manual and the Special Chapter on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Insurance Companies would stand amended to this extent.

3. The above revised consultation procedure / dispensation would not apply to the complaints received by the Commission and referred for investigation and report to the CVO of the Ministry / Department / Organisation and CVOs would continue to furnish their investigation reports in all matters involving Category-A officers for seeking first stage advice of the Commission irrespective of the outcome of inquiry / investigation. 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.



(J. Vinod Kumar)

Officer on Special Duty

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015/VGL/016-281040

सं./No.....

17.04.2015

Circular No. 06/04/2015

दिनांक / Dated.....

Subject:- Delay in finalisation of vigilance cases arising out of Intensive Examination conducted by CTEO – regarding.

The Chief Technical Examiners' Organisation (CTEO) wing of the Commission conducts Intensive Examination (I/E) of works/procurements etc. of various Departments/Organisations. Some of the paras of the I/E report of CTEO are converted into vigilance paras and referred to the CVOs of the organisations for conducting investigation and to identify the officers responsible for the lapses. For the purpose of investigation, an independent and reliable engineer, if considered necessary, can also be appointed / hired for assisting the CVO. Many a time, such matters arising out of CTE's examination are not given the required priority by the CVOs and also the concerned administrative authorities in the Departments / Organisations who are responsible to provide the required support to finalise pending issues/matters.

2. The Commission has of late observed that the reports of CVO's and replies to such CTE related inspection matters are unduly delayed by the Ministries/Departments/Organisations. There are inordinate delays in processing such matters / furnishing replies to the Commission resulting sometimes in retirement of suspect officials concerned. Moreover, the delays have been viewed adversely by courts. Expeditious conduct of preliminary enquiry and subsequent disciplinary action as per time limits laid down for the purpose need to be strictly adhered to by all Ministries / Departments / Organisations. The Commission has been emphasising on this aspect over the years. The Commission would, therefore, reiterate and advise all CVOs and Administrative Authorities to ensure expeditious finalisation of pending vigilance / disciplinary cases and related matters as it is neither in the interests of the organization nor fair to the official (s) to keep them pending.

3. Any undue delays noticed by the Commission in processing / finalisation of vigilance matters by the CVOs / Administrative Authorities would be viewed seriously by the Commission.

[J. Vinod Kumar]

Officer on Special Duty

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सं./No..... 003/DSP/9

दिनांक / Dated..... 16/04/2015

Circular No.05/03/15

Subject:- Difference of opinion pertaining to requests for sanction for prosecution sought by CBI/other investigating agencies. – regarding.

- Reference:-
- (i) DoPT O.M. No. 134/2/85-AVD-I dated 15/17.10.1986;
 - (ii) Commission's Office Order No. 1/1/04 dated 08.01.2004;
 - (iii) Commission's Office Order No. 23/6/06 dated 23.06.2006;
 - (iv) DoPT O.M. No. 399/33/2006-AVD-III dated 06.11.2006 & 20.12.2006;
 - (v) Commission's Office Order No.31/5/05 dated 12.05.2005 and
 - (vi) Commission's Circular No.07/03/12 dated 28.03.2012

The Central Vigilance Commission has been emphasising the need for quick and expeditious decisions on requests of sanction for prosecution received from CBI / other investigating agencies under the Prevention of Corruption Act, 1988 and also to strictly adhere to the time limit of three (3) months for grant or otherwise of sanction for prosecution in terms of the orders of the Supreme Court in Vineet Narain & Ors. Vs.Union of India. Despite these instructions and regular follow-up of such pending matters, the Commission observes that the Competent Authorities take unduly long time in deciding these matters.

2. In cases of difference of opinion between the Competent Authorities in the Ministries / Departments / Organisations and CBI/other investigating agencies, where the latter have after investigation sought sanction for prosecution of public servants, the Commission resolves such difference of opinion by holding a joint meeting with the representatives of CBI and concerned Department / Organisation. The Commission has, however, observed that generally no new facts are brought out during these meetings and there are considerable delays on the part of the Departments / Organisations concerned in adhering to the laid down time limits for various activities for examining / considering such requests for sanction for prosecution and in making a reference for consultation with the Commission for advice, etc.

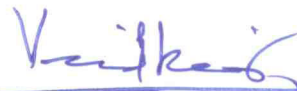
3. In view of above, the Commission, on a review of the existing mechanism has decided to dispense with the mechanism of holding joint meetings with the representatives of CBI and the concerned Department / Organisation and henceforth, all such matters of difference of opinion with CBI / Investigating Agencies would be dealt and resolved by the Commission on the basis of available documents / materials and tentative views of the Competent Authorities of the concerned Ministry / Department / Organisation. The Commission would also draw attention to

the guidelines issued by the Commission to be followed by the sanctioning authorities, vide its Office Order No.31/5/05 dated 12th May, 2005 and reiterated vide Circular No.07/03/12 dated 28th March, 2012 in processing requests for sanction for prosecution.

4. Accordingly, on receipt of investigation reports from CBI / other investigating agencies requesting sanction for prosecution of public servants who are non-Presidential appointees, the Competent Authority shall within three weeks formulate its tentative views regarding the action to be taken and in all matters involving difference of opinion with the recommendations of CBI / Investigating Agencies, seek the advice of the Commission for resolution of difference of opinion. The CVO of the Department / Organisation concerned would ensure that the time limits as above are complied with in taking decisions by the concerned Administrative Authorities either to grant sanction for prosecution and to convey the same to the agency concerned or to ensure a reference is made to the Commission for advice forwarding the tentative views of the Administrative Authorities for resolving the difference of opinion.

5. Further, in all cases, where Commission advises sanction for prosecution, in terms of DoPT instructions referred above, and provisions of the Vigilance Manual, the concerned Ministry / Department is required to refer the case to the Commission for reconsideration only in exceptional cases when new facts come to light. As per the existing mechanism in place, such reconsideration proposals are examined by the Committee of Experts and the Commission renders appropriate advice, thereafter to the Competent Authorities. The Commission has observed over the years that in practice, majority of the cases referred back for reconsideration are on the same facts/materials as was available to the Competent Authority and the Commission initially. In other words, such reconsideration proposals do not contain any new fact(s) warranting change in the views/advice of the Commission tendered earlier. Such routine references/proposals for reconsideration of the Commission's advice need to be strictly avoided. In order to ensure that cases for grant for sanction for prosecution are decided quickly, the Commission would, therefore, entertain only those cases for reconsideration wherein new facts and circumstances which warrant any change are brought out by the Competent Authorities / Administrative Authorities specifically while making such proposals to the Commission.

6. The Commission is of the considered view that compliance to the above said principles would facilitate in reducing delays in deciding matters/ requests of sanction for prosecution by the Administrative Ministries/Departments/Organisations.



[J. Vinod Kumar]

Officer on Special Duty

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3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Insurance Companies Organisations, etc.

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सं./No. 011/VGL/094(Part-1)

दिनांक / Dated 1st April, 2015

OFFICE ORDER NO.04/04/15

Sub: Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with the guidelines issued by Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) vide O.M No.399/33/2006-AVD-III dated 06.11.2006, had constituted a committee of experts((drawn from civil services, public sector undertakings/banks) to examine reconsideration proposals received in the Commission from various Ministries/Departments/Organisations in matters where Commission had earlier advised grant of sanction for prosecution.

2. The tenure of the panel of experts of the committee last constituted vide Office Order No.13/06/12 dated 29th June, 2012 and extended w.e.f 01.07.2014 vide Office Order No.03/07/14 dated 14.07.2014 expired on 31.12.2014. The Commission hereby, reconstitutes the panel of experts with effect from 1st April, 2015 with the following persons:-

1. Shri Sudhir Krishna, IAS(Retd.)
2. Shri C.B. Paliwal, IAS(Retd.)
3. Shri Sada Shiv Bajpai, IRS(Retd.)
4. Smt.Sushama V. Dabak, IA &AS(Retd.)
5. Shri P.K. Gupta, ex-Spl.DG,CPWD
6. Shri A.K.Shukla, ex-Chairman, LIC

3. Depending upon the nature of the case, a committee consisting of three members including the Chairperson (i.e. Vigilance Commissioner) shall examine the CBI recommendation and the tentative views of the Ministry/Department concerned in greater detail. Two members of the Committee would be drawn from the panel of experts and one of the Vigilance Commissioners in the Commission would chair the meeting. In the light of the expert committee's recommendation, the CVC would render appropriate advice to the competent authority within 15 days of the meeting of the committee.

4. The tenure of the panel of experts would be for a period of two years from 01.04.2015. The terms and conditions would be as indicated in the annex.

5. The meetings of the committee would be held in Delhi. Central Vigilance Commission would provide the required secretarial services alongwith the necessary funds to meet the expenditure to be incurred regarding the meetings of the committee.



(Salim Haque)
Addl. Secretary

Encl: as above

To.

1. Members of the Committee of Experts
2. Shri Sanjay Kothari, Secretary, DoPT, North Block, New Delhi
3. Shri Anil Sinha, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers of Ministries/Departments/Organisations.

Terms of appointment of the Committee of Experts

1. Period

The term will be for a period of two years.

2. Honorarium

An honorarium of ₹3000/- (Three thousand only) per day would be paid to the members.

3. Secretarial Assistance

Secretarial assistance would be provided by the Commission as per requirements.

4. Fare, Transport & Accommodation

The fare, transport and accommodation would be provided by the Commission as per entitlement of the members.

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं./No.....006/PRC/1

दिनांक / Dated.....11.12.2014

Circular No. 09/12/2014

Sub: - References to the Commission for advice – Procedure regarding.

- Ref:- (i) Commission's Circular No.14/3/06 dated 13/03/2006
(ii) Commission's Circular No.32/12/08 dated 01/12/2008
(iii) Commission's Circular No.21/8/09 dated 06/08/2009

The Commission is being consulted at two stages in disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports and second stage advice is obtained on receipt of inquiry reports before a final decision is taken on conclusion of the disciplinary proceedings. In order to ensure proper appreciation of facts and examination of references, made by the Ministries/Departments/Organisations for its advice, the Commission has been emphasizing on the need for sending complete details/records including providing a tabular statement of the case as prescribed in the above cited circulars. It has been observed that the tabular statements are not being sent or filled-up properly by the departments / organisations while referring cases for first stage / second stage advice of the Commission.

2. As per the role and functions of CVOs, prescribed in Chapter II of Vigilance Manual (sixth edition), the investigation reports together with the specific recommendations of CVO in respect of each suspect officer(s) involved in a case is required to be submitted for consideration of the Disciplinary Authority concerned. After obtaining tentative views/recommendations of the Disciplinary Authority (DA), the case is required to be referred to the Commission for its first stage advice, wherever necessary. Similarly, the CVO would examine the Inquiry officer's report and after obtaining the tentative views of the competent disciplinary authority about further course of action to be taken, seek the Commission's second stage advice, wherever required. To further streamline the consultation with the Commission, henceforth, the tabular statements as in formats prescribed below should invariably be furnished alongwith other records/documents while making references for first and second stage advice of the Commission:-

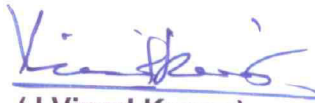
First stage advice

Sl.No.	Name and designation of the suspect officer	Allegation s in brief	Version of the suspect officer	Findings of inquiry/ investigation on each allegation(s)	Comments/ recommendations of the CVO	Comments/ recommendation of the Disciplinary Authority

Second stage advice

Sl. No.	Name and designation of the charged officer	Allegation s in brief on each article of charge(s)	Defence statement/ CO's brief	Finding of inquiry officer (IO) on each article of charge(s)	Comments of CVO on IO's findings	Comments/ recommendation of the Disciplinary Authority on IOs findings

3. CVOs of all Ministries/Departments/Organisations would ensure that complete information / records are sent alongwith references being made to the Commission for its advice.


(J Vinod Kumar)
Officer on Special Duty

To

All Chief Vigilance Officers

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi 110023

सं. / No.014-VGL-061.....

दिनांक / Dated 03rd December 2014

Circular No. 08/12/14

Subject: Second stage consultation with the CVC in disciplinary cases —
Amendment to the Vigilance Manual – regarding.

Reference: (i) Commission's Office Order No. 03/01/10 issued vide No. 009/VGL/056
dated 28.01.2010

(ii) Commission's Circular No 17/12/12 issued vide No. 010/VGL/095
dated 07.12.2012

The Commission, at present, is being consulted at two stages in vigilance cases / disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings.

2. The Commission vide its Office Order No. 03/01/10 dated 28.01.2010 had earlier dispensed with the requirement of obtaining second stage advice in respect of officers not falling within the jurisdiction of the Commission in composite cases wherein, first stage advice had been tendered in respect of all categories of officers involved. Cases of such officers are presently required to be referred only if the disciplinary authority's (DA) opinion/views is at variance with the Commission's advice. Further, vide its Circular No. 17/12/12 dated 07.12.2012, the Commission had dispensed with consultation at second stage on conclusion of disciplinary proceedings in respect of Group 'A' officers of Central Government, members of All India Services and such categories of officers wherein the UPSC is required to be consulted as per extant rules.

3. The Commission on a further review of the consultation mechanism and to provide for speedy finalisation of disciplinary proceedings, has now decided to dispense with the consultation for second stage advice of the Commission in cases where the disciplinary authority (DA), on conclusion of disciplinary proceedings, proposes to impose a penalty which is in line with the Commission's first stage advice in respect of officers falling within the jurisdiction of the Commission also. Such cases would, henceforth be dealt at the level of the CVO and DA concerned in

the Organisation/Department. However, the CVO should forward an action taken report alongwith a copy of IO's findings and the final order issued by DA in all such cases of officers for Commission's record. It is further clarified that all such cases where the disciplinary authority 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.

4. By dispensing with the requirement of seeking second stage advice in regard to the categories of officers as aforesaid, the Commission expects that (i) the CVO would be in a position to exercise proper check and supervision over such cases and would ensure that the cases are disposed off expeditiously within the time norms stipulated by the Commission; and (ii) the punishment awarded to the concerned officer is commensurate with the gravity of the misconduct established on his/her part. In order to ensure that the Commission's expectations are fully met, the Commission may depute its officers to conduct vigilance audit through onsite visits. 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.

5. Para 2.14.3 of Vigilance Manual, Vol.I (sixth edition) and relevant provisions of the Special Chapters on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Public Sector Insurance Companies stand amended to the extent stated above.



(J. Vinod Kumar)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) All Chief Vigilance Officers in the Ministries/Departments
- (iv) All CMDs/CEOs of CPSEs, Public Sector Banks/Insurance Companies/ Autonomous Bodies /Societies/Local Authorities
- (v) All Chief Vigilance Officers of Ministries/Departments/CPSEs/Public Sector Banks / Insurance Companies / Autonomous Bodies/ Societies / Local Authorities

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi 110023

011/VGL/094(Part-1)

सं./No.....

14th July, 2014

दिनांक / Dated.....

OFFICE ORDER NO.03/07/14

Sub: Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with para 2(iii) of the guidelines issued by Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) vide O.M No.399/33/2006-AVD-III dated 06.11.2006, had constituted a committee of experts(drawn from the civil services, public sector undertakings and banks) to examine reconsideration proposals received in the Commission from various Ministries/Departments/Organisations in matters where Commission had earlier advised grant of sanction for prosecution.

2. The tenure of the panel of experts of the Committee last constituted vide circular No.13/06/12 dated 29th June, 2012 for a period of two years w.e.f 01.07.2012, has been extended by the Commission, for a period of six months with effect from 1st July, 2014.

3. Terms and conditions of the Committee of Experts would remain unchanged.

(Salim Haque)
Additional Secretary

To.

1. Members of the Committee of Experts
2. Shri S.K Sarkar, Secretary, DoPT, North Block, New Delhi
3. Shri Ranjit Sinha, Director, CBI, North Block, New Delhi

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केन्द्रीय सतर्कता आयोग
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सं./No..... 003/DSP/3

19th May, 2014

दिनांक / Dated.....

Circular No. 02/05/2014

Subject: Need for self-contained speaking and reasoned order to be issued by the authorities exercising disciplinary powers.

Attention is invited to the Commission's office order No. 51/9/03 dated 15.09.2003, officer order No. 14/2/04 dated 26.02.2004 and circular No. 02/01/09 dated 15.01.2009, wherein it was clarified that Disciplinary Authorities (DAs) should issue a self-contained, speaking and reasoned order which must indicate, inter-alia, due application of mind by the authority issuing the order.

2. The Commission has observed that inspite of the above said instructions, the orders issued in disciplinary matters by the Disciplinary Authorities concerned are sometimes not in the form of a speaking and reasoned order indicating due application of mind. The Commission would, therefore, again advice all administrative authorities to ensure that officials exercising disciplinary powers conferred under the applicable statutory rules/CDA Rules etc. governing the public servants concerned in the CPSUs/PSBs/Ministries/Departments/Organizations to issue the orders which are self-contained, speaking and reasoned indicating due application of mind by them especially when they differ with the advice/recommendations of CVO or Inquiry Officer or the Commission as the case may be giving cogent reasons thereof.

3. Instances have also come to the notice of the Commission wherein the orders passed by Disciplinary Authorities only indicate their designation in the organization and the name of the officer is not indicated in the orders issued. Commission would, therefore, advice that in all such orders issued in disciplinary matters, the name and designation should also be clearly indicated.

4. Heads of Departments/Organizations and CVOs should ensure that all the Disciplinary Authorities in their organization(s) strictly follow the above guidelines of the Commission in future.

(J. Vinod Kumar)
Officer on Special Duty

All Secretaries in Ministries/Departments to the Government of India
All CMDs of CPSUs/PSBs/Insurance Companies/Autonomous Organisations
All Chief Vigilance Officers



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केन्द्रीय सतर्कता आयोग CENTRAL VIGILANCE COMMISSION

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सं./No..... 004/VGL/090/22553

दिनांक / Dated..... 11.9.2013

Circular No. 03/09/13

Subject:- Rotation of officials working in sensitive posts-regarding.

Central Vigilance Commission and the Department of Personnel and Training have issued instructions for effecting rotational transfers of officials posted on sensitive posts. As per Commission's instructions issued vide letter Nos. 98/VGL/60 dated 15.4.1999, 02.11.2001 and 004/VGL/90 dated 01.5.2008 and 04.01.2012 (for public sector banks) on this issue, it was prescribed that Ministries/Departments/Organisations and CVOs are to identify the sensitive posts and staff working in these posts and also ensure that they are strictly rotated after every two/three years to avoid developing vested interests.

2. The Commission in the superintendence of vigilance administration over the years has observed that such rotational transfers are not effected in many organisations due to which officials continue to remain in the same posts for long periods. Such overstay and continuous postings afford scope for indulging in corrupt activities, developing vested interests etc. which may not be in the interest of the organisation. The Commission would, therefore, emphasise that periodical rotation of officials holding sensitive posts/jobs needs to be ensured. As such, officials should not be retained in the same place/position for long by the Ministries/Departments/PSUs/Banks/Organisations etc.

3. Heads/CVOs of all Departments/Organisations are advised to ensure strict compliance of the Commission's guidelines and implement the same in letter and spirit. Further, the CVOs should specifically report the action taken indicating the number of officials rotated/transferred in the respective organisations in the Monthly Report of CVOs submitted to the Commission.

K D Tripathi
(K D Tripathi)
Secretary

1. All Secretaries of Ministries/Departments.
2. All CMDs/Heads of CPSUs/Public Sector Banks/Organisations.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Organisations.



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सं./ No.....005-CVO-35

दिनांक / Dated.....08.02.2013

CIRUCLAR No. 01/02/13

Subject: Conduct of CVO's functioning in Banks & other organizations regarding.

The Commission has been receiving references on the functioning of CVOs, in the matters of availing perks from the organization.

2. The Commission would like to emphasise that CVOs functioning in Bank and other organizations need to show exemplary conduct in their functioning, while availing perks from the organization, where they are functioning as CVO. Conduct of highest standard is imperative on the part of CVOs as the independence of their functioning and vigilance administration will be adversely affected, if they seek favours for themselves from the organization where they are working as CVO.

3. The Commission would, therefore, advise all CVOs to be prudent and refrain from availing any extra facilities/benefits beyond their eligibility from the Managements of the organization they are working in.

(Prabhat Kumar)
Director (Coord-II)
Telefax:-24657638

All Chief Vigilance Officers.

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Block A, INA, New Delhi 110023

010VGL/095

सं./No.....

दिनांक / Dated..... 07.12.2012

Circular No.17/12/12

Subject: Second stage consultation with the CVC in disciplinary cases involving consultation with UPSC - Amendment to the Vigilance Manual –reg.

The Commission, at present, is being consulted at two stages in vigilance cases/disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings. The Department of Personnel & Training (DoPT) had issued guidelines vide OM No.372/19/2011-AVD-III(Pt.) dated 26.09.2011 regarding dispensing with second stage consultation with the Central Vigilance Commission (CVC) in disciplinary cases involving consultation with Union Public Service Commission (UPSC).

2. In order to ensure speedy finalisation of disciplinary matters and to avoid possibilities of difference of opinion between UPSC and CVC, it has been decided as a policy to prescribe only one consultation (either with UPSC or with CVC). The Commission therefore, in supersession of all its existing instructions/provisions in the Vigilance Manual hereby prescribes that in disciplinary cases involving Group 'A' officers of the Central Government, members of All India Services and such categories of officers where an original order is to be issued by the President imposing any of the penalties wherein, the UPSC is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings. In all such disciplinary cases, in which it is necessary to consult the UPSC, the disciplinary authorities concerned would forward the records of the disciplinary case to the UPSC for its advice and take further action taking into consideration, the advice of the UPSC.

3. However, in disciplinary cases wherein, the disciplinary authorities tentatively propose not to impose any of the statutory penalties at the conclusion of the disciplinary proceedings, (i.e. cases where the UPSC are not required to be consulted), the second stage consultation would continue to be made with the Central Vigilance Commission, involving Group 'A' officers of the Central Government, members of All India Services and such other categories of officers of the Central Government involved in composite cases. In other words, all disciplinary proceedings in which the disciplinary authorities propose to exonerate or drop the charges, the consultation at second stage would continue to be made to the CVC by the concerned administrative authorities.

4. The above dispensation would not be applicable to the disciplinary cases being referred to the Commission involving officials of the CPSEs/PSBs/Public Sector Insurance Companies/Societies/Local Authorities/Autonomous Organisations etc. and such cases would continue to be referred to the Commission for its second stage advice as per existing prescribed procedure.



(J. Vinod Kumar)
Officer on Special Duty

To,

- i) The Secretaries of Ministries/Departments of Government of India
- ii) The Chief Secretaries to Union Territories
- iii) The Chief Vigilance Officers of Ministries/Departments of Government of India

Copy for information to:-

- i) The Secretary, Union Public Service Commission
- ii) The Secretary, Department of Personnel & Training
- iii) The Director, Central Bureau of Investigation

No.011/VGL/094(Part-1)
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
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New Delhi-110 023
Dated the 29th June, 2012

OFFICE ORDER NO.13/06/12

Sub: Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with the guidelines issued by Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) vide O.M No.399/33/2006-AVD-III dated 06.11.2006, had constituted a committee of experts((drawn from civil services, public sector undertakings/banks) to examine reconsideration proposals received in the Commission from various Ministries/Departments/Organisations in matters where Commission had earlier advised grant of sanction for prosecution.

2. The tenure of the panel of experts of the committee last constituted vide circular No.30/10/09 dated 29th October 2009 having expired, the Commission hereby, reconstitutes the panel of experts with effect from 1st July, 2012 with the following persons:-

1. Shri A.K.Jain, IAS(Retd.) former Secretary, Department of Disinvestment **
2. Shri Vivek Mehrotra, IAS(Retd.), former Secretary, Ministry of Minority Affairs
3. Shri V.S. Jain, ex-Chairman, SAIL & Member, PESB
4. Shri Uday Shankar Dutt, IPS(Retd.)
5. Shri Balwinder Singh, IPS(Retd.)
6. Shri R.N.Ravi, IPS(Retd.)
7. Shri Prakash Chandra, IRS(Retd.), ex-Chairman, CBDT
8. Shri D.L Rawal, ex-CMD, Dena Bank
9. Shri M.Venugopalan, ex-CMD, Bank of India.

3. Depending upon the nature of the case, a committee consisting of three members including the Chairperson (i.e. Vigilance Commissioner) shall examine the CBI recommendation and the tentative views of the Ministry/Department concerned in greater detail. Two members of the Committee would be drawn from the panel of experts and one of the Vigilance Commissioners in the Commission would chair the meeting. In the light of the expert committee's recommendation, the CVC would render appropriate advice to the competent authority within 15 days of the meeting of the committee.

** (Sl.No. 1 - Shri A. K. Jain, IAS(Retd.) - is not available)

4. The tenure of the panel of experts would be for a period of two years from 01.07.2012. The terms and conditions would be as indicated in the annex.

5. The meetings of the committee would be held in Delhi. Central Vigilance Commission would provide the required secretarial services alongwith the necessary funds to meet the expenditure to be incurred regarding the meetings of the committee.

K.D. Tripathi
(K.D. Tripathi)
Secretary

Encl: as above

To.

1. Members of the Committee of Experts
2. Shri P.K. Misra, Secretary, DoPT, North Block, New Delhi
3. Shri A.P. Singh, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers.

Terms of appointment of the Committee of Experts

1. Period

The term will be for a period of two years .

2. Honorarium

An honorarium of ₹3000/- (Three thousand only) per day would be paid to the members.

3. Secretarial Assistance

Secretarial assistance would be provided by the Commission as per requirements.

4. Fare, Transport & Accommodation

The fare, transport and accommodation would be provided by the Commission as per entitlement of the members .

No. 012/VGL/020
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
INA New Delhi- 110023
the, 29th March, 2012

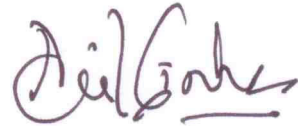
Circular No. 08/03/12

Sub: Sanction for prosecution requests under the PC Act, 1988 against All India Service Officers – procedure regarding.

It has been brought to the notice of the Commission that the investigating agencies while sending their proposals seeking previous sanction for prosecution of All India Service Officers (AIS) under Section 19 of PC Act, 1988, are not following the prescribed guidelines as contained in the DoPT's Circular No. 107/8/99-AVD.1 dated 27.10.1999, addressed to All Chief Secretaries of State Governments/UT Administrations. It is often found that such prosecution proposals/requests are not accompanied with complete set of relied upon documents/evidences etc., due to which the Competent Authorities are not in a position to take a view in such matters. Further, in respect of members of the All India Services, serving in connection with the affairs of the State Government, such sanction in terms of Section 19(1) of PC Act, 1988 is required to be accorded by the Central Government; i.e. Department of Personnel and Training in respect of IAS officers, Ministry of Home Affairs in respect of IPS officers and the Ministry of Environment and Forests in respect of IFS officers. When such sanction under the PC Act is required against an IAS/IPS/IFS officer by the State Government and the concerned officer is serving in connection with the affairs of the State Government, the Competent Authority under the State Government is required to examine the case on the basis of evidence on records and forward the documents to the Central Government along with their views/recommendation thereon and also enclosing the sanction, if any, issued by the State Government under Section 197(1) of the Cr.PC.

