

COMPENDIUM

October, 2020
(w.e.f. January, 2016)



CVC Circulars & Guidelines



Compiled by : **VIGILANCE DEPARTMENT**



EASTERN COALFIELDS LIMITED
(A Subsidiary of Coal India Limited)

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EASTERN COALFIELDS LIMITED
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No.000-VGL-18/305053
Government of India
Central Vigilance Commission

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

Dated 18.01.2016

Circular No.02/01/2016

Sub: 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
(v) 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 finalization 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.

Sd/-
(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 Bodics/ etc.
 - (iv) Website of CVC

Annexure

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.

No.017/MSC/002-333346
Government of India
Central Vigilance Commission

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

Dated- 10.01.2017

OFFICE MEMORANDUM

Subject: Expeditious 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.

Sd/-
(J Vinod Kumar)
Director
Tel.No. 2465 1019

End: 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 consideration by DA, sent for representation of charged officer, which is awaited	No. of cases wherein after Officer's representation received and is under consideration of DA	
			< 2 months	Over 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 consideration by DA, sent for representation of charged officer, which is awaited	No. of cases wherein after Officer's representation received and is under consideration of DA	
			< 2 months	Over 2 months	< 2 months	Over 2 months

No.015/VGL/091
Government of India
Central Vigilance Commission

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

Dated 13.01.2017

NOTICE

Subject :- Appointment of Independent External Monitors (IEMs) in
Ministries/Departments/Organisations.

The Commission, in the year 2007, recommended implementation of a concept called 'Integrity Pact' (IP) in respect of all major procurements and in May, 2009 formulated a Standard Operating Procedure (SOP) outlining the essential ingredients of IP. The SOP has since been modified vide Circular No. 02/01/2017 dated 13.01.2017. IP is to be implemented through Independent External Monitors (IEMs) who are eminent personalities of high integrity and reputation. The Commission proposes to maintain a panel of names for appointment as IEMs in Ministries/Departments/Organisations.

Persons fulfilling the eligibility conditions and willing to be empanelled by the Commission for being considered for appointment as IEMs as per the terms & conditions laid down in the 'Scheme' may submit their applications in the prescribed proforma to the Secretary, Central Vigilance Commission, Satarkta Bhawan, Block-A, GPO Complex, INA, New Delhi — 110023.

**Proforma for sending particulars for empanelment as IEMs in
Ministries/Departments/Organisations**

1. Name of the person (in full)
2. Father's Name
3. Date of Birth
4. Date of Retirement
5. Date of Entry into service
6. Service to which the officer belonged including batch / year cadre etc.
7. Post held at the time of retirement
(whether it is Secretary/AS rank)
8. Pay scale at the time of retirement
9. Educational Qualifications
10. Present Address
11. Contact No.
Telephone (along with STD code)
Mobile
Fax
E-mail Address
12. Positions held
(during the ten preceding
years of superannuation)

Please affix latest passport size photograph

S. No.	Organisation	Designation & Place of Posting	Administrative / nodal Ministry / Deptt. concerned (in case of officers of PSUs etc.)	From	To
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13. Brief details of work experience
14. Experience in handling procurement / tenders
15. Brief details of any other domain experience
16. Present assignments, if any.
17. Whether already an IEM? If so, name of organization(s).
18. Desired place of appointment (Please indicate city)
19. Please indicate list of PSUs in which your appointment as IEM may have potential conflict of interest

Name & Signature

No.015/VGL/091
Government of India
Central Vigilance Commission

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

Dated 13.01.2017

Subject : Scheme for empanelment of persons for appointment as Independent External Monitors (IEMs).

In the year 2007, the Commission vide office order No.41/12/07 dt.4.12.2007 recommended implementation of a concept called 'Integrity Pact' (IP) in respect of all major procurements. The IP essentially envisages an agreement between the prospective vendors /bidders and the buyer committing the persons/officials of both the parties not to exercise any corrupt influence on any aspect of the contract. The Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties till the final completion of the contract. Further, in May 2009, vide circular No.10/5/09 dated 18.5.2009, the Commission formulated a Standard Operative Procedure (SOP) outlining the essential ingredients of IP (All the above quoted orders are available on the Commission's website <http://cvc.nic.in>).

2. The main role and responsibility of IEM is to resolve issues raised by an intending bidder regarding any aspect of the tender which allegedly restricts competition or indicates bias towards some bidders. IEMs are expected to examine process integrity and not expected to concern themselves with fixing of responsibility on officers.
3. The SOP has since been reviewed by the Commission and a modified SOP has been issued by the Commission vide Circular No. 02/01/2017 dated 13.01.2017.
4. IP is to be implemented through Independent External Monitors (IEMs) appointed by the organization. IEMs would review independently and objectively whether and to what extent parties have complied with their obligations under the pact. The IEMs would have access to all information relating to procurements/contracts covered under IP and would examine all complaints received by them and give their recommendations/views to the CEO of the organisation (and to the CVO in case of suspicion of serious irregularities). The recommendations of IEMs are advisory in nature and not legally binding. The role of IEMs and CVO are separate and would remain unaffected by each other.
5. Now, the Commission proposes to empanel names for appointment as IEMs as per the following scheme:-

Eligibility:-

- The choice of IEM should be restricted to officials from the government and public sector undertakings who have retired from very senior positions. The very senior positions shall mean level of Additional Secretary to the Government of India and above or equivalent pay scale. For Public Sector Undertakings, top positions shall mean Board level in Schedule A companies, Public Sector Banks/Insurance Companies/Financial Institutions. Officers of the Armed Forces who have retired from the rank equivalent of Lt. General and above may also be considered for appointment.
- Age should not be more than 70 years at the time of appointment/extension of tenure.

