

## **PREFACE**

This Compendium 2021 is an initiative undertaken by Vigilance Department, Eastern Coalfields Limited on the eve of the Vigilance Awareness Week 2021. It comprises of Circulars issued by the Central Vigilance Commission (CVC) and uploaded on its website, from the year 1999 to year 2021. Efforts have been made to sort the circulars topic wise during compilation. Suffice it to say that this sorted approach will help in easily accessing the concerned circular, instead of going through a linear search. The sole idea for this initiative stemmed from our passion for developing lucid ways to get apprised of the circulars issued by the CVC.

Valuable time has been spent upon in making this Compendium 2021 a successful attempt and for this we thank all members of our Vigilance Department family for extending their support with their knowledge and time.

The Vigilance Department wants every reader to refurbish their knowledge of the existing provisions, rules and guidelines issued by CVC from time to time. We do hope that this publication can greatly benefit all officials including the stakeholders to clear all their doubts and promote “Self-Reliance with Integrity” - which is the theme for Vigilance Awareness Week 2021.

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## CENTRAL VIGILANCE COMMISSION

### PUBLIC NOTICE

#### **Sub: Processing of PIDPI complaints by the Screening Committee of the Commission - Reg.**

As per the provisions of “Public Interest Disclosure and Protection of Informers Resolution” dated 21.04.2004, Government of India has declared the Central Vigilance Commission as the ‘Designated Agency’ to receive written complaints from Whistle Blowers for disclosure on any allegations of corruption or misuse of office and recommend appropriate action.

2. As per the provisions contained in Para 4(ii) of the PIDPI Resolution dated 21.04.2004, the Central Vigilance Commission has the responsibility of maintaining confidentiality about the identity of the complainant. Para 4(ii) of the PIDPI Resolution states that *“The identity of the complainant will not be revealed unless the complainant himself has made the details of the complaint either public or disclosed his identity to any other office or authority”*. Thus, it is clear that **the complainant has also to ensure that he should not disclose his identity to any other office or authority.**

3. While processing the complaints received under the “Public Interest Disclosure and Protection of Informers Resolution”, it has been observed that there are certain categories of complaints where it is not possible to maintain confidentiality about the identity of the complainants and “No Objection Certificate” is obtained from them before processing their complaints. On receipt of the No Objection Certificate, the complaints are processed and placed before the Screening Committee for consideration. Such complaints are considered as **Non Public Interest Disclosure and Protection of Informers (Non PIDPI) Complaints**, but before processing such complaints, the identity of the complainant is masked, thus taking adequate safeguard in an attempt to maintain confidentiality about the complainant’s identity. Some categories of complaints, which one similarly dealt with are as under :-

- (i) The complaint has been received in an open condition.
- (ii) The complaint has been addressed/endorsed to several authorities.
- (iii) The issues raised in the complaint had earlier been taken up with other authorities.
- (iv) The information has been sought / obtained under the provisions of RTI Act, by the complainant himself.

- (v) The complainant had earlier taken up the issue with this Commission in the form of an ordinary complaint, under the Commission's Complaint Handling Policy.
- (vi) The complainant makes a complaint through email or seeks status/information regarding his earlier PIDPI Complaint by sending an email, thus making his identity public, which is violation of the guidelines issued by the Commission for making complaints under the provisions of PIDPI Resolution.
- (vii) The complaint has been addressed/endorsed to many authorities of the Central Vigilance Commission, thus, disclosing his identity.

**4. Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi.**

**Dated: 24/04/2019**

No.15(7)/99-DPE(GM)  
Government of India  
Ministry of Heavy Industries & Public Enterprises  
Department of Public Enterprises

Public Enterprises Bhawan,  
Block No.14, CGO Complex,  
Lodhi Road, New Delhi-110 003

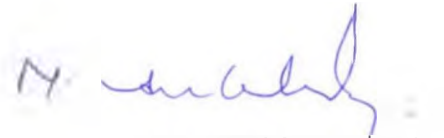
Dated the 18<sup>th</sup> July, 2014.

**NOTICE**

**Subject : Public Interest Disclosure and Protection of Informers (PIDPI) Resolution to be followed by the Chief Vigilance Officers of the Ministries/Departments of Government of India.**

It is hereby informed that based on Government of India's Resolution No.190 dated 29.08.2013, Chief Vigilance Officers of the Ministries/Departments are authorized as the designated authority to receive written complaint or disclosure under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution. The procedure for handling of complaints under PIDPI Resolution dated 21.04.2004 to be followed by the designated authority is attached. The details of the CVO of this Department are given below:

Name : Shri A.K.Pavadia  
Designation : CVO & Joint Secretary,  
Room No.404, Public Enterprises Bhawan,  
Block No.14, C.G.O.Complex,  
Lodhi Road, New Delhi -110 003.  
Tel : 24363411 (Office)  
23380022 (Residence)  
Fax : 24360406  
E-mail : [ashok.pavadia@nic.in](mailto:ashok.pavadia@nic.in)

  
( M. Subbarayan )  
Director (Admn)  
Tel : 24360624

Procedure for handling of complaints under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution dated 21.4.2004 to be followed by the designation authority (CVOs or Ministries/Departments).

1.	The 'Designated Authority' shall authorize an officer not below the level of Section Officer (SO) for receiving complaints under the PIDPI Resolution.
2.	All envelopes super-scribed with ' <i>Complaint under The Public Interest Disclosure</i> ' will be opened by the SO/In-charge, so authorized, in presence of the 'Designated Authority'.
3.	The identity of the complainant would be confirmed by the SO/In-charge by writing a letter to him/her. Sample of the letter is at Annexure-I.
4.	After the identity is confirmed, both, 'Designated Authority' and the SO/In-charge, will ensure that the identity of the complainant is removed from the body of the complaint and the dummy complaint given a number along with central registry diary number with which the original complaint can be traced back.
5.	The original complaint would be kept in a safe/almirah. The custody of the almirah will remain with the concerned Section Officer and at no time that complaint can be accessed without proper authority from the 'Designated Authority'.
6.	The dummy complaint so made would be submitted to the 'Designated Authority' who would take the decision whether the matter requires to be looked into further and report is to be called in the matter from any quarters. ( <i>Separate files may be open for each complaint</i> )
7.	While considering the complaints the 'Designated Authority' would take no action on complaints relating to administrative matters like recruitment, promotion transfers and other related issues. However, in case of serious complaints of irregularity in these matters, the same could be brought to the notice of the Secretary/Head of the organization for taking appropriate action.
8.	In such cases where a decision has been taken to call for a report, a maximum time limit of 2 weeks may be given. In case no reply is received within two weeks, a reminder should be sent at the level of the "Designated Authority". If no reply is still received, the second reminder

	after 2 weeks should be sent at the level of the Secretary. If no reply is still received, the "Designated Authority" may call for an explanation and recommend administrative action for deliberate delay.
9.	On receipt of the report, the concerned SO/In-charge will put up the matter to the 'Designated Authority' who shall investigate into the complaint and prepare an investigation report within two weeks.
10.	The "Designated Authority" would submit the investigation report along with his recommendation to the Central Vigilance Commission for further direction.
11.	Meanwhile, the "Designated Authority" shall ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/suspicion of being "whistle blower".
12.	Subsequent to the receipt of Commission's directions to undertake any disciplinary action based on such complaints, the CVO has to follow up and confirm compliance of further action by the DA and keep the Commission informed of delay, if any.
13.	The Section Officer/In-charge should maintain a separate list for the complaints received under the 'PIDPI Resolution' and enter the information in the computer system and monitor their progress periodically and put up the same to the 'Designated Authority every 2 weeks.
14.	Wherever the complainant has alleged victimization/harassment the 'Designated Authority' should ensure that if the identity of the complainant somehow becomes known he/she should not be harassed/victimized by way of frequent transfers etc.
15.	In case a complainant seeks protection and reports that his life is in danger, the 'Designated Authority' would examine the same and send his recommendation to the CVC to take up the matter with the Nodal Officers of respective States/UTs appointed by the Ministry of Home Affairs/State Governments for the purpose of providing security cover to the whistle blowers.

ANNEXURE-I

CONFIDENTIAL

Speed post/Registered post

F. No. Conf./ /...  
Government of India  
Ministry of .....

.....  
New Delhi the ..... 2014

To,

Sir,

Please refer to your complaint dated ..... received in this Ministry/Department on ..... under "Public Interest Disclosure & Protection of Informer Resolution (PIDPI)".

2. As per policy, a complainant is required to confirm that he/she has actually sent the said complaint to the Ministry/Department. You are, therefore, requested to confirm within 30 days of receipt of this letter, that you have sent the above-mentioned complaint.
3. You are also requested to furnish a certificate to the Ministry/Department as per format enclosed that you have not made similar/identical allegations of corruption/misuse of office to any other authorities to qualify as a 'Whistle Blower' complainant.
4. The reply may be addressed to the undersigned by name.

Yours faithfully.

Under Secretary

Encl: Certificate.

CERTIFICATE

It is certified that I have not made similar/identical allegation of corruption/misuse of office to any other authorities to qualify as a Whistle Blower complainant.

Signature .....

Name of the Complainant .....

Address .....

No. 371/4/2013-AVD-III  
Government of India  
Ministry of Personnel, Public Grievances and Pensions  
Department of Personnel and Training

North Block New Delhi  
Dated the 16<sup>th</sup> June, 2014

**OFFICE MEMORANDUM**


Subject: Amendment of Government of India's Resolution No. 89 published in the Gazette of India Part I Section 1, Extraordinary dated 21<sup>st</sup> April, 2004(read with corrigendum dated 29<sup>th</sup> April, 2004) commonly known as the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-regarding

In continuation of this Department's OM of even No. dated 3<sup>rd</sup> September, 2013 on the above subject, the undersigned is directed to enclose herewith a copy of **Procedure for handling of complaints under Public Interest Disclosure and Protection of Informers (PIDPI) Resolution to be followed by the Chief Vigilance Officers of the Ministries/Departments of the Government of India** who have been authorized as the Designated Authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

2. The CVOs in the Ministries or Department, either on the application of the complainant or on the basis of the information gathered, is of the opinion that either the complainant or the witnesses need protection, they shall take up the matter with the Central Vigilance Commission(CVC), of issuing appropriate directions to the authorities concerned.

3. It is requested to give wide publicity to the Procedure for handling of complaints under PIDPI Resolution by placing it along with the name and designation of the designated authorities on the website of Ministries as well as of the organizations under the Ministries. A copy of the PIDPI Resolution No. 89 dated 21<sup>st</sup> April, 2004 and Amendment Resolution No. 190 dated 29.8.2013 is also enclosed

Encl: As above.

  
16/6/14  
(M.M. Maurya)

Under Secretary to the Government of India  
Tel. No. 23094541

To,  
CVOs in the Ministries/Departments of the Government of India.  
(By name as per enclosed list)

-----2/-

Copy for information to:

1. All the Ministries/ Departments of the Government of India.
2. The Cabinet Secretariat, New Delhi.
3. The Secretary, Central Vigilance Commission, Satarkata Bhavan, New Delhi. It is requested that the content of this OM may be uploaded on the website of the Commission and wide publicity may be given. The CVOs of the Ministries/Departments may also be addressed by the Commission.
4. PS to Hon'ble MOS(PP), PPS to Secretary(P)/EO&AS/AS(S&V), DOPT.
5. The CVO, Department of Personnel and Training, New Delhi.
6. NIC, DoP&T for uploading on DoP&T website.
7. Order folder/Guard file.

**Procedure for handling of complaints under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution dated 21.4.2004 to be followed by the designation authority (CVOs or Ministries/Departments).**

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**CONFIDENTIAL**

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F. No. Conf./ /...  
Government of India  
Ministry of .....

.....  
New Delhi the ..... 2014

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4. The reply may be addressed to the undersigned by name.

Yours faithfully.

Under Secretary

Encl: Certificate.

**CERTIFICATE**

**It is certified that I have not made similar/identical allegation of corruption/misuse of office to any other authorities to qualify as a Whistle Blower complainant.**

**Signature .....**

**Name of the Complainant .....**

**Address .....**

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# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY  
भाग I—खण्ड 1  
PART I—Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 89]  
No. 89]

नई दिल्ली, बुधवार, अप्रैल 21, 2004/वैशाख 1, 1926  
NEW DELHI, WEDNESDAY, APRIL 21, 2004/VAISHAKHA 1, 1926

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय  
(कार्मिक और प्रशिक्षण विभाग)

संकल्प

नई दिल्ली, 21 अप्रैल, 2004

सं.-371/12/2002-ए.वी.डी.-III.—जबकि सर्वोच्च न्यायालय ने श्री सत्येन्द्र दुबे की हत्या के संबंध में रिट याचिका (सी.) संख्या-539/2003 को सुनवाई करते समय यह इच्छा व्यक्त की कि उपयुक्त विधान के बनाए जाने तक “पर्दाफाशों या भण्डाफोड़ों (विसल ब्लोअर्स)” से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त तंत्र व्यवस्था तैयार की जाए।

और जबकि विधि आयोग द्वारा तैयार किए गए लोकहित प्रकटीकरण और मुखबिर संरक्षण विधेयक, 2002 की जांच-पड़ताल चल रही है।

अतः अब, केन्द्र सरकार एतद्वारा निम्नलिखित संकल्प लेती है :—

- केन्द्रीय सतर्कता आयोग को केन्द्रीय सरकार अथवा किसी केन्द्रीय अधिनियम के द्वारा अथवा इसके अंतर्गत स्थापित किन्हीं निगमों, केन्द्र सरकार के स्वामित्व वाली अथवा इसके द्वारा नियंत्रित सरकारी कम्पनियों, सोसाइटियों अथवा स्थानीय प्राधिकरणों के किसी कर्मचारी पर भ्रष्टाचार के किसी आरोप अथवा पद के दुरुपयोग के सम्बन्ध में लिखित शिकायतें प्राप्त करने अथवा प्रकटीकरण सम्बन्धी दस्तावेज प्राप्त करने के लिए एतद्वारा मनोनीत अभिकरण के रूप में प्राधिकृत किया जाता है। प्रकटीकरण अथवा शिकायत में यथासंभव सभी विवरण होंगे और इसमें समर्थक दस्तावेज अथवा अन्य सामग्री शामिल होगी।
- मनोनीत अभिकरण यदि ऐसा उचित समझे तो वह प्रकटीकरण करने वाले व्यक्तियों से और जानकारी अथवा विवरण मांगवा सकता है। यदि शिकायत बेनामी है तो मनोनीत अभिकरण इस मामले में कोई कार्रवाई नहीं करेगा।
- शासकीय गुप्त अधिनियम, 1923 में विहित किसी बात के बावजूद भी संविधान के अनुच्छेद 33 के खण्ड (क) से (घ) में संदर्भित व्यक्तियों से भिन्न कोई लोक सेवक अथवा किसी गैर-सरकारी संगठन सहित कोई अन्य व्यक्ति मनोनीत अभिकरण को लिखित प्रकटीकरण भेज सकता है।
- यदि शिकायत में शिकायतकर्ता का ब्यौरा भी दिया गया है तो मनोनीत अभिकरण निम्नलिखित कदम उठाएगा :—
  - मनोनीत अभिकरण शिकायतकर्ता से यह पता लगाएगा कि क्या यह वही व्यक्ति है अथवा नहीं है जिसने शिकायत की है।
  - शिकायतकर्ता की पहचान उद्घाटित नहीं की जाएगी जब तक कि शिकायतकर्ता ने स्वयं शिकायत का ब्यौरा सार्वजनिक न कर दिया हो अथवा किसी अन्य कार्यालय अथवा प्राधिकारी को अपना पहचान नहीं बता दी हो।