2. The Commission under Section 8(1) (f) of the CVC Act, 2003 has been empowered to review the progress of applications pending for sanction for prosecution under the PC Act, 1988. In this context, it has been observed that processing requests of sanction for prosecution by the State Governments and the Central Government gets inordinately delayed. The Supreme Court in Vineet Narain Vs. Union of India, has prescribed a time limit of three months, which needs to be strictly adhered to and an additional time of one month is allowed where consultation is required with the Attorney General or any Law Officer in the AG's office. Recently, the Supreme Court in CA No. 1193 of 2012 has reiterated the above time limits prescribed for the Competent Authorities to decide sanction for prosecution matters. Delays in issuing the sanction hold up the launching of prosecution leading to delay in conclusion of the proceedings. Such delays also adversely affect the morale of the public servants.

3. In view of the above, all investigating agencies, Competent Authorities in the State Governments and Cadre Controlling Authorities in the Central Government while dealing and processing matters of prosecution sanction of AIS officers under Section 19(1) of PC Act, 1988 or Section 197(1) of Cr.PC are advised to strictly adhere to the guidelines issued vide DoPT's Circular No. 107/8/99-AVD.1 dated 27.10.1999, and should also ensure that sanction for prosecution requests received are processed timely and decided in accordance with the time limits laid down by the Apex Court.



(Anil K. Sinha)
Additional Secretary

To,

- (i) All Chief Secretaries of State Governments/UT Administrations
- (ii) Secretary, Department of Personnel and Training
- (iii) Secretary, Ministry of Home Affairs
- (iv) Secretary, Ministry of Environment and Forests
- (v) Director, CBI

Satarkta Bhawan, Block 'A'
INA, New Delhi- 110023
the, 28th March, 2012

Circular No. 07/03/12

Sub: Guidelines for checking delay in grant of sanction for prosecution

The Central Vigilance Commission has been emphasising the need for prompt and expeditious disposal of requests of sanction for prosecution received from CBI/other investigating agencies under the Prevention of Corruption Act, 1988. It may be recalled that the Supreme Court had in the case of Vineet Narain & Ors. Vs. Union of India in its judgment dated 18.12.1997, issued directions to the effect that "Time limit of three months for grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General (AG) or any other Law Officer in the AG's office".

2. The Central Vigilance Commission under the CVC Act, 2003 has been empowered to review the progress of applications pending with the Competent Authorities for sanction of prosecution under the PC Act, 1988. Taking into account delays involved and the lack of appreciation on the part of Competent Authorities as to what is to be done while processing such requests, the Commission had prescribed detailed guidelines based on various decisions of the Supreme Court including the Vineet Narain case, to be followed strictly by the Competent Authorities while processing requests for sanction for prosecution vide its office order No. 31/5/05 dated 12.05.2005.

3. In the recent judgment of the Supreme Court, dated 31.01.2012, in the matter of Dr. Subramanian Swamy Vs. Dr. Manmohan Singh & another (Civil Appeal No. 1193 of 2012) while reiterating the time limits prescribed for grant or otherwise of sanction for prosecution, the Apex Court, also observed that the guidelines laid down by the Central Vigilance Commission in its office order dated 12.05.2005 (copy enclosed) are in conformity with the law laid down by the Apex Court. The grant of sanction is an administrative act and the purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. The question of giving opportunity to the public servant at that stage does not arise and the sanctioning authority has only to see whether the facts would prima facie constitute the offence.

4. In view of the above, the Commission would reiterate its guidelines dated 12.05.2005 and also advise all concerned Competent Authorities that while processing requests of sanction for prosecution under Section 19 of PC Act, 1988, the time limits laid down by the Apex Court are adhered to in letter and spirit.


(Anil K. Sinha)
Additional Secretary

Encl: as above.

To

- (i) All the Secretaries of Ministries/Departments
- (ii) All CMDs of Public Sector Undertaking/Public Sector Banks/Insurance Companies/Organisations/Societies and Local authorities etc.
- (iii) All Chief Vigilance Officers of Ministries/Departments/Public Sector Undertaking/Public Sector Banks/Insurance Companies/Organisations/ Societies and Local authorities etc.
- (iv) Department of Personnel and Training [Joint Secretary (S&V)]
- (v) CBI [Joint Director (Policy)]

No. 005/VGL/11
Central Vigilance Commission
Coordination I

Satarkta Bhawan, Block 'A'
INA, New Delhi-110023
The, 12th May, 2005.

OFFICE ORDER NO. 31/5/05

Sub:- Guidelines to be followed by the authorities competent to accord sanction for prosecution u/s. 19 of the PC Act.

.....

The Commission has been concerned that there have been serious delays in according sanction for prosecution under section 19 of the PC Act and u/s 197 of CrPC by the competent authorities. The time limit prescribed by the Hon'ble Supreme Court for this is 3 months generally speaking. The Commission feels this delay could be partly due to the lack of appreciation of what the competent authority is expected to do while processing such requests.

There have been a number of decisions of the Supreme Court in which the law has been clearly laid down on this issue:-

1. Jagjit Singh Vs. State of Punjab, 1996 Cr.L.J. 2962.
2. State of Bihar Vs. P.P. Sharma, AIR 1991 SC 1260.
3. Superintendent of Police (CBI) Vs. Deepak Chowdhary, AIR 1996 SC 186.
4. Vineet Narain Vs. Union of India, AIR 1998 SC 889.

2. The guidelines to be followed by the sanctioning authority, as declared by the Supreme Court are summarized hereunder:-

- i) Grant of sanction is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. **The question of giving opportunity to the public servant at that stage does not arise. The sanctioning authority has only to see whether the facts would prima-facie constitutes the offence.**
- ii) The competent authority cannot embark upon an inquiry to judge the truth of the allegations on the basis of representation which may be filed by the accused person before the Sanctioning Authority, by asking the I.O. to offer his comments or to further investigate the matter in the light of representation made by the accused person or by otherwise holding a parallel investigation/enquiry by calling for the record/report of his department.
- iii) When an offence alleged to have been committed under the P.C. Act has been investigated by the SPE, the report of the IO is invariably scrutinized by

the DIG, IG and thereafter by DG (CBI). Then the matter is further scrutinized by the concerned Law Officers in CBI.

- iv) When the matter has been investigated by such a specialized agency and the report of the IO of such agency has been scrutinized so many times at such high levels, there will hardly be any case where the Government would find it difficult to disagree with the request for sanction.
- v) **The accused person has the liberty to file representations when the matter is pending investigation.** When the representations so made have already been considered and the comments of the IO are already before the Competent Authority, there can be no need for any further comments of IO on any further representation.
- vi) **A representation subsequent to the completion of investigation is not known to law, as the law is well established that the material to be considered by the Competent Authority is the material which was collected during investigation and was placed before the Competent Authority.**
- vii) However, if in any case, the Sanctioning Authority after consideration of the entire material placed before it, entertains any doubt on any point the competent authority may specify the doubt with sufficient particulars and may request the Authority who has sought sanction to clear the doubt. But that would be only to clear the doubt in order that the authority may apply its mind proper, and not for the purpose of considering the representations of the accused which may be filed while the matter is pending sanction.
- viii) If the Sanctioning Authority seeks the comments of the IO while the matter is pending before it for sanction, it will almost be impossible for the Sanctioning Authority to adhere to the time limit allowed by the Supreme Court in Vineet Narain's case.

The Commission has directed that these guidelines as at para 2(i)-(vii) should be noted by all concerned authorities for their guidance and strict compliance.

Sd/-
(Sujit Banerjee)
Secretary

To

Secretaries of All Ministries/Departments
CMDs/CEOs of all PSEs/PSUs/PSBs/Financial Institutions
Autonomous Organisations
All CVOs

TelegraphicAddress :
"SATARKTA: New Delhi

सं. / No. No.004/VGL/90

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EPABX
24651001 - 07

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भारत सरकार
केन्द्रीय सतर्कता आयोग

GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

दिनांक / Dated...04th Jan., 2012

Circular No.02/01/12

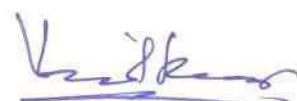
Sub: Rotation of officials working in sensitive posts – reg.

**Ref: Commission's circulars No. 98/VGL/60 dated 15/4/1999, 1/11/2001
and circular No.17/4/08(004/VGL/90) dated 1/5/2008**

Attention is invited to the Commission's instructions contained in circulars under reference wherein all CVOs were asked to identify the sensitive posts and also to ensure that officials posted on sensitive posts are rotated every two/three years to avoid vested interests. These instructions are not being strictly followed which is a matter of serious concern.

2. Recently, the Commission while dealing with a case pertaining to a Public Sector Bank noticed that a senior ranking official who was associated with procurements etc. was posted in the department for an unduly long period which is against the spirit of the Commission's guidelines. The Commission would once again emphasize that periodical rotation of officials, holding sensitive posts/jobs especially at senior levels need to be ensured. As such, officials should not be retained in the same place/position for unduly long periods in the guise of indispensability etc. by the Management of Public Sector Banks.

3. The Commission while reiterating its guidelines would advise the CVOs of Public Sector Banks to bring to the notice of all concerned to ensure strict compliance of the same. Further, the CVOs should specifically mention the action taken status in this regard indicating the number of officials rotated/transferred in the Bank in the Monthly Report of CVOs to the Commission.


(J Vinod Kumar)
Officer on Special Duty

All CVOs of Public Sector Banks

No.007/VG/052
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi - 110023
Dated: 11/03/2011

Circular No. 03/03//11

Subject:- Expeditious disposal of cases involving public servants due to retire shortly.

Attention is invited on Commission's circular of even No dated 27.09.2007 wherein all Ministries/ Departments/ Organisations were impressed on the need for expeditious completion of disciplinary proceedings/ action, particularly against officials likely to retire. Commission has of late, observed that some Departments/ Organisations have a marked tendency to refer the vigilance cases to the Commission seeking its advice at the last moment and sometimes even a few days before retirement of officers.

2. The Commission has taken a serious note of such lax attitude on the part of CVO's/ DAs in making such references which leaves no option for the Commission, except to examine the case in a hurry. Such delayed references ultimately result in situations which either serve to the advantage of the suspect public servants/ charged officers (SPS/COs) or initiation of disciplinary proceeding at the fag end of service of an officer.

3. While reiterating its earlier instructions in this regard, the Commission emphasises that the vigilance functionaries as well as administrative authorities concerned should prioritise their activities of conducting investigation and disciplinary action so as to avoid such late references to the Commission. Undue delays on part of administrative authorities, in dealing with vigilance matters/ disciplinary cases, will henceforth be viewed seriously by the Commission and it would be constrained to take an adverse view of CVOs/Administrative authorities for such avoidable delays.

4. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.



(J. Vinod Kumar)
Officer on Special Duty

All Secretaries/Heads/CMDs of Ministries/Departments/PSU's/Banks/Autonomous organisations etc.

All Chief Vigilance Officers of Ministries/Departments/PSU's/Banks/Autonomous organisations etc.

No.010/CRD/003 /103208
Central Vigilance Commission

Satarkta Bhawan, GPO Complex,
INA, New Delhi
Dated 28th September, 2010

Circular No. 33/09/10

Sub: Guidelines for checking delay in grant of sanction for prosecution – reg.

Attention is invited to Department of Personnel & Training's Office Memorandum No.399/33/2006-AVD-III dated 06/11/2006 and dated 20/12/2006 and Commission's Circular No.22/06/10 dated 23/06/2010 regarding guidelines for checking delay in grant of sanction for prosecution. It has been prescribed that Ministries/Deppts./Orgns. are required to formulate their tentative views within **three weeks** of receipt of CBI's requests seeking sanction for prosecution and seek the advice of the Commission.

2. It has come to the notice of the Commission that the provisions of the DoPT circular referred above, are not strictly adhered to. It is, therefore, decided that in case the Commission does not receive communication/comments on CBI report from the competent authority within 3 weeks, the Commission would suo moto tender its advice. Any communication/comments received from competent authority after three weeks but before 31 days will be entertained by the Commission as a reconsideration request and CVC within a fortnight, after consulting experts, will tender its advice. Any communication/comments received from the competent authority after 31 days of receipt of CBI's report will not be entertained by the Commission and will be sent to DoPT for a final decision.



(Vineet Mathur)
Director

To

1. All Secretaries of all Ministries/Departments of Govt. of India
2. All CMDs/CEOs of all PSEs/PSBs/Financial Institutions/ Autonomous Orgs.
3. All CVOs
4. CBI.

Satarkta Bhawan, GPO Complex,
INA, New Delhi
Dated 23rd June, 2010

Circular No. 22/06/10

Sub: Guidelines for checking delay in grant of sanction for prosecution on CBI Reports –reg.

In terms of the Hon'ble Supreme Court's judgment in Vineet Narain's case, the competent authorities are required to take a decision on CBI applications for the grant of sanction for prosecution within a period of three months. Further, additional time of one month is allowed in respect of cases warranting prior consultation with the Attorney General or any other law officer in the AG's Office. The Hon'ble Supreme Court had also directed that the Commission shall review the progress of cases moved by CBI for sanction of prosecution, especially those in which sanctions have been delayed. Even CVC Act, 2003, under Section 8(1) (f) relating to functions and powers of the Commission, stipulates review of the progress of the applications pending for sanction for prosecution under the PC Act, 1988. The Commission while discharging its functions has observed that the competent administrative authorities concerned are taking too long time in conveying their views on the cases recommended for sanction of prosecution.

2. As prescribed in DOPT's OM dated 6th November 2006, the Ministries/Departments are required to formulate their tentative views within three weeks of receipt of CBI's request seeking sanction for prosecution and seek the advice of the Central Vigilance Commission. The aforesaid time limit is not being adhered to by the Ministries/Departments. The responsibility for processing cases for sanction for prosecution within the time-limit vests with the Administrative Ministries/Departments/Organization.

3. It has been brought to the notice of the Commission by the CBI that in some cases, the administrative authorities concerned seek clarification on the CBI reports. This also is a contributory factor for delays. It is, therefore, reiterated that, including the seeking and obtaining of such clarification and time taken for the same, time limit prescribed by the Apex Court should be strictly maintained.


23/6/2010
(Shalini Darbari)
Director

To

All Secretaries of all Ministries/Departments
All CMDs/CEOs of all PSEs/PSBs/Financial Institutions/Autonomous Orgs.
All CVOs
CBI

No. 010/VGL/039 | 90109
Central Vigilance Commission

Satarkta Bhawan, Block-A,
2nd Floor, GPO Complex,
INA, New Delhi-110023

Dated: 2nd June, 2010

Circular No. 21/05/10

Subject: Delay in initiating Disciplinary Proceedings.

During Intensive Examination of contracts/complaints by CTEO/CVC or CVOs of various organizations excess payments to the contractors have been observed which may be either due to ambiguity in the contract or misinterpretation of various clauses of the contract. In some of the cases variations in the contract clauses or specifications are allowed without financial adjustments, thus, giving undue benefit to the contractors.

2. In such cases, two-fold action is normally recommended by CVC-
- (i) for identifying the officials responsible for making excess payments involving vigilance angle.
 - (ii) to recover such excess payments from the contractors.

In number of cases contractors invoke arbitration to avoid such recoveries and in addition submit huge claims to deter the authorities from making recoveries. CVOs in such cases delay the process of identifying the officials citing reference to arbitration as an excuse and the organization also fails to affect the recoveries citing reference to arbitration by the contractor.

3. In view of above, following directions are hereby issued:

- (a) Whenever, any excess payment is detected, it should be recovered from the contractor from the available amount at the first opportunity following due procedure prescribed in the contract, unless any stay has been granted by any Court.
- (b) Reference to arbitration should not be linked with investigation and for identifying the officials responsible for lapses/excess payment involving mala-fide intentions/vigilance angle. CVOs should immediately investigate the case to identify the officials for lapses attributable to them and should approach the Commission for first stage advice without any delay.


(V.K. Gupta) 2/6/10
Chief Technical Examiner

No. 009/VGL/067
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110023
Dated the 9th March 2010

Office Order No.13/03/10


Sub: Timely completion of Departmental Inquiries - Improving Vigilance Administration.

- Ref:**
- (i) Commission's Instruction No. 8(1)(g)/99(2) dated 19/02/1999**
 - (ii) Commission's Instruction No. 8(1)(g)/99(3) dated 03/03/1999**
 - (iii) Commission's Circular No. 3(v)/99/7 dated 06/09/1999**
 - (iv) Commission's Circular No. NZ/PRC/1 dated 26/02/2004**
 - (v) Commission's Office Order No. 30/4/04 dated 26/04/2004**
 - (vi) Commission's Circular No. 3/1/06 dated 18/01/2006**

Natural justice demands that disciplinary proceedings are finalised in an expeditious manner. The delay in completion of proceedings works against the institutional incentive built to fight corruption. It may either cause undue harassment and demoralization of innocent employees, who at the end of the proceedings are exonerated of the charges framed against them; or it enables the guilty officers to evade punitive action for longer periods of time. In the former, it is not fair to the official concerned. In the latter, it provides perverse incentive for the corrupt. The delay in handling disciplinary cases has, on several occasions, been viewed adversely by the courts also. There have in fact been instances where the proceedings initiated against the delinquent employees were quashed solely on the ground that there were inordinate delays in handling the disciplinary cases. It is important that the formal proceedings, once instituted, are completed within the time frame laid down by the Government so that timely action can be taken against the delinquent employees.

2. An Inquiry Officer (IO) appointed by the Disciplinary Authority to conduct departmental inquiry in a particular case cannot start the inquiry unless related documents, viz., a copy of the charge sheet, reply of the Charged Officer, order of appointment of the Presenting Officer (PO) and the listed documents/witnesses, are furnished to the Inquiry Officer.

3. The Commission observes that non-availability of documents relevant to the departmental inquiry proceedings and undue delays in providing such documents is a major factor contributing to delay in timely finalisation of the inquiry. Another factor is delay in issue of appointment orders of IO by the disciplinary authorities. The Commission in the past vide its various circulars referred above, prescribed certain specific steps to be adopted for eliminating such avoidable delays like appointment of IO/PO immediately on denial of charges by CO, making legible certified photocopies of documents in cases where the originals are seized by CBI/filed in Courts, providing custody of all listed documents alongwith appointment orders to Presenting Officers etc. The Commission while reiterating its earlier instructions would emphasise that all pending cases of departmental inquiries need to be reviewed at regular intervals by the CVO and the Disciplinary Authority concerned in each Ministry/Department/Organisation to ensure that the proceedings are completed/finalised expeditiously.



(Vineet Mathur)
Director

To

- (i) All Ministries/Departments of Gol
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Insurance Companies/Autonomous Bodies.
- (iii) All Chief Vigilance Officers

No. 99/DSP/1
Government of India
Central Vigilance Commission

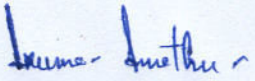
Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi- 110023
Dated the 3rd March 2010

Office Order No. 11/03/10

Subject: Definition of term stiff/severe penalty- reg.

Reference: (i) Commission's circular No. 99/DSP/1 dated 05.02.1999
(ii) Commission's circular No. 99/DSP/1 dated 20.06.2003

The Commission has reviewed its earlier instructions referred above on the term stiff/severe minor/major penalty and has decided to withdraw the same. Accordingly, circulars dated 05.02.1999 and 20.06.2003 are hereby withdrawn/cancelled with immediate effect.


3/3/2010 (Vineet Mathur)
Director

To

All Chief Vigilance Officers.

No.007/VGL/010
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A
GPO complex, INA,
New Delhi-110023
Dated the 12th February, 2010

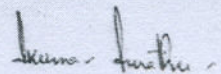
Circular No. 06/02/10

Sub:- Constitution of Committee of Experts for scrutiny of prosecution sanctions.

Please refer to Commission's Circular No.30/10/09 dated 29th October, 2009 on the subject mentioned above.

2. Para 5 of the Commission's Circular has been amended and would read as under:-

Para 5 'Depending upon the nature of the case, a committee consisting of three members including the Chairperson shall examine the CBI recommendation and the tentative view of the Ministry/Department concerned in greater detail. The Committee shall consist of two members drawn from the panel of experts and one of the Vigilance Commissioners in the Commission would chair the meeting. **In case the Vigilance Commissioners are unable to chair the meeting owing to posts being vacant or due to absence on leave or otherwise, the Secretary, CVC will be the Chairperson of the Expert Committee.** In the light of the expert Committee's recommendation, the CVC would render appropriate advice to the competent authority within 15 days of the meeting of the Committee.



12/2/2010 (Vineet Mathur)
Director

To,

1. Members of the Committee of Experts
2. Shri Shantanu Consul, Secretary, DOPT, North Block, New Delhi
3. Shri, Ashwani Kumar, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers

Satarkta Bhawan, INA,
New Delhi – 110023
Dated:28th January, 2010

Office Order No.03/01/10

Sub: Clarification regarding making reference to the Commission for advice on complaints and second stage advice cases.

- Ref: (i) Commission's circular No.002/VGL/61 dated 23-9-2003 and 1-4-2004.
(ii) Commission's Circular No. 000/VGL/187 dated 3-8-2001.**

1. Complaints:

In case of a complaint referred by the Commission to the CVO for investigation and report, if after investigation it is found that the officials involved in the case do not fall under the jurisdiction of the CVC, the case need not be referred to the Commission and may be dealt with by the CVO. However, the action taken by the CVO on the CVC referred complaint may be intimated to the Commission in order to monitor compliance.

The above dispensation does not apply to complaints received by the Commission under PIDPI Resolution and which are referred to the CVO for investigation and report. In other words all complaints falling under PIDPI referred to the CVO by the Commission for investigation and report should necessarily be referred to the Commission for its advice.

2. Vigilance Cases:

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 in case of officers falling within the jurisdiction of the Commission. With respect to officers not falling under the jurisdiction of the Commission, the case should be dealt at the level of the CVO, and referred to the Commission for second stage advice only if the DA's opinion is at variance with the Commission's advice. This procedure would also apply to CBI investigated cases involving officials not falling under the jurisdiction of the CVC wherein the Commission had rendered its advice (cases where there were differences between the CBI and the DA and which were referred to the CVC for advice).


(Vineet Mathur)
Director

To

- (1) The Secretaries of all Ministries/Departments of Government of India.
- (2) The Chief Secretaries of all Union Territories.
- (3) The CMDs of all CPSUs/Public Sector Banks/Insurance Companies / Autonomous Bodies / Societies.
- (4) Chief Vigilance Officers of Ministries / Departments / Organisations /CPSUs / Public Sector Banks / Insurance Companies / Autonomous Bodies / Societies.

No. 007/VGL/010
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi- 110023
Dated the 29th October, 2009

Circular No. 30/10/09

Subject: Constitution of Committee of Experts for scrutiny of prosecution sanctions.

Central Vigilance Commission, in accordance with the power conferred upon it vide section 8(1) (f) and (h) of CVC Act, 2003, tenders advice in respect of officers coming under its jurisdiction against whom the Central Bureau of Investigation, after investigating the case, has recommended sanction for prosecution.

2. On a few occasions, where the Commission has, in agreement with the CBI's recommendations, advised sanction for prosecution against a public servant, the disciplinary authority, in disagreement with the CBI's recommendations, approaches the Commission for reconsideration of its advice.

3. In accordance with the guidelines issued by the Ministry of Personnel, Public Grievances & Pensions (Deptt. of Personnel & Training) vide O.M. No. 399/33/2006-AVD-III dated 6/11/2006, a committee of experts is to be set-up by the Central Vigilance Commission (with experts drawn from civil services, public sector undertakings and banks) to examine such reconsideration proposals received from various ministries/departments/organizations.

4. Accordingly, the Commission had initially constituted a panel of experts of six eminent persons, for scrutiny of reconsideration proposals where the Commission and CBI have advised sanction for prosecution against the suspected public servants vide its circular no 17/5/07 dt. 13th June 2007. The tenure of the said Committee of experts which was for a period of two years was last extended vide Commission's circular no 25/8/09 dt 28th August, 2009 upto 31/10/2009. The Commission has decided to reconstitute the panel of experts with effect from 01/11/2009 with the following persons:-

1. Shri M.M.K. Sardana, IAS (Retd.).
2. Shri Naresh Narad, IAS (Retd.).
3. Shri R.C. Aggarwal, IPS (Retd.) DG, ITBP.
4. Shri A.P. Bhatnagar, IPS (Retd.).
5. Shri S.R. Mehra, IPS (Retd.)
6. Shri J.S. Juneja, (Retd.) Chairman, NSIC.
7. Shri Rohit M. Desai, (Retd.), ED, Indian Overseas Bank.
8. Shri Gautam Kanjilal, (Retd) Chief General Manager, SBI.

5. Depending upon the nature of the case, a committee consisting of three members including the Chairperson shall examine the CBI recommendation and the tentative view of the Ministry/Department concerned in greater detail. The committee shall consist of two members drawn from the panel of experts and one of the Vigilance Commissioners in the Commission would chair the meeting. In the light of the expert committee's recommendation, the CVC would render appropriate advice to the competent authority within 15 days of the meeting of the committee.

6. The tenure of panel of experts would be for a period of two years. The terms and conditions would be as indicated in the annexure.

7. The meetings of the committee would be held in Delhi. Central Vigilance Commission would provide the required secretarial services alongwith the necessary funds to meet the expenditure to be incurred regarding the meetings of the committee.

K S Ramasubban 29.10.09
(K S Ramasubban)
Secretary

To

1. Members of the Committee of Experts.
2. Shri Shantanu Counsel, Secretary, DoPT, North Block, New Delhi
3. Shri Ashwani Kumar, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers

Terms of appointment of the Committee of Experts:-

1. Period

The term will be for a period of two years.

2. Honorarium

An honorarium of Rs. 3000/- (Three thousand only) per day would be paid to the members.

3. Secretarial Assistance

Secretarial assistance would be provided by the Commission as per requirements.

4. Fare, Transport & Accommodation

The fare, transport and accommodation would be provided by the Commission as per entitlement of the members.

No.007/VGL/010
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A
GPO complex, INA,
New Delhi-110023
Dated the 28th August, 2009

Circular No. 25/8/09

Sub:- Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with the guidelines issued by M/o Personnel, Public Grievances & Pensions (Deptt. of Personnel & Training) vide O.M. No.399/33/2006-AVD-III dated 6.11.2006, had, vide circular No.17/5/07 dated 13.6.2007 and No.11/3/08 dated 24.3.2008 constituted a committee chaired by a Vigilance Commissioner for scrutiny of reconsideration proposals where the Commission and CBI have advised sanction for prosecution against the suspected public servants.

2. The tenure of the said Committee of experts was for a period of two years which was expired on 13.6.2009 which has been extended till 31.8.09 vide circular No. 24/8/09 dated 20.8.09. It has further been decided to extend the tenure of the Committee till 31/10/09.