Selection method:-

- A Notice inviting applications from eligible persons will be published on the Commission's website.
- After due scrutiny and verification of the applications and documents by the Commission, the applicants will be shortlisted for empanelment by the Commission.

Terms & conditions:-

- A person cannot be appointed as IEM in more than three organizations at a time.
- A maximum of three IEMs would be appointed in any organization.
- IEMs would be appointed for an initial period of three years, which is extendable by another two years with the approval of the Commission.
- A person who is either serving or has retired from the same organization cannot be appointed as IEM in that organization.
- Remuneration payable to the IEMs by the organization concerned would be equivalent to that admissible to an Independent Director in the organization and in any case would not exceed Rs. 20,000/ per sitting.

Procedure:-

- The Commission would maintain a panel of names for appointment as IEMs, which can be accessed by all the organisations.
- On receipt of request from organization concerned for appointment as IEMs, the Commission would approve two/three names as the case may be from the panel of names.
- For extension of tenures, the organization concerned would send a request to the Commission at least one month before the expiry of initial three year tenure.

No.011/VGL/063-334701
Government of India
Central Vigilance Commission

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

Dated- 23rd January, 2017

Circular No. 01/01/17

**Subject :- Systemic Improvement Guidelines-
Engagement of Consultants -regarding.**

Attention is invited to Commission's Circular No.08/06/11 dated 24th June, 2011 (copy enclosed) regarding selection and employment of consultants. The Commission, taking into account the practices and procedures, being followed by various organisations, would advise following measures while finalising the contracts for engaging consultants:

- (a) **Framework of Instructions of GOI / Guidelines of CVC / others :** Departments / Organisations (employer / client), engaging a consultant, should draw attention of the consultant to the relevant and extant instructions of Government of India, GFR issued by Ministry of Finance, guidelines of CVC and provisions of the Procurement Manual / relevant instructions of the respective organisation, as applicable to the subject matter of the advice / service to be rendered by the consultant and required to be complied with.
- (b) **Accountability of the employer / client and the consultant:** A consultant engaged by the employer has to have a certain degree of accountability, on its part, for any advice and / or for any service rendered to the employer, keeping in view norms of ethical business, professionalism and the fact that such advice / service is being rendered for a consideration, as per the terms of the contract. At the same time, the employer also has to have its share of accountability, for accepting the advice and services, provided by the consultant.

To ensure adequate accountability, suitable tender terms and conditions for apportioning accountability, between the employer and the consultant, need to be incorporated. Also, there should be suitable provisions to enforce such accountability, in case of improper discharge of contractual obligations / deviant conduct by / of any of the parties to the contract.

- (c) **Conflict of Interest:** The consultant shall avoid any conflict of interest while discharging contractual obligations and bring, before-hand, any possible instance of conflict of interest to the knowledge of the employer / client, while rendering any advice or service.

The consultant must act, at all times, in the interest of the employer / client and render any advice / service with professional integrity. A consultant is expected to undertake an assignment / project, only in areas of its expertise and where it has capability to deliver efficient and effective advice / services to the employer.

- (d) **Maximum Possible Use of In-house Expertise:** Before arriving at a decision to engage consultant and in matters of accepting advice / service rendered by the consultant, all organisations should, in the first instance, explore the possibility of using in-house expertise. Proof checking / peer review, in case of advice rendered by a consultant, especially in high value projects, may be advantageous.

2. Apart from above, following few measures may be considered for better and efficient execution of consultancy contracts:

- (a) Suitably incorporating Integrity Pact in the consultancy contracts.
- (b) An advisory to the consultant, in suitable format, to keep in view transparency, competitiveness, economy, efficiency and equal opportunity to all prospective tenderers / bidders, while rendering any advice / service to the employer / client, in regard with matters related to selection of technology and determination of design and specifications of the subject matter, bid eligibility criteria and bid evaluation criteria, mode of tendering, tender notification, etc.
- (c) Normally, pre-bid conference and timely addressing of objections / queries, in appropriate manner, from prospective tenderers / bidders should be in place.
- (d) Suitably incorporating a provision making the consultant to cooperate fully with any legitimately provided / constituted investigative body, conducting inquiry into processing or execution of the consultancy contract / any other matter related with discharge of contractual obligations by the consultant.

3. The Commission desires that the above guidelines be brought into the notice of all concerned.

Sd/-

(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 Gol / CPSUs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies etc.
- (iv) Website of CVC

No.011/VGL/063-134657
Government of India
Central Vigilance Commission

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

Dated- 24th June, 2011

Circular No. 08/06/11

Subject: Selection and employment of Consultants.

The issue of role and professional liability of consultants in government contracts has been under consideration in the Commission for quite some time. The Commission has decided that following guidelines, be kept in view while finalising the contracts for engaging consultants.

1. **Conflict of Interest.** The consultant shall not receive any remuneration in connection with the assignment except as provided in the contract. The consultant and its affiliates shall not engage in consulting or other activities that conflict with the interest of the employer under the contract.