- (iii) शिकायतकर्ता की पहचान गुप्त रखने के पश्चात् मनोनीत अभिकरण प्रथमतः यह पता लगाने के लिए विवेकपूर्ण जांच-पड़ताल करेगा कि क्या इस शिकायत पर आगे कार्रवाई करने का कोई आधार बनता है। इस प्रयोजन हेतु मनोनीत अभिकरण एक समुचित तंत्र बनाएगा।
- (iv) शिकायत की विवेकपूर्ण जांच-पड़ताल करने के परिणामस्वरूप अथवा बिना जांच-पड़ताल के केवल शिकायत के आधार पर ही यदि मनोनीत अभिकरण का यह मत होता है कि मामले की और जांच-पड़ताल करवाई जानी अपेक्षित है तो मनोनीत अभिकरण सम्बन्धित संगठन अथवा कार्यालय के विभागाध्यक्ष से सरकारी तौर पर उनकी टिप्पणियां/अथवा उनके स्पष्टीकरण मांगेगा। ऐसा करते समय मनोनीत अभिकरण मुखबिर की पहचान प्रकट नहीं करेगा और सम्बन्धित संगठन के अध्यक्ष को यह भी अनुरोध करेगा कि यदि उन्हें किसी कारणवश मुखबिर की पहचान का पता चल जाता है तो वे मुखबिर की पहचान गुप्त रखेंगे।
- (v) सम्बन्धित संगठन का उत्तर प्राप्त होने के बाद यदि मनोनीत अभिकरण का यह मत होता है कि अन्वेषण से पद के दुरुपयोग अथवा भ्रष्टाचार के पुख्ता आरोपों का पता चलता है तो मनोनीत अभिकरण सम्बन्धित सरकारी विभाग अथवा संगठन को उपयुक्त कार्रवाई करने की संस्तुति करेगा। इनमें अन्य बातों के साथ-साथ निम्नलिखित शामिल होगा :—
- (क) सम्बन्धित सरकारी कर्मचारी के विरुद्ध उपयुक्त कार्यवाहियां शुरू किया जाना।
- (ख) भ्रष्टकृत्य अथवा पद के दुरुपयोग जैसी भी स्थिति हो, के परिणामस्वरूप सरकार को हुई हानि की पूर्ति के लिए उपयुक्त प्रशासनिक कदम उठाना।
- (ग) मामले के तथ्यों और परिस्थितियों को देखते हुए यदि ऐसा न्यायसंगत हो तो उपयुक्त मामलों में आपराधिक कार्यवाहियां शुरू किए जाने के बारे में उपयुक्त प्राधिकारी/अभिकरण को सिफारिश करना।
- (घ) भविष्य में ऐसी घटनाओं की पुनरावृत्ति रोकने के लिए सुधारात्मक उपाय किए जाने की सिफारिश करना।

5. पूर्ण जांच-पड़ताल करने अथवा सम्बन्धित संगठन से जानकारी प्राप्त करने के प्रयोजन से मनोनीत अभिकरण को प्राप्त शिकायत के अनुक्रम में जांच-पड़ताल को पूरी करने में सभी प्रकार की सहायता प्रदान करने के लिए यथावश्यक समझे जाने पर केन्द्रीय अन्वेषण ब्यूरो अथवा पुलिस अधिकारियों को सहायता देने के लिए प्राधिकृत किया जाएगा।

6. यदि कोई व्यक्ति किसी कार्रवाई से इस आधार पर व्यथित होता है कि उसे इस तथ्य के आधार पर पीड़ित किया जा रहा है कि उसने शिकायत दायर की है अथवा प्रकटीकरण किया है तो वह इस मामले के निवारण की प्रार्थना करते हुए मनोनीत अभिकरण के समक्ष एक आवेदन दायर कर सकता है जो यथावश्यक उपयुक्त समझी जाने वाली कार्रवाई करेगा। मनोनीत अभिकरण सम्बन्धित सरकारी सेवक अथवा सरकारी प्राधिकारी को जैसी भी स्थिति हो, उपयुक्त निदेश दे दे।

7. शिकायतकर्ता के आवेदन पर अथवा एकत्रित की गई जानकारी के आधार पर यदि मनोनीत अभिकरण का यह मत होता है कि शिकायतकर्ता अथवा गवाहों को रक्षित दिए जाने की आवश्यकता है तो मनोनीत अभिकरण सम्बन्धित सरकारी प्राधिकारियों को उपयुक्त निर्देश जारी करेगा।

8. इस कार्य में प्रयुक्त तंत्र, मौजूदा कार्य तंत्र के अतिरिक्त होगा। तथापि, यदि शिकायत इस तंत्र के अन्तर्गत प्राप्त होती है तो पहचान को गुप्त रखा जाएगा।

9. यदि मनोनीत अभिकरण शिकायत को अभिप्रेरित अथवा कष्टप्रद स्वरूप की पाता है तो मनोनीत अभिकरण उपयुक्त कदम उठाने के लिए स्वतंत्र है।

10. मनोनीत अभिकरण निम्नलिखित स्वरूप के प्रकटीकरण पर कार्रवाई अथवा उसकी जांच-पड़ताल नहीं करेगा :—

(क) ऐसे किसी मामले जिसमें लोक सेवक जांच अधिनियम, 1850 के अन्तर्गत एक औपचारिक और सार्वजनिक जांच का आदेश दे दिया गया हो; अथवा

(ख) ऐसा कोई मामला जिसे जांच आयोग अधिनियम, 1952 के तहत जांच के लिए भेजा गया है।

11. मनोनीत अभिकरण के निदेशों के विपरीत मुखबिर की पहचान उद्घाटित हो जाने पर मनोनीत अभिकरण ऐसा प्रकटीकरण करने वाले किसी व्यक्ति अथवा अभिकरण के विरुद्ध मौजूदा विनियमों के अनुसार उपयुक्त कार्रवाई शुरू किए जाने के लिए प्राधिकृत है।

12. इस कार्य हेतु सृजित तंत्र, संसद द्वारा इस विषय में कानून बनाए जाने तक लागू रहेगा।

श्रीमती मंजुलिका गौतम, अपर सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

**(Department of Personnel and Training)**

**RESOLUTION**

New Delhi, the 21st April, 2004

No. 371/12/2002-AVD-III.—Whereas while hearing Writ Petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the Supreme Court desired that pending enactment of a suitable legislation, suitable machinery should be put in place for acting on complaints from "whistle-blowers".

And whereas the 'The Public Interest Disclosure and Protection of Informers' Bill, 2002, drafted by the Law Commission is under examination.

Now, therefore, the Central Government hereby resolves as under :

1. The Central Vigilance Commission (CVC) is hereby authorized, as the Designated Agency, to receive written complaints or disclosure on any allegation of corruption or of mis-use of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material.
2. The designated agency may, if it deems fit call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the designated agency shall not take any action in the matter.
3. Notwithstanding anything contained in the Official Secrets Act, 1923, any public servant other than those referred to clauses (a) to (d) of Article 33 of the Constitution or any other person including any non-governmental organisation, may make a written disclosure to the designated agency.
4. If the complaint is accompanied by particulars of the person making the complaint, the designated agency shall take the following steps :
  - (i) The designated agency will ascertain from the complainant whether he was the person who made the complaint or not.
  - (ii) The identity of the complainant will not be revealed unless the complainant himself has made the details of the complaint either public or disclosed his identity to any other office or authority.
  - (iii) After concealing the identity of the complainant, the designated agency shall make, in the first instance, discreet inquiries to ascertain if there is any basis of proceeding further with the complaint. For this purpose, the designated agency shall devise an appropriate machinery.
  - (iv) Either as a result of the discreet inquiry, or on the basis of the complaint itself without any inquiry, if the designated agency is of the opinion that the matter requires to be investigated further, the designated agency shall officially seek comments/or explanation from the Head of the Department of the concerned organisation or office. While doing so, the designated agency shall not disclose the identity of the informant and also shall request the concerned Head of the organisation to keep the identity of the informant secret, if for any reason, the concerned Head comes to know the identity.
  - (v) After obtaining the response of the concerned organisation, if the designated agency is of the opinion that the investigations reveal either mis-use of office or substantiate allegations of corruption, the designated agency shall recommend appropriate action to the concerned Government Department or Organization. These shall, *inter alia*, include following :
    - (a) Appropriate proceedings to be initiated against the concerned Government servant.
    - (b) Appropriate administrative steps for redressing the loss caused to the Government as a result of the corrupt act or mis-use of office, as the case may be.
    - (c) Recommend to the appropriate authority/agency initiation of criminal proceedings in suitable cases, if warranted by the facts and circumstances of the case.
    - (d) Recommend taking of corrective measures to prevent recurrence of such events in future.

5. For the purpose of making discreet inquiry or obtaining information from the concerned organisation, the designated agency shall be authorized to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received.
6. If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency seeking redress in the matter, who shall take such action, as deemed fit. The designated agency may give suitable directions to the concerned public servant or the public authority as the case may be.
7. Either on the application of the complainant, or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the concerned Government authorities.
8. The machinery evolved herein shall be in addition to the existing mechanisms in place. However, secrecy of identity shall be observed, only if the complaint is received under this machinery.
9. In case the designated agency finds the complaint to be motivated or vexatious, the designated agency shall be at liberty to take appropriate steps.
10. The designated agency shall not entertain or inquire into any disclosure :
  - (a) in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850; or
  - (b) in respect of a matter which has been referred for inquiry under the Commissions of Inquiry Act, 1952.
11. In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorized to initiate appropriate action as per extant regulations against the person or agency making such disclosure.
12. The machinery created herein shall operate till Parliament passes a law on the subject.

SMT. MANJULIKA GAUTAM, Addl. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण  
EXTRAORDINARY  
भाग I—खण्ड 1  
PART I—Section 1  
प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 98]  
No. 98]

नई दिल्ली, बृहस्पतिवार, अप्रैल 29, 2004/वैशाख 9, 1926  
NEW DELHI, THURSDAY, APRIL 29, 2004/VAISAKHA 9, 1926

कार्मिक, लोक-शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

सुद्धिपत्र

नई दिल्ली, 29 अप्रैल, 2004

सं. 371/12/2002-ए.सी.डी.-III.—भारत के असाधारण राजपत्र भाग-I, खण्ड 1 में दिनांक 21 अप्रैल, 2004 को प्रकाशित भारत सरकार के संकल्प संख्या 89 का आंशिक संशोधन करते हुए, उक्त संकल्प के प्रारंभिक पैरा तथा पैरा-2 में निम्नलिखित संशोधन किए जाते हैं :

(i) संकल्प के प्रारंभिक पैरा को निम्न प्रकार से प्रतिस्थापित किया जाता है :

"जबकि श्री सायेन्द्र दुबे की हत्या के सम्बन्ध में रिट याचिका (सी.) संख्या 539/2003 की सुनवाई करते समय, 'पर्दाफाशों या भण्डाफोड़ों (विसल ब्लोअर्स)' से प्राप्त शिकायतों पर कार्रवाई किए जाने के लिए उपयुक्त तंत्र का प्रश्न उठा"।

(ii) संकल्प के अंग्रेजी पाठ के पैरा 2 में शब्द 'designateed' (डेजिगनेटीड) को शब्द 'designated' (डेजिगनेटेड) से प्रतिस्थापित किया जाता है।

श्रीमती मंजुलिका गौतम, अपर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

CORRIGENDUM

New Delhi, the 29th April, 2004

No. 371/12/2002-AVD.III.—In partial modification of the Government of India's Resolution No. 89, published in the Gazette of India Part I Section 1, Extraordinary dated 21st April, 2004, the following modifications are made in the opening para and para-2 of the said Resolution :

(i) The opening para of the Resolution is substituted as

"Whereas while hearing Writ Petition (C) No. 539/2003 regarding the murder of Shri Satyendra Dubey, the question of a suitable machinery for acting on complaints from 'whistle-blowers' arose "

(ii) In para 2 the word "designateed" is substituted as "designated".

Smt MANJULIKA GAUTAM, Addl. Secy.



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग I—खण्ड 1

PART I—Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 190]

नई दिल्ली, बृहस्पतिवार, अगस्त 29, 2013/भाद्र 7, 1935

No. 190]

NEW DELHI, THURSDAY, AUGUST 29, 2013/BHADRA 7, 1935

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

संकल्प

नई दिल्ली, 14 अगस्त, 2013

सं. 371/4/2013/एवीडी-III.—भारत के असाधारण राजपत्र, भाग I, खण्ड 1 में प्रकाशित लोकहित प्रकटन तथा मुखबिरों की सुरक्षा के अंतर्गत शिकायत प्रबंधन हेतु केन्द्रीय सतर्कता आयोग (सीवीसी) को मनोनीत अधिकरण के रूप में प्राधिकृत करने वाले, इस मंत्रालय के संकल्प संख्या 371/12/2002/एवीडी-III दिनांक 21 अप्रैल, 2004 में निम्नलिखित संशोधन किए जाते हैं, अर्थात्:—

उक्त संकल्प में,—

- (i) पैरा 2, 3, 4, 5, 6, 8, 9, 10 एवं 11 शब्द "मनोनीत अधिकरण" जहां कहीं भी प्रयोग में आए हों, को क्रमशः "मनोनीत अधिकरण अथवा मनोनीत प्राधिकरण" शब्दों से प्रतिस्थापित किया जाएगा;
- (ii) पैरा 1 में शब्द "प्रकटीकरण अथवा शिकायत में यथासंभव सभी विवरण होंगे और इसमें समर्थक दस्तावेज अथवा अन्य सामग्री शामिल होगी" का लोप किया जाएगा;
- (iii) पैरा 1 के बाद निम्नलिखित पैरा जोड़ें जाएंगे, अर्थात्:—

"1क. भारत सरकार के मंत्रालय अथवा विभागों के मुख्य सतर्कता अधिकारियों को, उस मंत्रालय या विभाग, किसी

केन्द्रीय अधिनियम के द्वारा या इसके अंतर्गत स्थापित किसी निगम अथवा केन्द्र सरकार के स्वामित्व या नियंत्रणाधीन सरकारी कंपनियों, संस्थाओं अथवा स्थानीय प्राधिकरणों जो उस मंत्रालय या विभाग के अधिकार क्षेत्र में आते हों, के किसी कर्मचारी पर भ्रष्टाचार अथवा पद के दुरुपयोग के किसी आरोप के संबंध में लिखित शिकायत या प्रकटन संबंधी शिकायत प्राप्त करने के लिए मनोनीत प्राधिकारी के रूप में भी प्राधिकृत किया गया है।

1ख : प्रकटन या शिकायत में जितना संभव हो सम्पूर्ण विवरण समाहित होगा एवं इसके साथ समर्थित दस्तावेज या अन्य सामग्री होगी।"

- (iv) पैरा 7 के बाद, निम्नलिखित पैरा जोड़ा जाएगा, अर्थात्:—

"7क. या तो शिकायतकर्ता के आवेदन पर या संग्रहित सूचना के आधार पर, यदि मनोनीत प्राधिकारी का मत हो कि शिकायतकर्ता या गवाह को संरक्षण की आवश्यकता है तो मनोनीत प्राधिकारी, संबंधित सरकारी प्राधिकारियों को समुचित दिशानिर्देश जारी करने के लिए इस मामले को केन्द्रीय सतर्कता आयोग के साथ उठाएगा।"

- (v) पैरा 11 के बाद, निम्नलिखित पैरा जोड़ा जाएगा, अर्थात्:—

"11क. केन्द्रीय सतर्कता आयोग (सीवीसी) मनोनीत प्राधिकारी को प्राप्त शिकायतों का पर्यवेक्षण एवं निगरानी करेगा।"

दीप्ति उमाशंकर, संयुक्त सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS**

**(Department of Personnel and Training)**

**RESOLUTION**

New Delhi, the 14th August, 2013.

No.371/4/2013-AVD-III – In this Ministry's Resolution No.371/12/2002-AVD-III dated 21st April, 2004, published in the Gazette of India, Extraordinary, Part I, Section 1, authorising the Central Vigilance Commission (CVC) as the Designated Agency for handling of complaints under the Public Interest Disclosure and Protection of Informers, the following amendments are hereby made, namely:-

In the said Resolution,-

- (i) in paragraphs 2, 3, 4, 5, 6, 8, 9, 10 and 11, for the words "the designated agency" wherever they occur, the words "the designated agency or the designated authority" shall respectively be substituted;
- (ii) in paragraph 1, the words "The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other material." shall be omitted;
- (iii) after paragraph 1, the following paragraphs shall be inserted, namely:-  
"1A. The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the designated authority to receive written complaint or

disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

1B. The disclosure or complaint shall contain as full particulars as possible and shall be accompanied by supporting documents or other materials":

- (iv) after paragraph 7, the following paragraph shall be inserted, namely:-

"7A. Either on the application of the complainant, or on the basis of the information gathered, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned."

- (v) after paragraph 11, the following paragraph shall be inserted, namely -

"11A. The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority."

DEEPTI UMASHANKAR, Jt. Secy.

Telegraphic Address :  
"SATARKTA: New Delhi

E-Mail Address  
cenvigil@nic.in

Website  
www.cvc.nic.in

EPABX  
24651001 - 07

फैक्स/Fax : 24616286



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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

004/VGL/26

Office Order No.04/02/12

स / No.....