3. Terms and conditions of the Expert Committee would remain unchanged.


(Shalini Darbari)
Director

To,

1. Members of the Committee of Experts
2. Shri Rahul Sarin, Secretary, DOPT, North Block, New Delhi
3. Shri Ashwani Kumar, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers

No.007/VGL/010/53089
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A
GPO complex, INA,
New Delhi-110023
Dated the 20th August, 2009

Circular No. 24/8/09

Sub:- Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with the guidelines issued by M/o Personnel, Public Grievances & Pensions (Deptt. of Personnel & Training) vide O.M. No.399/33/2006-AVD-III dated 6.11.2006, had, vide circular No.17/5/07 dated 13.6.2007 and No.11/3/08 dated 24.3.2008 constituted a committee chaired by a Vigilance Commissioner for scrutiny of reconsideration proposals where the Commission and CBI have advised sanction for prosecution against the suspected public servants.

2. The tenure of the said Committee of experts was for a period of two years which has expired on 13.6.2009. Now, the Commission has decided to extend the tenure of the Committee till 31/8/2009.
3. Terms and conditions of the Expert Committee would remain unchanged.


(Shalini Darbari)
Director

To,

1. Members of the Committee of Experts
2. Shri Rahul Sarin, Secretary, DOPT, North Block, New Delhi
3. Shri Ashwani Kumar, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers

No.007/VGL/010/53089
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A
GPO complex, INA,
New Delhi-110023
Dated the 20th August, 2009

Circular No. 24/8/09

Sub:- Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with the guidelines issued by M/o Personnel, Public Grievances & Pensions (Deptt. of Personnel & Training) vide O.M. No.399/33/2006-AVD-III dated 6.11.2006, had, vide circular No.17/5/07 dated 13.6.2007 and No.11/3/08 dated 24.3.2008 constituted a committee chaired by a Vigilance Commissioner for scrutiny of reconsideration proposals where the Commission and CBI have advised sanction for prosecution against the suspected public servants.

2. The tenure of the said Committee of experts was for a period of two years which has expired on 13.6.2009. Now, the Commission has decided to extend the tenure of the Committee till 31/8/2009.
3. Terms and conditions of the Expert Committee would remain unchanged.


(Shalini Darbari)
Director

To,

1. Members of the Committee of Experts
2. Shri Rahul Sarin, Secretary, DOPT, North Block, New Delhi
3. Shri Ashwani Kumar, Director, CBI, North Block, New Delhi
4. All Chief Vigilance Officers

No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 6th August, 2009

Circular No.21/8/09

Subject: References to the Commission for first stage advice – procedure regarding.

Reference: (i) Commission's circular No.NZ/PRC/1 dated 26.2.2004;
(ii) Commission's circular No.NZ/PRC/1 dated 9.5.2005;
(iii) Commission's circular No. 006/PRC/1 dated 13.3.2006; and
(iv) Commission's circular No.006/PRC/1 dated 1.12.2008

The Commission receives preliminary inquiry reports from the Chief Vigilance Officers (CVOs) of Departments/Organisations, seeking the first stage advice. Reports for similar action also emanate from the CVOs in response to the Commission's directions for investigation issued u/s 8(1)(d) of the CVC Act, 2003. However, these reports are often found lacking in cogent analysis of misconduct or allegations, evidence on record and the recommendation of line of action. The supporting documents catered are also very often disjointed, casually arranged or unduly bulky, making the examination cumbersome and leading to protracted correspondence and delays.

2. With a view to improving the quality and focus of these investigation reports, the Commission has devised a new reporting format. Accordingly, it is directed that henceforth, a vigilance report should broadly conform to the parameters specified in Annexure A. Further, as the Commission lays utmost emphasis on facts, evidence and recommendations made by the CVOs, an investigation report should invariably be accompanied by an Assurance Memorandum (Annexure B) signed by the CVO, taking due responsibility and giving assurance of a comprehensive application of mind while submitting the report.

3. In supercession, therefore, of earlier instructions of the Commission on submission of investigation reports, the following instructions should be followed scrupulously while seeking the first stage advice:

- (i) All vigilance reports of the CVOs should conform to the parameters prescribed in **Annexure-A**.
- (ii) They would be accompanied by an Assurance Memo, in the form of **Annexure-B**.

Contd...2/-

- (iii) Bio-data of suspect officials, figuring in the investigation reports, should be enclosed as per the format provided at **Annexure-C**.
- (iv) Tabular statements, as prescribed vide the Commission's circular dated 1.12.2008, shall continue and be kept objective and precise.
- (v) Draft charge-sheets and imputation of charge in respect of suspect officials where disciplinary action, such as major penalty or minor penalty proceedings, is proposed, would accompany the investigation reports.

4. The CVOs would ensure that all documents/exhibits, constituting the basic evidence for the charge, are systematically identified and arranged. Superfluous and voluminous documents, with little or no relevance to the misconduct under examination, should be retained at the CVOs' end. In case any additional material or evidence is required, it can always be recalled by the Commission before an advice is tendered.

5. The aforesaid reporting procedure would become operative with immediate effect.


6/8/09
(Shalini Darbari)
Director

All Chief Vigilance Officers

Encl: As proposed.

Vigilance Report

Title of the report

1. Source

- Background of the report – whether based on source information, complaint referred to by the CVC, CTE/CTE type inspection or direct enquiry.

2. Gist of allegations

3. Facts

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

4. Observations

- Ordinarily, observations are logical deductions arrived at through a set of facts. They are in the nature of objections or anomalies observed with reference to the gathered facts. There may be several observations arising out of the analysis of facts.

- 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.

5. Response of the officials concerned

- 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 procedure cannot be attributed to a malafide/corrupt intent. There may be situations where it may be difficult to achieve the objectives 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.
- Response of the management is also necessary in order to clarify differences in interpretation or an understanding of the issues between vigilance and the management.

6. 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.

7. Conclusion

- 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.
- Undue favour given to a party or obtained for self and its adverse impact on the government or the citizens in terms of

additional cost, poor quality or delayed service should be clearly highlighted.

8. Responsibility of officials

- Having determined the vigilance angle in the case, the next step is to fix the accountability of the individuals involved in the misconduct. Name of officers should be clearly stated in this para.
- 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 equally and collectively held responsible.
- Comments of Disciplinary Authority should invariably be included.

9. Recommendation for action

- Recommendation for closure of the case in case there is no discernable vigilance angle or criminal misconduct, should be clearly spelt out.
- Bio-data of the officials reported against in the investigation report should be included in the given format.

10. Recommendation for systemic improvement

- Punitive action on detection of corruption does not by itself lead to a logical conclusion unless it is able to prevent recurrence of the lapse. Any fraud, corruption, irregularity or impropriety indicates a failure of control mechanism 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 recurrence of the lapse. Therefore, at the end of the report the CVO should also try to recommend systemic improvements in order to prevent the risk of a recurrence of the lapse/misconduct.

ASSURANCE MEMO

This is to provide reasonable assurance to the Commission:

- (a) That all necessary facts and relevant evidence have been gathered.
- (b) That all facts and supporting evidence have been duly verified.
- (c) That contested evidence, if any, have been conclusively handled with reference to the facts at the disposal of Vigilance.

Chief Vigilance Officer

Format of Bio-Data of officer(s) against whom Commission's advice is sought**(To be incorporated in the Vigilance Report of the CVO)**

1. Name of the officer :
2. Designation
(a) At present :
(b) At the time of alleged misconduct :
3. Service to which belongs :
(Cadre and year of allotment in case of officers of the organized/All India Services)
4. Date of birth :
5. Date of superannuation :
6. Level/group of the present post and pay scale :
7. Date of suspension [if under suspension] :
8. Disciplinary Rules applicable to the officer :

No.009/VGL/028
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 24th July 2009

Circular No.18/7/09

Subject: Authorization of the Central Government to file an application u/s 3 of the Criminal Law (Amendment) Ordinance, 1944 for attachment of the money or property procured by means of the scheduled offence.

Sir,

A copy of the DOPT's OM No.219/12/2009-AVD-II dated 13.5.2009 on the subject mentioned above is enclosed for information and necessary action.



(J. Vinod Kumar)
Under Secretary

All Chief Vigilance Officers

Encl: As above.

No.219/12/2009-AVD-II
Government of India
Ministry of Personnel, Public Grievances and Pensions
(Department of Personnel and Training)

...
New Delhi dated the 13th May, 2009.

OFFICE MEMORANDUM

Subject: - Authorization of the Central Government to file an application u/s 3 of the Criminal Law (Amendment) Ordinance, 1944 for attachment of the money or property procured by means of the scheduled offence.

...
The undersigned is directed to say that for attachment and forfeiture of illegally acquired property of public servants, the CBI/Prosecution Agency is presently invoking the provisions of the Criminal Law (Amendment) Ordinance, 1944 (Ordinance No. 38 of 1944).

2. It has been observed that although, "Central Government" has not been defined in the said Ordinance, the Central Bureau of Investigation (CBI) has been requesting the Department of Personnel & Training seeking authorization of the Central Government to file an application u/s 3 of the Criminal Law (Amendment) Ordinance, 1944 for attachment of the money or property procured by means of the scheduled offence, in the cases investigated by the CBI. It has now been decided to issue these instructions to clarify and settle the definition of Central Government for the purpose of the Prevention of Corruption Act, 1988 and Criminal Law (Amendment) Ordinance, 1944.

3. Under Section 5(6) of the Prevention of Corruption Act, 1988, a Special Judge while trying an offence punishable under this Act, shall exercise all the powers and functions exercisable by a District Judge under the Criminal Law (Amendment) Ordinance, 1944 (Ordinance 38

of 1944). As per Section 19 of the P.C. Act, 1988 previous sanction is necessary -

(1) No court shall take cognizance of an offence punishable under section 7, 10, 11, 13 and 15 alleged to have been committed by a public servant, except with the previous sanction,-

(a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, of that Government;

(b) in the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;

(c) in the case of any other person, of the authority competent to remove him from his office.

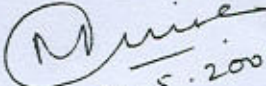
(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

4. Under Section 3 of the Criminal Law (Amendment) Ordinance, 1944, if the State Government or the Central Government, as the case may be, has reason to believe that any person has committed (whether after commencement of this ordinance or not) any scheduled offence, the State Government or the Central Government, as the case may be, may whether or not any court has taken cognizance of the offence, authorize for making of an application to the District Judge within the local limits of whose jurisdiction the said person ordinarily resides or carries on business, for the attachment under this ordinance of the money or other property which the State Government or the Central Government believes the said person to have procured by means, of the offence, or if such money or property cannot for any reason, be attached or other property of the said person of value as nearly as may be equivalent to that of the aforesaid money or other property.

5. The matter has been considered in consultation with the Ministry of Law and Justice, as to which Ministry/Department/Authority may be considered the "Central Government" for the purpose of Section 3 of Criminal Law (Amendment) Ordinance, 1944. In the light of the said provisions of the PC Act, 1988, admittedly the sanction for prosecution in respect of a public servant under PC Act has to be given by such Government or authority which would be competent to remove the

public servant from his office. Since the properties referred to in Section 3 would have a correlation with the offence committed under the PC Act, the obvious conclusion would be that the authorization u/s 3 of the Criminal Law (Amendment) Ordinance, 1944 (Ordinance No. 38 of 1944) would also have to be given by such authority who would be competent to accord sanction u/s 19 of PC Act, in a given case.

6. In accordance with the above, it has been decided that henceforth, all references seeking authorization of Central Government to file an application u/s 3 of the Criminal Law (Amendment) Ordinance, 1944 for attachment of the money or property procured by means of the scheduled offence by the person, who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government, shall be addressed to the competent authority who accorded sanction of prosecution under section 19(1) of the PC Act, 1988.


12.5.2009

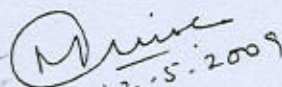
(Manisha Saxena)

Deputy Secretary to the Govt. of India

Tele:23094319

To

1. All Ministries/Departments of the Government of India.
2. Director, CBI, CGO Complex, New Delhi.
3. Joint Director (Policy), CBI, Room No.27, North Block, New Delhi.
4. All Directors/Deputy Secretaries/Under Secretaries/Section Officers of the Vigilance Division, Deptt. of Personnel & Training, New Delhi.
- ✓ 5. Director, NIC, North Block, New Delhi with the request to put the OM on the website of DOPT under "Circulars" head of the Vigilance Division.
6. 100 Spare copies.


12.5.2009

(Manisha Saxena)

Deputy Secretary to the Govt. of India

No. 009/VGL/035
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi- 110023
Dated the 1st July, 2009

Circular No. 15/07/09

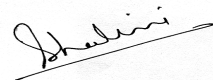
Sub: Access of complaints to the CVOs- Instructions regarding.

Complaints containing information about corruption, malpractice or misconduct by public servants are received in a decentralized manner. CVOs receive complaints, also from many a decentralized location. According to the prevailing practice what is sent to the CVO from different decentralized locations entirely depends on the appreciation of 'vigilance angle' or otherwise by the officers controlling these decentralized locations. 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 Commission in some organizations.

2. In order to have uniform practices and procedures in the handling and processing of complaints in an organisation/department, it is imperative that a 'Complaint Handling Policy' is laid down in all organisations/departments for receipt, handling and processing of all types of complaints/grievances from the public, contractors, vendors, suppliers etc. The policy should make it clear that any complaint/grievance received in the organisation/department 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. All Departments/Organisations are, therefore, directed to put in place necessary policy and systems in this regard.

3. Para 3.2.2 of Chapter III of Vigilance Manual Volume-I (6th edition) prescribes that the CVO concerned may also devise and adopt such methods, as considered appropriate and fruitful in the context of nature of work handled in the organisation, for collecting intelligence about any malpractice and misconduct among the employees.

4. The Commission is of the view that all CVOs should, on a continuous basis, scrutinize the complaints, grievances etc., received by other divisions/units of the department/organisation concerned and ensure that issues/allegations involving vigilance angle if any, in such complaints are duly forwarded to them to be duly attended to by the Vigilance Department.



(Shalini Darbari)
Director

To

All Chief Vigilance Officers

No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated: 18th February, 2009

Circular No.03/02/09

Subject: Reference to the Commission for advice – information to be enclosed along with organisations' recommendations.

In order to streamline the process of assessment and proper examination of the cases, being referred for the advice of the Commission, a proforma for submission of the details pertaining to the officials involved in tabular statement was circulated vide Commission's circular No. 32/12/08 dated 01.12.08. The said circular is also available on the Commission's website www.cvc.nic.in.

2. It has been observed that a large number of organizations are still not following the aforementioned instructions and the required information is still not being provided in the said tabular statement. The Commission has taken a serious note of non observance of its guidelines and has decided that henceforth, the references for first /second stage advice received without information in the requisite tabular form will be returned to the departments/organizations concerned. CVOs of the concerned departments/organizations will also be held responsible for the same.

3. All CVOs may note the Commission's above directions for strict compliance.


(Shalini Darbari)
Director

All Chief Vigilance Officers

No. 003/DSP/3/31364
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi- 110023
Dated the 15/01/09

Circular No. 02/01/09

Subject: Need for self-contained speaking and reasoned order to be issued by the authorities exercising disciplinary powers.

Attention is invited to the Commission's Office Order No. 51/9/03 dated 15.09.2003 and Office Order No. 14/2/04 dated 26.2.2004 wherein, it was clarified that disciplinary authorities (DAs) should issue a self-contained, speaking and reasoned order which must indicate, inter-alia, due application of mind by the authority issuing the order.

2. As regards, making available a copy of CVC's first and second stage advises to the employees concerned, the Commission vide its circular No. 99/VGL/66 dated 28.09.2000, had prescribed that the same should be supplied to the employees by the Disciplinary Authorities. It was precisely stated, therein that a copy of CVC's 2nd state advice should be supplied to the employee concerned alongwith the IOs report, in order to give him an opportunity to make a representation against IO's findings and CVC's advice.

3. Instances have, however, come to the notice of the Commission in which the final orders passed in disciplinary cases by the competent disciplinary authorities did not indicate proper application of mind, but a mere endorsement of the Commission's recommendations which leads to an unwarranted presumption that the DA has taken the decision under the influence of the Commission's advice. Further, it is also observed that the DA's in the Departments/Organisations, in practice, do not provide a copy of Commission's advice to the employees concerned. The cases where the final orders do not indicate proper application of mind by the DA and or non supply of Commission's advises, are liable to be quashed by the courts.

4. The Commission would, therefore, again reiterate that the CVC's views/advises in disciplinary cases are advisory in nature and it is for the DA concerned to take a reasoned decision by applying its own mind. The DA while passing the final order, has to state that the Commission has been consulted and after due application of mind, the final orders have been passed. Further, in the speaking order of DA, the Commission's advice should not be quoted verbatim.

5. CVOs should ensure that the DAs in their respective Departments/Organisations strictly follow the above guidelines/procedures while processing the disciplinary cases.


[Shalini Darbari]
Director

All Chief Vigilance Officers

No.006/PRC/1/27483
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 1st December 2008

Circular No.32/12/08

Subject: Reference to the Commission for advice – information to be enclosed along with organisations' recommendations.

The Commission, in order to ensure correct assessment and speedy examination of the cases, being forwarded to it for obtaining its advice, has been emphasizing on the need for sending complete details/records pertaining to such case(s). However, it is noted that despite the Commission's circular No.14/3/06 dated 13.3.2006 on the aforementioned subject, there is no uniformity regarding the manner of sending information to it in cases where Commission's advice is being sought. The Commission, with a view to further streamline the procedure and to avoid delay on account of incomplete information, has decided that, along with other records/documents, the following tabular statement should accompany the organisations' recommendations:-

S. No.	Name & Designation of the suspected officer	Allegations in brief	Findings of the investigation /inquiry on each allegation	Defence of the suspected officer	Comments/ Recommendation of the DA	Comments/ Recommendation of the CVO

2. The information in the tabular statement should accompany the organisations' recommendations in both first/second stage advice cases. This may be noted for strict compliance.


(Shalini Darbari)
Director

No.004/VGL/90
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 1st May, 2008

CIRCULAR NO.17/4/08

Subject:- Rotation of officials working in sensitive posts.

Attention is invited to the Commission's circular No. 98/VGL/60 dated 15/4/99 and 2/11/01.

2. The Commission vide circular dated 15/4/99, had asked the CVOs of Ministries/Departments/Organisations to identify the sensitive posts in their organizations and also to send to the Commission, the list of posts so identified. Further, CVOs were also asked to ensure that officials posted on sensitive posts were rotated every two/three years to avoid developing vested interest.

3. No information in this regard has been received in the Commission so far. The CVOs may, therefore, complete the exercise expeditiously now, and send to the Commission, a list of posts identified as sensitive in their organization. The exercise may be completed by 30th June 2008.



(Rajiv Verma)
Under Secretary

All Chief Vigilance Officers

No.008/VGL/027
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110023.
Dated, the 24th April, 2008

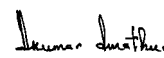
Circular NO.15/4/08

Sub:-Reference to the Commission for reconsideration of its advice - regarding

The Commission has expressed serious concern about receiving repeated requests for the reconsideration of its advice that give the impression of being routine in nature. The present instructions contained in para 5.16, Chapter I of Vigilance Manual, Vol. I provide that where the department propose to take a lenient view or stricter view than that recommended by the Commission, consultation with the CVC is necessary. The departments, therefore, are required to approach the Commission for advice in such cases before a final decision is taken. It has also been stated that the reference for reconsideration of the Commission's advice should be made only once. Subsequently it was instructed vide letter No.000/DSP/1 dated 6.3.2000 that reconsideration proposals should be sent within a period of two months from the date of receipt of the Commission's advice. It has been observed that the proposals for reconsideration of the Commission's advice are not sent within the stipulated time. Further, justification warranting reconsideration is also not given.

2. In view of the position stated above, the Commission has reviewed its instructions in the matter. The Commission's advice is based on the inputs received from the organization and where the Commission has taken a view different from the one proposed by the organization, it is on account of the Commission's perception of the seriousness of the lapses or otherwise. In such cases, there is no scope for reconsideration. The Commission has, therefore, decided that no proposal for reconsideration of the Commission's advice would be entertained unless new additional facts have come to light which would have the effect of altering the seriousness of the allegations/charges leveled against an officer. Such new facts should be substantiated by adequate evidence and should also be explained as to why the evidence was not considered earlier, while approaching the Commission for its advice. The proposals for reconsideration of the advices, if warranted, should be submitted at the earliest but within two months of receipt of the Commission's advice. The proposals should be submitted by the disciplinary authority or it should clearly indicate that the proposal has the approval of the disciplinary authority.

3. The above instructions may be noted for strict compliance.



(Vineet Mathur)
Deputy Secretary

All Chief Vigilance Officers

F.No.007/MISC/Legal/04(Pt.)
Government of India
Central Vigilance Commission

Satarkata Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated: 1st November, 2007

Circular No.39 /11/07

Subject: Criteria to be followed while examining the lapses of authorities exercising quasi-judicial powers in accordance with the criteria laid down by the Hon'ble Supreme Court.

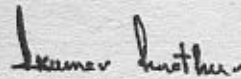
The Commission has observed that certain departments, while approaching the Commission for advice in respect of alleged/perceived lapses of the officials exercising quasi-judicial powers, do not follow a uniform approach in examining such lapses. In certain cases, it is routinely defended that the official had exercised his quasi-judicial powers and no disciplinary proceedings were warranted. In certain other cases, for similar lapses, disciplinary proceedings were proposed alleging that the official had shown recklessness or acted negligently and lacked devotion to duty. The Commission is of the view that there should be a uniform approach in examining such cases and it is important not to create an impression that the department was following a policy in targeting only few officials exercising such powers.

It is observed that the Hon'ble Supreme Court had laid down the criteria in K.K.Dhawan's case which, however, were being ignored and the officials were being defended on the basis of a subsequent Supreme Court judgement in the case of Z.B. Nagarkar Vs. Union of India. The Hon'ble Supreme Court in its judgment in the case of Union of India Vs. Duli Chand has held that the decision in the Z.B. Nagarkar's case did not represent the law correctly and decided that the decision in the K.K. Dhawan's case (decided earlier by a larger bench of the Supreme Court) would prevail. The judgment in K.K. Dhawan's case, had laid down the following criteria:

- (i) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty.
- (ii) If there is prima facie material to show recklessness or misconduct in the discharge of his duty;

- (iii) If he has acted in a manner which is unbecoming of a Government Servant;
- (iv) If he had acted negligently or that he omitted the prescribed conditions which are essential for the exercise of the statutory powers;
- (v) If he had acted in order to unduly favour a party;
- (vi) If he had actuated by corrupt motive, however, small the bribe may be because Lork Coke said long ago "though the bribe may be small, yet the fault is great".

The Commission has therefore, decided that the CVOs, while sending the case to the Commission for advice against the lapses of officials exercising quasi-judicial powers, should examine critically whether any of the above criteria listed, was attracted or not. In either case, detailed justification should be given in arriving at the conclusion as to how none of the criteria was attracted, or how any of them was attracted.



(Vineet Mathur)
Deputy Secretary

To

All Chief Vigilance Officers

No.006/VGL/11
Government of India
Central Vigilance Commission


Satarkta Bhawan, Block-A
GPO Complex, INA,
New Delhi-110023
Dated the 18th October 2007

Office Order No.37/10/07

Subject: Jurisdiction of CVC over employees of PSUs, Insurance companies, RBI, NABARD, SIDBI, societies and other local authorities.

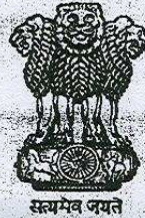
DOPT, in accordance with Section 8 (2) (b) of the CVC Act 2003, has notified the level of officers of PSUs, Insurance companies, RBI, NABARD, SIDBI, societies and other local authorities who would be covered under the normal advisory jurisdiction of the Commission.

2. A copy of the gazette notification dated 12.9.2007 issued by DOPT on the subject cited above is enclosed. The levels specified in the DOPT's gazette notification may be kept in view while forwarding the cases to the Commission for seeking its advice.



(Rajiv Verma)
Under Secretary

All Chief Vigilance Officers



भारत का राजपत्र The Gazette of India

असाधारण
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)
प्राधिकार से प्रकाशित
PUBLISHED BY AUTHORITY

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नई दिल्ली, बृहस्पतिवार, सितम्बर 13, 2007/भाद्र 22, 1929
NEW DELHI, THURSDAY, SEPTEMBER 13, 2007/BHADRA 22, 1929

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

अधिसूचना

नई दिल्ली, 12 सितम्बर, 2007

का.आ. 1538(अ).—केन्द्र सरकार, केन्द्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) की धारा 8 की उप-धारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित सारणी के कॉलम (3) में उल्लिखित निम्नलिखित स्तर के अधिकारियों को, उपर्युक्त अधिनियम की धारा 8 की उप-धारा (1) के खण्ड (घ) के प्रयोजन से उक्त सारणी के कॉलम (2) में उल्लिखित, केन्द्र सरकार द्वारा अथवा किसी केन्द्रीय अधिनियम द्वारा स्थापित निगमों, केन्द्र सरकार के स्वामित्व वाली अथवा इसके द्वारा नियंत्रित सरकारी कम्पनियों, सोसाइटियों और अन्य स्थानीय प्राधिकरणों के लिए एतद्वारा विनिर्दिष्ट करती है :—

सारणी

क्रम. निगमों/सरकारी कम्पनियों/सोसाइटियों और अन्य स्थानीय सं. प्राधिकारियों का नाम और श्रेणी	अधिकारियों का स्तर	
(1)	(2)	(3)
1. सार्वजनिक क्षेत्र के अनुसूची 'क' और 'ख' के उपक्रम	बोर्ड के मुख्य कार्यकारी और कार्यकारी ई-8 और इससे ऊपर के स्तर के अन्य अधिकारी।	
2. सार्वजनिक क्षेत्र के अनुसूची 'ग' और 'घ' के उपक्रम	बोर्ड के मुख्य कार्यकारी और कार्यकारी ई-7 और इससे ऊपर के स्तर के अन्य अधिकारी।	
3. भारतीय रिजर्व बैंक, नाबार्ड और एस.आई.डी.बी.आई.	ग्रेड 'जी' और इससे ऊपर के स्तर के अधिकारी।	
4. सामान्य बीमा कम्पनियाँ	प्रबंधक और इससे ऊपर के स्तर के।	
5. जीवन बीमा निगम	वरिष्ठ प्रभागीय प्रबंधक और इससे ऊपर के स्तर के।	
6. सोसाइटियाँ और अन्य स्थानीय प्राधिकरण	अधिसूचना की तारीख को और समय-समय पर संशोधित किए जा सकने वाले, केन्द्रीय सरकार की वेतनवृद्धि पैटर्न के आधार पर 8700/- रुपये प्रति माह और इससे अधिक वेतन प्राप्त करने वाले अधिकारी।	

[सं. 418/2/2004-ए.वी.डी.-IV]

पी. के. त्रिपाठी, संयुक्त सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 12th September, 2007

S.O. 1538(E).—In exercise of the powers conferred by clause (b) of sub-section (2) of section 8 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Government hereby specifies the following level of officers mentioned in column (3) of the table below of the corporations established by or under any Central Act, the Government companies, societies and other local authorities owned or controlled by the Central Government mentioned in column (2) of the said Table for the purpose of clause (d) of sub-section (1) of section 8 of the said Act :—

TABLE

Sl. No.	Name and categories of corporation/ Government companies/societies and other local authorities	Level of officers
(1)	(2)	(3)
1.	Schedule 'A' and 'B' Public Sector Undertakings	Chief Executive and Executives on the Board and other officers of E-8 and above.
2.	Schedule 'C' and 'D' Public Sector Undertakings	Chief Executive and Executives on the Board and other officers of E-7 and above.
3.	Reserve Bank of India, NABARD and SIDBI	Officers in Grade 'D' and above.
4.	General Insurance Companies	Managers and above.
5.	Life Insurance Corporations	Senior Divisional Managers and above.
6.	Societies and other Local Authorities	Officers drawing salary of Rs. 8700/- p.m. and above on Central Government D.A. pattern, as on the date of the notification and as may be revised from time to time.