The contract shall include provisions limiting future engagement of the consultant for other services resulting from or directly related to the firm's consulting services in accordance with following requirements:-

- (a) The consultants shall provide professional, objective, and impartial advice and at all times hold the employer's interests paramount, without any consideration for future work, and that in providing advice they avoid conflicts with other assignments and their own interests. Consultants shall not be hired for any assignment that would be in conflict with their prior or current obligations to other employers, or that may place them in a position of being unable to carry out the assignment in the best interest of the employer. Without limitation on the generality of the foregoing, consultants shall not be hired under the circumstances set forth below:
 - (i) **Conflict between consulting activities and procurement of goods, works or non-consulting services (i.e., services other than consulting services covered by these Guidelines)** - A firm that has been engaged by the employer to provide goods, works, or non-consulting services for a project, or any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be

disqualified from providing consulting services resulting from or directly related to those goods, works, or non-consulting services. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, or any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be disqualified from subsequently providing goods, works, or services (other than consulting services covered by these Guidelines) resulting from or directly related to the consulting services for such preparation or implementation. This provision does not apply to the various firms (consultants, contractors, or suppliers) which together are performing the Contractor's obligations under a turnkey or design and build contract.

- (ii) **Conflict among consulting assignments** - Neither consultants (including their personnel and sub-consultants), nor any affiliate that directly or indirectly controls, is controlled by, or is under common control with that firm, shall be hired for any assignment that, by its nature, may be in conflict with another assignment of the consultants. As an example, consultants assisting a employer in the privatization of public assets shall neither purchase, nor advise purchasers of, such assets. Similarly, consultants hired to prepare Terms of Reference (TOR) for an assignment shall not be hired for the assignment in question.
- (iii) **Relationship with Employer's staff** – Consultants (including their experts and other personnel, and sub-consultants) that have a close business or family relationship with a professional staff of the Employer (or of the project implementing agency) who are directly or indirectly involved in any part of: (i) the preparation of the TOR for the assignment, (ii) the selection process for the contract, or (iii) the supervision of such contract may not be awarded a contract, unless the conflict stemming from this relationship has been resolved in a manner acceptable to the Employer throughout the selection process and the execution of the contract.
- (iv) A consultant shall submit only one proposal, either individually or as a joint venture partner in another proposal. If a consultant, including a joint venture partner, submits or participates in more than one proposal, all such proposals shall be disqualified. This does not, however, preclude a consulting firm to participate as a sub-consultant, or an individual to participate as a team member, in more than one proposal when circumstances justify and if permitted by the RFP.
- (b) **Unfair Competitive Advantage** - Fairness and transparency in the selection process require that consultants or their affiliates competing, for a specific assignment do not derive a competitive advantage from having, provided consulting, services related to the assignment in question. To that end, the

Employer shall make available to all the short listed consultants, together with the request for proposals, all information that would in that respect give a consultant a competitive advantage.

2. **Professional Liability** - The consultant is expected to carry out its assignment with due diligence and in accordance with prevailing standards of the profession. As the consultant's liability to the Employer will be governed by the applicable law, the contract need not deal with this matter. The client (purchaser) may, however, prescribe other liabilities depending on the requirement in each case without any restriction on the Consultant's liability as per the applicable law.

The Commission desires that the above guidelines be brought into the notice of all concerned.

Sd/-

(J Vinod Kumar)

Officer on Special Duty

To

1. All Chief Vigilance Officers of Ministries / Departments / PSUs / Banks / Insurance Companies / Autonomous Organizations / Societies / UTs.
2. All Secretaries to the Government of India.
3. All CEOs / Heads of Organizations of PSUs / Banks / Insurance Companies etc.

No. CVC/RTI/MISC/16/006
Government of India
Central Vigilance Commission

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

Dated 10.03.2017

Circular No. 03/03/2017

Subject : Seeking similar information through repeated RTI Applications-Central Information Commission's decision: regarding.

The attention of the CVOs concerned is drawn to the Central Information Commission's decision dated 25.06.2014 in case No. CIC/AD/A/2013/001326-SA in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi, in which the issue of seeking information by the RTI Applicants through repetitive Applications on similar issues/subject has been considered and decided by the Central Information Commission. .

2. The Central Information Commission, in its decision, had observed that:-

"The Commission noticed that several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority, or from other authority. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion the number of repeated first appeals and second appeals will be growing."

3. The Commission after considering various aspects of the issue and the provisions of acts of similar nature in other countries, and also the decisions of earlier Information Commissioners has concluded that:-

"(i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time could have been spent to hear another appeal or answer another application or perform other public duty.

(ii) Every repetition of RTI application which was earlier responded will be an obstruction to flow of information and defeats the purpose of the RTI Act."

4. The Central Information Commission, vide its decision No. CIC/AD/A/2013/ 001326-SA dated 25.06.2014 has thus, decided that:-

"(i) No scope of repeating under RTI Act.

(ii) Citizen has no Right to Repeat.

- (iii) Repetition shall be ground of refusal.
 - (iv) Appeals can be rejected.”
5. The CVOs may bring the above quoted decision of Central Information Commission to the notice of all the CPIOs/Appellate Authorities of their organizations, who may consider the Central Information Commission’s decision, while deciding about the RTI Applications -seeking similar information through repeated RTI Applications. The complete decision of Central Information Commission, in case No. CIC/AD/A/2013/001326-SA, in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi is available on its website, www.cic.gov.in, in downloadable form and can be access from there.

Sd/-

(Rajiv Verma)

Under Secretary & Nodal CPIO

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 -28.11.2017

Circular No.09/11/2017

Subject : Reference to the Commission for advice — documents information
to be furnished – regarding

Reference: Commission's Circular No. 21/8/09 dated 06.08.2009

The Commission, from time to time, has been emphasising on the need for sending complete documents / information by the Ministries / Departments / Organisations while seeking its advice. Attention of CVOs is invited to the guidelines issued by the Commission in this regard vide its above-said Circular and also to para 7.9.4 and 7.28.4 of the Vigilance Manual 2017.