दिनांक / Dated 13<sup>th</sup> February, 2012

**Sub: GoI Resolution on the Public Interest Disclosure & Protection of Informers (PIDPI)- Guidelines thereon.**

The Government of India has authorized the Central Vigilance Commission (CVC) as the Designated Agency to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action under the Public Interest Disclosure & Protection of Informers (PIDPI) Resolution, 2004. Accordingly, Commission had also vide circular No.33/5/2004 dated 17/05/2004 issued guidelines and public notice on the procedure to be followed for filing whistle blower complaints under PIDPI Resolution for protecting identity of complainants/informers.

2. The Commission has noticed over the years that many complainants claiming to be 'Whistle Blowers' do not conform to the procedures prescribed by the Commission while filing the complaints to the Commission under PIDPI Resolution. The Commission would therefore emphasize the need for creating greater awareness among the public including employees of every Organization/Deptt. for lodging whistle blower complaints. The Commission would again suggest to all CVOs of Ministries/Departments/PSUs/Banks/ Insurance Companies/Local Authorities/Societies etc., to give wide publicity to PIDPI Resolution and the guidelines issued by the Commission through their website, especially intranet of the Organization, Internal Journals, publications and also organize seminars/sensitizations etc. to inculcate greater awareness so as to encourage the public especially insiders to come forward and lodge/report information of corrupt practices or misuse of office in the respective Organizations/Departments to the Central Vigilance Commission.

(J Vinod Kumar)

Officer on Special Duty

To

All CVOs of Ministries/Departments/Public Sector Undertakings/Public Sector Banks/Insurance Companies/Local Authorities/Societies.

004/VGL/26  
Government of India  
Central Vigilance Commission

Satarkta Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi- 110023  
Dated 12<sup>th</sup> May, 2009

Circular No. 9/5/09

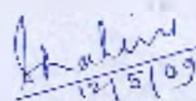
**Subject: Govt. of India Resolution on Public Interest Disclosure and Protection of Informer (PIDPI) - Delay in submission of investigation report on PIDPI complaints- reg.**

Please refer to the Commission's Office Order No 32/5/04 dated 17.05.2004 prescribing the procedure to be followed by CVOs on complaints forwarded by the Commission under PIDPI Resolution, wherein, the Government of India authorised the Central Vigilance Commission (CVC) as the Designated Agency to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action. Commission wide Office Order No. 4/2/09 dated 27.02.2009 had recently advised the Ministry/Departments/Organisations to submit their investigation reports on complaints forwarded by the Commission under PIDPI Resolution within a period of one month from the receipt of reference of the Commission.

2. Of late, the Commission has observed inordinate delays beyond the prescribed time limit in submission of investigation reports by the CVOs, of some organisations which is against the spirit of the PIDPI Resolution.

3. The Commission has, therefore, now decided that, henceforth, in all cases of delays beyond the prescribed one month time limit, the exact reasons for delay in investigation/submission of reports should be stated/explained specifically by the CVOs while reporting to the Commission on PIDPI references.

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

  
(Shalini Darbari)  
Director

To  
All Chief Vigilance Officers

No.004/VGL/26  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 27<sup>th</sup> February 2009

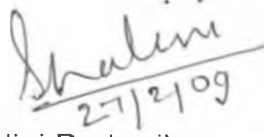
Office Order No.4/2/09

**Subject:- Govt. of India Resolution on Public Interest Disclosures & Protection of Informer**

Please refer to the Commission's Office Order No.33/5/2004 dated 17.5.2004 wherein the Government of India authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action. CVOs of the Ministries/Depts./Orgns. were required to submit their investigation report on complaints forwarded by the Commission under the PIDPI Resolution within a period of two weeks.

2. The issue regarding submission of investigation reports on PIDPI complaints has been reconsidered in the Commission and taking in view the difficulties being faced by the CVOs in submission of reports, it has now been decided by the Commission to extend the time limit for submission of reports. Henceforth, CVOs would submit the reports within a period of **one month** from the receipt of reference of the Commission.

3. All CVOs should adhere to the Commission's above time limit for strict compliance.

  
(Shalini Darbari)  
Director

All Chief Vigilance Officers

No.004/VGL/26  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, Block A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 17<sup>th</sup> May, 2004

**Office Order No. 33/5/2004**

**Subject:- Govt. of India Resolution on Public Interest Disclosures & Protection of Informer**

The Government of India has authorised the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2 A copy of the Public Notice issued by the Central Vigilance Commission with respect to the above mentioned Resolution is enclosed. All CVOs are further required to take the following actions with respect to the complaints forwarded by the Commission under this Resolution:

- (i) All the relevant papers/documents with respect to the matter raised in the complaint should be obtained by the CVO and investigation into the complaint should be commenced immediately. The investigation report should be submitted to the Commission within two weeks.
- (ii) The CVO is to ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/ suspicion of being "whistle blower "
- (iii) Subsequent to the receipt of Commission's directions to undertake any disciplinary action based on such complaints, the CVO has to follow up and confirm compliance of further action by the DA and keep the Commission informed of delay, if any
- (iv) Contents of this order may be brought to the notice of Secy /CEO/ CMD

**All CVOs may note the above directions for compliance.**

Sd/-  
(Sujit Banerjee)  
Secretary

To

All Chief Vigilance Officers

## Central Vigilance Commission

### Press Release:

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. The jurisdiction of the Commission in this regard would be restricted to any employee of the Central Government or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government. **Personnel employed by the State Governments and activities of the State Governments or its Corporations etc. will not come under the purview of the Commission.**

3. In this regard, the Commission, which will accept such complaints, has the responsibility of keeping the identity of the complainant secret. **Hence, it is informed to the general public that any complaint, which is to be made under this resolution should comply with the following aspects.**

- i) The complaint should be in a closed / secured envelope.
- ii) The envelope should be addressed to Secretary, Central Vigilance Commission and should be superscribed "Complaint under The Public Interest Disclosure". If the envelope is not superscribed and closed, it will not be possible for the Commission to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the Commission. The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.
- iii) Commission will not entertain anonymous/pseudonymous complaints.
- iv) The text of the complaint should be carefully drafted so as not to give any details or clue as to his/her identity. However, the details of the complaint should be specific and verifiable.
- v) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into any further correspondence with the Commission in their own interest. The Commission assures that, subject to the facts of the case being verifiable, it will take the necessary action, as provided under the Government of India Resolution mentioned above. If any further clarification is required, the Commission will get in touch with the complainant.

4. The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

5. A copy of detailed notification is available on the web-site of the Commission <http://www.cvc.nic.in>.

## Public Notices

### GOI Resolution on Public Interest Disclosure and Protection of Informer

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

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4 The Commission can also take **action against complainants making motivated/vexatious complaints** under this Resolution

5. A copy of detailed notification is available on the web-site of the Commission <http://www.cvc.nic.in>

**Issued in Public Interest by the Central Vigilance Commission, INA, Satarkta Bhawan, New Delhi.**

**Sd/-  
Secretary  
Central Vigilance Commission**



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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

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

सं./No..... No.020-VGL-045.....

दिनांक / Dated.....18.06.2021.....

Circular No. 08/06/21

**Subject:- Procedure for handling references received from Lokpal of India.**

Under the provisions contained in Lokpal and Lokayuktas Act, 2013, Lokpal of India has the mandate to inquire into allegations of corruption against certain public functionaries and for matters connected with them.

2. As per provisions contained under Section 20 (1) (b) of the Lokpal and Lokayuktas Act, 2013, complaints in respect of public servants belonging to Group A, B, C or D are referred by Lokpal to Central Vigilance Commission for preliminary inquiry. The Commission forwards such references to the Chief Vigilance Officers concerned for preliminary inquiry and report.

3. It may be noted that as per provisions contained under Section 20(2) of the Lokpal and Lokayuktas Act, 2013, a report is to be submitted within a period of sixty days and for reasons to be recorded in writing, within a further period of sixty days from the date of receipt of the complaint.

4. The Commission has directed that the Chief Vigilance Officers should ensure that the investigating officer, who is entrusted with preliminary inquiry of any Lokpal referred complaint, should have an uninterrupted tenure of minimum of 04 months in Vigilance Units/Organization concerned in order to ensure continuity and timely completion of such complaints.

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

(Rajiv Verma)  
Officer on Special Duty

To

- (i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (ii) Website of CVC

Telegraphic Address :  
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Block A, INA, New Delhi-110023  
सं./No..... 98/DSP/09/461535

दिनांक / Dated: 24<sup>th</sup> Sept., 2020

Circular No. 12/09/20

**Sub: Action on anonymous/pseudonymous complaints.**

- Ref. (i) DoPT's OM No.104/76/2011-AVD.I dated 18/10/2013 & 18/06/2014.**
- (ii) Commission's Circular No.07/11/2014 dated 25/11/2014.**

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

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

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

(J. Vinod Kumar)  
Director

**To:**

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

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



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi 110023

सं./No.....000/VGL/018.....

14<sup>th</sup> August, 2020

दिनांक / Dated.....

Office Order No.08/08/2020

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

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

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

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

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

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

(J. Vinod Kumar)  
Director

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



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Block A, INA, New Delhi-110023  
004/VGL/020(Pt.)

स./No.....

दिनांक / 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., portal.cvc.gov.in).**

(J.Vinod Kumar)  
Director

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

DPE-GM-15(1)/2010-DPE(GM)-FTS-2874  
Government of India  
Ministry of Heavy Industries & Public Enterprises  
Department of Public Enterprises

Public Enterprises Bhawan  
Block No.14, C.G.O. Complex  
Lodhi Road, New Delhi-110 003  
Dated: 15th May, 2020

**OFFICE MEMORANDUM**


**Subject:-Complaints against CMDs/Chief Executives/Functional Directors/Non official Directors (NoDs) etc. of Central Public Sector Enterprises (CPSEs), Public Sector Banks (PSBs), Financial Institutions (FIs) and Public Sector Insurance Companies (PSICs)**

The following amendment is hereby made to this Department's OM of even number dated 11.12.2017 on the subject mentioned above:

**In Para 3, laying down the composition of Group headed by Cabinet Secretary:**

For "(iv) Secretary, Central Vigilance Commission (CVC) - Member"

Read "(iv) Secretary, Central Vigilance Commission (CVC) - Observer"

  
(P.K. Sharma)

Dy. Secretary to Govt. of India  
Ph. 2436-3066  
Email: [pksharma.ship@nic.in](mailto:pksharma.ship@nic.in)

To

Secretaries of all Ministries/Departments concerned with CPSEs/PSBs/FIs/PSICs.

Copy to:

1. Secretary (Coordination) in the Cabinet Secretariat
2. Secretary, Department of Public Enterprises
3. Secretary, Central Vigilance Commission
4. Secretary, Department of Financial Services

Copy also to:

- (i) PS to Finance Minister
- (ii) PS to Minister (Heavy Industries & Public Enterprises)
- (iii) PS to Minister of State (Heavy Industries & Public Enterprises)
- (iv) Secretary, DoP&T
- (v) Prime Minister's Officer (Ms. Kavita Vaibhav Padmanabhan, Dy. Secretary)
- (vi) Cabinet-Secretariat (Shri Sibi Chakravarthy M, Dy. Secretary)
- (vii) Director (Vigilance), Department of Public Enterprises

No. 15(I)/2010-DPE (GM)  
Government of India  
Ministry of Heavy Industries and Public Enterprises  
Department of Public Enterprises

Public Enterprises Bhawan  
Block No. 14, C.G.O Complex  
Lodhi Road, New Delhi-110003  
Dated: 11<sup>th</sup> December, 2017

**OFFICE MEMORANDUM**

**Subject:-Complaints against CMDs/Chief Executives/Functional Directors/Non official Directors (NoDs) etc. of Central Public Sector Enterprises (CPSEs), Public Sector Banks (PSBs), Financial Institutions (FIs), and Public Sector Insurance Companies (PSICs).**

Vide OM No. 15(I)/2010-DPE(GM) dated 11.3.2010, a Group of Officers (GoO) was constituted under the Chairmanship of Secretary(Coordination) in the Cabinet Secretariat to first scrutinize and take a view on complaints, whether pseudonymous or otherwise, against CMDs/Chief Executives/Functional Directors of CPSEs, PSBs and FIs. Some modifications were done to the guidelines vide OM dt. 12.04.2010 and 11.05.2011. Subsequently, vide OM No. 15(I)/2010-DPE (GM) FTS-2874 dated 25.01.2017, Non-officials Directors (NODs) of CPSEs were also included in the purview of GoO.

2. It is considered necessary to further modify the guidelines/procedure regarding handling of complaints with a view to include NoDs and certain other categories of Directors of PSBs, part-time/non-official Chairpersons of PSBs/CPSEs, etc. Accordingly, the following revised consolidated guidelines are issued.

**3. Composition of the Group**

A Group under the Chairmanship of the Secretary (Coordination) in the Cabinet Secretariat is constituted to take a view on such complaints. The composition of the Group shall be as follows:-

(i) Secretary (Coordination) in the Cabinet Secretariat	: Chairman
(ii) Secretary, Department of Public Enterprises (DPE)	: Member
(iii) Secretary, Department of Financial Services (DFS)	: Member
(iv) Secretary, Central Vigilance Commission (CV C)	: Member

#### **4. Categories of officials covered in the purview of GoO**

- (i) CMDs, Chief Executives, Functional Directors and NODs of CPSEs, PSBs, FIs and PSICs
- (ii) Part-time / Non-official Chairperson of CPSEs, PSBs, FIs and PSICs, wherever applicable.
- (iii) Workmen Directors, Officers' Directors and Chartered Accountant Directors (excluding Govt. nominee Directors, RBI nominee Directors, Shareholder Directors) in the case of PSBs.

#### **5. Category of complaints received**

Complaints received from PMO, Cabinet Secretariat, or DPE against above stated categories of officials would be dealt by GoO. Further, GoO will also look into complaints received by Cabinet Secretary from CVC under CVC Act or Public Interest Disclosure Resolution. Complaints against the above stated category of officers received directly by the concerned administrative Ministry/Department are handled by them. However, in exceptional cases where concerned Ministry/Department considers it necessary to refer a particular case to GoO, the same may be done with the approval of competent authority of the administrative Ministry/Department.

#### **6. Procedure to be followed by Group of Officers (GoO)**

6.1 This Group, after receiving the complaint(s), would proceed as follows:-

- (a) If there is no substance in the complaint or the complaint is frivolous in nature, the Group would close the complaint and inform the relevant office from where the complaint was received.
- (b) In case the preliminary scrutiny of the complaint indicates that there is some substance in it or there are verifiable allegations, the Group may :-

- (i) Seek the comments/reports of the Secretary and/or CVO of the concerned Ministry/Department/Organisation, comments of officer against whom complaint has been received, and/or
- (ii) Call for the concerned file(s); relevant records, including annual property returns, other reports, etc. as considered necessary.

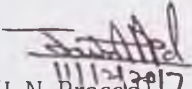
6.2 Having received appropriate inputs/ reports on the complaints, the Group will then proceed in the following manner:-

- (a) In case the records/comments/reports indicate that there is no substance in the complaint, it will be closed under intimation to concerned office from where the complaint was received.
- (b) If after scrutiny, it is found that there is some substance in the complaint, a view would be taken by the Group regarding the nature of the investigation and further action called for and an appropriate recommendation would be made in this regard.
- (c) Thereafter, the recommendation would be submitted to the concerned Competent/ Disciplinary Authority, for further appropriate action.
- (d) If the concerned Competent/Disciplinary Authority, after considering the recommendations of GoO, decides not to proceed further in the matter and close the case/complaint, it would do so by recording reasons for the same and inform the GoO/Cabinet Secretariat.

## **7. Other miscellaneous matters**

- (i) All the concerned Ministries/Departments shall follow a time limit of maximum of 30 days for submission of the initial report/comments on all the allegations made in a complaint and a maximum of 15 days for furnishing any clarifications/additional information sought by the Group of Officers. In particular, in cases where the officer against whom complaint has been made is retiring in near future, the concerned Ministry/Department will ensure submission of their reports in a strict time frame to enable the GoO to submit its recommendations before the date of retirement of such officer.

- (ii) In case the Ministries/Departments do not adhere to the prescribed timeline, the matter would be pursued with the Ministry/Department to clarify the factual position, and if considered necessary, the concerned Secretary may be invited to attend subsequent meeting of GoO as special invitee with relevant progress/status/ report of the case;
- (iii) Anonymous/pseudonymous complaints can be filed with the approval of Secretary (Coordination) and details of such filed complaints will be placed before GoO in its next meeting for information.
- (iv) In respect of complaints received from CVC by Cabinet Secretary and referred to this Group, CVC shall be kept informed at regular intervals about the status/progress.
- (v) If any complaint received by GoO is also under investigation by CVC, GoO may not proceed further with such a complaint.
8. This has the approval of Minister (HI & PE).