[No. 418/2/2004-A.V.D.IV]

P. K. TRIPATHI, Jr. Secy.

No.007/VGL/052
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 27th September 2007

Office Order No.34/9/07

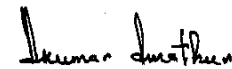
Subject: Expeditious disposal of cases involving public servants due to retire shortly.

The Commission had, vide its letter No.DO/DSP/15 dated 26.2.1981 and 6.5.1981 directed expeditious completion of disciplinary action, particularly against the officials likely to retire soon. Later, vide Commission's circular No.14/3/06 dated 13.3.2006, detailed instructions were issued on the pre-requisites for seeking first/second stage advice. In this circular a specific mention had been made about the requirement of bio-data, which inter-alia contains the date of superannuation of the SPS/CO.

2. The ready availability of date of superannuation of the SPS/CO is meant to serve as a guide to the CVO/DA to handle the case at a pace that should complete the action well in time. It has, however, come to repeated notice of the Commission that the CVOs/DAs often tend to lose sight of the superannuation dates, thereby creating situations which serve to the advantage of the SPS/COs. The entire effort is rendered all the more infructuous in organizations where the Conduct Rules do not provide for continuance of disciplinary action after retirement.

3. The Commission has, therefore, emphasized once again that all vigilance/administrative functionaries in an organization must invariably keep in mind the date of superannuation of the SPS/CO while handling disciplinary cases and anyone found to have consciously ignored the fact should be held accountable for the delay that may lead to the eventual dropping of the proceedings.

4. All CVOs should ensure strict compliance to the above instructions.



(Vineet Mathur)
Deputy Secretary

All Chief Vigilance Officers

No. 007/VGL/010
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A
INA, GPO complex,
New Delhi-110023
Dated, the 13th June, 2007

Circular No. 17/5/07

Sub:- Constitution of Committee of Experts for scrutiny of prosecution sanctions.

Central Vigilance Commission, in accordance with the power conferred upon it vide section 8 (1)(f) and (h) of CVC Act, 2003, tenders advice in respect of officers coming under its jurisdiction against whom the Central Bureau of Investigation, after investigating the case, has recommended sanction for prosecution.

2. On a few occasions, where the Commission has, in agreement with the CBI's recommendations, advised sanction for prosecution against a public servant, the disciplinary authority, in disagreement with the CBI's recommendations, approaches the Commission for reconsideration of its advice.

3. In accordance with the guidelines issued by M/o Personnel, Public Grievances & Pensions (Deptt. of Personnel & Training) vide O.M. No. 399/33/2006-AVD-III dated 6/11/2006, a committee of experts is to be set-up by the Central Vigilance Commission (with experts drawn from civil services, public sector undertakings and banks) to examine such reconsideration proposals received from various ministries/departments/organizations.

4. It has, therefore, been decided to constitute a panel of experts of six eminent persons, for scrutiny of reconsideration proposals where the Commission and CBI have advised sanction for prosecution against the suspected public servants. Depending upon the nature of the case, a committee of 3 members from amongst the panel of six experts would be drawn, who shall examine the CBI recommendation and the tentative view of the Ministry/Department concerned in greater detail and, based on the experts committee's recommendation, the CVC would render appropriate advice to the competent authority within 15 days of the meeting of the committee. The three-member committee would be chaired by one of the Vigilance Commissioners in the Commission.

5. The following persons would form the panel of experts:-

1. Shri B.S. Minhas, IAS (Retd.)
2. Shri J.S. Juneja, Chairman (Retd), NSIC
3. Shri S.N. Menon, IAS (Retd) Ex-commerce Secretary
4. Shri R.C. Aggarwal, IPS (Retd. DG, ITBP)
5. Shri Himanshu Kumar, IPS (Retd DG, SSB)
6. Shri A.K. Purwar, Ex CMD, SBI

6. The tenure of panel of experts would be for a period of two years. The terms and conditions would be as indicated in the annexure.

7. The meetings of the committee would be held in Delhi. Central Vigilance Commission would provide the required secretarial services alongwith the necessary funds to meet the expenditure to be incurred regarding the meetings of the committee. The Commission would tender advice within 15 days of the meeting of the experts committee.



(SUJIT BANERJEE)
SECRETARY

To,

1. Members of the Committee of Experts.
2. Shri Satyananda Mishra, Secretary, DOPT, North Block, New Delhi.
3. Shri Vijay Shanker, Director, CBI, North Block, New Delhi.
4. All Chief Vigilance Officers.

Terms of appointment of the Committee of Experts’:-

1. Period

The term will be for a period of two years from date of issue of orders.

2. Honorarium

An honorarium of Rs. 3000/- (Three thousand only) per day would be paid to the members.

3. Secretarial Assistance

Secretarial assistance would be provided by the Commission as per requirements.

4. Fare, Transport & Accommodation

The fare, transport and accommodation would be provided by the Commission as per entitlement of the members.

No.007/VGL/013
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 23rd February 2007

Circular No.3/2/07

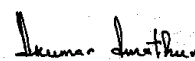
Subject: Investigation of complaints by the CVOs - seizure of records reg.

It has come to the Commission's notice that when a complaint is received by the CVO either from the Commission or from other sources, the time taken by the department for investigating the complaint is unduly long and beyond the time-limit of three months stipulated by the Commission vide its circular No.000/VGL/18 dated 23.5.2000. The main reason cited by the CVOs for the delay is non-availability of records/documents pertaining to that particular complaint/allegation. The Commission vide Para 4.4 (a) of Vigilance Manual, 6th Edition has already issued guidelines stating that "if the allegations contain information which can be verified from any document or file or any other departmental records, the investigating / vigilance officer should, without loss of time, secure such records, etc., for personal inspection. If any of the papers examined is found to contain evidence supporting the allegations, such papers should be taken over by him for retention in his personal custody to guard against the possibility of available evidence being tampered with".

2. The Commission observes that these guidelines are not being adhered to and would therefore reiterate its aforementioned guidelines and direct the CVOs to ensure that all relevant records/documents/files etc. are taken into personal custody by the investigating officer **immediately** on receipt of the reference/complaint for processing the allegations, and finalizing the investigation within the stipulated three months' time-limit prescribed by the Commission.

3. The Commission, exercising its authority as contained in para 8(1)(c&d) and para 11 of CVC Act, 2003, also conducts direct inquiry into complaints through Direct Inquiry Officers as nominated by the Commission. It is directed that as soon as a direct inquiry is ordered by the Commission, the CVOs should immediately seize the relevant records pertaining to the case and produce them before the Direct Inquiry Officers (DIOs) without any delay.

4. The above instructions may be noted for strict compliance.



(Vineet Mathur)
Deputy Secretary

All Chief Vigilance Officers

No.006/VGL/ 098
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block –A,
GPO Complex,
INA, NEW DELHI-110 023.
New Delhi, the 10th October, 2006

Circular No.39/10/06

Subject: Difference of opinion with CVC's advice regarding quantum of penalty, etc.

Reference is invited to the Department of Personnel & Training O.M. No. 134/2/95-AVD-I dated 13.6.1995 and the earlier instructions contained in Department of Personnel & Administrative Reforms O.M. No.118/2/78-AVD-I dated 28.9.78 on the above subject.

The Commission has observed that in a number of cases of disagreement with the Commission's advice, the Commission has not been informed about the reasons for disagreement or whether a reference to the DOPT, as required under the above instructions, was made. The CVOs are, therefore, directed to ensure that before it is finally decided to disagree with the Commission's advice on further action on a complaint or on an investigation report, or in a vigilance case, reference is made to the Department of Personnel in respect of all such cases, where the appointing authority is the President or the disagreement is due to UPSC's advice.

The CVOs may please note these instructions for strict compliance. They should also 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 final order in the case, to enable the Commission to decide about inclusion of the case in its Annual Report.

SD/-
(V.KANNAN)
DIRECTOR

All Chief Vigilance Officers

No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 21st September, 2006

Circular No. 34 /09/06

Subject:- Delay in completion of departmental proceedings - reg.

Reference: Circular No.14/3/06 - F.No. 006/PRC/001 dt. 13.3.06

The Commission has been emphasising the need for completing the departmental inquiry proceedings expeditiously so that errant officials are punished at the earliest. It has been observed that one of the major causes for delay lies in making the listed documents available for the inquiry. Sometimes, poor drafting of the charge sheet also creates confusion about the documents relied upon. The Commission has also noted with serious concern, that while advice of the Commission is sought on the basis of indicated lapses/irregularities and the suspected public servants' role, the charge-sheets are not drafted properly to reflect the seriousness of the lapses. The lapses are not covered precisely in the articles of charge and certain lapses, on the basis of which advice is obtained, are not included in the charge-sheets, thereby limiting the areas of operation/effectiveness of the Inquiry Officer. There are also cases where there was no credible evidence to back the charge, as a result of which, the said charge could not be proved during the inquiry. This not only results in errant officials escaping punishment, but also causes avoidable embarrassment to the Vigilance Administration and the Commission.

2. It is with a view to checking such occurrences that the Commission has been emphasising that while seeking Commission's advice, wherever disciplinary proceedings are proposed, references, complete in all respects, including the draft charge-sheets with supporting evidence, should be made to the Commission. While this was not to be construed as vetting of the charge-sheets by the Commission, it was intended to ensure that the specific lapses were duly reflected in the charge-sheet before it was decided to proceed against an officer. It may be pointed out that in Para 2.14.1(v) of Chapter II of the Vigilance Manual (Vol.I), it has been clearly stipulated that the CVO is required **"to ensure that the charge-sheets to the concerned employees are drafted properly"**. It is needless to say that this includes the different aspects of the charge-sheet mentioned in the aforesaid para. Accordingly, the CVOs are directed to carefully scrutinise the draft charge-sheets before sending their proposals, suggesting departmental proceedings and seeking Commission's advice on the same. **The Commission may take an adverse view on a CVO, who sends incomplete references, besides being constrained to return such proposals.**

3. Another cause for concern is the transfer of officials appointed as P.Os., while the inquiry is in progress, and appointment of new P.Os. in their place. In certain cases, it has been observed that the P.Os. were changed a number of times, leading to avoidable delay. Appointment of very junior official as P.O. also defeats the purpose of the inquiry against a senior officer, as such a P.O. is not able to present the case confidently.

4. After due consideration, the Commission has directed that the Disciplinary Authority should consider all relevant aspects about the official to be appointed as I.O./P.O. in a particular case, with particular reference to his/her continued availability to complete the inquiry proceedings. It should be ensured that only such officials, who are not likely to be transferred during the pendency of the inquiry proceedings, are appointed as P.Os./I.Os. In extreme cases where the transfers are unavoidable, it should be ensured that the I.Os./P.Os. complete the inquiry proceedings as expeditiously as possible, before they are relieved or at the earliest after their relief. It should also be kept in view, that to the extent possible, an official of appropriate seniority, with reference to the status of the charged official, is appointed as the P.O.

5. The CVOs may also apprise the competent authority of these instructions in their respective organisations.



(V. Kannan)
Director

To

All Secretaries of Ministries/Departments in GOI.
All Chief Vigilance Officers
All CEOs/CMDs of PSUs/PSBs

No.006/VGL/025
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023.
Dated the 21st July, 2006

Circular No. 28/7/06

Subject:- Adherence to time limit in processing of disciplinary cases.

Attention is invited to the Commission's Office Order No. 50/05/04 issued vide No. 000/VGL/18 dated 9/8/04 on the above mentioned subject.

2. The Commission has noted with concern that the observance of time schedule in conducting investigations and departmental inquiries, as laid down in its letter no. 000/VGL/18 dated 23/5/2000, is often lax and there are similar delays noticed on part of the decision making authorities, leading to the disciplinary proceedings getting indefinitely prolonged.


3. The Commission has also noticed that sometimes the disciplinary authorities misinterpret the Supreme Court judgment in the case of K.V.Jankiraman etc. vs Union of India, regarding adopting sealed cover procedure on the recommendations of departmental promotion committee for certain categories of officials. In this regard, DOPT has already issued instructions/clarifications vide letter no. 22011/4/91-Estt(A) dated 14/9/92 clearly stating that in accordance with the Supreme Court ruling in the K.V. Jankiraman etc. vs Union of India case, the findings of the departmental promotion committee in respect of the following categories of officials would be kept in a **sealed cover**:-

- (i) Government servants under suspension;
- (ii) Government servants in respect of whom a charge-sheet has been issued and disciplinary proceedings are pending; and
- (iii) Government servants in respect of whom prosecution for a criminal charge is pending.

4. The above instructions also provide that a Government servant who is recommended for promotion by the DPC but in whose case any of the above circumstances arise after the date of receipt of recommendation of the DPC but before he is actually promoted, would be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him.

5. All administrative authorities may be suitably advised to take note of, and strictly adhere to the prescribed time schedule in dealing with the disciplinary cases. Further, it is also necessary to correctly interpret/apply the Supreme Court judgment in Jankiraman case on 'sealed cover' in the light of instructions issued by the DOPT.

6. Undue delays on part of administrative authorities, in dealing with disciplinary cases, will be viewed seriously by the Commission and it would be constrained to advise penal action against those found responsible.


(V. Kannan)
Director

All Secretaries to Govt. of India
All CEOs/Head of Organisations
All Chief Vigilance Officers

No.006/VGL/ 065
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 6th July, 2006

Circular No.25/7/06

Sub: Vigilance Administration – Role of CVO- regarding.

The Commission has issued a number of instructions on different aspects of vigilance administration and the CVO's role in the same. During the Annual Zonal Meetings and interactive sessions with the CVOs, a number of issues were raised on most subjects, on which, though already instructions exist, the Commission has felt the need to reiterate/clarify and focus on some of the select issues raised in these meetings. Accordingly, the following guidelines are laid down:-

i) Complaints.

Meaningful and prompt investigation of complaints with desired follow up action is an important aspect of effective vigilance administration. Inordinate delay in investigation of the complaint sent by the Commission for investigation and report, reflects poorly on the performance of the CVO. Therefore, complaints need to be attended to promptly. Any anonymous complaint sent by the Commission for investigation, needs to be treated as source information and duly investigated, and report sent to the Commission.

It is also seen that in many a case, the complainant is not able to clearly articulate his allegations. In such cases, the CVO should contact the complainant for such additional information/clarification that the complainant could provide so that investigation, if need be, could be undertaken on serious allegations, in a focused manner. Further, wherever the complainant is addressed either for verification or for additional information, in order to avoid delay, the CVO should simultaneously call for the records of the case, scrutinize the same in the light of the allegations made, and take necessary action.

The Commission's prior approval is necessary to take up any anonymous/pseudonymous complaint for investigation. Even though such complaints apparently contain verifiable information, the CVO is expected to conduct a preliminary enquiry and if it is considered that a detailed investigation is called for, then the Commission should be approached for seeking its approval.

While complaints against Board level officials are within the purview of the administrative Ministry's CVO, if it is referred to the CVO of the organisation under the Ministry, he should gather all factual information and submit the same to the Ministry's CVO. He is not required to make analysis or draw conclusions. A copy of his report, whenever called by the Ministry CVO should be sent to the Commission for information. It is also reiterated that no vigilance complaint against any official

under the Commission's jurisdiction should be closed without the prior approval of the Commission.

On receipt of any complaint containing allegations against any tender in process, the tender process need not be stopped. However, the allegations should be brought to the notice of the competent authority, including the purchase committee, tender committee, negotiation committee, etc, and the complaint should be taken up for investigation independently.

It should be borne in mind that if a CVO fails to notice a serious irregularity or to take necessary follow up action, and if such an irregularity is unearthed on investigation of a complaint received by the Commission, it would reflect poorly on the performance of the CVO, and he would need to explain in this regard.

ii) Consultation with CVOs.

The CVO has an important role in effective vigilance administration and functions as an extension of the Commission. While the Commission's jurisdiction is confined to Group 'A' officers and other officials of and above the level notified, and the Commission's advice is only to the Disciplinary Authority, there is no such restriction on the CVOs. They are required to be consulted by the Disciplinary Authority/Appellate Authority, irrespective of the level of officers involved. Wherever the Appellate Authority has disagreed with the Commission's advice, which was accepted by the Disciplinary Authority, the CVOs should scrutinise the matter carefully to take up the matter with the reviewing authority and also report such cases to the Commission. In respect of officials not under the jurisdiction of the Commission, where the Disciplinary Authority has disagreed with the CVO's advice, such cases should be specifically brought to the notice of the Board.

While CVOs may be consulted by the management in formulating a policy, to provide for necessary checks and balances as a preventive vigilance measure, they should not get involved in decisions in individual cases like works/procurement, etc, having financial implications.

The Commission further directs that the CVOs should not be given any operational duties. If any such duty with financial implications is assigned to him, the CVO should promptly bring it to the notice of the Commission for its intervention.

iii) Review of Vigilance work by Board

The Commission's instructions vide No.98/VGL/51 dated 9/12/2003 requires that the Board of Directors review the Vigilance Work in the organisation and the CVO should send a copy of such review to the Commission. It has been observed that in a number of organisations, the CVOs are not invited to the Board Meeting. In the absence of the CVO, the review of the vigilance work by the Board would not be meaningful. The Commission has, therefore, decided that the CMDs/CEOs should ensure that the CVO of the organisation is invited and remains present at the time of the review of vigilance work by the Board.

iv) Monthly/Quarterly/Annual Report of the CVOs

The CVOs should take utmost care in sending the monthly report, which enables the Commission to assess their performance. They can attach additional sheets if they want to bring any special vigilance related issue to the notice of the Commission. A statement should also be enclosed along with the monthly report giving details of complaints/vigilance cases relating to officials falling under the Commission's jurisdiction, which are pending for more than a year, giving reasons for delay.

The QPR should contain details of all projects and progress relating thereto and the CVO would be responsible for its accuracy. As the annual reports of CVOs form the basis for certain incorporations in the Commission's Annual Report, the CVOs should ensure that their Annual Reports are sent positively by 31st January of the year following the completed calendar year.

v) Reference to the Commission

The Commission has issued detailed instructions regarding the manner of seeking the advice of the Commission. The CVOs should invariably ensure that the reference to the Commission for seeking first stage/second stage advice is made along with the views of the Disciplinary Authority, etc. However, in respect of such officials where the President is the Disciplinary Authority, the case could be referred to the Commission for seeking first stage advice with the views of the Secretary of the concerned administrative department.

vi) Disciplinary Cases

The CVOs should ensure that charge-sheets are carefully drafted covering all lapses. It is seen that in some CBI cases, there is delay in obtaining the documents. It should be ensured that the listed documents are obtained from the CBI before issuing the chargesheet and, where parallel proceedings are to be initiated, a set of listed documents, duly certified, is obtained from the CBI.

vii) Irregularities in Recruitment:

The Commission has been seriously concerned with certain instances of irregularities in recruitment. Every organisation is expected to have a recruitment policy and proper recruitment rules in keeping with the guidelines of the GOI. The CVOs should monitor and take up for necessary action, any case of recruitment in violation of the laid down rules and procedures, and wherever necessary, report the matter to the Commission.


(V. Kannan)
Director

To

All CVOs
All CMDs/CEOs

No.006/DSP/002
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023
Dated the 23rd June, 2006

Office Order No.23/6/06

Subject:- Difference of opinion between State Anti Corruption Bureaus and Central Government authorities regarding sanction of prosecution of Central Government officials – reg.

The Commission has noted certain instances where the competent authority in the concerned Central Government organisation has declined the request of the State ACB for sanction of prosecution against certain central government officials in cases investigated by the concerned State ACB. The Commission has felt that there is a need to establish a mechanism to resolve such differences of opinion between the State ACBs and the Central Government Authorities.

2. In this connection, it may be mentioned that such a mechanism is provided in para 11.2 of Chapter VII of Vigilance Manual (Vol. I) in respect of cases investigated by the Central Bureau of Investigation. The relevant provisions are extracted below:

(a) In the case of government servants, the competent authority may refer the case to its Administrative Ministry/Department which may after considering the matter, either direct that prosecution should be sanctioned by the competent authority or by an authority higher to the competent authority, or in support of the view of the competent authority, forward the case to the Central Vigilance Commission along with its own comments and all relevant material for resolving the difference of opinion between the competent authority and the CBI. If the Commission advice grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to DOPT for a final decision.

(b) In the case of public servants other than government servants (i.e. employees of local bodies, autonomous bodies, public sector organisations, nationalised banks, insurance companies etc.) the competent authority may communicate its views to the Chief Executive of the Organisation who may either direct that sanction for prosecution should be given, or in support of the views of the competent authority have the case forwarded to the Central Vigilance Commission for resolving the difference of opinion between the competent authority and the CBI.

: 2 :

3. The Commission has, decided that the same procedure be followed in respect of difference of opinion on action to be taken on the recommendations of the State Anti Corruption Bureaus also, in respect of cases investigated by them. Such cases should be dealt with as provided above, and if the difference of opinion persists, the case should be referred to the Commission, irrespective of the level of the official involved whether he is under the normal advisory jurisdiction of the Commission or not.

4. All CVOs may note for strict compliance.

(V. Kannan)
Director

Chief Secretaries of all States
All Chief Vigilance Officers
D/o Personnel & Training, North Block, New Delhi
All State Vigilance Commissioners

No.006/VGL/022
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 28th March 2006

Circular No.16/3/06

Sub: Protection against victimisation of officials of the Vigilance Units of various Ministries/Departments/organisations.

The Commission has viewed seriously certain instances of harassment and attempts at victimisation of vigilance officials of certain organisations. 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, has been recognized since long. In fact, the Committee on Prevention of Corruption (Santhanam Committee) had recommended that "those posted to the Vigilance Organisations should not have the fear of returning to their parent cadre with the possibility of facing the anger and displeasure of those against whom they made inquiries". The Committee had also recommended that "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".

2. The Commission has considered the problem of possible victimisation of Vigilance officials after they finish their tenure in the Vigilance Department and revert to their normal duties. In the case of CVOs, already, the Commission, as Accepting Authority, is in a position to moderate, if necessary, any biased reporting against the CVO in his ACR. Similarly, the Commission has always been extremely careful and cautious while taking cognizance of complaints against the CVOs and as a matter of principle always obtains the CVOs' response before coming to any conclusion on the need to investigate such complaints.


3. In order that the required degree of protection is conferred on the Vigilance officials supporting the CVO and keeping in view the spirit of the Santhanam Committee which with commendable foresight had anticipated very clearly some of these issues, the Commission issues the following consolidated instructions in exercise of its powers under Section 8 (1) (h) of the CVC Act:

- (i) All personnel in Vigilance Units will be posted only in consultation with and the concurrence of the CVOs. 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 only be with the concurrence of the CVO. The CVO shall bring to the notice of the Commission any deviation from the above.

Contd....2/-

- (ii) The ACR of personnel working in the Vigilance Department will be written by the CVO and reviewed by appropriate authority prescribed under the relevant conduct rules. The remarks in review shall be perused by the CVO and in case he has reservations about the comments made under the review, he shall take it up with the Chief Executive/HOD to resolve the issue. In case he is unable to do this, he shall report the matter to the Commission who will intercede in the matter suitably.
- (iii) Since the problem of victimisation occurs, if at all, after the reversion of the personnel to their normal line departments, the Commission would reiterate the following:
 - (a) On such reversion the vigilance personnel shall not be posted to work under an officer against whom, while working in the vigilance department, he had undertaken verification of complaints or detailed investigation thereafter. Needless to say his ACR shall not be written by such officer/s.
 - (b) All such Vigilance personnel will be deemed to be under the Commission's purview for purposes 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.
 - (c) All Vigilance personnel on reversion shall be entitled to represent through the CVO and chief executive 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.

4. The above instructions may be noted for strict compliance. The CVO should report promptly to the Commission, the details of any real or perceived victimisation of any official who is working in the Vigilance Unit. Similarly, he 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. He should also report where such deserving officials are ignored/superseded in matters of promotion.


(V. Kannan)
Director

All CMDs of Public Sector Undertakings/Public Sector Banks
All Chief Vigilance Officers

F.No. 006/VGL/5
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023.
Dated, the 18/01/2006.

Circular No. 3/1/06

Subject:- Reducing delay in departmental proceedings- ensuring availability of documents-regarding.

The Commission has observed that non-availability of documents relevant to the departmental inquiry proceedings continues to be a major problem contributing to the delay in the finalisation of the inquiry. Commission would reiterate its instructions under circular no. NZ/PRC/1 dt. 26.2.2004 circulated vide Office Order No. 12/02/2004 in which the Disciplinary Authority is required to ensure that the P.O. is given custody of all the listed documents in original and certified copies thereof. It would also reiterate its instructions vide order No. 3(v)/99/7 dated the 6th September, 1999 wherein it has been decided that in respect of the CBI cases, the CBI should make available to the organization, legible certified photocopies of all documents seized by them. It is, therefore, reiterated that CBI/CVO of the concerned organization should ensure that legible certified copies of the documents taken over by CBI are made available to the organization to pursue the departmental proceedings.

The above instructions may be noted for strict compliance.

Sd/-
(V.KANNAN)
DIRECTOR

All Chief Vigilance Officers/CBI

No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 13th March 2006

Circular No. 14/3/06

Subject:- 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.

Reference:- (i) No. NZ/PRC/1 dated 9.5.2005
(ii) No. NZ/PRC/1 dated 26.2.2004

The Commission has been repeatedly emphasizing the need for sending complete information to the Commission along with the relevant documents while seeking its advice. In particular, it was emphasized that while seeking first stage advice, the draft charge sheet should be enclosed. It is a matter of serious concern that these instructions are not being strictly complied with.

2. In supersession of all earlier instructions it is reiterated that following material should be furnished to the Commission while seeking its advice:-

- (a) A self contained note clearly bringing out the facts and the specific point(s) on which Commission's advice is sought. The self contained note is meant to supplement and not to substitute the sending of files and records.
- (b) The bio-data of the officer concerned in the enclosed format (Annexure-I).
- (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 allegations in brief, the results of 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;

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- (v) Comments of the Chief Vigilance Officer and the disciplinary authority on the investigation report {including investigation done by the CBI and their recommendation}
 - (vi) A copy of the draft charge sheet against the SPS alongwith the list of documents and witnesses through which it is intended to prove the charges.
- (d) Other documents required for second stage advice:
- (i) A Copy of the charge sheet issued to the public servant;
 - (ii) A copy of the inquiry report submitted by the inquiring authority {along with a spare copy for the Commission's records};
 - (iii) The entire case records of the inquiry, viz copies of the depositions, daily order sheets, exhibits, written briefs of the Presenting Officer and the Charged Officer;
 - (iv) Comments of the CVO and the disciplinary authority on the assessment of evidence done by the inquiring authority and also on further course of action to be taken on the inquiry report.