2. Of late, several instances have come to the notice of the Commission where the guidelines are not being followed scrupulously and references are being made to the Commission without the requisite information / documents which is resulting in avoidable delays in processing of vigilance cases / departmental inquiry reports. Many a time, even the proforma prescribed for bio-data of the Suspect Public Servant (SPS) Charged Officer (CO) is being sent without duly filling it up, or more precisely, after leaving the column of date of birth I retirement blank. Whether an SPS / CO is in service or has retired is a crucial point for appreciating the case and enabling the Commission to tender its advice appropriately.
3. All CVOs are advised to ensure that the references being made to the Commission for seeking its advice are fully compliant to the guidelines contained in the Circular dated 06.08.2009 and in para 7.9.4 and 7.28.4 of the Vigilance Manual 2017, and include complete information / documents including duly filled-up bio-data as prescribed.

Sd/-
(M. A. Khan)
Under Secretary

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

No.98/ORD/001
Government of India
Central Vigilance Commission

Satarkta Bhawan,
G.P.O. Complex,
Block A, 1NA,
New Delhi-110023

Dated 06.04.2018

Circular No.01/04/18

Subject: Applicability of Commission's guidelines on post tender negotiations with regard to projects funded by World Bank and other international funding agencies like IMF, ADB, etc.

Ref: Commission's Circular No. 8(1)(h)/98(1) dated 18.11.1998, 3(V)/99/9 dated 01.10.1999 and 98/ORD/001 dated 28.10.2011

References have been received seeking clarifications on the applicability of Commission's guidelines to projects funded by the World Bank and other international funding agencies like IMF, ADB, etc.

2. The Commission vide its Circular No. 3(V)/99/9 dated 01.10.1999 has prescribed the following:

The Commission's instruction dated 18.11.1998 (on post tender negotiations) would not be applicable to the World Bank Projects and other international funding agencies, such as IMF, ADB, etc. However, the instructions of Central Vigilance Commission would be binding on purchases / sales made by the department within the country. The Central Vigilance Commission's instructions dated 18.11.1998 would however, apply if purchase/sales are within the budget provisions and normal operations of the department/organisation even though the purchases / sales are made from sources outside the country.

3. Subsequently , a clarification issued vide Circular No. 98/ORD/001 dated 28.10.2011 provided the following:

"It is clarified that the Commission's guidelines would not be applicable in projects funded by the World Bank, ADB, etc., if found to be in conflict with the applicable procurement rules of the funding agencies."

4. The matter has been examined in the light of Commission's circulars No. 8(1)(h)/98(1) dated 18.11.1998, 3(v)/99/9 dated 01.10.1999 and 98/ORD/001 dated 28.10.2011. Apparently, funds from International Agencies like World Bank, IMF,

ADB or other multilateral agencies are available by way of grants-in-aids or as loans. In the former category of funding, there is no liability on the Govt of India to repay such funded amounts. In the latter category of funds received by way of loans, with or without interest, ultimately the Government of India as the receiving agency has to repay the loans so received. Thus, there is a need to distinguish between these two categories of funding options. If any of the International Agencies while granting aid prescribes certain terms and conditions which are contrary to the existing guidelines of the Government (GFR) or of the Commission relating to the process of procurement / tendering to be adopted, determination of the qualifications, negotiations, other terms and conditions, etc., where the funding is by way of grants-in-aid with no obligation to repay such amounts, the agency receiving the fund may accept such conditions as the International Agency may lay down. However, where such funding is by way of a loan with or without interest and there is a liability on the Government and/or the recipient agency to repay the money in due course, it is essential that prudent norms on making the procurements at best possible rates in a transparent, competitive environment providing opportunity to all eligible and willing bidders, the guidelines/instructions of the Central Vigilance Commission in regard to qualification, criteria, terms and conditions of procurement, negotiations, etc. will have to be followed keeping in view the best interest of transparency, accountability and efficiency.

5. It is clarified that any project funding originating from the Consolidated Fund of India, wholly or partially, must be subject to the Government of India's and Commission's guidelines for expenditure of public money and the same condition may be stipulated while negotiating terms with external funding agencies. Furthermore, any project funding involving future outflows of public money may also be subject to the same guidelines.

Sd/-

(J Vinod Kumar)

Director

To

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

No.018/VGL/022-377353
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023

Dated : 20.04.2018

Subject:- Public Procurement (Preference to Make in India),
Order 2017 (PPP-MII Order) regarding.

Department of Industrial Policy and Promotion (DIPP) has issued 'Public Procurement (Preference to Make in India), Order 2017' (PPP-MII Order) dated 15.07.2017 pursuant to Rule 153 (iii) of General Financial Rules, 2017, which seeks to promote domestic production of goods and services. As per this Order, restrictive and discriminative clauses cannot be included in procurement by Central Government agencies against domestic suppliers. The Commission has received a request from DIPP to widely disseminate the Order to the CVOs and IEMs to exercise oversight on all contracts over an amount of Rs. five crores.

2. In order to implement to PPP-MII order in letter and spirit, the Commission would direct all the Chief Vigilance Officers (CVO) to exercise oversight on all contracts over an amount of Rs. five crores so as to ensure that restrictive and discriminative clauses against domestic suppliers are not included in the tender documents for procurement of goods and services and that the tender conditions are in sync with the PPP-MII Order, 2017 in their respective Departments/Organisations.
3. The Commission further desires that the Independent External Monitors (IEMs) appointed by the respective organisations may keep in view the provisions of PPP-MII Order 2017 while exercising their functions / duties as IEM in respect of procurements / contracts which fall in their purview.