  
(J. N. Prasad)  
Director

To

Secretaries of all Ministries/Departments concerned with CPSEs/PSBs/FIs/PSICs.

**Copy to:-**

1. Secretary (Coordination) in the Cabinet Secretariat,
2. Secretary, Department of Public Enterprises,
3. Secretary, Central Vigilance Commission,
4. Secretary, Department of Financial Services.

**Copy also to:-**

- (i) PS to Finance Minister
- (ii) PS to Minister (Heavy Industries & Public Enterprises)
- (iii) PS to Minister of State (Heavy Industries & Public Enterprises)
- (iv) Secretary, DoP&T
- (v) Joint Secretary (V), DoP&T
- (vi) Joint Secretary, Cabinet Secretariat (Ms. Indira Murthy)
- (vii) Director, PMO (Ms. Nandini Paliwal)
- (viii) Director (Vigilance), Department of Public Enterprises

\*\*\*\*\*

S.No 6 (I)

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Block A, INA, New Delhi 110023

स. / No. 98/DSP/9(Part-2)

दिनांक / Dated. 7<sup>th</sup> March, 2016

**Circular No. 03/03/16**

**Sub:- Action on Anonymous / Pseudonymous Complaints - reg.**

The Commission has been receiving references from Departments / Organisations seeking clarification on the action to be taken on anonymous/pseudonymous complaints which were acted upon and at different stages of process including under disciplinary proceedings before issuance of CVC Circular No. 07/11/2014 dated 25<sup>th</sup> November, 2014 on the captioned subject. A few Court decisions arising out of the Commission's guidelines issued earlier on the subject were also brought to the notice of the Commission

2. The Commission considered the details of the Court orders/judgments and in one instance, the Central Administrative Tribunal (CAT), Principal Bench, Delhi had quashed the charge sheet dated 14.10.2004 issued to the delinquent official based on the pseudonymous complaints dated 18.02.1997 and 02.04.1997, vide order dated 20.07.2005. CAT had quashed the charge-sheet served mainly considering the circulars of the Commission dated 29.6.1999 and 31.01.2002 on the subject. In the order dated 20.07.2005, it was observed that the charge-sheet dated 14.10.2004 was issued pursuant to pseudonymous complaints received earlier and therefore is in violation of Commission's circular dated 29.6.1999 and 31.01.2002. The High Court agreed with the findings and observations of the CAT and dismissed the department's Writ Petition filed against the order of the CAT *in limine*. Thereafter, the Supreme Court had also dismissed the department's Civil Appeal in the matter. CAT's decision is based on one of the judgement dated 26.09.2003 of Madras High Court (in another case) wherein it was observed that the preliminary enquiry report dated 25.05.2000 based on anonymous complaint was subsequent to the CVC's circular dated 29.06.1999 and, therefore, is liable to be quashed and further that the prohibition (in CVC circular) that "no action will cover all pending proceedings on that date."

3. The instructions / guidelines issued from time to time on the subject-matter by DoPT / CVC are as follows:

- i. DoPT's O.M. No. 321/4/910-AVD.III dated 29.09.1992 that no action is required to be taken on anonymous/pseudonymous complaints in general, provided the option to inquire into such complaints which contained verifiable details.
- ii. Commission's initial Circular No. 3(v)/99/2 dated 29.6.1999 prescribing that no action should be taken on anonymous/pseudonymous complaints and should just be filed.
- iii. Commission's circular No.98/DSP/9 dated 31.1.2002 reiterating that under no circumstances, should any investigation be commenced on anonymous/pseudonymous complaints.
- iv. Commission's circular No. 98/DSP/9 dated 11.10.2002 reviewing its earlier instructions of 1999, providing that if any Departments/ organisations proposes to look into the verifiable facts alleged in anonymous/pseudonymous complaints it may refer the matter to the Commission seeking its concurrence through the CVO or the Head of the organisation.
- v. DoPT O.M. No. 104/76/2011-AVD.I dated 18.10.2013 that no action is required to be taken on anonymous complaints, irrespective of the nature of allegations and such complaints need to be simply filed.
- vi. Commission's circular No.07/11/2014 dated 25.11.2014 withdrawing Circular dated 11.10.2002 and reiterating previous circulars dated 29.6.1999 and 31.1.2002 to the effect that no action should be taken on anonymous/pseudonymous complaints and such complaints should be filed.

4. Since, the aforesaid issues arising out of the observations of CAT and High Court of Madras involve interpretation of substantial questions of law, the opinion of Ld. Attorney General for India was sought by the Commission. Ld. Attorney General for India has furnished his opinion and clarified that unless expressly stated all Executive Circulars are prospective in nature and they do not have retrospective effect. Only a law can be retrospective if a law expressly states that it will be retrospective or the intention to that effect is very clear. It is further clarified that an anonymous / pseudonymous complaint, say made in 1997 i.e. prior to the prohibitory circular dated 29.06.1999 ought to have been generally not entertained but if there was verifiable material in accordance with the DoPT's O.M. of 1992 and investigation has commenced, the same would have to be taken to its logical conclusion notwithstanding the issue of a later circular dated 29.06.1999.


5. Based on the opinion furnished by Ld. AG, the following clarifications are being issued:-

- i. No action should be taken on anonymous / pseudonymous complaints in line with Commission's present instructions dated 25<sup>th</sup> November, 2014 and such complaints should be filed.

:3:

- ii. However, where the action was initiated on anonymous/ pseudonymous complaints prior to the issue of CVC's circular dated 29.6.1999 and was pending as on 29.6.1999, it can be pursued further to its logical end.
- iii. Where action was initiated on anonymous/ pseudonymous complaints between the period 11.10.2002 and 25.11.2014 with prior concurrence of CVC but is pending, further action is permissible on such complaints.
- iv. Material/evidence gathered during the investigation/verification of anonymous complaints when the action was prohibited on such complaints (i.e. between 29.06.1999 & 11.10.2002), or where such enquiry was initiated without the approval of CVC, can be utilised for further initiation of disciplinary proceedings on misconducts noticed in such verification / enquiry.

6. All Administrative Authorities / CVOs may note the above clarifications for guidance / compliance while handling and processing matters arising out of anonymous / pseudonymous complaints.



**(J. Vinod Kumar)**  
**Director**

To

All Chief Vigilance Officers in the Ministries / Departments / CPSUs / PSBs / PSICs/ FIs/ Societies and other Local Authorities.

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CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi 110023

98/DSP/09  
स./No.....

दिनांक / Dated..... 23<sup>rd</sup> January, 2015

Circular No. 01/01/2015

Subject:- Procedure for dealing with complaints – regarding.

The Commission under its powers conferred under Section 8 (1)(d) of CVC Act, 2003, causes inquiry/investigation into allegations of corruption and seeks reports from the CVOs of Ministries/Departments/Organisations. All CVOs are informed that henceforth, the Commission would be seeking confirmation from the complainant for owning disowning the complaint, as the case may be. Therefore, any further confirmation would not be required to be sought by the CVOs from the complainant in respect of the complaints sent to CVO's for inquiry and report by the Commission. However, clarifications /any additional information, if required, could be obtained from the complainant (s) as part of inquiry in the matter undertaken by the CVOs.

2. As regards complaints received directly by the CVOs of Ministries / Departments Organisations, if a complaint contains specific and verifiable allegations of corruption vigilance angle and it is proposed to take cognizance of such complaints, the complaint will be first sent to be complainant for owning/disowning, as the case may be. If no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. 15 days after sending the reminder, if still nothing is heard, the said complaint may be filed as pseudonymous by the CVO of the Ministry/Department/Organisation concerned. CVOs are advised that in no case, any inquiry/investigation be initiated on complaints without receipt of confirmation from complainant on any complaint.

3. In so far as complaints sent by the Commission for 'necessary action' to CVOs of Ministries/Departments/Organisations, no such confirmation would be made from the complainant by the Commission. In case the CVO on scrutiny of such complaints propose to inquire into the allegations, confirmation as stated in para 2 above should be made by the CVO.

[J. Vinod Kumar]  
Officer on Special Duty

10

All Chief Vigilance Officers in the Ministries / Departments / Public Sector Undertakings / Public Sector Banks <sup>39</sup>nsurance Companies / Societies and other Local Authorities.

No. 002/VGL/61  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A'  
GPO Complex, I N A ,  
New Delhi- 110023  
Dated the 19 05 2010

Office Order No. 20/05/10

**Subject:** Adherence to time limits for investigation of complaints - reg.

**Reference:** (i) Commission's office order No. 16/03/04 dated 01.04.2004  
(ii) Commission's office order No. 4/2/09 dated 27.02.2009  
(iii) Commission's circular No. 9/5/09 dated 12.05.2009

As per provisions contained in Para 4.13.1 of Chapter IV of the Vigilance Manual Volume –I (Sixth Edition – 2004), the Chief Vigilance Officers of Organisations/Departments are required to furnish investigation reports on complaints referred by the Commission for investigation and report within three months of the date of receipt of such references. In so far as PIDPI complaints, the Commission has prescribed a period of one month for submission of investigation reports

2. The Commission observes that Organisations/Departments do not adhere to the time limits prescribed and there is undue delay in submission of investigation reports. While emphasising the need for strict adherence to the prescribed time limits for furnishing reports, in case, if it is not possible for completing investigations within the specified periods, the Chief Vigilance Officer of the Organisations/Departments concerned should personally look into the matter and send an interim reply/report to the Commission seeking extension of time limit, indicating the progress of investigation and reasons for delay without fail in each complaint case.

3. All CVOs should ensure strict compliance to the above guidelines.

  
19/5/2010 (Vineet Mathur)  
Director

To  
All Chief Vigilance Officers.

No.004/VGL/20  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA  
New Delhi- 110 023  
Dated the 29<sup>th</sup> April, 2005

**OFFICE ORDER NO.25/4/05**

**Subject: Complaints forwarded by the Administrative Ministries/Departments.**

.....

The CVOs of the Public Sector Corporations and subordinate organizations of the Central Govt. undertake investigations of the complaints having vigilance angles concerning their organizations. These complaints also include complaints forwarded by the administrative Ministries/Departments.

2. It has been observed that quite often in such cases, CVOs furnish a report to the administrative Ministry/Department and the complaint is closed as per the decision of the administrative Ministry/Department. It is clarified that the complaints against officials who are within the purview of the Commission, can be closed only with the approval of the Commission. Accordingly in all such cases, CVOs would endorse a copy of the report being sent to the Ministry, to the Commission also and such complaints will be closed only with the approval of the Commission.

The above instructions may please be noted for strict compliance.

Sd/-  
(Mitter Sain)  
Deputy Secretary

To

All CVOs of Ministries/Departments/PSUs/Banks/Insurance Companies/  
Autonomous organizations/Societies

Copy for information to:- 1. All Branch Officers/ Section Officers  
2. Sr.PPS to CVC, PPS to VC(J)/VC(D)  
3. PS to Secretary/AS(B)/AS(G)

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

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 1<sup>st</sup> April 2004

**Office Order No.16/03/04**

To

All Chief Vigilance Officers  
The Deputy Secretary (AVD.III), DOPT

**Subject: Disposal of complaints.**

Reference is invited to the Commission's Office Order No. 53/9/03 dated 23.9.2003 and para 4.2, Chapter 2 of Vigilance Manual Vol.I on the above subject.

2. In case the complaint does not attract vigilance angle, or the issue is of petty nature which could be settled at the level of the department/organisation, the Commission forwards such a complaint to the organisation for **necessary action** at their end, to redress the grievances of the complainant. The action on these complaints is **not required to** be sent to the Commission for further advice until and unless something more serious is brought out during the investigation. The departments/organisations may themselves dispose of and close these complaints after necessary action. The concurrence of Commission for closure of such complaints is not required. The CVOs may close the complaints at their level. However if the complaint is sent for **action and report**, the organisations should submit an investigation report within 3 months of receipt of complaint for obtaining necessary advice of the Commission. It has been observed that there is a long delay in matter of investigation of complaints, the organisations are advised to strictly adhere to the time-schedule in this regard.

Sd/-  
(Anjana Dube)  
Deputy Secretary



सत्यमेव जयते



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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

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

सं./No.....021-VGL-032.....

दिनांक / Dated.....06.05.2021.....

Circular No. 05/05/21

**Subject:** Revised Standard Operating Procedure to deal with Intensive Examination carried out by Chief Technical Examiners' Organization.

**Ref:** Commission's guidelines on Intensive Examination of Procurement & Other Contracts 2014

Central Vigilance Commission has revised the Standard Operating Procedure (SOP) to deal with Intensive Examination carried out by Chief Technical Examiners' Organization. The revised Standard Operating Procedure is enclosed as **Annexure-I**

2. The Commission has directed that the procedure and time limit as prescribed in the revised SOP should be strictly adhered to by the authorities in the organisations concerned. The CVOs may bring the above SOP to the notice of the competent authorities for strict compliance.

(Rajiv Varma)  
Officer on Special Duty

Encls: As above.

To

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

**Revised Standard Operating Procedure to Deal With Intensive Examination Carried Out by Chief Technical Examiners' Organization**

Central Vigilance Commission has considered and revised Standard Operating Procedure (SOP) to deal with Intensive Examinations carried out by Chief Technical Examiners' Organization (CTEO). The revised Standard Operating Procedure would constitute of the following:-

- (i) Proposal containing procurement contracts of various Organizations to be taken up for Intensive Examination will be put up by Chief Technical Examiners through the Secretary, CVC for approval of the Commission.
- (ii) On approval of the proposal by the Commission, intimation will be sent to the Chief Vigilance Officers (CVOs) of respective Organizations for submission of relevant documents/details/information to the CTEO for study, before taking up Intensive Examination. Dates of Intensive Examination will be communicated to CVOs of the Organization concerned, who will be responsible for ensuring availability of all concerned persons, documents, testing equipments etc. during Intensive Examination.
- (iii) All necessary documents/information will be collected by the CTEO's team carrying out the Intensive Examination during the period of Intensive Examination itself. CVO of the Organization concerned shall be responsible for making such documents/information available during intensive examination to the CTEO's team.
- (iv) Samples collected during Intensive Examination will be handed over to the CVO of the organization concerned or his/her representative during Intensive Examination exercise itself alongwith a letter for the Laboratory (National Test House). Other reputed laboratories should be considered for the tests, where NTH does not have testing facility.
- (v) CVO of the Organisation concerned will ensure expeditious payment to the Laboratory towards testing charges for the above said samples.
- (vi) Within 15 days of the completion of the Intensive Examination exercise, a draft report containing various observations /paras will be prepared by the CTEO.
- (vii) A presentation will be made by CTEO before the Secretary, CVC within 15 days of completion of the Intensive Examination exercise. The presentation will be attended by the Additional Secretary and the Branch Officer concerned, besides the CVO of the Organization concerned. CMD/CEO of the Organisation concerned may also be invited to the presentation, if felt necessary by the Secretary, CVC.
- (viii) The Commission, depending upon its convenience, may like to attend the above presentation.

- (ix) After the presentation and based on the discussions during the presentation, a tabular statement of the observations will be prepared by CTEO, wherein various observations will be categorized as under-
- (a) Observations having prima facie vigilance angle;
  - (b) Observations requiring recovery to be effected from the contractor;
  - (c) Observations requiring rectification of defects/quality compromises;
  - (d) Observations requiring systemic improvement(s); and
  - (e) Miscellaneous observations
- (x) In case of observations/paras having prima facie vigilance angle, proposal will be put by the Branch Officer concerned through the Additional Secretary concerned to the Secretary, CVC for Commission's approval within 7 days, before sending the case to the CVO of the Organization concerned for Investigation & Report. There may be some cases where instead of Investigation & Report, a factual report could be sought from the CVO, depending upon the gravity of the issues. While time for Investigation & Report will be 12 weeks, Factual Report will be required to be submitted by the CVOs within one month.
- (xi) Draft Intensive Examination Report containing all the observations including the observations prima facie having vigilance angle. along with above discussed tabular statement will be put up to the Secretary by the respective CTE for approval. The Intensive Examination Report will also contain observations/paras having prima facie vigilance angle, which will be distinctly marked as vigilance paras. The vigilance paras will be dealt separately on Branch file. While dealing with Investigation Report of the CVO on these para, comments of CTEO will also be obtained.
- (xii) On approval of the Intensive Examination Report, the same will be forwarded to the CVO of the Organization concerned for submitting Action Taken Report in respect of non-vigilance paras to the CTEO.
- (xiii) Copy of the Intensive Examination Report will also be forwarded to the CMD/CEO of the Organization concerned as well as to the Secretary of the Administrative Ministry/Department for necessary action at their end.
- (xiv) The Intensive Examination Report besides being sent in hard copy, will also be sent through the official email of the Technical Examiner concerned.
- (xv) CVOs will be required to submit the action taken report in respect of non-vigilance observations to the CTEO within one month from the date of issue of Intensive Examination Report. CVOs will be required to send their categorical and comprehensive recommendations on each observation/para without leaving any scope for further query from the CTEO.