This is brought to the notice of all CVOs for strict compliance.


(V. Kannan)
Director

To

All Chief Vigilance Officers

Bio-Data of the officer against whom Commission's advice is sought

1. Name of the officer :
2. Designation
(a) At Present :
(b) When the alleged misconduct was committed :
2. Service to which belongs :
(Also please mention the cadre and year of allotment
in case of officers of the organized/All India Services)
3. Date of Birth :
4. Date of Superannuation :
5. Level/Group of the present post and pay scale :
6. Date of suspension [If under suspension] :
7. Disciplinary Rules applicable to concerned public servant
8. Nature of misconduct, in brief [Like false TA claims, :
Exceeding delegated powers, supervisory lapses etc.]
9. Allegations/charges in details [which were investigated/
Inquired] and results thereof
10. Version of public servant on established allegations/:
Charges [Separately for each allegation/charge]
12. Reasons why version of public servant is not acceptable
13. Misconduct imputed [Whether lack of integrity and/or:
devotion to duty] with relevant clauses of CDA Rules
14. Recommendation of CVO and disciplinary authority:
on the findings of investigating/inquiring authority
15. Involvement of officer in previous complaints, if any,
and results of investigations/inquiries authority
16. Brief particulars of similar cases, if any, in the organization
in which same or other officer might have been indulged; and
action taken in the matter

Signature of C.V.O. _____
Date _____
Tel. No. _____

No. 004/VGL/18
Government of India
Central Vigilance Commission

Satarkata Bhawan, Block-A,
GPO Complex, INA,
New Delhi-1100 23.
Dated the 21st December, 2005

Office Order No.74/12/05

Sub:- Vigilance angle – definition of (partial modification regarding)

In partial modification to Commission's Office Order No. 23/4/04 issued vide No. 004/VGL/18 dated 13.4.04 on definition of vigilance angle, the following is added at the end of para 2 for the purpose of determination of vigilance angle as para 2 (b)

“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 vigilance angle in a case”. The existing para 2 will be marked as para 2 (a).

2. CVO may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

Copy to:-

1. Director CBI, New Delhi.
2. AVD-III, Deptt of Personnel & Training, North Block, New Delhi.

No. 004/VGL/18
Government of India
Central Vigilance Commission

Satarkata Bhawan, Block-A,
GPO Complex, INA,
New Delhi-1100 23.
Dated: 13th April, 2004

Office Order No. 23/04/04
(read with modification vide Office Order No. 74/12/05)

Subject: Vigilance angle – definition of.

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term “vigilance angle” has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

“Vigilance angle is obvious in the following acts: -

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- (iii) Obtaining for himself 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.
- (iv) Possession of assets disproportionate to his known sources of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

2(a)** 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 willful 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 in time – **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.**

- 2(b) **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 vigilance angle in a case.**

**** as modified vide Officer Order No. 74/12/05 dated 21/12/05.**

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. 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 bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.

4. 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 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."**

5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

No. 000/VGL/154
Government of India
Central Vigilance Commission

Satarkta Bhawan, 'A' Block,
GPO Complex, INA,
New Delhi – 110 023
Dated: 15th December, 2005

Office Order No. 73/12/2005

Sub: Action against public servants, serving as witnesses, but turning hostile in trap and other cases of CBI.

You are aware that CBI often requisitions the services of Government servants from various organisations in order to utilise them as witnesses in cases of search, trap, etc. The underlying objective behind such practice is to have reliable independent witnesses, who withstand the scrutiny during court trials. However, CBI has brought to the notice of the Commission that in large number of cases, Government servants, who are engaged as such witnesses, are found resiling their original statements during trials, on pleas that they had signed the memoranda without reading the contents or they had not witnessed the real proceedings.

2. It is obvious that these public servants, whose services are thus utilised by the CBI, are turning hostile for ulterior reasons. It is surely not expected that educated and responsible public servants should resort to such devious behaviour, which undermines CBI cases and goes against public interest.

3. Rule 16, Chapter XIII of Vigilance Manual Vol. I, provides that if a Government servant, who had made a statement in course of a preliminary enquiry, changes his stand during evidence in the enquiry, and if such action on his part is without justification or with the objective of favouring one or the other party, his conduct would constitute violation of Rule 3 of the Conduct Rules, rendering him liable for disciplinary action. Such misconduct in the context of criminal cases becomes all the more grave.

4. The Commission is of the view that this unhealthy tendency on part of public servants needs to be curbed effectively. The Commission, therefore, desires that such misconduct, whenever reported by the CBI, should be viewed with utmost seriousness and necessary disciplinary action initiated promptly.

Sd/-
(Balwinder Singh)
Additional Secretary

All Chief Vigilance Officers

Copy to:
Director, CBI, New Delhi

No.003/VGL/28
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 28.11.2005

Office Order No. 72/12/05

Sub: Vigilance Manual –Sixth Edition-2004 - Clarification regarding.

The Vigilance Manuals issued by the Commission are ready reference books for use by all officers involved in vigilance administration. It is not a substitute for reference to the concerned rules and orders issued by the Commission/Government. The Vigilance Manual comprises of three volumes as under:-

(i) **Vigilance Manual Volume-I:** It is a subject-wise write up on all matters pertaining to the Commission's role and functions including role and functions of the CVOs' handling and investigation of complaints; penalties under the CDA Rules and the procedure for its imposition; the provisions for appeal, revision and review; consultation with UPSC etc. It also contains writes-up on general issues like assistance to the CBI, suspension of public servants and payment of subsistence allowance etc; important penal provisions under the PC Act; and the Constitutional provisions relating to disciplinary matters against the civil servants.

(ii)(a) **Vigilance Manual Volume II (Part-I):** It contains verbatim reproduction of conduct, discipline and appeal rules pertaining to various categories of Government servants, like CCS(CCA) Rules, CCS(Conduct) Rules, AIS(D&A) Rules, Railway Servants (D&A) Rules, etc. It also contains extract from various Acts and Rules, and standard forms. (Last updated in 20.9.1981).

(b) **Vigilance Manual Volume II (Part II):** This volume is divided into three parts and contains verbatim reproduction of instructions issued by the Ministry of Home Affairs/DOPT, the Central Vigilance Commission and the Ministry of Finance respectively, arranged in order of dates of issue of the circulars. (Last update 31.12.1982. A supplement by DOPT on 29.7.1987).

(iii) **Vigilance Manual Volume III (Digest of Case Laws):** This contained summary of case laws having bearing on disciplinary proceedings. It was brought out on 11.2.1970 as a consequence of a suggestion made at the meeting of Chief Vigilance Officers held in 1966. This volume was not updated thereafter. However, in eighties and early nineties, the Commission had been bringing out quarterly bulletins in which summaries of important case laws were being included.

2. The latest update of Vigilance Manual Volume-I dated 2004 covers only the following chapters:

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Chapter-I	Organisaiton.
Chapter-II	CVO-Appointment, Role and Functions.
Chapter-III	Complaints.
Chapter-IV	Preliminary Inquiry/Investigation.
Chapter-V	Facilities and Co-operation to be extended by Administrative Authority to the CBI during Investigation of cases.
Chapter-VI	Suspension.

3. The other chapters of earlier edition i.e. Vigilance Manual Vol.I, 1991 viz

Chapter-VI	Penal provisions pertaining to bribery and corruption among public servants.
Chapter-VII	Prosecution.
Chapter-VIII	Action against temporary Government servant by the appointing authority.
Chapter-IX	Constitutional provisions.
Chapter-X	Disciplinary Proceedings I (Initial Action).
Chapter-XI	Disciplinary Proceedings II (Oral Inquiry)
Chapter-XII	(Disciplinary Proceedings III (Action on the report of the inquiring Authority).
Chapter-XIII	Disciplinary Proceedings IV (Miscellaneous)
Chapter-XIV	Action after reinstatement.
Chapter-XV	Action against pensioners.
Chapter-XVI	Consultation with Union Public Service Commission in disciplinary matters.
Chapter-XVII	Appeals, Revision, Review, petitions and Memorials.

are yet to be updated and hence Vol.I edited in 1991 may be referred with respect to these chapters alongwith circulars issued by DOPT/CVC from time to time. These will be updated in due course and released as Vigilance Manual Volume I (Part-II). The Vigilance Manual Volume I edition 2004, referred in para 2 above, will hence be referred as Vigilance Manual Volume I (Part-I) edition 2004.

4. It is also brought to the notice that till the finalisation of CVC Regulations all the procedures for references to CVC are as per the circulars printed in Vigilance Manual Volume –II, Part –II (third edition), supplement to Volume–II, Part-II and circulars issued by DOPT, CVC from time to time. Special attention is drawn to letter No.9/1/64- DP dated 13th April, 1964 and subsequent amendments/clarifications of CVC/DOPT in these matters.

Sd/-
(Anjana Dube)
Deputy Secretary

Copy to:-

All Chief Vigilance Officers

(21)

Confidential

No.99/VG/87
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 30th September, 2005

Office Order No.52/08/05

Subject:- Prosecution and Departmental Action.

The Commission vide para 4.3 of the Vigilance Manual 2004, regarding parallel investigation by Departmental Vigilance Agency and the CBI, had directed that once the case has been referred to and taken up by the CBI for investigation, further internal investigation should be avoided.

2. Accordingly, the Commission has been generally advising that organisations need not proceed with the RDA independently if the CBI is undertaking investigation of the issues involved. The intention is that the CBI investigation being statutory and more professional and thorough will bring out all the aspects of the matter and identify all the officials involved in the matter. The CBI report contains recommendation on both criminal action for prosecution as also departmental action for major or minor penalty as the case may be. The Commission feels that the DAs should await such final recommendations before proceeding with RDA so that no officer can escape punitive action and no situation should arise wherein an officer on prima facie material undergoes action for minor penalty etc. and later on CBI bring out facts which would justify for major penalty. In other words, in cases where the matter is yet to be investigated, CVOs should not undertake parallel investigation when the local police or the CBI are seized of the matter.

3. There are cases especially in banks where thorough investigation of the case has already taken place and action against the officials through RDA clearly identified. The matter is referred to CBI because it is felt that the officials involved should also undergo action under the P.C. Act etc. **In such cases, since the officials involved and the role have already been established, there is no difficulty in going ahead with parallel RDA** especially considering that action under the P.C. Act is usually protracted and it will be desirable to deal with COs under the Conduct Rules for quick punitive action without waiting for the outcome of the criminal prosecution. Consultations with CBI in such cases, however, is desirable as regards the timing of action under the RDA.

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4. All the CVOs should appreciate this spirit of the Commission's instructions and analyse each case on this basis.



(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

AVD-III, DOPT

JD (Policy), CBI

F.No. 004/VGL/87
Government of India,
Central Vigilance Commission

Satarkta Bhawan, GPO Complex,
Block-'A', I N A,
New Delhi-110023
Dated, the 27th September, 2005

Officer Order No.60/09/05

Subject:- Foreign Visits by Government Employees.

Please refer to this Commission's Circulars of even no. dated 25/10/2004 & 8/12/2004 on the above subject.

2. It has been noticed by the Commission that some of the Departments/Organisations have not furnished information regarding foreign visits performed by their officials on private visits during 2000 to 2004. All Organisations who have not furnished these details must do the needful immediately as per the format already circulated (format-1 enclosed). Separately information on 'exception list' and a summary of numbers of employees should also be provided in the enclosed format-2. In addition, the detail information may also be sent through e-mails i.e. cdi4@CVC.delhi.nic.in or ro-coord@cvc.delhi.nic.in.



(Anjana Dube)
Deputy Secretary

(i) All Chief Vigilance Officers of Ministries/Departments/Autonomous Organisations /Public Sector Undertakings/Public Sector Banks/Insurance Companies/Societies

(ii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/Prime Minister's Office.

No. 004/VGL/18
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110023
Dated the 2nd June, 2005

Office Order No.32/6/05

Subject: Commission's advice in LTC, TA, etc. fraud cases - reference to the Commission - regarding.

In certain cases of the nature of LTC fraud, TA fraud etc., the Commission has been advising the organizations to take such action as deemed fit. This did not mean that no action is to be taken. A need has been felt to clarify the Commission's intention. The Commission has already clarified "vigilance angle" in its Office Order No. 23/4/04 dated 13.4.04 and **any lapse including the lapses of the above nature which reflect adversely on the integrity of the officer would be a matter of vigilance case.** The Commission's intention was only that while such lapses are definitely to be considered as serious misconduct and the CVO/DA need to take action in these cases, **only they need not be referred to the Commission** for second stage advice.

CVOs may bring this to the notice of the all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers.

No. 005/VGL/11
Central Vigilance Commission
Coordination I

Satarkta Bhawan, Block 'A'
INA, New Delhi-110023
The, 12th May, 2005.

OFFICE ORDER NO. 31/5/05

Sub:- Guidelines to be followed by the authorities competent to accord sanction for prosecution u/s. 19 of the PC Act.

.....

The Commission has been concerned that there have been serious delays in according sanction for prosecution under section 19 of the PC Act and u/s 197 of CrPC by the competent authorities. The time limit prescribed by the Hon'ble Supreme Court for this is 3 months generally speaking. The Commission feels this delay could be partly due to the lack of appreciation of what the competent authority is expected to do while processing such requests.

There have been a number of decisions of the Supreme Court in which the law has been clearly laid down on this issue:-

1. Jagjit Singh Vs. State of Punjab, 1996 Cr.L.J. 2962.
2. State of Bihar Vs. P.P. Sharma, AIR 1991 SC 1260.
3. Superintendent of Police (CBI) Vs. Deepak Chowdhary, AIR 1996 SC 186.
4. Vineet Narain Vs. Union of India, AIR 1998 SC 889.

2. The guidelines to be followed by the sanctioning authority, as declared by the Supreme Court are summarized hereunder:-

- i) Grant of sanction is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. **The question of giving opportunity to the public servant at that stage does not arise. The sanctioning authority has only to see whether the facts would prima-facie constitutes the offence.**
- II) The competent authority cannot embark upon an inquiry to judge the truth of the allegations on the basis of representation which may be filed by the accused person before the Sanctioning Authority, by asking the I.O. to offer his comments or to further investigate the matter in the light of representation made by the accused person or by otherwise holding a parallel investigation/enquiry by calling for the record/report of his department.
- iii) When an offence alleged to have been committed under the P.C. Act has been investigated by the SPE, the report of the IO is invariably scrutinized by

the DIG, IG and thereafter by DG (CBI). Then the matter is further scrutinized by the concerned Law Officers in CBI.

- iv) When the matter has been investigated by such a specialized agency and the report of the IO of such agency has been scrutinized so many times at such high levels, there will hardly be any case where the Government would find it difficult to disagree with the request for sanction.
- v) **The accused person has the liberty to file representations when the matter is pending investigation.** When the representations so made have already been considered and the comments of the IO are already before the Competent Authority, there can be no need for any further comments of IO on any further representation.
- vi) **A representation subsequent to the completion of investigation is not known to law, as the law is well established that the material to be considered by the Competent Authority is the material which was collected during investigation and was placed before the Competent Authority.**
- vii) However, if in any case, the Sanctioning Authority after consideration of the entire material placed before it, entertains any doubt on any point the competent authority may specify the doubt with sufficient particulars and may request the Authority who has sought sanction to clear the doubt. But that would be only to clear the doubt in order that the authority may apply its mind proper, and not for the purpose of considering the representations of the accused which may be filed while the matter is pending sanction.
- viii) If the Sanctioning Authority seeks the comments of the IO while the matter is pending before it for sanction, it will almost be impossible for the Sanctioning Authority to adhere to the time limit allowed by the Supreme Court in Vineet Narain's case.

The Commission has directed that these guidelines as at para 2(i)-(vii) should be noted by all concerned authorities for their guidance and strict compliance.

Sd/-
(Sujit Banerjee)
Secretary

To

Secretaries of All Ministries/Departments
CMDs/CEOs of all PSEs/PSUs/PSBs/Financial Institutions
Autonomous Organisations
All CVOs

No.NZ/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 9th May,2005

Office Order No. 30/5/05

Subject:- Reference to the Commission for its advice.

Reference:- (i) No. 1/14/73-R dated 24.7.1973
(ii) No. DO PRC 4 dated 11.8.1986
(iii) No. NZ PRC 1 dated 7.12.1995
(iv) No. NZ PRC 1 dated 9.8.1996
(v) No. NZ PRC 1 dated 16.3.2000
(vi) No. NZ PRC 1 dated 12.5.2003
(vii) No. NZ PRC 1 dated 10.9.2003
(viii) No. NZ PRC 1 dated 26.3.2004

The Commission has issued instructions regarding the manner in which the references to the Commission for first stage and second stage advice are required to be made. Although these instructions have been reiterated by the Commission several times, the complete information is not being sent by all the CVOs. The Commission has noted this lapse with concern and desires that the cases received with incomplete information will not be entertained in future and returned to the concerned departments/Organisation.

2. In supersession of all earlier instructions it is reiterated that following material should be furnished to the Commission while seeking its advice:-

- (a) A self contained note clearly bringing out the facts and the specific point(s) on which Commission's advice is sought. The self contained note is meant to supplement and not to substitute the sending of files and records.
- (b) The bio-data of the officer concerned in the enclosed format (Annexure-I).
- (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 allegations in brief, the results of 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 investigation done by the CBI and their recommendation}
- (d) Other documents required for second stage advice:
- (i) A Copy of the charge sheet issued to the public servant;
 - (ii) A copy of the inquiry report submitted by the inquiring authority {along with a spare copy for the Commission's records};
 - (iii) The entire case records of the inquiry, viz copies of the depositions, daily order sheets, exhibits, written briefs of the Presenting Officer and the Charged Officer;
 - (iv) Comments of the CVO and the disciplinary authority on the assessment of evidence done by the inquiring authority and also on further course of action to be taken on the inquiry report.

This is brought to the notice of all CVOs for strict compliance.

(Anjana Dube)
Deputy Secretary

To

All Chief Vigilance Officers

Bio-Data of the officer against whom Commission's advice is sought

1. Name of the officer :
2. Designation
(a) At Present :
(b) When the alleged misconduct was committed :
2. Service to which belongs :
(Also please mention the cadre and year of allotment in case of officers of the organized/All India Services)
3. Date of Birth :
4. Date of Superannuation :
5. Level/Group of the present post and pay scale :
6. Date of suspension [If under suspension] :
7. Disciplinary Rules applicable to concerned public servant
8. Nature of misconduct, in brief [Like false TA claims, :
Exceeding delegated powers, supervisory lapses etc.]
9. Allegations/charges in details [which were investigated/
Inquired] and results thereof
10. Version of public servant on established allegations/:
Charges [Separately for each allegation/charge]
12. Reasons why version of public servant is not acceptable
13. Misconduct imputed [Whether lack of integrity and/or:
devotion to duty] with relevant clauses of CDA Rules
14. Recommendation of CVO and disciplinary authority:
on the findings of investigating/inquiring authority
15. Involvement of officer in previous complaints, if any,
and results of investigations/inquiries authority
16. Brief particulars of similar cases, if any, in the organization
in which same or other officer might have been indulged; and
action taken in the matter

Signature of C.V.O. _____

Date _____

Tel. No. _____

No.002/VGL/61
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 16th March 2005

Office Order No.12/3/05

Subject: Action taken on Advices tendered/Complaints referred by the Commission.

The Commission has observed that some of the Govt. Departments were not following the prescribed guidelines as regards action taken on Commission's Ist/Ind stage advices. **It is also seen that some of the departments are closing the complaints on their own which were forwarded by the Commission for investigation and report.**

2. Para 22 of Chapter X of Vigilance Manual provides that all cases pertaining to Gazetted Officers (may be read as Group A Officers after passing of CVC Act-2003), in respect of whom the Central Vigilance Commission is required to be consulted, will be referred to the Commission for advice (first/second stage advice). The major penalty cases pertaining to such officers envisage consultation with the Commission at two stages. The first stage of consultation arises while initiating disciplinary proceedings, while second stage consultation is required before a final decision is taken at the conclusion of the proceedings. It follows that the **CVC should also be consulted** in cases where the disciplinary authority have initiated action for major/minor penalty proceedings and **propose to close the case** on receipt of Statement of defence.

3. As regards the complaints, para 4.1 of Chapter II of CVC Manual envisages that the complaints forwarded for inquiry to the administrative Ministries/ Departments, the CVO concerned will make an inquiry or have an inquiry made into the complaints to verify the allegations and will submit his report together with the relevant records to the Central Vigilance commission. **The reports of investigation should normally be sent to the Commission within three months from the date of receipt of the reference from the Commission. In cases where the CVO need more time, an interim reply should be sent to the Commission. It is reiterated that no complaint is to be closed by the department on its own without consulting the Commission, in case the same has been forwarded by the Commission for a report.**

The above may be noted for strict compliance by the Ministries/ Departments.

Sd/-
(Anjana Dube)
Deputy Secretary

To

All CVOs of Ministries/Departments

No.004/VGL/63
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 18th November 2004

Office Order No.70/11/04

To

All Chief Vigilance Officers

Subject: Appointment of retired officers as Inquiring Authority.

The Commission vide its Office Order No. 34/7/2003 dated 1.8.2003 had directed for suitable amendment in the provisions for appointment of retired officers as Inquiring Authorities by PSEs.

2. In recent case (Ravi Malik Vs. National Film Development Corporation Ltd.-Civil Appeal No. 4481 of 2004), the Supreme Court in their judgement delivered on 23.7.2004 have inter-alia held that "the words 'public servants' used in Rule 23 (b) of the NFDC Service Rules and Regulations, 1982 mean exactly what they say, namely, that the person appointed as an Inquiring Officer must be a servant of the public and not a person who was a servant of the public. Therefore, a retired officer would not come within the definition of 'public servant' for the purpose of Rule 23(b)".

3. Rule 14(2) of the CCS (CCA) Rules, 1965 provides that "Whenever the Disciplinary Authority is of the opinion that there are grounds for inquiring into the truth of any imputation of misconduct or misbehaviour against a Government Servant, it may itself inquire into, or appoint under this rule or under the provisions of the Public Servants (Inquiries) Act, 1850, as the case may be, an authority to inquire into the truth thereof".

4. CVOs of organisations (other than those, which follow CCS (CCA) Rules, 1965) may review the service rules and regulations of their organisations and take necessary measures to amend the provisions relating to appointment of Inquiring Authorities, if they are inconsistent with the provisions under Rule 14(2) of the CCS (CCA) Rules, 1965. If any Service/Departmental Rules are in conflict with appointment of retired persons as Inquiring Authorities, they should be suitably amended before any such appointments are made.

Sd/-
(Anjana Dube)
Deputy Secretary

No.004/VGL/87
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi- 110 023
Dated the 25th October 2004

Office Order No.67/10/04

Subject: Foreign visits by the Government employees.

The High Court of Delhi, in its judgment dated the 28th May, 2004 in the Criminal Writ Petition No. 1004/03, (Shri C.K. Jain v/s Union of India) has observed that a Govt. servant who had visited Dubai & Singapore 161 times on private visits without permission was never ever questioned by any authority like Customs and Immigration and other. In a subsequent direction based on the reply filed by the Government, the High Court directed that the "Central Vigilance Commission may collect information about Government servants going abroad on private visits and possibly a data bank should be kept on them".

2. Keeping in view the directives of the High Court, all the Chief Vigilance Officers are requested to collect information about government servants/employees in their respective Organizations, who had gone abroad on private visits during 2003 (January to December) and 2004 (till October 2004), in the enclosed proforma and send the same to the Commission immediately so that the Hon'ble High Court may be intimated timely.

3. Information of such Foreign visits on private account by Government employees be sent in consolidated form (calender year wise) in January of every year.

Sd/-
(Anjana Dube)
Deputy Secretary

- (i) All Chief Vigilance Officers of Ministries/Departments/Autonomous Organisations/Public Sector Undertakings/Public Sector Banks/Insurance Companies/Societies
- (ii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/Prime Minister's Office.

Proforma

Name of the Organisation

Sl. No.	Name & Designation of the Officer	Name of the country visited	Duration of stay	Source of funding	Remarks
1	2	3	4	5	6

IMMEDIATE
CONFIDENTIAL

No.004/VGL/87
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi- 110 023
Dated the 8th December, 2004

Office Order No.74/12/04

Subject: Foreign visits by the Government employees.

On the directives of the Hon'ble High Court, Delhi, the Commission vide its Office Order No. 67/10/2004 dtd. 25/10/2004 issued instructions to all the Chief Vigilance Officers of Ministries/Departments/Autonomous Bodies, Organisations/Public Sector Bank/Public Sector Undertakings/Insurance Companies and Societies etc. to furnish the information about private foreign visits made by the employees of their respective organisations during 2003 and 2004.

2. As further directed by the High Court on 17.11.2004, it is desired that the above information may be furnished for the five years i.e. since 1.1.2000 till 2004. The information should be furnished by January 7, 2005. The CVO should give separately an 'exception list' to include names of the officers who have undertaken private foreign visits more than once in a calendar year.

Sd/-
(Anjana Dube)
Deputy Secretary

- (i) All Chief Vigilance Officers of Ministries/Departments/Autonomous Organisations /Public Sector Undertakings/Public Sector Banks/Insurance Companies/Societies
- (ii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/ Rajya Sabha Secretariat/Prime Minister's Office.

No.004/VGL/79
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-1100 23
Dated the 4th October 2004

Office Order No. 62/9/04

Subject: Reporting in ACRs by the officers under investigation of the officers conducting vigilance investigation.

The Commission vide its letter No.4/53/73-R, dated 31st Oct.1973 had reiterated the instructions of Min. of Home Affairs issued vide its OM No.43/107/64-AVD dated 23.10.1964 that those posted to the vigilance organisations should not have the fear of returning to their parent cadre after a short period with the possibilities of facing displeasure of those against whom they had made enquiries.

2. The Commission reiterates the above instruction. Further, it may be ensured that no officer should be asked to undertake investigation against an officer under whom he/she is posted. If any such occasion arises wherein an officer had inquired against an officer who is his controlling officer or is likely to assess his performance for the past period, it should be ensured that the ACR may be written by the next reporting level, to prevent undue penalisation. Thus those officials who are/were under investigation should not be allowed to write the ACRs of the officers who conducted vigilance investigation, against them.

(Anjana Dube)
Deputy Secretary

To

The Secretaries of all Ministries/Departments of Government of India
Chief Executives of PSUs/Banks/Organisations
All Chief Vigilance Officers

No. 000/VGL/18
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023
Date the 10th August, 2004

Office Order No.51/08/2004

Subject:- Adherence to time-limits in processing of disciplinary cases.