Sd/-

(J. Vinod Kumar)

Director

1. All Chief Vigilance Officers of Ministries/Departments/CPSUs/Public Sector Banks/ Insurance Companies/Autonomous Organisations /Societies etc. for compliance and to circulate to the Independent External Monitors.
2. To be placed on website.

No.PVC/18/01/378456
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023

Dated 03/05/2018

CIRCULAR NO. 02/04/18

Subject : Timely payments to the contractors/suppliers/service providers-Preventive Measures-reg.

The Commission has been receiving complaints regarding inordinate delay in payments/ non-settlement of bills of contractors/suppliers/service-providers by some of the Central Public Sector Enterprises (CPSE). It is observed that there is substantial delay in settling running/final bills: and in several cases, bills (both running as well as final) have remained pending for 5 - 6 years, though these are required to be cleared within a few days. Such inordinate delay in the settlement of bills is an unhealthy practice, affording scope for corruption. The Commission is of the view that delay could, in some cases, be motivated.

2. Some of the major CPSEs have reported that their Bill Watch/ Online Bill Tracking Systems red flags such delays in payment of bills. However, it is important that monitoring of cases of delay/non-settlement is done at higher levels to achieve efficiency and to reduce delay. The Commission would, therefore, advise the CVOs to examine from vigilance angle all cases of inordinate delay (with respect to prescribed time if any. or cases of delay exceeding 15 days for running bills and 30 days for final bills) from date of receipt of bill. A Report in cases of delay in the last three years, elaborating the reasons for delay, may be submitted to the Commission within three months.
3. As a preventive vigilance measure, the Commission would also advise the CVOs to study the existing systems for receipt and processing of bills and prescribed timelines for release of payments to the contractors/suppliers/service providers. If required, the matter may be taken up with the Management to further streamline the system keeping in view the following aspects:-
 - i) Stipulation in all tender documents/Contracts/POs regarding the number of days (from the date of submission of clear and admissible bill) within which payment will be released. Officials should be designated to ensure compliance of timelines for release of such payments.

- ii) Any clarification from the contractors/suppliers/service providers on the bill submitted by the contractor should be sought within a specified number of days provided in the contract itself and except in exceptional circumstances, these clarification should be sought in one go. Similarly, the contractor should be required to submit the clarification sought within a specified number of days.
 - iii) In case of any disagreement between the Organization and the contractor on any part of the bill, such part may be severed from the rest. Payment against agreed and admissible part can be processed as per laid down procedure, while the disputed part can be dealt as per contract provisions viz. conciliation, dispute resolution, arbitration, etc.
 - iv) Online Bill Tracking System should be put in place with provision for alerting higher level of management to enable monitoring, review/intervention in cases of delay.
4. All CVOs while preparing the report as at para 2 above, should also inform the Commission of status of action taken on the preventive aspects as at point (i) to (iv) above.
5. The CVOs may report on the implementation of the guidelines, aberrations detected and action taken in the annual reports.

Sd/-

(Sonali Singh)

Additional Secretary

To,
All Chief Vigilance Officers of CPSEs

No. 018/VGL/038-385947
Government of India
CENTRAL VIGILANCE COMMISSION

Satarkta Bhawan, Block 'A'
G.P.O. Complex, INA,
New Delhi-110 023

Dated 10.07.2018

Circular No. 05/07/2018

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

1. 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.

Sd/-
(J. Vinod Kumar)
Director

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

No.005/CRD/19-386121
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A',
GPO Complex, INA,
New Delhi -110 023

Dated 11.07.2018

Circular No.06/07/18

Subject : Transparency in Works/Purchases/Consultancy contracts awarded on nomination basis — reg.

Reference: (i) Commission's Circular No.15/5/06 dated 09.05.2006
(ii) Commission's Office Order No.23/7/07 dated 05.07.2007
(iii) Commission's Office Order No.19/05/10 dated 19.05.2010

Reference is invited to Commission's Circulars cited above wherein the need for award of contracts in a transparent and open manner has been emphasized. The Commission is still receiving representations reporting instances of award of contracts and procurements in a non-transparent manner on nomination basis by several Departments/CPSUs.

2. The award of contracts/procurements/projects on nomination basis without adequate justification amounts to a restrictive practice eliminating competition, fairness and equity. The Commission would reiterate its earlier instructions, that award of contracts on nomination basis can be resorted to only in exceptional circumstances as laid down in Commission's Office Order No.23/7/07 dated 05.07.2007.
3. All Ministries/Departments/CPSUs are therefore advised to apprise the afore-mentioned guidelines to the concerned officers for strict compliance.

Sd/-
(J. Vinod Kumar)
Director

- To
- (i) The Secretaries of all Ministries/Departments of Gol.
 - (ii) All Chief Executives of CPSUs.
 - (iii) All CVOs of Ministries/Deptts/CPSUs.

No.000/VGL/18-388880
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A',
GPO Complex, INA,
New Delhi -110 023

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.

1. 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.
2. 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.

3. 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.
4. All CVOs are also therefore advised to apprise the concerned officers regarding the above guidelines for compliance in monitoring progress/ handling disciplinary proceedings.

Sd/-

(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

No.99/VGL/087-389176
Government of India
Central Vigilance Commission

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

Dated : 31st 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.

Sd/-

(M. A. Khan)

Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Gol.
- (ii) All Chief Executives of CPSUs/PSBs/F1s/PSICs/Autonomous Bodies/etc.
- (iii) All CVOs of Ministries / Departments / CPSUs / PSBs / Fls / PSICs / Autonomous Organizations.
- (iv) Website of CVC

No.PVC/18/01
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A',
GPO Complex, INA,
New Delhi -110 023

Dated -14.08.18

OFFICE MEMORANDUM

Subject: Timely payments to the contractors / suppliers / service providers-
Preventive Measures-reg.