- (xvi) CVO of the Organization concerned may take up any observation/para of the intensive examination report for vigilance investigation, with the approval of the Secretary, CVC through CTEO.
- (xvii) Notwithstanding the above, an observation can also be categorized as having vigilance angle on receipt of the action taken report/clarification from the CVOs. A call in this regard will be taken by the Secretary, CVC with the approval of the Commission.
- (xviii) Each non- vigilance observation/para will be concluded/closed with the approval of Secretary, CVC on the proposal of CTEO.
- (xix) Overall time limit for conclusion of the intensive examination case shall be six months from date of issue of Intensive Examination Report.
- (xx) Final closure of the Intensive Examination case will be with the approval of the Secretary, CVC. While putting the case for closure to the Secretary, CVC, CTEO will also put up updated tabular statement of observations highlighting the action taken in respect of each observation/para.
- (xxi) Timelines for various activities have been prescribed in the annexure to this SOP. Overall, one month bonus time will be available to deal with any eventuality in concluding the Intensive Examination cases.
- (xxii) If, any Intensive Examination case is not concluded within the prescribed time limit then such case will be put up to the Commission for review and further action as felt appropriate by the Commission.

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**Time Schedule For Various Activities**

<b>Activity</b>	<b>Time Allowed</b>
Period of Intensive Examination exercise	7 days
Preparation of Draft Report and Presentation before Secretary, CVC OR the Commission after completion Intensive Examination exercise	15 days
Finalization of the Intensive Examination Report including statement of observations/para after the above said presentation	7 days
Approval of the Intensive Examination Report by Secretary CVC	7 days
Issue of the final Intensive Examination Report	3 days
Processing of the case for approval of the Commission regarding vigilance para by the Branch Officer and issue of OM to the CVO of the Organization concerned by the Branch Officer after the presentation	7 days
Submission of Reply /Clarification /Action taken Report in respect of non-vigilance para by the CVO to the CTEO	One Month
Further query, if any, by CTEO on the Reply /Clarification /Action taken Report of the CVO with the approval of the Secretary, CVC.	One Month
Reply by the CVO to the CTEO on such query/queries raised by CTEO	One Month
Scrutiny of the final Reply/Clarification/Action Taken Report from the CVO by CTEO and submission of the case for approval of the Secretary, CVC	One Month

Submission of Investigation Report in respect of vigilance para by the CVO to the Secretary, CVC	Three Months
In case, decision is taken by Secretary, CVC to call for Factual Report from CVO of the Organization concerned, instead of Investigation & Report, on some observation(s)/para	One Month
If, vigilance angle is detected in some observation /para on scrutiny of the Reply /Clarification /Action taken Report received from the CVO, then with the approval of the Secretary, CVC, such observation(s)/para covering the issues comprehensively will be transferred to the Branch Officer concerned. Who, in turn, will put the same for Commission's approval through Additional Secretary concerned and Secretary, CVC. On approval of the same by the Commission, CVO will be required to submit Investigation Report on such observation(s)/para.	Three Months



**GUIDELINES  
FOR  
INTENSIVE EXAMINATION OF  
PUBLIC PROCUREMENT CONTRACTS  
BY  
CHIEF VIGILANCE OFFICERS**



**CHIEF TECHNICAL EXAMINER'S ORGANISATION**

**CENTRAL VIGILANCE COMMISSION**

## **1.0 INTRODUCTION:**

Chief Technical Examiner's Organisation (CTEO) conducts Intensive Examination(IE) based upon Quarterly Progress Reports (QPRs), submitted by the Chief Vigilance Officers (CVOs) of different organisations.

It is the considered opinion of the Central Vigilance Commission (herein after referred to as 'Commission' only) that similar type of Intensive Examinations (IEs) carried out by the CVOs, while functioning as extended arms of the Commission, in their respective organisations, would bring about qualitative and in depth improvement, both in terms of contents and scope, approach to vigilance administration. It is imperative that CVO of an organisation carries out IEs, of some judiciously chosen contracts, broadly representing spectrum of the core activities of the organisation.

Effort is hereby made to prepare broad guidelines to help the CVOs effectively carry out IEs of various procurement contracts at their end.

In order to conduct Intensive Examination effectively and in a proper manner, the CVO should endeavour to associate himself along with his vigilance team whenever any CTE examination is undertaken by the CTEO in the organisation.

## **2.0 OBJECTIVES:**

Our main objective is to make public procurement process most transparent, fair, equitable, efficient, economic and conducive to achieving value for the money spent. To meet this end, purpose of the IEs, conducted by the CVO of the organisation, are multi pronged and as follows:-

- (i) preventive vigilance is the first and foremost objective of such IE, conducted by the CVOs. In the course of an IE, if it appears that the extant guidelines/instructions, on any subject related with public procurement, procedures and practices are deficient in any manner and afford scope for malpractices or corruption, system improvement should be suggested to the Management to eliminate such loopholes. Further, system

- improvements can also be suggested to bring elements of transparency, fairness and equity in the public procurement process;
- (ii) surveillance and detective vigilance will be ensured by way of effective and in depth IEs, which shall bring out various irregularities and malpractices committed/prevaling in the procurement system. People responsible can be suitably taken up for their respective misconduct;
  - (iii) recoveries, if any to be made, on account of deficiencies in the execution of contractual obligations , on the part of the contractor/s , will be given effect to, as a result of IEs;
  - (iv) IEs by the CVOs will afford natural justice to the officials of the organisation, responsible for decision making and execution of the contracts, as they will be given adequate opportunity to explain their action/conduct, before fixing of the responsibility, as a logical conclusion of any IE. In this regard, domain knowledge, better appreciation of the circumstances and field conditions, prevailing at the material time, of/by the CVO, will help realistic assessment of the systemic deficiencies and degree of culpability of involved officials;
  - (v) sharing of the experience and outcome of IEs with other organisations, especially from the same industry, on a regular basis, will help maximise benefits of vigilance administration; given the fact that most of the vigilance units work with limited resources, information sharing may function as a multiplier in ensuring vigilance effectiveness; and
  - (vi) regularity in the submission of Quarterly Progress Reports (QPRs) (as per the laid down threshold monetary limits or a 'NIL' report, as the case may be), compliance of laid down instructions and qualitative aspect, of at least prescribed number of IEs, will help the Commission annually assess the performance of the CVOs.

### **3.0 STRENGTHENING OF CVO'S ESTABLISHMENT:**

It is imperative that adequate man-power is available with the CVOs - especially the officers having experience and expertise in various procurement activities of the organisation. It is for the CVOs to make a realistic assessment of the requirement of the man-power and infrastructure. It would be incumbent upon the

Management to provide necessary support and co-operation to the CVOs in this regard.

#### **4.0 SELECTION OF CONTRACTS:**

4.1 The selection of contracts for IE should be done from the QPRs, submitted by the CVOs to the CTEO. Each CVO shall carry out IE of not less than six (06 Nos.) of contracts of different nature (supply, works, services, etc), contract values, activity centres and areas in a year. Preferably, selection should be done in a manner that, at least, three contracts of large value, two contracts of medium value and one contract of small value are selected for IE. Value of the contracts may be judiciously categorised to decide the large, medium or small value contracts, by the CVOs, keeping in view the scale of procurement activities and nature, in the organisation.

4.2 CVOs shall inform CTEO about details of contracts selected for IE, so as to avoid duplicity, if any, in the selection of contracts by the CTEO.

4.3 In cases where no contract qualifies to be included in any QPR & a 'NIL' report is required to be submitted, the CVO will select prescribed number of contracts from the list of existing contracts, following criteria laid down in Para 4.1 above.

#### **5.0 DOCUMENTS FOR EXAMINATION:**

After selection of the contracts for IE, all relevant documents, samples pertaining to the said contract, shall be collected and examined. Following is a list of documents which should normally be requisitioned for taking up an IE -

- I. (a) Press cuttings indicating publication of Notice Inviting Tender (NIT)/ Expression of Interest (EOI) and subsequent corrigendum(s),if any.
- (b) Copy of print out in support of publicity of the tender on the website:
  - i)for pre-qualification of Architects / Consultants;
  - ii)for pre-qualification of contractors;
  - iii)call of tenders.
- (c) Record of sale of tenders.
- (d) Record of tender opening.
- II. Record of Administrative Approval and Expenditure Sanction.

- III. Copy of Detailed Project Report (DPR)/Detailed Estimate (DE) and its Technical Sanction by the Competent Technical Authority.
- IV. Approval of NIT in original & draft Tender Document.
- V. Pre-Tender Documents.
- VI. Record of proceedings of Tender Scrutiny Committee (TSC)/ Tender Evaluation Committee (TEC):
  - i) for selection of architects/consultants;
  - ii) for Contractors/suppliers/ other service providers.
- VII. Record of current assessment of the cost to assess the reasonableness of the L1/H1 offer.
- VIII. Details regarding negotiations, if any, conducted with recording of reasons before acceptance of tenders.
- IX. Record of acceptance of tender by the Competent Authority.
- X. Original contract with consultant/contractor.
- XI. Guarantee bonds towards Performance Guarantee, Security Deposit, Specialised items, Machinery/Mobilization/Material Advances etc. including extension of their validity, if any.
- XII. (i) Insurance Policies for work, materials equipment, men etc including extension of validity.  
(ii) Letter of credit in original.
- XIII. Guarantee for water tightness, termite proofing, etc.
- XIV. Standard specifications; inspection documents.
- XV. Standard Schedule of Rates.
- XVI. Drawing – Architectural and Structural.
- XVII. All connected measurement books, level books field books and lead charts.
- XVIII. All bills paid in original / running account bills with all connected enclosures/ statements / vouchers.
- XIX. Statements showing details of check of measurements by superior officers, copies of order laying down such requirements.
- XX. (i) Materials at site accounts / cement, steel bitumen, paints, waterproofing compound, pig lead, anti-termite chemical, etc.  
(ii) Stock / Issue register of stores.
- XXI. Site order book / test records / log books.

- XXII. Details of extra / substituted items and of deviated quantities being executed considered for execution in the work along with analysis of rates.
- XXIII. Hindrance Register.
- XXIV. Office correspondence files and inspection notes issued by inspecting officer and their file.
- XXV. Complaint records, if any.
- XXVI. Any other documents relevant to the procurement process.

This list is not exhaustive; CVOs may requisition more documents, as considered necessary, for an effective and holistic examination of the contract.

## **6.0 INSPECTIONS:**

Inspections should be carried out with prior intimation to the Management, unless the situation demands otherwise. Officers connected with various activities of the contract viz. planning, design, tender processing, acceptance of tenders and execution should be duly informed. The representative(s) of the contractor(s) and consultant, if any, should be encouraged to be present during the inspection.

However, samples, if required, should be taken in the presence of representatives of contractor(s) and officials concerned and should be duly sealed. Signatures of the persons present during sampling should be taken as a token of their witness. Samples may be taken by inspecting team for independent testing in a laboratory of repute and reliability, preferably Government ones.

## **7.0 CHECK POINTS TO CARRY OUT INTENSIVE EXAMINATION BY CVOs:**

7.1 No amount of instructions can be adequate and all inclusive to lay down the areas/ points, to be covered in the course of an IE across the different organisations. It is out of experience in an organisation only that a CVO will get to know about the sensitive areas/activities/stages which are to be kept under watch.

7.2 However, a broad list of the points to guide IE in any organisation is as follows:-

- I. Objective to be fulfilled by way of undertaking the procurement process, under examination.
- II. Feasibility study, if any, before formulating the project.
- III. Assessment of the requirement/quantity; any past trend, forecast etc.

- IV. Preparation of a realistic cost estimate; administrative and technical approvals of the proposal by the competent authorities; sanction of the expenditure by a competent authority; budgetary provisions, etc.
- V. Various aspects related to tendering stage of the procurement process.
- VI. Various aspects related with post tendering and execution stage of the procurement process.
- VII. Availability and compliance of the extant policies/ instructions, on the subject matters of procurement under examination, of the GOI or other concerned bodies e.g. CVC; availability, compliance and regular updation (in light of extant policies/instructions of the GOI/ concerned bodies and current trends and practices, as considered relevant to the overall objectives of procurement process) of departmental Codes/Manuals/instructions on the subject matters of procurement under examination.
- VIII. Leveraging technology- status of implementation of e-Procurement, e-Auction, e-Reverse Auction etc.
- IX. Training of the officials, dealing with the procurement process, in different aspects of the procurement.
- X. Timely fulfilment of the objective, to be met by way of the procurement process under examination.

7.3 The list is not exhaustive. Any other points/activities can be brought under scrutiny to make the examination effective and complete. In this regard, instructions issued by the Commission, from time to time, and a list of check points, hoisted by the Commission, on its website, under the title' *ILLUSTRATIVE CHECK POINTS FOR VARIOUS STAGES OF PUBLIC PROCUREMENT*', may be referred to.

## **8.0 PRELIMINARY REPORT & REFERENCES TO CONCERNED UNIT HEADS:**

8.1 Based on scrutiny of the documents & field inspections carried out, CVO shall summarise the findings in the form of a Preliminary Report. He shall arrange to take over all original documents considered important, necessary and relevant pertaining to the case that are likely to be required to prove charges, if any, during disciplinary action/prosecution stage.

8.2 Wherever required, references shall be made to the concerned unit heads, seeking clarifications and/or advising immediate interim actions, if any.

Such references may seek –

- a. a statement regarding correctness of the facts stated in the Preliminary Report; if some of the facts are not correct, this should be clearly brought out and at the same time the correct facts, if different from the facts mentioned in the Report, should also be indicated;
- b. suitable reply/clarification/explanation/supplementary information, from the officials immediately responsible, for the facts of commission or omission brought out in the Report;
- c. comments of the Unit Heads on (b) as above;
- d. any other query/information/document/sample, as considered necessary, to bring the IE to its logical conclusion.

8.3 The reply from the concerned Unit Head will be made in a time bound manner, within 15 days from the date of receipt of the reference from the CVO or as decided by the CVO, depending upon the merit of the case.

#### **9.0 INTENSIVE EXAMINATION REPORT:**

After receipt of the reply against the references based on Preliminary Report, from the concerned Unit Head, IE Report shall be prepared covering the following points-

- a. Preliminary estimate, administrative approval and expenditure sanction, vetting of demands, framing of specification, assessment of quantity, etc. in respect of the tender.
- b. Detailed estimate, technical sanction.
- c. Appointment of Consultant.
- d. Pre-qualification of bidders.
- e. Call of tenders and award of work.
- f. Contract Agreement.
- g. Inspection, dispatch and acceptance of performance.
- h. Scrutiny of bills.
- i. Scrutiny of site records.
- j. Site inspection.
- k. Updation of Codes/ Procurement Manual/instructions.

- l. Leveraging technology- status of implementation of e-procurement/e-auction/e-reverse auction, etc.
- m. Training of the officials dealing with procurement.
- n. Suggested System Improvements.
- o. Recoveries effected, if any.

Above list is not exhaustive; other points relevant to the contract may also be incorporated, if required.

The Report will bring out instances of lapses/irregularities in appointment of consultant, prequalification of bidders, defective bidding conditions, awarding contract, defective contract conditions and clauses, pre-dispatch inspection, post contract amendments, over payments made to contractors, substandard work, infructuous and avoidable expenditure etc.

The Report will also suggest preventive measures in certain areas as safeguard against mal-practices or corrupt practices and to plug loopholes in the procedure, rules, regulation etc. In such cases action should be taken by the CVO to have suitable directions issued by the Management of the Organisation.

#### **10.0 ACTIONS ON THE IE REPORT:**

10.1 The CVO shall submit the IE Report to the Management for information and necessary action. The Management shall take appropriate/corrective/punitive action with regard to the report within 90 (ninety) days from the date of its receipt and ensure taking them to finality.

10.2 Where serious irregularities, grave misconduct, negligence, etc. are observed on the part of any public servant and disciplinary actions, or otherwise, involves advice of the Commission, same shall be processed as per the extant instructions on the subject, within 90 (ninety) days from the date of preparation of the Report.