It has been observed that the schedule of time limits in conducting investigations and departmental inquiries laid down in Commission's letter of even number dated the 23rd May 2000 are not being strictly adhered to. In this context, attention is invited to Department of personnel & Training O.M. No. 11013/2/2004-Estt.(A) dated the 16th February 2004 regarding accountability for delay in decision making (copy enclose for ready reference).

2. Delay in decision-making by authorities in 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 are requested to take not and strictly adhere to the prescribed schedule of time-limits in dealing with disciplinary cases.

sd/-
(Anjana Dube)
Deputy Secretary

Encl:- As above

To,

All Secretaries to the Government of India,
All Chief Vigilance Officers of Ministries/Departments of Government of India.

Copy to:-

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Bureau of Investigation, New Delhi.
4. All Union Territory Administrations.
5. Lok Sabha/Rajya Sabha Secretariat.

No.11013/2/2004-Estt.(A)
Government of India
Ministry of Personnel, P.G. & Pensions
(Department of Personnel & Training)

New Delhi, dated the 16th February, 2004

OFFICE MEMORANDUM

Sub:- Accountability for delay in decision making.

A Core Group on Administrative Reforms (CGAR) has been constituted under the chairmanship of Cabinet Secretary in February, 2003 to formulate specific changes in the systems and procedures in consultation with the ministries/departments concerned and to advise strategies for changing attitudes. The Core Group has decided that the existing provisions about accountability mechanism should be reiterated with a view to bring to everyone's notice that these provisions are adequate for initiating disciplinary proceedings when an officer adopts a dilatory attitude leading to delay in decision-making and/or harassment of the public.

2. In view of the above, the following provisions of CCS (Conduct) Rules, 1964 are brought to the notice of all Ministries/Departments for information and necessary action:-

Rule 3. General

- (1) Every Government servant shall at all times:-
 - (i) maintain absolute integrity;
 - (ii) maintain devotion to duty; and
 - (iii) do nothing which is unbecoming of a Government servant.
- (2) (i) Every Government servant holding a supervisory post shall take all possible steps to ensure the integrity and devotion to duty of all Government servants for the time being under his control and authority;
- (ii) No Government servant shall, in the performance of his official duties, or in the exercise of powers conferred on him, act otherwise than in his best judgement except when he is acting under the direction of his official superior;

Explanation 1:- A Government servant who habitually fails to perform the task assigned to him within the time set for the purpose and with the quality of performance expected of him shall be deemed to be lacking in devotion to duty within the meaning of clause(ii) of sub-rule (1).

Explanation II:- Nothing in clause (ii) of sub-rule (2) shall be construed as empowering a Government servant to evade his responsibilities by seeking instructions from, or approval of, a superior officer or authority when such

instructions are not necessary under the scheme of distribution of powers and responsibilities.

Rule 3A. Promptness and Courtesy

No Government servant shall

- (a) in the performance of his official duties, act in a discourteous manner;
- (b) in his official dealings with the public or otherwise adopt dilatory tactics or willfully cause delays in disposal of the work assigned to him.

3. Rule 11 of the CCS (CCA) Rules, 1965 provides that the penalties (ranging from 'censure' to 'dismissal') mentioned therein may be imposed on a Government servant 'for good and sufficient reasons'. Thus any Government servants violating the provisions of Conduct Rules can be proceeded against as it will form 'good and sufficient reasons' for imposing the penalties prescribed in Rule 11. In other words, disciplinary proceedings could be initiated if an officer adopts a dilatory attitude, leading to delay in decisions making and/or harassment of the public.

4. Ministries/Departments are also requested to bring the above cited provisions of the Conduct Rules and CCA Rules to the notice of all the officers and officials in the Ministries/Departments (proper) and in the organizations/offices under their administrative control to clarify that if they are found responsible for willful delay in disposal of the various types of cases dealt with them, finally leading to delay in decisions making, they shall be liable for disciplinary action in terms of the relevant provisions referred to in para 2 and 3 of this OM.

Sd-
(Mrs. Pratibha Mohan)
Director

To

All Ministries/Departments of the Government of India.

Copy to:

1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Vigilance Commission, New Delhi.
4. Central Bureau of Investigation, New Delhi.
5. All Union Territory Administrations.
6. Lok Sabha/Rajya Sabha Secretariat.
7. All attached and Subordinate Offices of the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.
8. All officers and sections in the Ministry of Personnel, Public Grievances and Pensions and Ministry of Home Affairs.

Sd-
(Smt. Pratibha Mohan)
Director(E-II)

No. 99/VGL/3
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block "A", GPO
Complex, INA, New Delhi

Dated 26th April, 2004

Office Order No 30.4/04

To

All Chief Vigilance Officers

Subject:- Reducing Delays in Departmental Inquiries

The Commission had issued instruction on reducing delays in departmental inquiries vide No. 8(I)(g)/99(2) dated 19.02.1999. The Commission reiterates the instruction contained therein and direct that there should not be delay in appointing IO and PO. Generally it should not take more than 4 weeks time in appointing IO and PO since it is purely an administrative function.

Yours faithfully,

Sd/-

(Anjana Dube)
Deputy Secretary

No.98/VGL/15
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, I.N.A.,
New Delhi-110 023
Dated the 16/04/2004

Office Order No. 26/4/04

To

The Secretaries of All Ministries/Depts. of Government of India
The Chief Secretaries to all Union Territories
The Comptroller & Auditor General of India
The Chairman, Union Public Service Commission
All Chief Vigilance Officers in the Ministries/Departments,
Autonomous Organisations/Societies etc.
President Secretariat/Vice-President's Secretariat/Lok Sabha
Secretariat /Rajya Sabha Secretariat/PMO

Subject: Jurisdiction of the Central Vigilance Commission in relation to the officers of the level of Group-B, Gazetted.

Attention is invited to para 5.4, Chapter.I of the Vigilance Manual, Volume-I on the above subject, requiring that vigilance cases of the Gazetted officers of the Central Government and its equivalent grade in other Government organisations might be referred to the Commission for advice.

2. Keeping in view the large increase in number of cases being referred to the Commission for advice, the Commission has decided that, henceforth, only cases of officers of the level of Group 'A' and above of the Central Govt. and Members of All India Services in connection with the affairs of the Union and Group 'A' officers of the Central Govt may be referred to the Commission for advice. It is, however, clarified that the Commission's advice would be necessary in respect of all officers of the Central Government irrespective of their level, if they are involved in the same matter in which an officer of the level of Group 'A' or above is involved. The Commission's advice would also be necessary in cases of difference of opinion between the disciplinary authority and the CVO with regard to the action to be taken against officers who are not within the jurisdiction of the Commission if these differences cannot be resolved with the intervention of the Secretary of the Ministry or Head of the Departments.

3. While delegating the powers to the concerned Ministries/Organisations with regard to gazetted officers below Group 'A' of Central Government, the Commission expects that (i) appropriate expertise would be available to the CVOs; (ii) the CVO would be in a position to exercise proper check and supervision over such cases and would ensure that the cases are disposed off expeditiously within the time norms stipulated by the Commission; and (iii) the punishment awarded to the concerned employee would commensurate with the gravity of the misconduct established on his/her part. In order to ensure that the Commission's expectations are fully met, the Commission may depute its officers to conduct vigilance audit through onsite visits and also through the monthly information system (monthly reports etc.). 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.

4. In respect of cases involving Gazetted officers below Group 'A' of the Central Government, in which the Commission has tendered its first stage advice before issue of these instructions, the matter need not be referred to the Commission for second stage advice if the disciplinary authority, on conclusion of the disciplinary proceedings, proposes to impose a penalty which coincides with the Commission's first stage advice, provided that none of the officers involved in that matter is an officer of All-India Service or Group A' officers. The case, however, may be referred to the Commission for its advice if the disciplinary authority proposes to take action, which does not coincides with the Commission's first stage advice, (or it differs with the recommendation of the CVO with regard to the quantum of punishment to be imposed).

Sd/-
(Anjana Dube)
Deputy Secretary

No. 004/VGL/18
Government of India
Central Vigilance Commission

Satarkata Bhawan, Block-A,
GPO Complex, INA,
New Delhi-1100 23.
Dated: 13th April, 2004

Office Order No. 23/04/04

Subject: Vigilance angle – definition of.

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term “vigilance angle” has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

“Vigilance angle is obvious in the following acts: -

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
 - (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
 - (iii) Obtaining for himself 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.
 - (iv) Possession of assets disproportionate to his known sources of income.
 - (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
2. 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 willful 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 in time – **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.**

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. 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 bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.

4. 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 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."**

5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

No. 000/VGL/18
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 27th February 2004

Office Order No. 13/02/04

To

All Chief Vigilance officers of Ministries / Departments / autonomous organisations and societies.

Sub: Delay in finalising of Vigilance cases.

Sir/Madam,

The Commission has observed that a large number of departmental inquiries remain pending with the disciplinary authorities for long periods. The Commission has laid down the time limits in conducting investigations and departmental inquiries vide instruction No. 000/VGL/18 dt. 23.5.2000 and dated 3.3.2003. However, it is seen that these time limits are not adhered to by various organisations and there is no mechanism to monitor the progress made in the inquiries.

2. It has come to notice of the Commission, that one of the PSUs has formed a vigilance committee consisting of Director (P), Director (OP) and CVO to monitor the progress of the departmental inquiries. This committee reviews the progress of the departmental inquiries quarterly.

3. The Commission suggests that similar type of system should be adopted in other organisations, suited to their requirement, to monitor the progress made in departmental inquiries and check delays in completion of inquiries.

4. Action taken in this regard may be intimated.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

No.003/DSP/3
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 26th February 2004

Office Order No.14/02/04

To

All Secretaries to the Government of India
All Chief Vigilance Officers
Deputy Secretary (AVD III), DOPT

Subject:- Role of Disciplinary Authority in decision taken.

Sir/Madam,

The Commission vide its Office Order No. 51/9/03 dated 15.9.2003 stressed the need for self-contained speaking and reasoned orders to be issued by the authorities exercising disciplinary powers. The Commission has however, noticed that at the time of issuing final orders imposing a penalty on the charged officer on the advice of the Commission and/or at the time of deposing affidavits in the courts, some Disciplinary Authorities (DA) mention the Commission's reference. The Commission has observed that this leads to an unwarranted presumption that the DA has acted under the influence/pressure of the Commission.

2. The DAs are again informed that, their orders in the matter of disciplinary cases or affidavits to the courts, should in no case imply that any decision has been taken under the influence of the Commission; as the Commission is only an Advisory Body and it is for the Disciplinary Authority to apply its mind subsequent to obtaining the Commission's advice and take reasoned decisions on each occasion. The Disciplinary Authorities are required to strictly follow the above guidelines of the Commission at all stages.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

No.NZ/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 26th February 2004

Office Order No.12/02/04

To

All Secretaries to the GOI/ CEOs of PSEs/PSBs
All Chief Vigilance Officers

Sub: Procedure for making reference to the Commission for its first stage advice – regarding.

Reference is invited to the Commission's circular of even number dated 12.05.2003 on the above subject. It has been observed that after the Commission tenders its first stage advice in cases of major penalty, the vigilance cases get unnecessarily delayed or result in exoneration due to non-availability of proper documents. The Commissioners for Departmental Inquiries (CDIs) have also pointed out that in many cases the Presenting Officers find problems even in the production of prosecution/management documents. This results in undue delay in finalisation of the inquiries.

2. The Commission is, therefore, of the view that the Disciplinary Authority should go through all the documents/evidences carefully at the initial stage itself before deciding whether the case(s) against the SPS(s) warrants major penalty or not. Once a decision is taken by the DA and the case is referred to the Commission for its first stage advice with the recommendation of major penalty proceedings against the SPS(s), the Disciplinary Authority should enclose a copy of draft charge-sheet alongwith the list of documents and witnesses through which the department intends to prove the charges besides the completed 'proforma for seeking advice'.

3. Disciplinary Authority should also ensure that the Presenting Officer(s) is/are given the custody of all the listed documents in original or certified copies thereof alongwith his appointment order so that the delay in disciplinary proceedings are reduced.

Sd/-
(Anjana Dube)
Deputy Secretary

No.004/VGL/3
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION

Satarkata Bhawan, A, Block,
GPO Complex, INA,
New Delhi-1100 23.
Dtd:19th February, 2004

Office Order No.11/02/04

To,

- (1) All Secretaries to the GOI.
- (2) Chief Executives of all PSUs/Banks/Orgn.
- (3) All CVOs
- (4) Dy. Secy.(AVD.III), DOPT

SUB: Commission's advice in cases not having vigilance angle.

Sir,

The Commission has observed that the Deptts./Ministries are not properly interpreting and appreciating the advice of the Commission that "there is no vigilance angle to the alleged lapses and the Department may take appropriate action in the matter".

2. The Cases where the lapses are not having vigilance angle, it does not automatically mean that no disciplinary proceedings have to be taken. In such cases the disciplinary authority may take appropriate action under the Conduct and Disciplinary Rules and the matter need not be referred to the Commission again for consultation.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

No.000/VGL/187
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 8th January, 2004

Office Order No. 2/1/04

To

All CVOs of Public Sector Enterprises

Subject:- Obtaining Commission's advice in composite cases.

Sir,

Para 16.2 of Special Chapter on Vigilance Management in Public Sector Enterprises provides that if an employee of a PSU involved in a case, falls within the Commission's jurisdiction, latter's advice 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 alongwith other officers who are within the jurisdiction of the Commission, as the case would than become a composite case and falls within the Commission's jurisdiction.

2. However, it has been observed by the Commission that a number of organisations are not following this procedure and de-linking the suspected employees in a composite case. This is not in consonance with the Commission's directives. The Commission again reiterates that a composite case should be processed as 'one' and action against every individual employee should be taken only on Commission's advice, even if there is only one official who comes within Commission's jurisdiction.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

Confidential

No.003/DSP/9
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 8th January, 2004

Office Order No. 1/1/04

To

All Chief Vigilance Officers

Subject: Difference of opinion between CBI and Administrative authorities.

Sir/Madam,

The Commission has decided that where there is difference of opinion between the Deptt./organisation and the CBI in cases where the latter have recommended prosecution under PC Act etc., the Commission would hold a joint meeting with the representatives of CBI and concerned Deptt./organisation. In such a meeting the CVO of the Deptt./organisation should take a brief from the disciplinary authority in this regard. However, if the DA wishes to attend the joint meeting, the Commission has no objection to it.

2. CVOs may bring this to the notice of all concerned Disciplinary Authorities.

Sd/-
(Anjana Dube)
Deputy Secretary

No.003/DSP/3
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi –110023
Dated 15th September 2003

Office Order No. 51/9/03

To

- (i) The Secretaries of All Ministries/Departments of Government of India
- (ii) The Chief Secretaries to All Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) The Executives of All PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
- (vi) The Chief Vigilance Officers in the Ministries/Departments/PSEs./Public Sector Banks/Insurance companies/Autonomous Organisations/Societies
- (vii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO

Subject:- Need for self-contained speaking and reasoned order to be issued by the authorities exercising disciplinary powers.

Sir/Madam,

It was clarified in the Department of Personnel & Administrative Reforms' OM No. 134/11/81/AVD-I dated 13.07.1981 that the disciplinary proceedings against employees conducted under the provisions of CCS (CCA) Rules, 1965, or under any other corresponding rules, are quasi-judicial in nature and therefore, it is necessary that orders issued by such authorities should have the attributes of a judicial order. It was also clarified that the recording of reasons in support of a decision by a quasi-judicial authority is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy, or reached on ground of policy or expediency. Such orders passed by the competent disciplinary/appellate authority as do not contain the reasons on the basis whereof the decisions communicated by that order were reached, are liable to be held invalid if challenged in a court of law.

2. It is also a well-settled law that the disciplinary/appellate authority is required to apply its own mind to the facts and circumstances of the case and to come to its own conclusions, though it may consult an outside agency like the CVC. There have been some cases in which the orders passed by the competent authorities did not indicate application of mind, but a mere endorsement of the Commission's recommendations. In one case, the competent authority had merely

endorsed the Commission's recommendations for dropping the proposal for criminal proceedings against the employee. In other case, the disciplinary authority had imposed the penalty of removal from service on an employee, on the recommendations of the Commission, but had not discussed, in the order passed by it, the reasons for not accepting the representation of the concerned employee on the findings of the inquiring authority. Courts have quashed both the orders on the ground of non-application of kind by the concerned authorities.

3. It is once again brought to the notice of all disciplinary/appellate authorities that Disciplinary Authorities should issue a self-contained, speaking and reasoned orders conforming to the aforesaid legal requirements, which must indicate, inter-alia, the application of mind by the authority issuing the order.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

No.NZ/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 10th September, 2003

Office Order No. 47/9/03

To

All Chief Vigilance Officers

Subject: Procedure for making reference to the Commission for its second stage advice- regarding.

Sir/Madam,

The Commission has observed that Ministries/Departments/Organisations are not properly following the laid down procedure and also making incomplete reference to the Commission while seeking its second stage advice. This results in back references to the department and causes unnecessary delay in disciplinary proceedings. In order to obviate delays on this account, the Commission reiterates that the cases requiring the Commission's second stage advice may be referred to it along with the following documents:-

- (i) Copy of the Charge-sheet with all the annexures,**
- (ii) CO's statement of defence,**
- (iii) The IO's report and connected documents (including PO's brief and CO's brief),**
- (iv) Self-contained note on findings of the DA on each of article of charges along with tentative view of DA and CVO.**

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

**No.98/DSP/9
Government of India
Central Vigilance Commission**

**Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023
Dated the 13th August, 2003**

OFFICE ORDER NO. 36/7/03 dated 9.7.2003

Subject:- Clarifications on Commission's Directions

During the meeting of the Central Vigilance Commission with CMDs of Public Sector Banks at IBA, Mumbai on 25.02.2003, a number of issues were raised. The Commission clarified these issues as follows:

- (i) Commission's directive dated 11.10.2002 on dealing with anonymous/pseudonymous complaints.**

It was requested to reconsider the Commission's directive on dealing with anonymous/pseudonymous complaints modifying the earlier advice of not to take cognizance of such complaints. The Commission is of the view that such a verification cannot be done in a routine manner and in case any department/organization wanted to verify the facts, then a reference to the Commission is necessary. There is, therefore, no change in the Commission's earlier ruling on action on anonymous/pseudonymous complaints.

- (ii) Commission's clarification dated 10.02.2003 on non-acceptance of the Commission's advice in the matter of appeals.**

It was requested to reconsider the Commission's clarification dated 10.02.2003 on non-acceptance of the Commission's advice in the matter of appeals. It was clarified that the DA could differ with the Commission's 2nd stage advice for valid reasons and this applied to the Appellate Authority also. The right to the Appellate Authority to differ with the Commission, therefore, not interfered with. The Appellate Authority should satisfy himself that the DA has applied his mind and then take his own independent decision. The Commission, however, would take a view as to whether the 'deviation' in such cases is serious enough to warrant inclusion in its Annual Report.

- (iii) Reference of cases to CBI**

It was clarified that the institution, at the initial stage itself, depending on the facts of the case, should decide whether the case is to be entrusted to the local police or CBI.

- (iv) Posting of officer in 'agreed list'**

It was clarified that drawing up and revising the agreed list with the assistance of CVO is left to the CEOs and if it is desired that a person in the agreed list is to be posted in a particular position, the institution may take the decision for specific reasons.

**Sd/-
(Anjana Dube)
Deputy Secretary**

No.98/MSD/23
Government of India
Central Vigilance Commission

Satarkata Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 1st August, 2003

OFFICE ORDER NO. 34/7/2003

To

All Chief Vigilance Officers

Subject: Utilising the services of outsiders including retired officers for conducting Departmental inquiries.

Sir/Madam,

Please refer to the Commission's letter of even number dated 25th March 2003 on the above subject.

2. The rules applicable to public sector enterprises generally provide that the disciplinary authority may itself inquire into the truth of any imputation of misconduct against an employee, or appoint any public servant (called as inquiring authority) to inquire into the truth thereof. The term "public servant" has been defined in the CDA rules, which means and includes a person as mentioned in section 21 of the IPC. The retired employees of the public sector undertakings do not fall within the definition of public servants as defined in 21 IPC and therefore cannot be appointed as inquiring authority unless the aforesaid provision is suitably amended. Such public sector undertakings as have not amended the aforesaid provision may take expeditious action to provide for appointment of retired public servants as inquiring authorities.

3. Further, the Commission has also decided that keeping Para 2 above in view **the departments/public sector undertakings/organisations depending upon their need, and if they so desire, may maintain a panel of retired officers from within or outside the department or organization for appointment as inquiring authorities, in consultation with the Chief Vigilance Officer. In case, there is difference of opinion between the Disciplinary Authority and the Chief Vigilance Officer about the inclusion of any name in the panel or appointment of any one out of the panel as IO in any case, the CVO may report the matter to the next higher authority, or the CMD for the resolution of the difference. If still unresolved, the CVO may refer the matter to the CVC. A case of difference of opinion between the CVO and the CMD, if acting as Disciplinary Authority, may be referred to the Commission for its advice.**

Contd./-

4. It however may be ensured that the officer appointed as inquiring authority has no bias or/ and had no occasion to express an opinion at any stage of the preliminary inquiry.

5. CVOs may bring this to the notice of all concerned.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

NO.99/DSP/1
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023
Dtd. The 20th June, 2003

To

All Chief Vigilance Officers.

Subject:- Definition of term stiff/severe minor penalty.

Sir/Madam,

The Commission had clarified the term "stiff/severe minor penalty" vide its circular of even No. dtd. 11.8.1999.

2. The Commission has received a number of references from various organizations and the Commission has again reviewed the issue. The Commission has decided that henceforth the Commission will advise two kinds of minor penalties (1) suitable minor penalty which would include 'censure' or (2) minor penalty other than 'censure'.

3. This supersedes the earlier circular of the Commission dated 11.8.1999.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax No.24651010

No.NZ/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 12th May 2003

To

All Chief Vigilance Officers

Subject: Procedure for making references to the Commission for seeking advice.

Sir/Madam,

Kind attention is invited to the Commission's circular letter of even number dated 16.3.2000 reiterating the Commission's instructions dated 7.12.1995 and dated 24.11.1997 on the procedure for making references to the Commission.

2. It has been observed that organisations are still making references with incomplete bio-data forms and insufficient justification to support recommendations. The Commission has, therefore, devised a format, a copy of which is enclosed alongwith instructions thereto. The CVOs are therefore, requested to ensure that bio-data forms are properly filled in and recommendation against allegations are given in the enclosed format.

3. Kindly acknowledge receipt.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Tel.No. 24651010

Copy for internal distribution

PROFORMA FOR SEEKING FIRST STAGE ADVICE OF THE COMMISSION

Name & Date of Birth :

Designation

(a) Present :

(b) At the material time :

1. Date of occurrence of the
alleged misconduct :

2. Source :

3. Nature of Lapse(s) :

4. Details of Allegation(s) :

5. Evidence(s) with type :

6. Explanation of SPS and
reasons as to why the
same is acceptable or
not acceptable :

7. Misconduct imputes, with
relevant clause(s) of CDA
Rules :

8. Recommendation of the
CVO :

9. Recommendation of the
Disciplinary Authority :

Chief Vigilance Officer

**Instructions to the departments on filling up the proforma
in reference(s) seeking first stage advice of the Commission**

1. A separate proforma should be used for allegation(s) in respect of each official.
2. It is mandatory to mention the date of birth. A proposal that does not contain date of birth will be returned back to the department.
3. In Column (3), the nature of allegation would mean a brief description, say false TA claim; Use of Excess Authority; Supervisory Lapse; etc.
4. Details of allegation(s) should be indicated in Column (4).
5. Evidences in support of each allegation should be indicated clearly in Column (5). Type of evidences should be indicated, using 'O' for Oral evidence and 'D' for Documents.
6. In Column (6), the department should specifically comment on explanation of the official and give reasons why it is not acceptable.
7. In Column (7), nature of misconduct, along with relevant clause(s) of CDA Rules, should necessarily be mentioned. For instance, it must be indicated whether the allegation/imputation reflects lack of devotion to duty or lack of integrity or it is a violation of some other CDA Rule.

No.000/DSP/1
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, INA
New Delhi –110023
Dated the 5th May, 2003

To

All Chief Vigilance Officers

Subject:- Non-Acceptance of the Commission's advice in the matter of appeals.

Sir/Madam,

The Commission has issued instructions vide circular No. 000/DSP/1 dated 10th February, 2003 on consideration of appeals preferred by the punished officers against the orders of punishment imposed on them. Accordingly, the relevant provision on appeal, in the Vigilance Manual, and Special Chapters on Vigilance Management in public sector banks/public sector enterprises/public sector insurance companies, would stand amended to that extent.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax-24651010

Copy for internal distribution

No.98/MSC/23
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi 110 023
Dated the 25th March 2003

To

All Chief Vigilance Officers

Subject:- Utilising the services of outsiders including retired officers for conducting Departmental Inquiries.

Sir/Madam,

Attention is hereby invited to the instructions contained in the Commission's circular letter No.98-MSC-23 dated 29th November, 2002 on the subject cited above.

2. The matter relating to appointment of outsiders including retired officer as Inquiry Officer has been considered further in the Commission and in supersession of all the instructions issued on the subject, it has now been decided that the disciplinary authority may appoint outsiders including retired officer as Inquiry Officer with the approval of the CVO. In case the CVO does not agree to his appointment as Inquiry officer and the DA/management insist on his appointment, only then the approval of the Commission should be sought.

3. However, before doing so, the organizations should lay down clear cut guidelines for appointment of Inquiry Officers.

4. In view of the aforesaid instructions, the Commission does not find the need to maintain a centralized panel.

Yours faithfully,

-sd-
(MANGE LAL)
Deputy Secretary
Telefax- 24651010

No.000/VGL/18
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi –110023
Dated the 3rd March 2003

To

- (1) The Secretaries of Ministries/Departments, autonomous organizations and Societies etc.
- (2) CMDs of all PSUs including PSBs.

Subject:- Delay in implementation of Commission's advice.

Reference: Commission's instructions vide Circular letter No. 000/VGL/18 dated 23.05.2000 and 003/MMT/02 dated 07.01.2003.

The Commission would like to invite the attention of disciplinary authorities to a large number of advices from it at both first and second stage pending implementation for long periods. It must be understood that a reasonable time limit for concluding and finalizing vigilance cases is already built in the procedure for disciplinary proceedings. Besides the responsibility for ensuring quick disposal of disciplinary proceedings rest with the administration and the vigilance department cannot be called in to share it at the advice implementation stage. Therefore administration must appreciate that it will be called upon to explain inordinate delay over the above the prescribed time limits for finalizing disciplinary cases. **Accordingly the Commission would like to direct that subsequent to its first and second stage advice the responsibility for finalization 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 finalization 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 from the vigilance angle with its attendant ramifications.

Kindly acknowledge receipt and confirm having taken steps for compliance of the above instructions. A copy of this letter is also being endorsed to the CVOs of the organizations for necessary followed up action.

Yours faithfully,

Sd/-
(R. Ashok)
Additional Secretary
Telefax: 24651017

No.000/DSP/1
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, INA,
New Delhi – 110023
Dated the 10th February 2003

To

All Chief Vigilance Officers.

Subject:- Non-acceptance of the Commission's advice in the matter of appeals.