This is with reference to the Central Vigilance Commissions Circular No. 02/04/18 dated 3.5.18 on the above subject.

The Commission had sought a report within three months on the above matter. All CVOs are accordingly requested to expedite their report to the Commission at the earliest.

Sd/-
(S. P. Singh)
Director

To
All CVOs of CPSEs

N.B. : For reference please see Sl. No. 9 in index page.

No.18/MISC/02-392171
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi-110023

Dated 23rd August, 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.
5. This issues with the approval of the Commission.

Sd/-

(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.

No. 004/VGL/090/225553
Government of India
Central Vigilance Commission

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

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 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 over stay 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/PSU/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.

Sd/-
(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.007/VGL/033/396514
Government of India
Central Vigilance Commission

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

Dated 28.09.2018

Sub. : Adoption of Integrity Pact (IP) — regarding.

The Commission vide its Circular No. 02/01/2017 dated 13.01.2017 had circulated a revised Standard Operating Procedure (SOP) for adoption of Integrity Pact in Government Department/Organisations.

2. In terms of compliance to the revised SOP issued vide circular dated 13.01.2017, SAIL has incorporated certain changes in their existing Integrity Pact which was earlier circulated vide Commission's Office Order No. 41/12/07 dated 04.12.2007.
3. Accordingly, the copy of revised Integrity Pact of SAIL is enclosed herewith for guidance which may be used with suitable modifications to meet the individual organization's requirements for Integrity Pact.

Sd/-
(J. Vinod Kumar)
Director
Tel. No. 24651019

Encl: Revised IP of SAIL

To
All Secretaries to the Govt. of India
All CMDs of PSUs
All CMDs of PSBs
All CVOs

INTEGRITY PACT**Between****Steel Authority of India Limited (SAIL) hereinafter referred to as****“The Principal”,****and****..... hereinafter referred to as “The Bidder/ Contractor”****Preamble**

The Principal intends to award, under laid down organizational procedures, contract/ s for The Principal values full compliance with all relevant laws of the land, rules, regulations, economic use of resources and of fairness / transparency in its relations with its Bidder(s) and / or Contractor(s).

In order to achieve these goals, the Principal will appoint Independent External Monitors (IEMs) who will monitor the tender process and the execution of the contract for compliance with the principles mentioned above.

Section 1 - Commitments of the Principal

- (1) The Principal commits itself to take all measures necessary to prevent corruption and to observe the following principles:-
 - a. No employee of the Principal, personally or through family members, will in connection with the tender for , or the execution of a contract, demand; take a promise for or accept, for self or third person, any material or immaterial benefit which the person is not legally entitled to.
 - b. The Principal will, during the tender process treat all Bidder(s) with equity and reason. The Principal will in particular, before and during the tender process, provide to all Bidder(s) the same information and will not provide to any Bidder(s) confidential / additional information through which the Bidder(s) could obtain an advantage in relation to the tender process or the contract execution.
 - c. The Principal will exclude from the process all known prejudiced persons.
- (2) If the Principal obtains information on the conduct of any of its employees which is a criminal offence under the IPC/PC Act, or if there be a substantive suspicion in this regard, the Principal will inform the Chief Vigilance Officer and in addition can initiate disciplinary actions.

Section 2 - Commitments of the Bidder(s)/ Contractor(s)

- (1) The Bidder(s)/ Contractor(s) commit themselves to take all measures necessary to prevent corruption. The Bidder(s)/ Contractor(s) commit themselves to observe the

following principles during participation in the tender process and during the contract execution.

- a. The Bidder(s)/ Contractor(s) will not, directly or through any other person or firm, offer, promise or give to any of the Principal's employees involved in the tender process or the execution of the contract or to any third person any material or other benefit which he/she is not legally entitled to, in order to obtain in exchange any advantage of any kind whatsoever during the tender process or during the execution of the contract.
 - b. The Bidder(s)/ Contractor(s) will not enter with other Bidders into any undisclosed agreement or understanding, whether formal or informal. This applies in particular to prices, specifications, certifications, subsidiary contracts, submission or non-submission of bids or any other actions to restrict competitiveness or to introduce cartelisation in the bidding process.
 - c. The Bidder(s)/ Contractor(s) will not commit any offence under the relevant IPC/PC Act; further the Bidder(s)/ Contractor(s) will not use improperly, for purposes of competition or personal gain, or pass on to others, any information or document provided by the Principal as part of the business relationship, regarding plans, technical proposals and business details, including information contained or transmitted electronically.
 - d. The Bidder(s)/Contractors(s) of foreign origin shall disclose the name and address of the Agents/representatives in India, if any Similarly the Bidder(s)/Contractors(s) of Indian Nationality shall furnish the name and address of the foreign principals, if any. Further details as mentioned in the "Guidelines on Indian Agents of Foreign Suppliers" shall be disclosed by the Bidder(s)/Contractor(s).Further, as mentioned in the Guidelines all the payments made to the Indian agent/representative have to be in Indian Rupees only. Copy of the "Guidelines on Indian Agents of Foreign Suppliers" is placed at (page nos. 6-7).
 - e. The Bidder(s)/ Contractor(s) will, when presenting their bid, disclose any and all payments made, is committed to or intends to make to agents, brokers or any other intermediaries in connection with the award of the contract.
 - f. Bidder(s) /Contractor(s) who have signed the Integrity Pact shall not approach the Courts while representing the matter to IEMs and shall wait for their decision in the matter.
- (2) The Bidder(s)/ Contractor(s) will not instigate third persons to commit offences outlined above or be an accessory to such offences.