10.3 CVOs shall continue to furnish details/Information of these IEs (under the head 'CTE TYPE INSPECTIONS') and their outcome to the Commission, on annual basis, as per extant instructions.

10.4 Each CVO shall share relevant information e.g. facts of the case in brief, irregularities noticed, systemic improvements suggested, issues requiring policy decision, etc., from the examined cases as case study, on regular basis, with other organisations, especially from the same industry.

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सत्यमेव जयते

**Guidelines  
on  
Intensive Examination  
of  
Procurement & Other Contracts  
2014**



**CHIEF TECHNICAL EXAMINER'S ORGANISATION  
CENTRAL VIGILANCE COMMISSION**

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# CHAPTER 1

## ORGANISATION

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### 1.1 Introduction

The Central Vigilance Commission was set up by the Government of India through a Resolution in the year 1964, as an apex body for prevention of corruption in Central Government Institutions and Public Administration. The establishment of the Commission was considered essential for evolving and applying common standards in deciding cases involving lack of probity and integrity in administration. The Resolution empowered CVC to undertake enquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner irrespective of his or her status.

A debate in the Parliament on the issue of corruption in administration led to setting up of a Committee by Shri Lal Bahadur Shastri, the then Hon'ble Minister for Home Affairs under the Chairmanship of Sh. K. Santhanam, MP, to review the existing instruments for checking corruption in the Central Services and to advise practical steps to make anti-corruption measures more effective.

The Santhanam Committee while appreciating the good work done by the Chief Technical Examiner's Organisation (CTEO) recommended that the CTEO should not only be continued but strengthened so as to make it more effective. The Committee was also of the view that the jurisdiction of CTEO should not only be extended to cover construction works undertaken by other Ministries/Departments, but it should be placed under the administrative control of the Central Vigilance Commission. The recommendations were accepted by the Government and thus CTEO was placed under the administrative control of the Central Vigilance Commission.

Later, in year 1997, Hon'ble Supreme Court of India in Criminal Writ Petition Nos. 340-343/1993 (Vineet Narayan Vs. Union of India) popularly known as 'Jain Hawala Case' gave directions that a Statutory status should be conferred upon the Central Vigilance Commission. Accordingly, in year 2003, CVC Act, 2003 was notified with the approval of the Indian Parliament. This act provides Central Vigilance Commission as a multi-member body comprising of the Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members). CVC has been conferred upon the power to exercise superintendence over the functioning of Delhi Special Police Establishment in so far as investigations under the Prevention of Corruption Act, 1988 are concerned and to review the progress of the investigations.

### 1.2 Organisational Set Up of the Commission

The present Commission comprises of the Central Vigilance Commissioner and two Vigilance Commissioners. The Commission is assisted by a Secretariat headed by 'Secretary to the Commission' for facilitating the Commission in discharge of its functions. The Chief Technical Examiner's Organisation (CTEO) of the Commission assist the Commission in Technical Matters besides conducting Intensive Examination of Procurement and other Contracts of various Organisations covered under the jurisdiction of the Commission.

### 1.3 Chief Technical Examiner's Organisation

Chief Technical Examiner's Organisation (CTEO) is the technical wing of the Commission. Initially on the recommendation of Public Accounts Committee, Chief Technical Examiner's Organisation was created in the Ministry of Works, Housing & Supply (now known as Ministry of Urban Development) in May, 1957. Later on, after the recommendations of the Santhanam Committee were accepted by the Government, this Organisation was placed under the administrative control of Central Vigilance Commission in the year 1964. Initially this Organisation was headed by one Chief Technical Examiner. In the year 1979 one more post of Chief Technical Examiner was created to cater to the increasing workload and growing complexity of the Public Procurements. Para 1.3.5 of the Vigilance Manual 2005 issued by the Commission lays down the modalities of carrying out Intensive Examinations by CTEO. As per the Manual, Jurisdiction of CTE's Organisation is coextensive with that of the Commission.

### 1.4 Organisational Set Up of Chief Technical Examiner's Organisation

Out of the two Chief Technical Examiners, one is generally responsible for examination of Contracts for Civil/Horticulture works and the other for Procurement Contracts i.e. for Store Purchases, Electrical/Electronics/ Mechanical works, Hiring of services etc.

The present set up is as under:

#### ◆ Chief Technical Examiner (Civil Works)

- Technical Examiner(NH)
- Technical Examiner(SH)
- Technical Examiner(WT)
- Technical Examiner(ET)

#### ◆ Chief Technical Examiner (Electrical/Mechanical/Store Purchases/Services Contracts)

- Technical Examiner (S.P. & IC-I)
- Technical Examiner (S.P. & IC-II)
- Technical Examiner (Elect.) ENE
- Technical Examiner (Elect.) ESW

The Technical Examiners are assisted by Assistant Technical Examiners/Junior Technical Examiners. Technical personnel are drawn from technical departments of various Government Organisations on deputation/secondment basis.

## CHAPTER 2

### QUARTERLY PROGRESS REPORT

#### 2.1 Quarterly Progress Report

CVC Act 2003 empowers the Commission to call for reports, returns and statements from all Ministries/ Departments/Corporations/Central Undertakings so as to enable the Commission to exercise general check and supervision over the vigilance and anti-corruption work in the Ministries/Departments/ Undertakings. Chief Vigilance Officers of various organisations covered under the jurisdiction of the Commission are required to furnish Quarterly Progress Reports (QPRs) in respect of ongoing contracts for the quarter by 15th day of the month following the quarter. Even though, CTE's Organisation may examine Contracts of any magnitude, yet considering limitation of resources, it generally undertakes examination of Contracts of larger value only. As per Circular No. 15/07/12 (issued vide Letter No.98-VGL-25/18 dated 30.07.2012), the monetary limit for reporting the Procurement Contracts in QPRs are as follows:

Works / Contracts	Value
<b>Category-I:</b>	
(a) Civil Works	
(b) Turnkey Works Contracts	(a) Rs. 5 Crores & above.
(c) Stores & Purchase	
(d) PPP-Public Private Partnership[Cost/Revenue values]	
(e) Sale of Goods / Scrap / Land	
<b>Category-II:</b>	
(a) Electrical/Mechanical works/ Maintenance/ Service Contracts including Electronics/ Instrumentation/Telecommunication/ Manpower Supply, etc.	Rs.1 Crore & above
(b) Medical Equipment	Rs.50 lakhs & above
(c) Consultancy contracts	Rs.1 Crore & above
<b>Category-III:</b>	
(a) Horticulture Works	Rs.10 lakhs & above
(b) Supply of Medicines Contract	4 Largest Value

The QPRs of different discipline should be submitted on separate sheets of paper. While submitting the QPRs to the CTE's Organisation, CVOs should keep the following points in view:

- (a) The cost of the work relates to the accepted/tendered/work order value of the work and not the estimated cost.

- (b) If one Ministry/Department/Undertaking of the Central Government has entrusted the work to another Ministry/Department/Undertaking of the Central Government for execution, the work should be reflected in QPRs of both the Organisations.
- (c) The location of the work must be indicated.
- (d) Use of abbreviations that are not known ordinarily should be avoided.
- (e) Civil works also include marine, mining, excavation and transportation works and purchase of 'ready built properties'.
- (f) Electrical/Mechanical works also include air conditioning, fire fighting, fire alarm and all other allied works.
- (g) In case there are no works awarded more than the threshold value mentioned under each sub-category, two contracts with highest value in each of such sub-category should be reported, except in the case of procurement of medicines, where four highest value contracts to be reported. In case no contracts are awarded, "Nil" QPRs may be sent.
- (h) In case the orders are placed in foreign currency, the threshold limit would be determined based on conversion of foreign currency with Indian Rupee at the exchange rate defined in the tender documents. However the currency of payments may also be indicated as per the contract.
- (i) Contracts awarded on Assignment/Nomination/Single Tender/ Original Equipment Manufacturer (OEM)/ Original Equipment Supplier (OES)/ Proprietary Article Certificate (PAC) basis falling in the above category shall also be reported.
- (j) For furnishing the QPRs related to Sale Contract i.e. Sale of Goods / Scrap/ Land, the QPRs may also to indicate the value as per reserve price besides the sale price.
- (k) The Organisations shall report all types of contracts irrespective of their role as Client/Owner or Engineer-in-Charge of the Contract or Project Management Supervision Consultant.
- (l) All works whether in India or outside India in progress, contracts awarded and the works completed during the quarter shall be included in the QPRs. In respect of works completed during the relevant quarter, the actual date of completion shall be indicated.
- (m) While submitting the QPRs, CVO to certify that all the Works/Purchases/ Consultancy and other contracts required to be reported as per circular have been included in the QPRs.

The Circular along with the 'format for submission of QPRs' is at **Appendix-I and II** respectively.

## 2.2 Selection of Works

CTE's Organisation conducts Intensive Examination of some of the contracts under different categories reported in QPRs. Selection of contracts for Intensive Examination is generally undertaken from the QPRs received from various organisations, keeping in view the following factors:

- a) Complaints received from various sources.
- b) Works specifically recommended by CVOs for inspection.
- c) Works of organisations with substantial work load as compared to others.
- d) Large value contracts.
- e) Works of organisations, which do not have their own Engineering Departments for supervision and Quality Control.
- f) Works of organisations, which have not been inspected at all.

Works of different nature, such as Hydro/Thermal/Nuclear Power Projects, Highways, Railways, Buildings, Water Supply, Drainage/Sewerage works etc. are given consideration. Works of unusual nature are also given due consideration for the purpose of selection for examination.

## CHAPTER 3

### INTENSIVE EXAMINATION

---

#### 3.1 Purpose of Intensive Examination

The purpose of Intensive Examination can be categorized as given below:

- i) System Improvements based on lessons learnt from the examined contracts;
- ii) Detection/Recoveries of overpayments;
- iii) Tax compliance and follow up action;
- iv) Quality deficiencies and the remedial action; and
- v) Penal action in cases involving gross inaction/oversight and cases involving vigilance angle.

#### 3.2 Requisition of Records

After approval of the Commission for Intensive Examination of Project/Contract, intimation is sent to the respective CVOs requesting for certified copies of the contract agreement, last bill paid to the contractor along with other details as per standard Proforma (Appendix–III & IIIA). A list of records/documents to be kept ready for examination during site inspection is also enclosed in the above proforma.

#### 3.3 Preliminary Examination of Contract by the CVO

Before Intensive Examination is carried out by the Technical Examiner, CVO (Vigilance Unit) of the Organisation concerned may be asked to carry out a Preliminary Examination of the selected contract and submit the report to the CTE's Organisation flagging important issues.

#### 3.4 Intensive Examination of Contracts based on records requisitioned in the Commission

If, Commission decides that Examination of the particular Contracts be carried out without visiting to the office of the organisations concerned or work- site/stores, all original documents may be requisitioned in the Commission and after going through the documents specific queries are sent to the organisation through CVO for reply/clarification. These replies should be forwarded by CVO to the Commission along with his/her comments.

#### 3.5 Intensive Examination of Contracts based on records, field/site visit

Intensive Examination of Procurement Contracts at organisations is generally conducted in two parts:

- The first part covers the examination of the records and documents at the concerned office/unit of the organisations. Issues arising out of record check can be discussed with the officials concerned for clarity.
- The second part covers the physical inspection of the works/materials including checking of measurements and quality of materials and works, collecting samples of materials for testing, wherever possible/required etc.

The intensive examinations are mostly undertaken with prior intimation so that the officials concerned may be present at site to clarify any points. However, in specific cases, surprise inspections can also be carried out. In cases of planned inspections, officials concerned from the departments pertaining to Planning, Design, Tender Processing, Acceptance of Tenders and Construction Wing are required to be present. The representatives of the contractor and the consultant may also be present to clarify any issue arising out of their activities. The presence of CVO or his/her representative is essential to act as a nodal officer and also to carry forward any left-over work pertaining to inspection. While collecting samples, representatives of contractor, construction team and CVO may be associated and are required to sign the proforma containing details such as nature of material, location of sample collection, date and time of collection etc. as token of their witness to the same. Standard Proforma in this regard is at **Appendix-IV**. Sample(s) collected should be handed over to the representative of CVO for sending the same to the laboratory, except, in important cases where the team of CTEO decides to send the samples for testing directly. Standard format for letter to be addressed to the Test House is at **Appendix-V**.

### **3.6 Issue of Memo for seeking clarification/requisitioning additional records**

During Intensive Examination, Technical Examiner may issue Memo to the nodal officer for seeking clarifications from the respective officials on certain issues. The clarifications furnished may be considered while preparing the IE Report. Memos can also be issued for requisitioning specific/additional records for examination. All possible efforts must be made by the officials concerned for furnishing clarifications/records on the spot to avoid any infructuous effort in flagging the issues, which can be addressed on the spot. Such Memos may also form part of the draft IE Report to be submitted to CTE by the Technical Examiner concerned for approval.

## CHAPTER 4

### INTENSIVE EXAMINATION REPORT

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#### 4.1 Preparation of IE Report

After Intensive Examination of work is carried out by CTE's Organisation, an Intensive Examination Report (IE Report) is prepared in the format as per Appendix-VI with the approval of CTE. The IE Report is sent to the CVO of the organisation along with copy to Chief/Senior Executives of the Organisation. Intensive Examination Report broadly covers the following aspects of the Procurement:

- (i) Availability of updated 'Procurement Manual' of the Organisation
- (ii) Status of implementation of instructions of the Commissions on E-procurement and 'Leveraging of Technology'
- (iii) Feasibility report
- (iv) Preliminary Estimate, Administrative Approval and Expenditure Sanction, Vetting of Demands etc.
- (v) Detailed Estimate, Analysis of Rates and Technical Sanction by the Competent Authority
- (vi) Appointment of consultant
- (vii) Tender document and adequacy of provisions (contract conditions) as well as specifications
- (viii) Pre-bid meeting and clarifications on the issues raised by bidders
- (ix) Call of tenders and award of work
- (x) In case of e-Tenders, all the records required to be maintained in soft form or hard copy
- (xi) Compliance of Contract Conditions
- (xii) Performance Bank Guarantee or any other type of Guarantees to be submitted by the contractor/supplier
- (xiii) Insurances
- (xiv) Enforcement of liabilities of contractors/suppliers/manufacturers within 'Warranty/ Guarantee Period
- (xv) Reconciliation of departmentally issued materials
- (xvi) Provisions related to various type of taxes
- (xvii) Inspection, dispatch and acceptance of materials or works

- (xviii) Scrutiny of bills
- (xix) Scrutiny of site records
- (xx) Statutory compliance
- (xxi) Site Inspection
- (xxii) Any other issue felt necessary to be examined

The report brings out instances of lapses / irregularities in awarding contracts, defective contract conditions, non-compliance of contract conditions over-payments made to contractors, execution of sub-standard work or not matching with the specifications, 'time & cost overrun', infructuous and avoidable expenditure etc.

## 4.2 IE Report not to be used as document for evidence

It has been clarified by the Commission that IE Report should not be made document for evidence in departmental enquiry or evidence in the court of law. Since, the allegation in a charge sheet is based on the conclusion drawn by CBI or any investigating agency or competent authority after perusing documents / evidences independently, IE Report can not by itself be considered to be a factor which determines the final decision.

## 4.3 Reply to IE Report

After receipt of the IE report, the CVO should forward the IE Report to the concerned officials in his/her Organisation for comments. The comments should include the following:

- a) A statement regarding correctness of facts stated in the IE Report. If, some of the facts are not correct, this should be clearly brought out and at the same time the correct facts, if different from the facts mentioned in the IE Report, should also be indicated.
- b) A detailed reply for the acts of commission or omission brought out in the report.
- c) His own comments on the explanations received from concerned officers.

Replies to the observations in the IE report should be sent promptly within 60 days from the date of dispatch of report. Documentary evidence in support of reply should also be enclosed with reply. A sample proforma for sending reply is enclosed as Appendix VII.

The Chief Vigilance Officers should arrange to have similar and complete examinations done in other cases at his/her end. He/she should thereafter act upon the findings of such examination and, wherever necessary, may consult CTE Organisation.

Arrangements should be made to get the defects pointed out in CTE's report rectified either by the contractor or otherwise keeping in view the contract conditions.

Minor irregularities brought out in the report should be got regularized by the competent authority after ascertaining the reasons and taking remedial measures. Appropriate preventive measures may be taken for future and the defaulters suitably warned so that such irregularities do not reoccur. In cases involving

serious inaction / oversight / mala-fide; penal action may also be proposed by the CVO in consultation with the Disciplinary Authority, besides correction of the deficiency.