The Commission tenders its second stage advice before the DA decides on the outcome of the inquiry in the case of major penalty or takes a view on the minor penalty proceedings after receipt of the explanation of the charged official. Sometimes after imposition of the punishment by the disciplinary authority, the charged official makes an appeal. The Appellate Authority is expected to keep 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 whether the deviation is serious enough to be included in its Annual Report.

2. The Commission further wishes to stress that reconsideration of advice will be only in exceptional cases at the specific request of the DA, before a decision is taken by it to impose the punishment or otherwise. After a decision has been taken by DA or the Appellate Authority the Commission will not entertain any reconsideration proposal. Such cases will be treated only as "deviation" from and non-acceptance of Commission's advice.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax : 24651010

No.002/MSD/15
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 10th February 2003

To

All Chief Vigilance Officers

Subject: Entitlement of TA/DA to the private witnesses and the retired employees appearing before departmental inquiry.

Sir,

It has come to the notice of the Commission that some of the organisations are reluctant to pay TA/DA to their retired employees for appearance in departmental inquiries. It has also been noticed that some of the private persons, summoned to appear as witnesses, had made payment of advance TA/DA a pre-condition for appearance.

2. The position regarding the payment of TA/DA to private persons or retired employees appearing as defence witnesses has been provided in the Ministry of Finance U.O. Note 3221-E IV(B)/61 dated 20.11.1961 and O.M. No. F.5(15) F.IV (B)/68 dated 15.09.1969 which inter-alia lay down that the private persons or retired employees appearing as prosecution or defence witnesses in departmental inquiries including those conducted by the Commissioner of Departmental Inquiries should be paid TA/DA. The Commission reiterates these instructions and expects the organisations/departments to follow these scrupulously.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax- 24651010

No.98/MSD/23
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 29th November 2002

To

All Chief Vigilance Officers

Subject: Utilising the services of retired officers for conducting Departmental Inquiries.

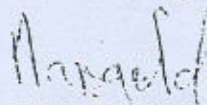
Sir,

Please refer to the Commission's circular of even number dated 16.09.1999 informing about the maintenance of a panel of retired officers by the Commission for appointment as inquiring authorities in the disciplinary proceedings and the terms and conditions for their appointments.

2. The issue of utilising the services of retired officers for conducting departmental inquiries has been reviewed in the Commission and it has been decided that the Commission would not involve itself in maintaining a panel of retired officers henceforth. However, in case any organisation requires the services of a retired/outside inquiry officers including those officers who are on the Commission's panel, they may do so after obtaining the prior concurrence of the Commission for that person.

3. This is for information and necessary action of all concerned.

Yours faithfully,



(Mange Lal)
Deputy Secretary
Tel.No. 4651010

Confidential

No.002/VGL/49
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block 'A',
GPO Complex, INA,
New Delhi-110023
Dated the 18th September 2002

To

All Chief Vigilance Officers.

Subject: Delay in implementation of CVC's advice.

Sir/Madam,

As per the information available on the CVC's web-site, updated on 20.08.2002, 3202 cases are pending with the disciplinary authorities for implementation of the Commission's first stage advice and 1473 cases for implementation of the Commission's second stage advice. This includes as many as 1947 cases (1st Stage) and 893 cases (2nd Stage) pending for more than a year.

2. The instructions issued by the Commission, vide letter No. 000/VGL/18 dated 23.05.2000 and the provisions made in the Special Chapters on Vigilance Management for Public Sector Undertakings/Banks/Insurance Companies provide for implementation of the CVC's first and second stage advice within a month of the receipt of Commission's advice. The Commission has, therefore, taken a serious note of delay in implementation of its advice. It desires that the Chief Vigilance Officers may pursue the matters vigorously with the concerned disciplinary authority to get the orders issued on such matters. In the Commission's view, the CVO's performance would need to be assessed, among others, on the basis of their effectiveness in expeditious decision in these cases.

Yours faithfully,

Sd/-
(K.L. Ahuja)
Officer on Special Duty

Immediate

No. 3S/DSP/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110023
Dated the 14th June 2002

To

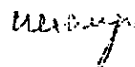
All Chief Vigilance Officers

Subject: Promotion of Govt. Servants against whom preliminary inquiries are pending – clarification regarding.

Sir/Madam,

The undersigned has been directed to refer to the Commission's letter of even number dated 28.03.2002, on the above subject, and to say that the instructions contained therein are hereby withdrawn. The Commission, however, desires that in the matter of promotion of public servants, the instructions contained in DOPT's O.M.No.22011/4/91-Estt.(A) dated 14.09.1992 may be followed strictly.

Yours faithfully,



(K.L. Ahuja)
Officer on Special Duty

No.001/VGL/82
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi – 110023.
Dated: 11th February 2002

To

All Chief Vigilance Officers

Sub: Video taping of evidence.

Sir,

It has been brought to the notice of the Commission that in Indian Airlines, departmental proceedings have been initiated and brought to successful completion in a case which emanated from a complaint that an official had demanded illicit gratification from a user. The crucial witness in the proceedings was the complainant who could not be personally present; a videotape of the complaint was utilised in the proceedings and it was considered sufficient to establish the case though preponderance of probability.

2. This is being brought to the notice of all concerned for similar action in such situations.

Yours faithfully,

Sd/-

(C.J. Mathew)
Deputy Secretary

No.: 98/VGL/60
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi – 110 023.
Dated the 2nd November, 2001.

To

All Chief Vigilance Officers

Subject: Rotation of officials working in sensitive posts.

Attention is invited to Circular No. 98/VGL/60 dated 15th April 1999 of the Central Vigilance Commission regarding rotation of officials working in sensitive posts.

2. It is hereby clarified that postings in the vigilance wings/departments are classified as sensitive. Therefore, the above instructions should be strictly followed while transferring officials to and from vigilance.

3. 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 organizations 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.

4. CVOs may certify annually that this exercise has been carried.

5. This is for strict compliance by all concerned.

This issues with the approval of the Commission.

Sd/-
(C.J. Mathew)
Deputy Secretary

No.: 001/DSP/6
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi – 110023.
Dated the 2nd November, 2001.

To

The All Chief Vigilance Officers

Sub: Ensuring attendance by private witnesses in Departmental Inquiries.

Sir,

It has been observed that in many cases warranting initiation of major penalty proceedings, the main impediment is the distinct possibility that private witnesses, who are required to provide crucial evidence, are likely to evade appearance before the Inquiry Authority.

2. The provisions of Departmental Inquiries (Enforcement of Attendance of witnesses and Production of Documents) Act, 1972 can be taken recourse to in such cases. This Act is applicable to all inquiry proceedings where lack of integrity is a charge or part of a charge. The inquiry authority authorised under the Act is conferred with the powers of a trial court to summon witnesses/documents and such summons shall be served through a District Judge. The authorisation to summon under the Act can be issued only by the Central Govt. Therefore, wherever lack of integrity is a charge and witnesses have to be compelled to attend, a proposal will have to be made to the Central Govt. by the concerned inquiry authority for issue of a notification conferring the power under the Act.

3. This may be resorted to when considered necessary.

4. This issues with the approval of the Commission.

Yours faithfully,

Sd/-
(C.J. Mathew)
Deputy Secretary

No. 98/MSC/23
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block "A",
GPO Complex, INA,
New Delhi.
Dated: 10th September 2001.

To

All Chief Vigilance Officer,
Public Sector Undertakings/Public Sector Banks.

Subject: Utilising the services of Retired Government Officer as Inquiry Officer in the disciplinary proceedings against the employees of Banks/PSUs.

Sir,

This has reference to the CVC's instructions vide No. 8(1)(h)/98(1) dated 18.11.98 regarding review of the cases pending for departmental inquiries and utilizing the services of retired Government officers as Inquiry Officer for completing the inquiry in time.

2. The Commission is reviewing the position. The following information is required in this regard:-

- (i) Whether PSUs/Banks have taken steps to amend the Conduct, Discipline and Appeal Rules, so as to provide for appointment of retired officers as Inquiry Officers.
- (ii) If the answer to (i) above is in the affirmative whether they have operated the panel prepared by the CVC.

3. It is requested the above mentioned information may be furnished to the Commission on priority basis.

Yours faithfully,

Sd/-
(C.J. Mathew)
Deputy Secretary

000/VGL/187
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 3rd August 2001

To

- (i) The Secretaries of All Ministries/ Departments of Government of India**
- (ii) All Chief Vigilance Officers of Ministries/Departments/Banks/PSUs/UTs/ Autonomous Bodies/ Insurance Sectors.**

Subject: References to the Commission seeking second stage advice.

The Central Vigilance Commission is empowered to exercise superintendence over the vigilance administration of the various Ministries of the Central Government or Corporations established under any Central Act, Government Companies, Societies and local authorities owned or controlled by that Government in terms of para 3(V) of the Ministry of Personnel, Public Grievances & Pensions, DOPT Resolution No. 371/20/99-AVD.III dated 4th April 1999.

2. Though there is no categorisation of public servants for determining the Commission's jurisdiction, in view of the magnitude of the total employee strength the Commission had delineated certain levels for making references to the Commission for advice, both first and second stage. It was also directed that this delineation would not operate in composite cases cutting across levels.

3. The Commission observes that, after seeking the Commission's first stage advice in composite cases, the concerned departments/organisations fail to seek second stage advice in the cases of all covered by the first stage advice ostensibly on the ground that certain employees do not come within the purview of the Commission.

4. In view of the comprehensive jurisdiction of the Commission and instructions regarding handling of composite cases, it is hereby clarified that, irrespective of level of the public servant, Commission's second stage advice should be sought in the case of all employees where first stage advice has been rendered by the Commission.

5. This issues with the approval of the Commission.

Yours faithfully,

Sd/-
(C.J. Mathew)
Deputy Secretary

No.3(v)/99/14
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, I.N.A.,
New Delhi- 110 023
Dated the 16th May 2001

Subject: System improvement to fight corruption through better synergy between CAG and CVC.

Under the powers vested in the DOPT Resolution No.371/20/99-AVD.III dated 4th April 1999, para 3(v), the following instructions are issued:

The audit reports of the Comptroller & Auditor General many a time reveal not only administrative and financial irregularities but also actual cases of corruption. The CAG reports are generally well documented and would be useful in bringing the corrupt public servants to book.

2. There is a need for introducing a system for prompt follow up action in the cases of corruption brought out by the CAG in its audit reports. The Public Accounts Committee and the Committee on Public Undertakings which scrutinise the CAG reports may not have the time to scrutinise all the reports and all the paragraphs. At the same time, the valuable information available through the CAG audit reports in the form of documented cases of corruption call for prompt action on the part of the disciplinary authorities.

3. It is, therefore, decided that with immediate effect the CVOs in all the organisations must scrutinise the CAG audit reports issued after the date of this circular to check whether any cases of 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.

4. The Commission had also been in correspondence with the CAG on this subject. It has been agreed that 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 CVC 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 CVC to Strengthen the system to fight corruption.

5. This instruction is also available on the CVC web site at <http://cvc/nic.in>.



(N. VITTAL)

CENTRAL VIGILANCE COMMISSIONER

To

1. The Secretaries of all Ministries/Departments of Government of India
2. The Chief Secretaries to all Union Territories
3. The Comptroller & Auditor General of India
4. The Chairman, Union Public Service Commission
5. The Chief Executives of all PSEs/Public Sector Banks/ Insurance Companies/Autonomous Organisations/ Societies
6. The Chief Vigilance Officers in the Ministries/Departments/PSEs/ Public Sector Banks/Insurance Companies/Autonomous Organisations /Societies
7. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO
8. Director, CBI
9. Department of Personnel & Training, North Block, New Delhi

001/VGL/5
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 25th April 2001

To

- (i) Secretaries of all Ministries/Departments of Government of India.
- (ii) Chief Executives of all PSEs/Public Sector Banks/Insurance Companies/
Autonomous Organisations/Societies.
- (iii) CVOs of all Ministries/ Departments / Public Sector Undertakings/
Organisations.

Subject: Tackling corruption through a proper follow up of audit reports.

Sir,

Audit is an important tool available for proper control of organisations and the office of the Comptroller and Auditor General (CAG) has been envisaged as the body established for carrying out the necessary checks and reporting of irregularities. It has, however, been observed by the Commission that in response to CAG reports, apart from replying to the office of CAG and to the Public Accounts Committee, no serious effort is undertaken to identify the officials responsible and to initiate disciplinary proceedings, where warranted. As a result, the audit exercise remains an unfulfilled one and irregularities continue to be repeated.

2. The Commission has been in correspondence with CAG on this subject and it has been decided that all serious cases of malpractices reported by the CAG which have a perceived vigilance angle would be sent to the Commission for examination and follow up action.

3. However, this does not absolve the Ministries, Departments and other organisations of their administrative responsibility. It has, therefore, been decided that, in future, all audit reports should be examined by the administrative head to identify the officials responsible for the lapses. Initiation of disciplinary action should be the objective of this examination and the matter is to be referred thereafter to the CVO for complying with the procedure stipulated. Any audit report on which it has been decided that no action is to be initiated is to be furnished, within three months of receipt, to the CVO for a further examination. The CVO is to furnish quarterly data to the Commission about such cases.

This is issued for strict compliance by all concerned.

Yours faithfully,

Sd/-
(C.J. Mathew)
Deputy Secretary

No.000/VGL/166
Government of India
Central Vigilance Commission

Satarkata Bhavan, Block "A"
GPO Complelx, I.N.A.,
New Delhi-110023
Dated the 16th January 2001

To

All CVOs of Ministries/Departments of Govt. of India/Nationalised Banks/
PSUs/Autonomous Bodies etc.

Subject: Advance copy of CVO investigation report to CVC.

Please refer to instructions issued under the Commission's Circular of even number dated 9/11/2000 regarding advance copy of CVO investigation report to CVC. Consequent upon the issue of the instructions, certain clarifications have been sought by some Departments/Organisations on the issue. The matter has been considered in the Commission and it is clarified as under:

- i) The Commission's circular dated 9.11.2000 refers to investigations carried out by the Vigilance Wing of the concerned Ministries/Departments/Organisations into acts of omission and commission on the part of officers coming within the purview of the Commission's jurisdiction.
- ii) It is reiterated that notwithstanding the submission of advance copy by the CVO, a separate reference in accordance with the usual procedure needs to be made to the Commission to enable tendering of advice.
- iii) CVOs are to furnish advance copies to the Secretary, Central Vigilance Commission and not to the undersigned.

This issues with the approval of the Commission.

Yours faithfully,

Sd/-
(C.J.Mathew)
Deputy Secretary

000/VGL/166
Government of India
Central Vigilance Commission

**Satarkta Bhawan, Block 'A',
GPO Complex, INA
New Delhi-110013.**

Dated the 9th November, 2000

To

All Chief Vigilance Officers of Ministries/ Departments of Government of India/ Nationalised Banks/ PSU's Autonomous Bodies, Societies etc.

Subject: Advance copy of CVO investigation reports to CVC.

The Commission finds that there is a disturbing trend noticed in certain organisations under its purview to shield corrupt public servants especially at the senior levels. The modus operandi is not to respond to the CVC's communications and delay the report as far as possible. Secondly when the CVOs report is submitted, attempts are made to dilute the gravity of offence before reference is made to CVC, if it all made.

2. In order to reduce such in-built safety nets for the corrupt public servants, it has been decided that with immediate effect all CVOs, when they complete their investigation in vigilance cases, will endorse an advance copy of their report to the CVC while submitting their reports/ comments to the superiors in the organisations. The CVC in turn would analyse the reports/ comments and keep the course of action ready. As soon as the reference is received from the appropriate disciplinary authority, could be taken for giving the advice after taking into account the specific advice of the disciplinary authorities. If attempts have been made to dilute the CVOs report and shield the corrupt, this would also become clear.

3. After the CVO gives the investigation report generally the appropriate authorities must be able to send the report to the CVC within one month of the submission of the report. It is quite possible that a series of queries can be raised by way of scrutiny of the CVOs report which can sometimes be a deliberate attempt to shield the corrupt. In such cases, the CVC will be constrained to draw appropriate conclusion about the action being taken by the CVO.

Yours faithfully,

Sd/-
(C.J. Mathew)
Deputy Secretary

No.99/VGL/66
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A",
GPO Complex, I.N.A.,
New Delhi-110023
Dated the 28th September 2000

To

All Chief Vigilance Officers of Ministries / Departments of Government of India/ Nationalised Banks / PSUs / Autonomous Bodies, Societies etc.

Subject: - Consultation with the CVC - Making available a copy of the CVC's advice to the concerned employee.

Sir,

Para 3.6 (iii), chapter XI and para 8.6, Chapter XII of the Vigilance Manual, Vol. I, provide that the advice tendered by the Central Vigilance Commission is of a confidential nature meant to assist the disciplinary authority and should not be shown to the concerned employee. It also mentions that the Central Vigilance Commission tenders its advice in confidence and its advice is a privileged communication and, therefore, no reference to the advice tendered by the Commission should be made in any formal order.

2. The Commission has reviewed the above instructions in view of its policy that there should be transparency in all matters, as far as possible. The Commission has observed that the Hon'ble Supreme Court had held a view in the case - State Bank of India Vs. D.C. Aggarwal and another [Date of Judgement: 13.10.1992] - that non-supply of CVC's instructions, which was prepared behind the back of respondent without his participation, and one does not know on what material, which was not only sent to the disciplinary authority but was examined and relied, was certainly violative of procedural safeguard and contrary to fair and just inquiry. Further, the Hon'ble High Court of Karnataka at Bangalore, in writ Petition No. 6558/93, has also observed that if a copy of the report (CVC's advice) was furnished to the delinquent officer, he would have been in a position to demonstrate before the disciplinary authority either to drop the proceedings or to impose lesser punishment instead of following blindly the directions in the CVC's report.

3. The Commission, at present, is being consulted at two stages in disciplinary proceedings, i.e. first stage advice is obtained on the investigation report before issue of the charge sheet, and second stage advice is obtained either on receipt of reply to the charge sheet or on receipt of inquiry report. It, however, does not seem necessary to call for the representation of the concerned employee on the first stage advice as the concerned employee, in any case, gets an opportunity to represent against the proposal for initiation of departmental proceedings against him. Therefore, 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. However, when the CVC's second stage advice is obtained, a copy thereof may be made available to the concerned employee, along with the IO's report, to give him an opportunity to make representation against IO's findings and the CVC's advice, if he desires to do so.

4. In view of the position stated above, para 3.6 (iii), Chapter XI and para 8.6, Chapter XII of the Vigilance manual, Vol. I, and also para 2 of the Commission's letter No. 6/3/73-R dated 20.08.1973 may be treated as deleted.

5. Para 12.4.4 of Special Chapter on Vigilance Management in Public Sector Banks and para 22.6.4 of the Special Chapter on Vigilance Management in Public Sector Enterprises envisage that the inquiring authorities, including the CDIs borne on the strength of the Commission, would submit their reports to the disciplinary authority who would then forward the IO's reports, along with its own tentative views to the Commission for its second stage advice. The existing procedure in this regard may broadly continue. The disciplinary authority may, after examination of the inquiry report, communicate its tentative views to the Commission. The Commission would thereafter communicate its advice. This, along with the disciplinary authority's views, may be made available to the concerned employee. On receiving his representation, if any, the disciplinary authority may impose a penalty in accordance with the Commission's advice or if it feels that the employee's representation warrants consideration, forward the same, along with the records of the case, to the Commission for its reconsideration.

6. Thus, if on the receipt of the employee's representation, the concerned administrative authority proposes to accept the CVC's advice, it may issue the orders accordingly. But if the administrative authority comes to the conclusion that the representation of the concerned employee necessitates reconsideration of the Commission's advice, the matter would be referred to the Commission.

Yours faithfully,


(K.L. Ahuja)
Officer on Special Duty

No.000/VGL/70
Government of India
Central Vigilance Commission

Satarkata Bhavan, Block "A",
GPO Complex, I.N.A.,
New Delhi - 110 023.
Dated 25th September 2000

Subject: - Suspension of public servants involved in criminal/departmental proceedings.

Suspension is an effective tool for checking corruption. There have been many instances where senior officials, who had been trapped or were alleged to have disproportionate wealth or who were facing charge sheets on other serious charges, had not been suspended. It has also come to notice that officers charged of corruption, if not suspended, manage to get their inquiries delayed because delay in criminal/departmental proceedings enables them to continue in service even though the charges against them are grave enough to deserve the punishment of dismissal from service. Such officials can also use the opportunity of continuance in service for earning money through illegal/corrupt means. The Commission, therefore, is of the view that officers facing criminal/ departmental proceedings on serious charges of corruption should be placed under suspension as early as possible and their suspension should not be revoked in a routine manner.

2. It has been provided in para 2.4, Chapter V of the Vigilance Manual, Volume-I, that public interest should be the guiding factor in deciding whether, or not, a public servant should be placed under suspension; or whether such action should be taken even while the matter is under investigation and before a prima-facie case has been established. The instructions provide that it would be appropriate to place a person under suspension if: -

- (i) the continuance of the public servant in office is likely to prejudice investigation, trial or inquiry [apprehending tampering with documents or witness]; or
- (ii) where the continuance in office of the public servant is likely to seriously subvert discipline in the office in which he is working;
- (iii) where the continuance in office of the public servant will be against the wider public interest, e.g., if there is a public scandal and it is considered necessary to place the public servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;

- (iv) where the investigation has revealed a prima-facie case justifying criminal/departmental proceedings which are likely to lead to his conviction and/or dismissal, removal or compulsory retirement from service; or
- (v) where the public servant is suspected to have engaged himself in activities prejudicial to the interest of the security of the State.

3. Para 2.5, Chapter V of the Vigilance Manual, Volume-I also lays down that it may be considered desirable to suspend a public servant for misdemeanor of the following types: -

- (i) an offence or conduct involving moral turpitude;
- (ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gains;
- (iii) serious negligence and dereliction of duty resulting in considerable loss to Government;
- (iv) desertion of duty; and
- (v) refusal or deliberate failure to carry out written orders of superior officers.

[In case of types (iii), (iv) and (v) discretion should be exercised with care].

4. It has also been provided in para 17 of the "Directive on investigation of cases by the Special Police Establishment Division of the CBI" that the CBI would recommend suspension of the concerned employees in appropriate cases.

5. The Central Vigilance Commission has been empowered, vide para 3 (v) of the Government of India's Resolution No.371/20/99-AVD.III dated 4th April 1999, to exercise superintendence over the vigilance administration of 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. Since the suspension of a public servant on serious charges, like corruption, is directly related to the vigilance administration, the Commission hereby desires that all disciplinary authorities should follow the instructions enumerated in paras 2, 3 and 4 supra strictly. It also desires that if the CBI recommends suspension of a public servant and the competent authority does not propose to accept the CBI's recommendation in that regard, it may be treated as a case of difference of opinion between the CBI and the administrative authority and the matter may be referred to the Commission for its advice. It also directs that if a

person had been suspended on the recommendations of the CBI, the CBI may be consulted if the administrative authority proposes to revoke the suspension order.

6. These instructions are available on the CVC's web-site <http://cvc.nic.in>



(N. VITTAL) 25.9.2000
CENTRAL VIGILANCE COMMISSIONER

To

1. The Secretaries of all Ministries/Departments of Government of India.
2. The Chief Secretaries to All Union Territories.
3. The Comptroller & Auditor General of India.
4. The Chairman, Union Public Service Commission.
5. The Chief Executives of All PSEs/Public Sector Banks/ Insurance Companies/Autonomous Organisations/ Societies.
6. The Chief Vigilance Officers in the Ministries/ Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
7. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO.
8. Director, CBI.
9. Department of Personnel & Training, North Block, New Delhi.

No.3(V)/99/12
Government of India
Central Vigilance Commission

Satarkata Bhavan, Block 'A'
GPO Complex, I.N.A.,
New Delhi-110023
Dated the 14th August 2000

Subject: - Appointment of consultants in vigilance departments.

It was stated in the Department of Personnel & Training's OM No.371/32/97-AVD.III dated 28.11.1997 that contrary to the instructions governing appointment of CVOs, such functions as are to be performed strictly by the CVOs or vigilance set-ups in the Ministries/Departments were assigned to outsiders engaged as consultants. It was clarified that consultants are not appointed against any regular post and, therefore, their engagement itself for sensitive functions of vigilance and discipline was against the spirit of the scheme of "vigilance and discipline".

2. The appointments against the posts of CVOs are made with the prior approval of the Commission. The Commission, therefore, takes care of the situation that no organisation appoints a consultant to perform the functions of a CVO. It has, however, been observed by the Commission that some of the organisations have appointed retired officers as consultants in the vigilance/personnel departments to perform vigilance functions, in the capacities of other than the CVO.

3. 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 Commission in exercise of the powers conferred upon it, vide para 3(v) of the Government of India's Resolution No. 371/20/99-AVD.III dated 04.04.1999, directs that 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. If there is not sufficient vigilance work for a full-time functionary in the organisation, the organisation may entrust him some other work in addition to vigilance work.

4. The above instructions may please be followed strictly. For any violation of the above instructions, the CVO and the chief executive of the concerned organisation may be held responsible.

5. This order is available on the CVC's website <http://cvc.nic.in>.


(N. VITTAL) 14. 8. 2000
CENTRAL VIGILANCE COMMISSIONER

To

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) Chief Executives of all Public Sector Undertakings/ Banks/ autonomous organisations etc.
- (vi) All Chief Vigilance Officers in the Ministries/Departments/ PSEs/Public Sector Banks/Insurance Companies/ Autonomous Organisations/Societies
- (vii) President's Secretariat/Vide President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO/CBI
- (viii) The NGOs/Institutes/Service Associations (appearing in the Commission's mailing list)

No.000/VGL/18
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 23rd May 2000

To

The CVOs of Ministries/Departments, autonomous organisations and Societies etc.

Subject: Schedule of time limits in conducting investigations and departmental inquiries.

Sir,

Delays in disposal of disciplinary cases are a matter of serious concern to the Commission. Such delays also affect the morale of the suspected/charged employees and others in the organisation. The Commission has issued instructions, vide its communication No. 8(1)(g)/99(3) dated 03.03.1999, that departmental inquiries should be completed within a period of six months from the date of appointment of Inquiry Officers. Regarding other stages of investigation/inquiry, the time-schedule, as under, has been laid down in the Special Chapters on Vigilance Management in Public Sector Banks/Enterprises, which are applicable to the employees of public sector banks / enterprises. The Commission desires that these time-limits should also be adhered to by the Ministry/Departments of Government of India, autonomous organisations and other Cooperative Societies, in respect of their employees, so as to ensure that the disciplinary cases are disposed of quickly.

S.No	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 departmental agency or to be sent to the concerned administrative authority for necessary action.	-do-
3.	Conducting investigation and submission of report.	Three months.
4.	Department's comments on the CBI reports in cases requiring 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 investigation report.
6.	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.