Section 3 - Disqualification from tender process and exclusion from future contracts

If the Bidder(s)/Contractor(s), before award or during execution has committed a transgression through a violation of Section 2, above or in any other form such as to put their reliability or credibility in question, the Principal is entitled to disqualify the Bidder(s)/Contractor(s) from the tender process or take action as per the procedure mentioned in the “Guidelines on Banning of business dealings”. Copy of the “Guidelines on Banning of business dealings” is placed at (page nos. 8-17).

Section 4 - Compensation for Damages

- (1) If the Principal has disqualified the Bidder(s) from the tender process prior to the award according to Section 3, the Principal is entitled to demand and recover the damages equivalent to Earnest Money Deposit/ Bid Security.
- (2) If the Principal has terminated the contract according to Section 3, or if the Principal is entitled to terminate the contract according to Section 3, the Principal shall be entitled to demand and recover from the Contractor liquidated damages of the Contract value or the amount equivalent to Performance Bank Guarantee.

Section 5 - Previous transgression

- (1) The Bidder declares that no previous transgressions occurred in the last three years with any other Company in any country conforming to the anti-corruption approach or with any Public Sector Enterprise in India that could justify his exclusion from the tender process.
- (2) If the Bidder makes incorrect statement on this subject, he can be disqualified from the tender process or action can be taken as per the procedure mentioned in “Guidelines on Banning of business dealings”.

Section 6 - Equal treatment of all Bidders / Contractors / Subcontractors

- (1) In case of Sub-contracting, the Principal Contractor shall take the responsibility of the adoption of Integrity Pact by the Sub-contractor.
- (2) The Principal will enter into agreements with identical conditions as this one with all Bidders and Contractors.
- (3) The Principal will disqualify from the tender process all bidders who do not sign this Pact or violate its provisions.

Section 7 - Criminal charges against violating Bidder(s) / Contractor(s) / Subcontractor(s)

If the Principal obtains knowledge of conduct of a Bidder, Contractor or Subcontractor, or of an employee or a representative or an associate of a Bidder, Contractor or Subcontractor which constitutes corruption, or if the Principal has substantive suspicion in this regard, the Principal will inform the same to the Chief Vigilance Officer.

Section 8 - Independent External Monitor

- (1) The Principal appoints competent and credible Independent External Monitor for this Pact after approval by Central Vigilance Commission. The task of the Monitor is to review independently and objectively, whether and to what extent the parties comply with the obligations under this agreement.
- (2) The Monitor is not subject to instructions by the representatives of the parties and performs his/her functions neutrally and independently. The Monitor would have access to all Contract documents, whenever required. It will be obligatory for him / her to treat the information and documents of the Bidders/Contractors as confidential. He/she reports to the Chairman, SAIL.
- (3) The Bidder(s)/Contractor(s) accepts that the Monitor has the right to access without restriction to all Project documentation of the Principal including that provided by the Contractor. The Contractor will also grant the Monitor, upon his/her request and demonstration of a valid interest, unrestricted and unconditional access to their project documentation. The same is applicable to Sub-contractors.
- (4) The Monitor is under contractual obligation to treat the information and documents of the Bidder(s)/ Contractor(s)/ Sub-contractor(s) with confidentiality. The Monitor has also signed declarations on 'Non-Disclosure of Confidential Information' and of 'Absence of Conflict of Interest'. In case of any conflict of interest arising at a later date, the IEM shall inform Chairman, SAIL and recuse himself / herself from that case.
- (5) The Principal will provide to the Monitor sufficient information about all meetings among the parties related to the Project provided such meetings could have an impact on the contractual relations between the Principal and the Contractor. The parties offer to the Monitor the option to participate in such meetings.
- (6) As soon as the Monitor notices, or believes to notice, a violation of this agreement, he/she will so inform the Management of the Principal and request the Management to discontinue or take corrective action, or to take other relevant action. The monitor can in this regard submit non-binding recommendations. Beyond this, the Monitor has no right to demand from the parties that they act in a specific manner, refrain from action or tolerate action.
- (7) The Monitor will submit a written report to the Chairman, SAIL within 8 to 10 weeks from the date of reference or intimation to him by the Principal and, should the occasion arise, submit proposals for correcting problematic situations.
- (8) If the Monitor has reported to the Chairman SAIL, a substantiated suspicion of an offence under relevant IPC/ PC Act, and the Chairman SAIL has not, within the reasonable time taken visible action to proceed against such offence or reported it to the Chief Vigilance Officer, the Monitor may also transmit this information directly to the Central Vigilance Commissioner.

(9) The word ‘**Monitor**’ would include both singular and plural.

Section 9 - Pact Duration

This Pact begins when both parties have legally signed it. It expires for the Contractor 12 months after the last payment under the contract, and for all other Bidders 6 months after the contract has been awarded. Any violation of the same would entail disqualification of the bidders and exclusion from future business dealings.

If any claim is made / lodged during this time, the same shall be binding and continue to be valid despite the lapse of this pact as specified above, unless it is discharged / determined by Chairman of SAIL.

Section 10 - Other provisions

- (1) This agreement is subject to Indian Law. Place of performance and jurisdiction is the Registered Office of the Principal, i.e. New Delhi.
- (2) Changes and supplements as well as termination notices need to be made in writing. Side agreements have not been made.
- (3) If the Contractor is a partnership or a consortium, this agreement must be signed by all partners or consortium members.
- (4) Should one or several provisions of this agreement turn out to be invalid, the remainder of this agreement remains valid. In this case, the parties will strive to come to an agreement to their original intentions.
- (5) Issues like Warranty / Guarantee etc. shall be outside the purview of IEMs.
- (6) In the event of any contradiction between the Integrity Pact and its Annexure, the Clause in the Integrity Pact will prevail.