The Chief Vigilance Officers should ensure to have recoveries effected in terms of contract clauses in cases where over payments are pointed out in IE report and recovery statements should be submitted to the CTEO, supported by analysis of rates based on which recoveries have been effected. Such recoveries need not be postponed till the payment of final bill. In case, there is any difficulty in making recovery of the full amount, recovery of agreed amount should, at least be ensured from the next bill.

In cases, where the contractor has gone for arbitration to contest recoveries, CVO should ensure that such recoveries are implemented immediately unless there are orders from a Competent Court restraining recoveries.

In cases, where the work is treated as substandard in IE report, the sanction of competent technical authority for accepting such substandard work may be obtained and the rate of payment suitably reduced. Before sanctioning such reduced rate statements, the structural soundness and functional adequacy of substandard work should be established.

In cases where the consultants or contractors or suppliers have put the organisation or the Department to a loss or have done grossly substandard work for which they have claimed full payment, the CTE will point out the need to take action against such an agency. The CVO should take further steps with the concerned authorities in the organisation and keep the CTE informed about the action taken.

#### **4.4 Rejoinder to the reply**

In cases, where the replies to the observations are not considered satisfactory by the CTE's Organisation, clarifications from them may be called through rejoinders. The proforma for reply to the rejoinders is given in Appendix VIII. Taking into account the replies/clarifications furnished, decision regarding referring serious para for detailed investigation by the CVO may be taken with the approval of the Commission. Such para would be referred to the CVO by the concerned Vigilance Branch for conducting detailed vigilance investigation.

## CHAPTER 5

### VIGILANCE INVESTIGATION ARISING OUT OF INTENSIVE EXAMINATION

All issues raised in inspections conducted by the CTE's Organisation do not automatically become vigilance cases. After getting reply from the Organisation, the para would be categorized into three categories, as given below:

Cat. A : Para involving vigilance angle.

Cat. B : Para requiring recovery from contractor, rectification of the deficiencies etc.

or

Para involving administrative action.

Cat. C : Para requiring system improvements etc.

Para, where vigilance angle is perceived even after giving opportunity to the organisations for clarifications are converted into vigilance reference with the approval of the Commission. Such para are referred by the concerned Vigilance Branch of the Commission to the CVO treating the same as complaint in terms of para 1.3.5.2 of Vigilance Manual 2005. Standard format for reference to be made to CVO is given in **Appendix IX**.

The following steps are to be taken by the CVO in this regard-

- a) Appoint a reliable and Independent Engineer to assist the CVO.
- b) Identify and seize the relevant records.
- c) Scrutinize the records and prepare notes.
- d) Identify the officials responsible for the lapse.
- e) Call for explanations from the officials identified.
- f) Prepare the Investigation Report (IR).
- g) Submit the I.R. to Secretary, CVC endorsing copy to CTE.

Investigation into the para attracting vigilance angle is required to be done by the CVO. Such investigation is basically a preliminary enquiry, to determine whether prima facie there is some substance in the lapse. Once it is established that there is a prima facie case against the public servant, charge sheet is to be framed for initiating disciplinary proceedings against the officials responsible for the lapses after obtaining the advice of the Commission. Therefore, it becomes all the more necessary to conduct the investigation properly.

The Commission has observed that at times Investigation Reports submitted by CVOs are incomplete and sketchy. Some such examples are illustrated below:

- (i) Two page report consisting of forwarding letter of CVO in one page, and parawise reply to CTE's observation in the second page. The signature of the official, who prepared the reply, also missing in the second page.
- (ii) Photo copy of the reply of the technical officer was forwarded to Secretary, CVC by the lowest rank official in the office of the CVO.

The vigilance references are not to be handled in a routine and careless manner and the report should be prepared in standard format. Minimum particulars required under various head of the I.R. are explained below:

**i) Source:**

- In this case, the source will be the reference from the Commission for conducting investigation into the matter. Reference to the O.M. of the Commission under which investigation is to be carried out should be made.

**ii) Appointment of Independent Engineer:**

- Whenever the CVO has no Competent Engineer under him, he has to appoint an Independent Engineer to assist him during investigation. Many CVOs get the investigation conducted by the Independent Engineer and forward the same to the Secretary, CVC for advice without the comments of CVO. It is not proper. The Independent Engineer is to assist the CVO in conducting the investigation and preparation of the report. It is the CVO who has to give the final views in the matter.

**iii) Gist of Allegations:**

- Original paras and the lapses highlighted in the references are to be mentioned here.

**iv) Facts:**

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

- Evidence presented should be credible and adequate.

**v) Observations:**

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

**vi) Response of the officials concerned:**

- It is necessary to elicit the reasons and clarifications of the management or the officers concerned for the anomalies pointed out in the observations. Every deviation from rules or procedure cannot be attributed to a mala-fide/corrupt intent. These may be circumvented, while expediting the work or in the larger interest of the work, with good intentions. It is, therefore, essential for Vigilance to distinguish between acts of omission and acts of commission. Therefore, obtaining the response of the officers concerned is essential in order to arrive at an objective conclusion.
- Response of the management is also necessary in order to clarify differences in interpretation or an understanding of the issues between vigilance and the management.

**vii) Counter to the response:**

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

**viii) Conclusion:**

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

**ix) Responsibility of officials:**

- Having determined the vigilance angle in the case, the next step is to fix the accountability of the individuals involved in the misconduct. Name of officers should be clearly stated in this para.
- The role of each officer should be judged with reference to his prescribed charter of duties. In case the tender Committee is responsible for the misconduct then, as far as possible, all members should be equally and collectively held responsible.
- Comments of Disciplinary Authority should invariably be included.

**x) Recommendation for action:**

- Recommendation for closure of the case in case there is no discernable vigilance angle or criminal misconduct, should be clearly spelt out.

**xi) Recommendation for systemic improvement:**

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

**xii) Tabular statement:**

- With a view to streamline the procedure and to avoid delay on account of incomplete information, it has been decided that, along with other records/documents, the following tabular statement should accompany the organisation's recommendations:-

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

**xiii) ASSURANCE MEMO**

- This is to provide reasonable assurance to the Commission and content of it should be as per **Appendix-X**.

**xiv) Bio-data of the officials:**

- Complete Bio-data of the officials against whom Commission's advice is sought should be furnished as per **Appendix-XI**.

**Commission's Advice**

After investigation, the IR should be sent to the Secretary, CVC by the CVO for first stage advice. Even if the CVO comes to the conclusion that no vigilance angle is involved, the matter has to be referred to the Commission for advice as the complaint has emanated from the Commission. The comments on the I.R. would be obtained by the branch from CTEO who would submit their comments for consideration of the Commission. The first stage advice given by the Commission for initiating disciplinary proceedings etc. or system improvements etc. would be communicated to the concerned CVO for implementation by the concerned Vigilance Branch. Organisations, if they wish for some exceptional reasons to approach the Commission for reconsideration of its first stage advice, they may do so within 3 months of date of issue of first stage advice.

The procedure for reference to the Commission for seeking second stage advice would be as per the Commission's directions issued from time to time in this regard.

## CHAPTER 6

### ROLE OF CVO IN INTENSIVE EXAMINATIONS

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CVO plays a vital role in Intensive Examination of works. With the limited staff available, CTEO can not inspect all the works of various Organisations under the jurisdiction of CVC. Hence, CVO should arrange vigilance inspection of works under his jurisdiction on the pattern of inspection carried out by the team of CTEO. In order to enable the organisation to effect immediate recovery from the contractors/suppliers as well as to ensure accountability of officials responsible for various lapses, other important functions of CVO in respect of the Intensive Examination by CTEO are listed below:

- a) Timely submission of:
  - i) Quarterly Progress Reports
  - ii) Documents required for intensive examination
  - iii) Preliminary Examination of the impugned Contract and submission of report to CTEO before Intensive Examination is carried out by Technical Examiner
  - iv) Replies to IE reports/rejoinders
  - v) Investigation Report with the assistance of an Independent Engineer
- b) Ensuring:
  - i) Presence of Engineers responsible for planning, design, tender scrutiny, award of work and construction during interim eramines
  - ii) Presence of representatives of CVO during interim eramination
  - iii) Rectification of Defects in the Project/Supplies
  - iv) Recoveries from the Contractors for the over-payments
  - v) Implementation of necessary directions issued by the Commission/ CTEO
- c) Carrying out periodical inspection of works with the assistance of the technical staff of CVO in line with CTE's inspection
- d) Pursuing, preparation and issue of Works Manual
- e) Implementation of guidelines/circulars issued by the Commission/CTEO

## CHAPTER 7

### TIME SCHEDULE

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Instances have come to the notice of the Commission regarding abnormal delays in sending replies to the IE Report/ Rejoinders. Sometimes, Vigilance Investigation Reports are also delayed considerably. This may result in officials responsible for the lapses retire/leave the Organisation without being penalised. Last minute references to the Commission for advice just before retirement of the concerned officials should be avoided. Decision on recovery from the Contractors / Suppliers are sometime unduly delayed and final bills paid to the contractors without effecting recovery. This should also be avoided.

Following time schedule should be adhered by all concerned-

1. Submission of documents by CVO : 30 days from the date of issue of letter by CTEO.
2. Issue of IE report by CTEO : 30 days from the date of Inspection.
3. First reply by CVO to IE Para : Within 60 days from the date of issue of IE report.
4. Rejoinder to CVO's reply : 30 days from the date of reply.
5. Reply to CTEO's rejoinder by CVO : 45 days from the date of issue of rejoinder.
6. Submission of I.R. by CVO : 3 months from the date of issue of the reference by the Commission.

## Central Vigilance Commission

No. 98-VGL-25

Date: 30.07.2012

### CIRCULAR NO. 15/7/12

**Subject: Revised threshold values for submission of Quarterly Progress Report-QPR.**

In supersession of the Commission's earlier OMs on the subject, the threshold limits for reporting of the contracts in the QPRs to the Commission, are revised as under: -

Works / Contracts	Revised Value
-------------------	---------------

**Category-I:**

- |   |                       |
|---|-----------------------|
| (a) Civil Works   |                       |
| (b) Turnkey Works Contracts                             |                       |
| (c) Stores & Purchase                                   | Rs. 5 Crores & above. |
| (d) PPP-Public Private Partnership[Cost/Revenue values] |                       |
| (e) Sale of Goods / Scrap / Land                        |                       |

**Category-II:**

- |   |                      |
|---|----------------------|
| (f) Electrical/Mechanical works/Maintenance/Service Contracts including Electronics/Instrumentation/ Telecommunication/ Manpower Supply, etc. | Rs.1 Crore & above   |
| (g) Medical Equipment   | Rs.50 lakhs & above. |
| (h) Consultancy contracts   | Rs.1 Crore & Above.  |

**Category-III:**

- |                                  |                      |
|----------------------------------|----------------------|
| (i) Horticulture Works           | Rs.10 lakhs & above. |
| (j) Supply of Medicines Contract | 4 Largest Value      |

2. QPRs should be submitted both in softcopy (in MS Excel format) through e-mail at [qpr.te.general@nic.in](mailto:qpr.te.general@nic.in) as well as in hardcopy separately for each sub-category mentioned above. For contracts below the threshold value, CVO may conduct CTE type inspections and intimate the outcome to the Commission through their regular monthly/quarterly reports.
3. The revised limits would come into effect from July-September 2012 Quarter onwards.

4. The Commission is in the process of 'On-line' submission of QPRs. The detailed instructions on this would follow. Meanwhile, Organisations are requested to make necessary arrangement for on-line submission of QPRs and also documents (if called for). These facilities may be developed in next two months and confirmed to the Commission.
5. The following explanatory notes are for guidance regarding the QPRs.
  - (i) Civil works also include marine, mining, excavation and transportation works.
  - (ii) Electrical/Mechanical works also include air conditioning, fire fighting, fire alarm and all other allied works.
  - (iii) In case there are no works awarded more than the threshold value mentioned under each sub-category, 2 contracts with highest value in each of such sub-category should be reported. In case no contracts are awarded, "Nil" QPRs may be sent.
  - (iv) In case the orders are placed in foreign currency, the threshold limit would be determined based on conversion of foreign currency with Indian Rupee at the exchange rate defined in the tender documents. However the currency of payments may also be indicated as per the contract.
  - (v) Contracts awarded on Assignment/Nomination/Single Tender/OEM/OES/PAC  
(\* ) basis falling in the above category shall also be reported.  
(\* ) OEM: Original Equipment Manufacturer  
OES: Original Equipment Supplier  
PAC: Proprietary Article Certificate.
  - (vi) For furnishing the QPRs related to Sale Contract [Sub-category-1 (e)], the QPRs may also to indicate the value as per reserve price besides the sale price.
  - (vii) The Organisations shall report all types of contracts irrespective of their role as Client/Owner or Engineer-in-Charge of the Contract or Project Management Supervision Consultant.
  - (viii) All works whether in India or outside India in progress, contracts awarded and the works completed during the quarter shall be included in the QPRs. In respect of works completed during the relevant quarter, the actual date of completion shall be indicated.
  - (ix) CVO to certify on the QPRs that all the Works/Purchases/ Consultancies and other contracts required to be reported as per circular have been included in the QPRs.

6. In case of any doubt regarding threshold value or the type of contract, the CTE's Organisation of the Commission may be consulted.
7. The contents of the circular may be brought to the notice of all concerned.

**-Sd-**  
**(Ramesh Chandra)**  
**Chief Technical Examiner**  
**Telephone: 011-24651813**  
**30.7.2012**

To: All CVOs of Ministries / Departments / PSUs / Banks / Insurance Companies / Autonomous Organisations / Societies/UTs.

**APPENDIX-II****Statement showing the Quarterly Progress of Original Works for Quarters ending March/  
June/September/December**

S. No.	Name of work and location	Estimated Cost	Tendered cost	% above / below SOR	Agmt. No.	Agency	Date of start	Time of Comp.	Physical Progress	Name of E-in-C with address	Remarks
1.											
2.											

## Appendix-III

No.  
Government of India  
Central Vigilance Commission  
(CTE's Organisation)

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

To

**Sub: Intensive Examination of works.**

**Ref:**

Sir,

1. It has been decided to carry out Intensive Examination of the following works of your Division/Organisation from \_\_\_\_\_ to \_\_\_\_\_

<b>S.No.</b>	<b>Name of work &amp; Location</b>	<b>Agreement No.</b>	<b>Name of contractor/agency</b>
--------------	------------------------------------	----------------------	----------------------------------

2. To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the undersigned/Asstt. Technical Examiner/Jr. Technical Examiner as explained below.
  - 2.1 PROFORMA FOR GENERAL INFORMATION IN ANNEXURE-I: Item under para 1.1 to 1.3 may be filled in and the proforma returned immediately duly signed. In case the administrative set up is different from that indicated in paras 1.2 and 1.3, the information may be furnished as per the set up available in your Organisation.
  - 2.2 PROFORMA FOR TECHNICAL INFORMATION IN ANNEXURE-II: This may please be filled in, signed and forwarded immediately along with copies of relevant documents.
  - 2.3 DOCUMENTS FOR INSPECTION AT SITE OFFICE ANNEXURE III: All these original documents will be examined at site/site office and may please be kept ready after inspection programme is intimated.
3. After intimation of inspection programme, arrangements may please be kept at site for the inspection of different work along with required tools, plants and workmen. You may kindly ensure that all parts of the building/work are made available for inspection.
4. The information in proforma at Annexure I & II is to be furnished on factual basis as per records already available. As such it may please be ensured that requisite information in these proforma is forwarded immediately so as to reach this office within 15 days after issue of this letter. If one or two items are not readily available, submission of entire proforma should not be delayed on that account. The remaining information may follow shortly thereafter.
5. Kindly acknowledge receipt of this communication.