7.	Issue of charge-sheet, if required.	(i) One month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report
8.	Time for submission of defence statement.	Ordinarily ten days or as specified in CDA Rules.
9.	Consideration of defence statement.	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.	Immediately after receipt and consideration of defence statement.
12.	Conducting departmental inquiry and submission of 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 days of receipt of IO's report if any of the Articles of charge has been held as proved; ii) 15 days if all charges held as not proved. Reasons for disagreement with IO's findings to be communicated
14.	Consideration of CO's representation and forwarding IO's report to the Commission for second stage advice.	One month from the date of receipt of representation.
15.	Issuance of orders on the Inquiry report.	i) One month from the date of Commission's advice. ii) Two months from the date of receipt of IO's report if Commission's advice was not required.

Yours faithfully,

Sd/-

(K.L. Ahuja)
Officer on Special Duty

No.3M-VGL-3
Government of India
Central Vigilance Commission

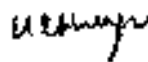
Satarkata Bhawan,
GPO Complex,
Block-A, INA,
New Delhi - 23.
Dated 7th April 2000

OFFICE MEMORANDUM

Subject:- Powers and functions of the Central vigilance Commission in relation to autonomous bodies 'other than the public sector undertakings' under various Ministries/Departments.

The Commission, vide its OM No. DM-VGL-10 dated 18.10.1984, had advised all Ministries/Departments of Government of India that the vigilance cases against those officials of autonomous bodies, which did not fall in the category of public sector undertakings or local bodies and also whose employees could not be considered to be Government servants, drawing basic pay of Rs.1000/- per month and above might be referred to the Commission for advice. Such bodies included those set up by Acts of Parliament, or registered under the Societies Act, or those set up in some other manner such as a Resolution of the Government.

2. The above pay limit of Rs.1000/- was based on the pay pattern recommended by the Third Pay Commission. The aforesaid pay limit for reference to the Commission was revised to Rs.2825/- for those organisations, who had revised their pay-scale on the pattern of the recommendations of Fourth Pay Commission [para 5.4 of Chapter I of the Vigilance Manual, Volume-I refers]. Consequent upon the implementation of the recommendations of Fifth Pay Commission, the Commission has reviewed the aforesaid pay limit and has decided that the cases against those officials of autonomous bodies/cooperative societies etc., who are in receipt of basic pay of Rs.8700/- per month and above may be referred to the Commission for advice.



(K.L. Ahuja)
Officer on Special Duty

To

- (1) The Secretaries of all Ministries/Departments of Government of India.
- (2) The CVOs of all autonomous organisations/cooperative societies within the purview of the Commission.

No. 000/DSP/1
Government of India
Central Vigilance Commission

Satarkata Bhawan,
Block "A", GPO Complex,
INA, New Delhi- 110 023.
Dated the 6th March 2000

To

All Chief Vigilance Officers of the
Ministries/Departments/PSEs/Banks/autonomous organisations etc.

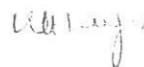
Subject: References to the Commission for reconsideration of its advice - Prescribing
time-limits.

Sir,

Para 5.16, Chapter I of the Vigilance Manual Volume-I, provides for consultation with the Commission if the administrative authorities do not agree with the Commission's advice and propose to take either a "lenient view" or a "stricter view" than recommended by it. Such references, however, may be made only once and that too with the prior approval of the authorities indicated in para 5.13(b), Chapter I *ibid*. Similar provisions also exist in para 11 and 19 respectively of the Special Chapters on Vigilance Management in Public Sector Banks and Public Sector Enterprises.

2. Delay in disposal of disciplinary cases has been a matter of serious concern to the Commission. Such delays, while affecting the morale of the concerned employees, also lose the deterrent effect for the dishonest employees. The Commission has, therefore, laid down a schedule of time limits for conducting investigations and departmental inquiries in para 41 of the Special Chapters on Vigilance Management in Public Sector Enterprises. It has, however, been observed that references to the Commission for reconsideration of its advice are being made in a number of cases after the lapse of a considerable time after it tendered its advice. This could be in order to cover up the delays in finalisation of the proceedings or with an intention to prolong the proceedings. Thus, in order to prompt the administrative authorities to accord priority to the disciplinary cases, the Commission has decided that the administrative authorities, if they so desire, may make references to the Commission for reconsideration of its advice within a period of two months from the date of receipt of its advice, failing which the Commission may decline to entertain such references.

Yours faithfully,


(K.L. Ahuja)
Officer on Special Duty

No.99/VGL/62
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023
Dated the 29th November 99

To

All Chief Vigilance Officers.

Subject:- Amendment of Para 11.4, Chapter X of Vigilance Manual Vol. I.

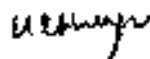
Sir,

Para 11.4, Chapter X of the Vigilance Manual Volume I refers to the illustrative types of vigilance cases in which it might be desirable to initiate proceedings for imposing a major penalty. Sub-para (iii) thereof refers to the "Gross irregularity or negligence in the discharge of official duties with a dishonest motive". It has been observed that some of the disciplinary authorities did not initiate departmental proceedings for imposition of a major penalty in the cases involving gross negligence/flagrant violation of systems and procedures on the consideration that there was no material to prove the element of "dishonest motive". The cases involving gross negligence/flagrant violation of systems and procedures do involve a vigilance angle and the involvement of "malafides" are to be inferred or presumed from the actions of the concerned employee depending upon the facts and circumstances of the case. However, with a view to remove the ambiguity, the Commission has decided to amend para 11.4 (iii) ibid as under:-

"The case involving any of the lapses such as gross or wilful negligence, recklessness, exercise of discretion without or in excess of powers/jurisdiction, causing undue loss to the organisation or a concomitant gain to an individual, and flagrant violation of systems and procedures".

2. This is brought to the notice of all concerned for appropriate action.

Yours faithfully,



(K.L.Ahuja)
Officer on Special Duty

Copy forwarded for information and necessary action to:-

1. The Department of Personnel & Training (Shri I.S.Chaturvedi, Deputy Secretary (Vig.), North Block, New Delhi.
2. The Central Bureau of Investigation (Shri N.K.Balachandran, JD (Policy), CGO Complex, New Delhi.

No.3(v)/99/8
CENTRAL VIGILANCE COMMISSION

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023
Dated the 5th October,1999.

Subject:- Drafting of charge- sheet.

Inadequate skill in drafting the charge-sheet is one of the reasons which help the charged officials to get away with lapses/misconduct committed by them. Many cases fail before the Courts of Law just because of the defective framing of charge-sheets. It has been observed by the Commission that the chargesheets are sometimes framed in a very general way and the existing practice with regard to framing of charges and imputations vary widely. Sometimes the charge itself is framed in a very general way, only pointing out that the official concerned has acted in an unbecoming manner or has shown lack of devotion to duty or has acted without integrity. The real issues, in such circumstances, are to be found in the statement of imputations. It has also been observed by the Commission that the organisations/Ministries etc. while framing the charge sheets list serious irregularities/charges in the imputations but do not mention the same in the articles of charge. Many a times the charges are not framed in accordance with the advice given by the Commission, thereby diluting the central issues.

2. Rule 14(3)(i) of the CCS (CCA) Rules stipulates that "the substance of the imputations of misconduct or misbehaviour into distinct articles of charge" should be drawn up by the Disciplinary Authority whenever it is proposed to hold an enquiry against a Government servant. This would mean that no charge can be proper or complete without including therein elements of the main content of the allegations/imputations. Therefore, the spirit of all Conduct, Discipline & Appeal Rules imply that there should be a specific finding on each allegation made against the officer. At the end, the IO must then apply his mind to come to a conclusion as to whether the charge as a whole has been proved wholly, partially or not at all.

3. It has to be understood that the statement of imputations/allegations annexed are supplementary/supportive material to the charge sheet; they are details of facts/evidence to support the charges made, and should contain names of witnesses/documents in support of the charges. That is, the statement of imputations is to make the basis of the charge, allegation-wise, precise and specific and should include details of what exactly each witness/document is going to prove regarding every charge. Each charge should also have a separate statement of imputations of

misbehaviour/misconduct. The common failing of listing out one long statement of misconduct/misbehaviour ought to be avoided.

4. The Commission has also issued instructions earlier which are reproduced in Para 14.1 to 14.3 of Chapter X of Vigilance Manual Part I stipulating that the articles of charge should be framed with great care. Broad guidelines as to how the articles of charge should be framed have also been indicated therein. Similarly, the common mistakes which have been noticed by the Commission in framing the chargesheet have also been incorporated in Para 12.1.3 of the special Chapter on Vigilance Management in Banks and Para 20.1.3 in the Special Chapter in PSEs. These are reproduced below:-

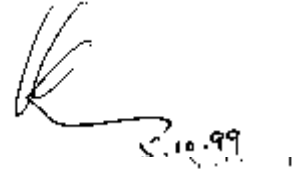
"Special care has to be taken while drafting a chargesheet. A charge of lack of devotion to duty or integrity or unbecoming conduct should be clearly spelt out and summarised in the Articles of charge. It should be remembered that ultimately the IO would be required to give his specific findings only on the Articles as they appear in the chargesheet. The Courts have struck down chargesheets on account of the charges framed being general or vague (S.K. Raheman Vs. State of Orissa 60 CLT 419.) If the charge is that the employee acted out of an ulterior motive that motive must be specified (Uttar Pradesh Vs. Salig Ram AIR 1960 All 543). Equally importantly, while drawing a charge sheet, special care should be taken in the use of language to ensure that the guilt of the charged official is not pre-judged or pronounced upon in categorical terms in advance (Meena Jahan Vs. Deputy Director, Tourism 1974 2SLR 466 Cal). However, the statement merely of a hypothetical or tentative conclusion of guilt in the charge, will not vitiate the charge sheet (Dinabandhu Rath Vs. State of Orissa AIR 1960 Orissa 26 cf. Also Powari Tea Estate Vs. Barkataki (M.K.) 1965 Lab LJ 102)".

5. Notwithstanding the extant instructions/guidelines many organisations continue to make avoidable mistakes while framing the charge sheets. Therefore, it is reiterated that the extant instructions on the subject as stated in the aforesaid paras may be followed carefully while drafting the charge sheet, in order to avoid subsequent difficulties. The CVOs of the organisations/Ministries etc. should ensure that these instructions are implemented scrupulously.

6. In addition as already summarised above, an IO is required to give his finding in respect of each article of charge and reasons thereof. As the articles of charge are definite and distinct substance of the statement of imputations of misconduct or misbehaviour, the findings on each articles of charge have to be inter-alia based on statement of imputations. Therefore, the Inquiry Officers are required to record their findings in respect of each allegation framed in support of an article of charge in order to ensure that inquiry reports do not suffer due to deficiencies.

7. All CVOs may ensure strict compliance of the above instructions. CVOs are also instructed to carry out an exercise on their own in respect of cases where the Commission has tendered its first stage advice to ensure that the articles of charge and statement of imputations are in conformity with the advice. The CVOs of Ministries can also check charge sheets in a random manner during their visits/inspections.

8. This instruction is available in the website of CVC at <http://cvc.nic.in>.



(N.VITTAL)

CENTRAL VIGILANCE COMMISSIONER

TO

- (i) The Secretaries of All Ministries/Departments of Government of India.
- (ii) The Chief Secretaries to All Union Territories.
- (iii) The Comptroller & Auditor General of India.
- (iv) The Chairman, Union Public Service Commission.
- (v) All Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
- (vi) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO.
- (vii) The Director/CBI, New Delhi.

TERMS AND CONDITIONS FOR APPOINTING RETIRED OFFICERS AS INQUIRY OFFICERS

The Retired Government Officer, hereinafter, referred to as Inquiry Officer (IO):

1. should not be more than 70 years of age as on the 1st July of the year of his empanelment;
2. should be in sound health, physically and mentally;
3. shall not engage himself/herself in any other professional work or service, which is likely to interfere with the performance of his/her duties as Inquiry Officer;
4. shall be appointed as IOs by the Disciplinary authority of the Charged Officer whose case is entrusted to him/her;
5. will be entrusted with the Inquiries on 'Case-to-case' basis, by the Disciplinary authority;
6. shall maintain strict secrecy in relation to the documents he/she receives or information/data collected by him/her in connection with the Inquiry and utilise the same only for the purpose of Inquiry in the case entrusted to him/her. No such documents/information or data are to be divulged to any one during the Inquiry or after presentation of the Inquiry Report. The I.O. entrusted with the Inquiries will be required to furnish an undertaking to maintain strict secrecy and confidentiality of all records/documents/ proceedings etc. All the records, reports etc. available with the I.O. shall be duly returned to the authority which appointed him/her as such, at the time of presentation of the Inquiry Report;
7. shall be paid a lumpsum remuneration of Rs.5000/- (Rupees Five thousand only), per Departmental Inquiry Report, in a case, by the Department/Organisation to which the charged officer belongs;
8. shall be paid, in addition to the remuneration of Rs.5000/-, an amount of Rs.1000/- (Rupees One thousand only) per Departmental Inquiry Report, for clerical and Stenographic work, which the IO has to arrange by himself/herself.

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9. will be entitled, besides the above, reimbursement of Rs.500/- (Rupees five hundred only) as Conveyance Charges, per Departmental Inquiry Report (applicable only if the place of Inquiry is a 'A' or 'B-1" class cities);
 10. shall conduct the inquiry proceedings only in the office premises of the Department/Organisation, which engages him/her.
 11. the inquiry proceedings are to be conducted at the headquarters of the Departments/Organisations or at the place of concentration of the charged officer(s), witnesses etc. In unavoidable circumstances where the Inquiry Officer has to undertake travel for conducting inquiry, the rate of TA/DA in such cases may be permissible to the rate applicable to the serving officers of equivalent rank;
 12. shall be provided with a room with furniture and lockable almirahs by the concerned Department/Organisation, which engages him/her on the days of Inquiry;
 13. shall be provided with the stationery/postage by the Department/Organisation, which engages him/her;
 14. shall be terminated from the services of an IO at any time by the Appointing Authority, without notice and without assigning any reasons. However, the concerned authority has to intimate the Central Vigilance Commission the reasons for doing so that the Commission can take in to account those things while reviewing the panel; and
 15. shall submit the inquiry report after completing the inquiry within six months from the date of his appointment as Inquiry Officer to become eligible for payment of remuneration as indicated at item No. 7 to 9.

Immediate

**No.98/MSC/23
Government of India
Central Vigilance Commission**

**Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi - 110 023
Dated the 16th September, 1999**

To

All Chief Vigilance Officers

**Subject: Utilising the services of retired officers for conducting Departmental
Inquiries.**

Sir,

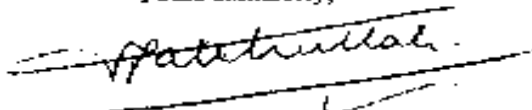
As you are aware the Commission, in order to ensure that the departmental inquiries are completed in time, had advised all Departments/Organisations vide its instruction No. 8(1)(h)/98(1) dated 18.11.98 to immediately review all pending cases and appoint IOs from among retired Government Officers. In the said instruction, the Commission had interalia stated that it would build a panel of officers for this purpose.

2. Accordingly, after verifying the antecedents of Retired Officers, the Commission has built a database. The details of retired officers who have been empanelled by the Commission as on date is enclosed. The terms and conditions formulated by the Commission for appointing these officers is also enclosed.

3. This is brought to the notice of all concerned in order to utilise the services of the empanelled retired officers of IOs.

4. This instruction as well as the panel of retired officers and the terms and conditions are available on the web site of CVC as **<http://cvc.nic.in>**. The panel will be updated from time to time in the web site, which can be downloaded. Those Departments/Organisations who do not have Internet facility may approach the Commission for the updated panel.

Yours faithfully,



**(P. S. Fatehullah)
Director**

NO.3(v)/99/7
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi -110023
Dated the 6th September 1999

Subject:- Improving vigilance administration- Reducing delays in Departmental Inquiries.

Prolonged departmental inquiries not only delay justice to the honest persons but also help the guilty to breath freely. The Central Vigilance Commission issued an instruction in this regard vide No.8 (1)(g)/99(3) dated the 3rd March, 1999 thereby stipulating a model time schedule for conducting departmental inquiries. In order to eliminate the delays in the departmental inquiries, by virtue of the powers vested in the CVC under para 3(v) of the Ministry of Personnel, Public Grievances & Pension, Department of Personnel and Training Resolution No.371/20/99-AVD.III dated the 4th April, 1999, the Commission issues the following guidelines after having identified some of the reasons for delay in the departmental inquiries:-

1.1 Certified photocopies of documents

As per the extant instructions, while the CBI can pursue the prosecution cases in the Courts, simultaneously departmental inquiries can also be held. In order to ensure that the critical documents needed in the departmental inquiries are made available, the responsibility has been put on the CBI to make photocopies of seized documents within four days so that the departmental proceedings can be proceeded with. A large number of cases are pending for more than two years because of non-availability of documents for inspection, which are already before the Court.

It has therefore, been decided with immediate effect that the CBI should make legible certified photocopies of all the documents, which they seize, for launching the prosecution against the charged officer to concerned departments. It is also the responsibility of the CVOs to ensure that these certified legible photocopies of documents are made available when the CBI seizes the documents in any Government organisation. This is applicable to all Government organisations Public Sector Undertakings and Banks.

1.2 Availability of documents to CDIs/IOs

In many cases the concerned departments do not make the documents available during the departmental inquiries conducted by the Commissioner for Departmental

Inquiries (CDIs). This may be either due to inefficiency or collusion. There have been a lot of cases where important/critical files have disappeared. As failure to safeguard documents is an offence it has been decided that henceforth the following practice will be adopted by all concerned:-

The inquiry officer/CDI will ask the concerned departments to produce the documents within a time limit fixed by the IO/CDI. While doing so it will be indicated that if within the stipulated time frame the concerned department is not able to produce the documents the disciplinary authority will fix responsibility for the loss of the documents and compliance reported to the Commission within a period of 3 months.

These documents would cover not only those listed in the charge-sheet but also additional documents as sought out by the charged officer and permitted by the Inquiring Authority.

2. All CVOs must ensure that strict compliance of the above guidelines of the Commission.
3. This order is also available on web site of the CVC at <http://cvc.nic.in>


(N.VITTAL)

CENTRAL VIGILANCE COMMISSIONER

To

- (i) The Secretaries of All Ministries/Departments of Government of India
- (ii) The Chief Secretaries to All Union Territories
- (iii) The Chief Executives of PSUs/Banks/Organisations
- (iv) The Comptroller & Auditor General of India
- (v) The Chairman, Union Public Service Commission.
- (v) The Director, CBI
- (vii) All Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
- (viii) President's Secretariat/Vic-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO.

Immediate

No.99/DSP/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 11th August 1999

To

All Chief Vigilance Officers

Subject: Definition of the term Stiff/Severe minor penalty.

Sir,

The Central Vigilance Commission has clarified the term "stiff/severe major penalty" vide its circular of even number dated the 5th February 1999.

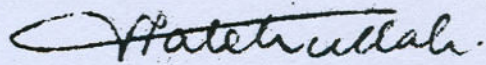
2. In order to standardise the interpretation of the term stiff/severe minor penalty, it is hereby clarified that "Stiff/Severe minor penalty" means:

- (a) reduction to a lower stage in the time-scale of pay for a period not exceeding 3 years, without cumulative effect and not adversely affecting his pension.
- (b) withholding of increments of pay.

No other interpretation of the given term is intended by the Commission. The Ministries/Departments/Organisations may, therefore, adhere to the said interpretation strictly and bring this to the notice of all concerned.

3. This issues with the approval of the Central Vigilance Commissioner.

Yours faithfully,



(P.S. Fatehullah)
Director

Stands withdrawn vide Office Order No.11/03/10 03rd March, 2010

98/VGL/60
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi – 110 023
Dated the 15th April 1999

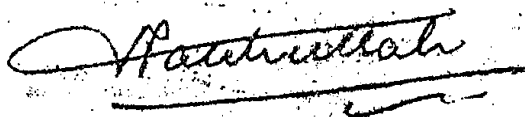
To

All Chief Vigilance Officers

Subject: Rotation of officials working in sensitive posts.

Instructions have been issued from time to time by the Central Vigilance Commission and the Department of Personnel and Training for making rotational transfers in respect of the officials posted on sensitive posts at periodic intervals. These instructions are not being strictly followed and fallen into disuse.

2. In order to implement these instructions in a letter and spirit, it has been decided by the Commission that a list of sensitive posts in various Departments/Organisations should be identified by the Chief Vigilance Officer of the Department/Organisation. A list of posts so identified by the CVOs may be intimated to the Commission immediately. Thereafter CVOs in consultation with the Chief Executives would ensure that officials posted on sensitive posts are rotated every two/three years to avoid developing vested interests. In case officials posted on the sensitive posts continue to function in violation of the existing orders, the Commission may be apprised so that it may take up the matter with the concerned Departments/Organisations for implementing these instructions.



(P.S.FATEHULLAH)
DIRECTOR

No-8(1)(g)/99(2)
CENTRAL. VIGILANCE COMMISSION

SATARKTA BHAWAN
GPO COMPLEX, BLOCK-"A"
INA, NEW DELHI-110023
DATED 19TH FEBRUARY, 1999.

Subject:- Reducing Delays in Departmental Inquiries.

One of the causes for delay in departmental inquiries is appointment of Presenting Officer. To avoid such delays, the Commission, in exercise of its powers conferred on it under Section 8(1)(g) of the CVC Ordinance 1999, directs all Departments/Organisations within its jurisdiction to indicate, henceforth, the names of the Presenting Officer to be appointed while referring the cases to the Commission for 1st Stage advice and where the Disciplinary Authority proposes to initiate major penalty action. After the Commission endorses the proposed action, the Departments/ Organisations will ensure that the Inquiry Officer and Presenting Officer are appointed simultaneously after service of charge-sheet and immediately on denial of charges by the Charged Officer. The Departments/organisations should also indicate appropriate disciplinary authority in each case while referring the case to the Commission for first stage advice. The Commission in turn will communicate its advice to the Disciplinary Authority/Secretary of the Ministries with a copy to the CVO for follow up action.


(N.VITTAL) 5/2/99
CENTRAL VIGILANCE COMMISSIONER

To

- (i) The Secretaries of All Ministries/Departments of Government of India
- (ii) The Chief Secretaries to All Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) All Chief Executives of PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies

- (vi) All Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
- (vii) President Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha
Secretariat/PMO

IMMEDIATE

No.8(1)(h)/98(3)

CENTRAL VIGILANCE COMMISSION

Jaisalmer House, Man Singh Road
New Delhi – 110 011

Dated the 27th November 98.

Sub: Sanction of Prosecution

The Central Vigilance Commission, while reviewing the overall functioning of the vigilance administration of the Departments/Organisations has observed that one of the methods of improving the vigilance functions is to give prompt clearance for sanction for Prosecution under the Prevention of Corruption Act. The Supreme Court has also in the case of Vineet Narain and others Vs. Government of India directed that **a time limit of 3 months in grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General or any other Law Officer in the AG's Office.** Subsequently, the Commission had also issued instructions vide its letter No.98/VGL/7 dated the 12th March,1998,directing all Ministries/Departments / Organisations to furnish their comments on CBI reports within 30 days of the receipt of CBI reports in respect of prosecution and disciplinary cases. Notwithstanding these directions/instructions, delays on the part of the disciplinary/administrative authorities in the cases of sanction of prosecution continue to exist.

2. The Central Vigilance Commission Ordinance 1998 under Section 8(1)(f) directs that the power and function of the CVC will be:

“to review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988”

3. Therefore, in exercise of powers conferred on CVC under Section 8(1)(f) in conjunction with Section 8(1)(h) of the CVC Ordinance 1998, it is hereby directed that:

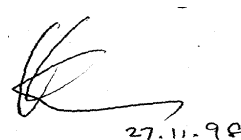
Page 1 of 2

(i) In respect of CBI reports/cases in which the Commission's advice is not necessary, the competent authorities may exercise their mind and give or refuse sanction for prosecution under the PC Act, within the time limit of 30 days from the date of receipt of request from CBI; and

(ii) In respect of the cases of Presidential appointees, in which the Commission's advice is required, the competent authorities may furnish their comments within 30 days to the Commission and give the sanction of prosecution or otherwise, within a period of 60 days from the date of receipt of request from CBI.

4. If at the end of the above said time limits no decision had been given by the competent authorities, then the CVC will take an adverse view and deem it as a case of misconduct on the part of the competent authority.

5. This comes into force with immediate effect.



27.11.98

(N.VITTAL)

CENTRAL VIGILANCE COMMISSIONER

To

- (i) The Secretaries of All Ministries/Depts. of Government of India.
- (ii) The Chief Secretaries to all Union Territories.
- (iii) The Comptroller & Auditor General of India.
- (iv) The Chairman, Union Public Service Commission.
- (v) The Director, CBI
- (vi) All Chief Vigilance Officers in the Ministries/ Departments/PSEs/ Public Sector Banks/ Insurance Companies/ Autonomous Organisations/Societies.
- (vii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO.

No.98/VGL/7
Government of India
Central Vigilance Commission

Bikaner House, 1st Floor,
New Delhi, dtd.12/3/98

To

All Chief Vigilance Officers

Sub: Action on CBI reports – Revised time limit for furnishing comments to the Commission.

Ref: 1) Commission's letter No.4/62/70-R-dated 3rd November, 1973
2) Commission's letter No.4/62/70-R-dated 8th February, 1974

Sir,

As per existing instructions, the Ministries/Departments etc. are required to furnish their comments on CBI reports within a period of two months from the receipt of the CBI's report to the Commission. The Department of Personnel and Training vide their OM No.142/10/97-AVD I dated 14th January, 1998 advised all Ministries/Departments to strictly adhere to a time limit of three months for grant of sanction for prosecution of public servants.

2. The Commission in order to streamline the process and eliminate delays in the processing of prosecution as well as disciplinary cases has reviewed the time limits prescribed for consultation with it. It has, therefore been decided all Ministries/Departments/Organisation would furnish their comments on CBI reports within 30 days of the receipt of the CBI reports by them. It may therefore, be ensured in future that the comments are sent to the Commission within the specified period. If no comments are received within 30 days, it will be presumed that the Ministry/Department/Organisation has no comments to make and the Commission will thereafter, proceed with the examination of the case and tender advice without waiting further for the comments.

3. Commission's letter No.4/62/70-R dated 8th February, 1974 stands modified to the above extent.

4. All Ministries/Departments/Organisations may kindly note the above revised instructions for strict compliance.

Yours faithfully

Sd/-
(A.K.KADYAN)
DY.SECRETARY

Format-1

Name of the organisation

Details of Officers/Officials who had gone abroad on private visits during _____ (year-wise)

Title	Name of the officer	Designation	Name of country visited	Duration of stay (From-To)	Source of funding	Remarks (purpose/ reason of visit)

Format-2

Private foreign visits by Govt. Employees during the years 2000 to 2004 (Nos.)

S.No.	Name of the Organisation	2000	2001	2002	2003	2004
1	XYZ	5(1)	6	8(2)	10	4

figures in bracket shows the no. of officers who have gone more than once in a calender year
e.g. if 4 officers have gone only once in 2000 and 1 officer has gone more than once in 2000
then it will show as 5(1)

Exception list: Details of officers who have travelled on private foreign visits more than once
in a calender year as per format 1.

Competent authority to certify that sources of funds have been verified.

Disclaimer:

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