(For & On behalf of the Principal)

(For & On behalf of Bidder / Contractor)

(Office Seal)

(Office Seal)

Place _____

Date _____

Witness 1:

(Name & Address) _____

Witness 2:

(Name & Address) _____

No. 004/VGL/026/396510

Government of India
Central Vigilance Commission

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

Dated -28.09.2018

Circular No.12/09/18

Subject: Government of India Resolution on Public Interest Disclosure & Protection of Informers' - reg.

Please refer to the Commission's Office Order No. 4/2/09 dated 27th February 2009 on the above subject wherein the CVOs of the Ministries / Departments / Organizations were required to submit their investigation report on complaints/ disclosures forwarded by the Commission under PIDPI Resolution within a period of one month.

2. Central Vigilance Commission as the Designated Agency has reviewed the time limit regarding submission of investigation reports on PIDPI complaints and taking in view the inputs received from various quarters, has now decided to extend the time limit for submission of reports. Henceforth, CVOs of all organizations would submit their reports within a period of 12 weeks from the receipt of reference seeking reports on PIDPI complaint / disclosure from the Commission.
3. The Chief Vigilance Officers of the Administrative Ministries / Departments of the Government of India who have been authorized as the 'Designated Authority' to receive written complaint or disclosure under PIDPI vide DoPT's amendment resolution No. 190 dated 29.08.2013 may also take note of the revised time limit period for submission of report by the organizations in written complaints / disclosures received by the Designated Authorities concerned in the Ministry/ Departments which is 12 weeks from receipt of reference of PIDPI complaint/ disclosure from the concerned Designated Authority.
4. All CVOs may adhere to the Commission's above revised time limit for strict compliance.

Sd/-

(J. Vinod Kumar)

Director

To

All CVOs of Ministries/Deptts/CPSEs/PSBs/FIs/PSICs/ Autonomous Organizations .

NIC to upload on the CVC's 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;
- (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.

Sd/-

(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.016/VGL/011
Government of India
Central Vigilance Commission

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

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.

Sd/-

(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 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."

Sd/-

(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. Others as per standard list.

No.019/VGL/026-426775
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023

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.

Sd/-
(J. Vinod Kumar)
Director

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

No.019/VGL/026
Government of India
CENTRAL VIGILANCE COMMISSION

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

Dated 12.05.2020

Office Order No. 04/05/20

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

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.

Sd/-
(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.

No.000/DPS/001
Government of India
Central Vigilance Commission

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

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.

Sd/-
(J. Vinod Kumar)
Director

To:

All Chief Vigilance Officers.

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

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

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.

Sd/-
(J. Vinod Kumar)
Director

To:

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

No. 004/VGL/020(Pt.)
Government of India
Central Vigilance Commission

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

Dated : 13.08.2020

Circular No.07/08/2020

Sub. : Action taken by Chief Vigilance Officers (CVOs) on complaints sent for necessary action (NA) and updation of status in Complaint Management System application by CVOs.

In terms of Complaint Handling Policy (CHP) of the Commission and Para 3.4.3 of Chapter-III of Vigilance Manual, 2017, complaints are sent to CVOs for necessary action through Complaint Monitoring System (CMS application). Though, no reply/report is required to be sent by the CVOs, however CVOs are required to examine and decide on such complaints within a period of one month from the date of receipt of complaint from the Commission, in terms of time limits prescribed by the Commission for various vigilance activities.

2. Further, it is also prescribed in Para 3.4.3 (c) of Vigilance Manual that, "Complaints referred to CVOs for necessary action must be referred back to the Commission for advice, if they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission. If any such complaints are taken up for inquiry/ investigation by the CVO, the time limit of 12 weeks for completion of investigation and submission of report would apply. Otherwise, such complaints require no further reference to the Commission and are to be disposed of by the Departments / Organisations themselves after taking necessary action. CVO should update the status of complaints sent for necessary action on the Commission's website" (in CMS application).
3. It has been observed that majority of such complaints sent for necessary action are not examined timely and not updated regularly. The Commission has noted this issue with concern and accordingly, all CVOs are advised to promptly update the status of action taken on each complaint sent for necessary action on Commission's Portal (i.e., porta.cvc.gov.in).

Sd/-

(J. Vinod Kumar)

Director

To,

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

No. 000/VGL/018
Government of India
Central Vigilance Commission

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

14th August, 2020

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.

Sd/-
(J. Vinod Kumar)
Director

To:

All Chief Vigilance Officers of Ministries / Departments/ CPSEs / PSBs / PSICs/ Fis / Autonomous Organisations / Local Bodies, 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.

Sd/-
(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.

Sd/-

(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

No.008/VGL/027-459659
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A',
GPO Complex, INA,
New Delhi -110 023

Dated-09/09/2020

Circular 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.

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.

Sd/-

(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. 000/VGL/018/459759
Government of India
Central Vigilance Commission

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

10th September, 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 / classifications 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).
 - (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.

Sd/-

(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.

No.98/DAP/09/461535
Government of India
Central Vigilance Commission

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

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.

Sd/-
(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.

No.019/VGL/026-462213
Government of India
CENTRAL VIGILANCE COMMISSION

Satarkta Bhawan, Block 'A'
G.P.O. Complex, INA,
New Delhi-110 023

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.

Sd/-

(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 Organisations etc.



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**Office of the Chairman-cum-Managing Director
Sanctoria, P.O. Dishergarh
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