Yours faithfully,  
( )  
TECHNICAL EXAMINER

**For Chief Technical Examiner**

- Enclosures:**
1. Annexure I, II, III.
  2. Proforma A, B, C, D

**Annexure-I****General Information**

	Particulars of Work	
1.1	Name of the work:	
	Agreement No	
	Name of Contractor	
	Estimated Cost	
	Tendered Cost	
	Due date of Start	
	Due Date of Completion	
	Present Progress	
1.2	Departmental Authorities	
	Zone	
	Circle	
	Division	
1.3	Officials In charge of Work	
	Chief Engineer / ED	
	Superintending Engineer / GM	
	Executive Engineer / DGM	
	Asst. Engineer	
	Jr. Engineer	
	Divisional Accountant	
	Complete Postal Address	
	Office Telephone No.	
	Fax No.	
	Office Mobile No.	
	E-MAIL ID	

### Technical Information

2.0		Chronology of Events		
	2.1	Sanction and Estimation		
		Ref. & Date of Administrative Approval	:	
		Ref. & Date of Expenditure Sanction	:	
		(A) Ref.& Date Of Technical Sanction (T.S.) (B) Basis Of Preparation Of Estimate For T.S.	:	
	2.2	Tender Process	:	
		Date of Approval of PQ Criteria	:	
		Mode of Tender (A) Open/Limited/Nomination (B) Domestic/ICB		
		Type of Tender One Stage/Two Stage	:	
		In Case of Two Stage Tendering, Details About First Stage of Tender		
		Purpose*		
		Date of Advertisement*		
		Date of Issue of RFP*		
		Date of Receipt of Proposals*		
		Total No. of Proposals Received*		
		Number of Proposals Accepted*		
		Name of Accepted Proposals*		
		Details, In Case of One Stage Two Bid/Envelop Tendering/ In Case of Two Stage Tendering, Details About Second Stage of Tendering		
		Mode of Tender One Envelop/Two Envelops/Three Envelops C) Details of Bids/Documents in These Envelops Envelop:1 Envelop:2 Envelop:3		
		Date of Approval of NIT by Competent Authority	:	
		Date of Issue of NIT in Press		
		(A) Date of Appearance of NIT on Website	:	
		Last Date of Sale of Bids	:	
		Dates of Pre Bid Meetings	:	
		Corrigendum to NIT, if Any		
		Date		
		Date of Receipt of Bids & Extensions	:	

	Date & Time of Opening of Different Bids Envelop:1 Envelop:2 Envelop:3		
	Dates of Technical/Eligibility Bid Evaluation Committee (TEC) Meetings**	:	
	Name & Designation of TEC Members**	:	
	Technical/Eligibility Bid Approving Authority & Date of Approval**	:	
	Total No. of Tenderers Declared Technically Qualified/Eligible**	:	
	Name & Designation of TEC Members	:	
	Tender Approving Authority & Date of Final Approval	:	
	Whether Work Awarded to Lowest Tenderer		
	Quoted Amount of Lowest Bidder	:	
	Whether Negotiations Conducted (Yes/No)	:	
	Accepted Amount of Lowest Bidder	:	
	Works Manual Adopted		
2.3	Post Contract	:	
	Event	:	
	Deviation Item No.	:	
	Deviation Item No.	:	
	Extra Item No.1	:	
	Extra Item No.2	:	
	Extra Item No.3		
	Substituted Item No.	:	
	Substituted Item No.	:	
	Last Running Account Bill Paid	:	
	Shifting of Milestone		

\*Not applicable in case of one stage two bid system of tendering

\*\*Not applicable for two stage tendering

**DOCUMENTS FOR INSPECTION AT SITE OFFICE**

- 1 (a) Press cutting including extended dates, if any.
  - i) For Pre-qualification of Architects / Consultants.
  - ii) For pre-qualification of Contractors.
  - iii) Call of Tenders.
- (b) Register of sale of tenders.
- (c) Register of opening of tenders.
2. File giving reference to Financial Sanction and approval of competent administrative authority-Preliminary estimated.
3. Copy of detailed estimate and its Technical Sanction by competent technical authority.
4. Approval of NIT (Notice inviting Tenders) in Original.
5. Rejected tenders and comparative statements for:
  - (a) Selection of Architects / Consultants.
  - (b) Short-listing or pre-qualifications of tenders.
  - (c) Other tenders.
6. Justification statement and corresponding notings in support of lowest tender's offer accepted.
7. Details of negotiations if any, made before acceptance of tenders.
8. Original contract with consultant / contractor.
9. Guarantee Bond etc. towards security for work. Machinery/Mobilization Advance etc. including extension of validity.
10. Insurance policies for work materials equipment, men etc. including extension of validity.
11. Guarantee for water tightness, termite proofing etc.
12. Standard specifications.
13. Standard schedule of rates.
14. Drawings-Architectural and Structural.
15. All connected Measurement Book, Level Books, Field Books and Lead Charts.

16. All running Account Bills with all connected statements/ vouchers.
17. Statements showing details of check of measurements by superior officers-copies of order laying down such requirements.
18. Materials at site accounts / cement, steel bitumen, paints, water proofing compound, anti-termite chemical etc.
19. Site order Books / Test Records / Log Books.
20. Details of extra / substituted items and of deviated quantities being executed/considered for execution in the work along with Analysis of rates.
21. Hindrance Register.
22. Office, correspondence files and inspection notes, if any, issued by inspecting office.
23. Complaint records, if any.
24. Any other documents relevant to the works.
25. Details of payments in proforma 'A'.
26. Cement consumption statement in proforma 'B'.
27. Steel consumption statement in proforma 'C'.
28. Statement of test material in proforma 'D'.

**Performa 'A' Details of Payments**

S.L. No (CC Bill Nos) of Bill	CR No (CC Bill Nos). date	Account Payable				Total	Detail of recoveries							Net Amount	
		Work done	Mobilisation Advance	Price Variation paid	Secured Advance		Security Deposit	Income Tax	Work Contract Tax	Labour Cess	Cost of issued Material	Secured Advance	Mobili- sation Principal		Interest on mobili- sation @

Name

Signature

**Proforma 'B'**

Cement consumption Statement for last bill Paid (S. No. ).

LAST DATE OF MEASUREMENT	THEORETICALLY REQUIRED IN BAGS/MT		ACTUALLY CONSUMED IN BAGS/MT..	RECOVERED/RE- CEIVED AT SITE.	REMARKS
	QUANTITIES OF COCRETE & FACTORS TAKEN	QUANTITIES OF CEMENT			

Name

Signature

**Proforma 'C'**

**DETAILS OF STEEL REINFORCEMENT FOR LAST (S No. ) BILL PAID**

Reinforcement Steel Diameter in mm	8	10	12	16	20	22	25	28	32	36	40	42
Qty issued By Deptt (MT)												
Qty measured for payment (MT)												
Qty recovered from bill (MT)												

**Name**

**Signature**

Note: If structural steel is used, information may be furnished in similar proforma for various sections instead of various diameters.

**PROFORMA - D**

**STATEMENT OF TESTS OF MATERIAL**

Sl. No	Description of material	Qty. consumed till date(MT)	Desc. Of test BIS/ agreement provision	Frequency of test of test as per BIS/ agreement	No. of tests		Lab. where test conducted	Lab. Whether lab approved By Govt.	Status of test result. (Pass/ Fail)	If failed, what action taken	Whether testing charge borne by deptt./ agency. (Ref. to agree. Provision	Recovery proposed for short fall in test/ failed result.
					Required	Conducted						
1	2	3	4	5	6	7	8	9	10	11	12	13

Sd/-  
Engineer in Charge

Sd/-  
Chief Vigilance Officer

**APPENDIX-III A**

No.  
Government of India  
Central Vigilance Commission  
(CTE's Organisation)

Satarkata Bhawan,  
Block 'A', GPO Complex,  
INA, New Delhi-23.

To

**Sub: Intensive Examination of Stores/Purchase Contracts**

**Ref:**

Sir,

It has been decided to carry out Intensive Examination of the "Store procurement and Inventory" against the following contracts of your Organisation

- | S. No. | Contract No. | Description of Stores   | Value |
|--------|--------------|---|-------|
| 2.     |              | To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the undersigned/Asstt. Technical Examiner/Junior Technical Examiner: -  |       |
|        | 2.1          | Proforma for General Information (Annexure I) & Technical Information (Annexure II)   |       |
|        |              | The details may please be filled in and the proforma returned immediately duly signed along with the following documents: -   |       |
|        | a.           | Photocopy of Note sheet portion of the complete purchase file comprising of all details beginning from initiation of procurement till placement of contract including Comparative/Ranking Statement of Bids, briefs and minutes of various T.P.C. and negotiation meetings.   |       |
|        | b.           | Photocopy of note sheet of post contract portion of purchase file.  |       |
|        | c.           | One attested true copy of each contract/agreement and the supplier's quotation.   |       |
|        | d.           | Photocopies of the bills paid till date.  |       |
|        | 2.2          | Documents for Inspection at site office (Annexure III)  |       |
|        |              | All these original documents will be examined at your office and may please be kept ready after Inspection programme is intimated.  |       |
| 3.     |              | After intimation of inspection programme, arrangements may please be kept at warehouse/godown for the inspection of inventory. You may kindly ensure that all the document like receipt and issue of Stores register are made available for inspection.   |       |
| 4.     |              | The documents and information as per para 2.1 above may please be forwarded immediately so as to reach this office within 15 days after the issue of this letter. If one or two items are not readily available, submission of the entire proforma should not be delayed on that account. The remaining information may follow shortly, thereafter. |       |
| 5.     |              | Kindly acknowledge receipt of this communication.   |       |

Yours faithfully,

( )

Technical Examiner

**For Chief Technical Examiner**

- Encl:** 1. Annexure – I, II & III  
2. Proforma A

No.  
Government of India  
Central Vigilance Commission  
(CTE's Organisation)

**Appendix-IV**

Satarkata Bhawan,  
Block 'A', GPO Complex,  
INA, New Delhi-23.

No.

Government of India  
Central Vigilance Commission  
(CTE's Organisation)

Satarkata Bhawan,  
Block 'A', GPO Complex,  
INA, New Delhi-23.

Name of work :

Agreement No. :

Name of Organisation:

**Sub: Testing of Samples of Building Materials.**

Following samples were collected from site of work on \_\_\_\_\_ in presence of \_\_\_\_\_

Code No.	Description of Material	Location	Details of tests to be conducted	Ref. Of I.S. Code / Specifications as per contract agreement
1	2	3	4	5

The above samples have been sealed with the Commission's seal, the three impressions of which are as under.

<b>1.</b>	<b>2.</b>	<b>3.</b>
<b>Sd/-</b>	<b>Sd/-</b>	<b>Sd/-</b>
<b>Name</b>	<b>Name</b>	<b>Name</b>
<b>Engineer-in-charge</b>	<b>Representative of CVO</b>	<b>TE/CVC</b>

Received above samples for delivery and testing to Test House/Laboratory.

**Signature of Rep. Of CVO** \_\_\_\_\_

**Appendix-V**

**No.**  
**Government of India**  
**Central Vigilance Commission**  
**(CTE's Organisation)**

Satarkata Bhawan,  
 Block 'A', GPO Complex,  
 INA, New Delhi-23.

To,  
 (Name of Test House)

**Sub: Testing of samples of material**

Sir,

Enclosed please find herewith \_\_\_\_\_ packet(s) duly sealed, containing samples as per details given below for performing the tests indicated against each. The test results may kindly be sent confidentially by name to the undersigned indicating the code no. of each sample.

<b>Code No.</b>	<b>Description of Material</b>	<b>Quantity</b>	<b>Details of tests to be conducted</b>	<b>Ref. Of I.S. Code / Specifications as per contract agreement</b>
1	2	3	4	5

2. Bills for testing charges may be sent to the authority at address mentioned below. The testing charges shall be borne by them. Sealed sample(s) of above material(s) has/have been handed over to them for delivery to your Test House for testing.
3. The above samples have been sealed with the Commission's seal, the three impressions of which are as under.

1. 2. 3.

**Encl: (i) \_\_\_\_\_ No. of packets of samples.**

(.....)  
 TECHNICAL EXAMINER

**Appendix-VI**



**Intensive Examination  
Report**



**by**

(.....)

**(TECHNICAL EXAMINER)**

**CHIEF TECHNICAL EXAMINER'S ORGANISATION  
CENTRAL VIGILANCE COMMISSION**

		Period of Inspection	:	
A		Particulars of Work	:	
	A.1	Name of Work	:	
		Agreement No.	:	
		Name of the Contractor	:	
		Estimated Cost	:	
		Tendered Cost	:	
		Due Date of Start	:	
		Due Date of Completion	:	
		Present Physical Progress %	:	
	A.2	Departmental Authorities	:	
		Zone	:	
		Circle	:	
		Division	:	
	A.3	Officials in Charge of Work	:	
		Chief Engineer/ED	:	
		Superintending Engineer/GM	:	
		Executive Engineer/DGM	:	
		Asstt. Engineer	:	
		Junior Engineer	:	
		Divisional Accountant	:	
		Others (Specify)		
	A.4	Details of office of Chief Vigilance Officer		
		Complete Postal Address	:	
		Office Telephone No.	:	
		Fax No.	:	
		Office Mobile No.	:	
		E-Mail Id	:	
	A.5	Details of office of Chief Engineer/Director (Projects)/Project Head of this work		
		Complete Postal Address	:	
		Office Telephone No.	:	
		Fax No.	:	
		Office Mobile No.	:	
		E-Mail Id	:	
B		Chronology of Events	:	
	B.1	Sanction and Estimation	:	

	Ref. & Date of A/A	:	
	Ref. & Date of E/S		
	(A) Ref.& Date of Technical Sanction (T.S.) B) Basis of Preparation of Estimate for T.S.		
B.2	Tender Process	:	
	Date of Approval of PQ Criteria	:	
	Mode of Tender (A) Open/Limited/Nomination (B) Domestic/ICB	:	(a) (b)
	Type of Tender One Stage/Two Stage	:	
	In case of two stage tendering, details about first stage of tender		
	Purpose*		
	Date of Advertisement*		
	Date of Issue of RFP*		
	Date of Receipt of Proposals*		
	Total no. of Proposals Received*		
	Number of Proposals Accepted*		
	Name of Accepted Proposals*		
	Details, In Case of One Stage Two Bid/Envelop Tendering/ In Case of Two Stage Tendering, Details About Second Stage of Tendering		
	Mode of Tender One Envelop/Two Envelops/Three Envelops C) Details of Bids/Documents in These Envelops Envelop:1 Envelop:2 Envelop:3		
	Date of Approval of NIT by Competent Authority	:	
	Date of Issue of NIT in Press		
	(A) Date of Appearance of NIT on Website	:	
	Last Date of Sale of Bids	:	
	Dates of Pre Bid Meetings	:	
	Corrigendum to NIT, if any	:	
	Date of Issue	:	
	Date of Receipt of Bids & Extensions	:	
	Date & Time of Opening of Different Bids Envelop:1 Envelop:2 Envelop:3		
	No. of Tenders Sold/ Downloaded**	:	
	Total no. of Tenders Received**	:	

		Name of Bidders who Submitted Bids**	:	
		Dates of Tender Evaluation Committee (TEC) Meetings	:	
		Name & Designation of TEC Members	:	
		Tender Approving Authority & Date of Final Approval	:	
		Quoted Amount of Lowest Bidder	:	
		Whether Negotiations Conducted (Yes/No)	:	
		Accepted Amount of Lowest Bidder	:	
	B.3	Post Contract	:	
		Event	:	Date of Sanction
		Deviation Item No.	:	
		Deviation Item No.	:	
		Extra Item No.	:	
		Extra Item No.	:	
		Substituted Item No.	:	
		Substituted Item No.	:	

\*Not applicable in case of one stage two bid system of tendering

\*\*Not applicable for two stage tendering

C	FACTUAL DETAILS
D	OBSERVATIONS
1.0	
2.0	
3.0	

## SAMPLE COLLECTION

S. No.	Code No.	Description of Material	Location	Details of Tests to be conducted	Ref. Of I.S. Code/ Specifications as per contract agreement
1	2	3	4	5	6

E MISCELLANIOUS REMARKS (IF ANY)

F ANNEXURES

(.....)  
Technical Examiner

**Appendix-VII****First Reply to Paras**

S. No.	Para No.	Reply of Technical Authority		CVO's comments
		Reply	Cost Adjustment proposal	

**Sd/-**  
**Name and Designation of**  
**Technical Authority**

**Sd/-**  
**CVO**

**Appendix-VIII****Reply to Rejoinders**

S. No.	Para No.	Rejoinder	Reply of Technical Authority		CVO's comments
			Reply	Cost Adjustment proposal	

Sd/-  
Name and Designation of  
Technical Authority

Sd/-  
CVO

## Appendix-IX

No.  
Government of India  
Central Vigilance Commission

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

Shri .....  
Chief Vigilance Officer,

**Sub:**

Sir,

Intensive examination of above work was carried out from \_\_\_\_\_ to \_\_\_\_\_ by a team of this Commission and a Report was sent to the Chief Vigilance Officer, vide letter No. \_\_\_\_\_ dated \_\_\_\_\_. Para as enclosed is being referred to you for a detailed vigilance investigation. It is requested that the detailed investigation report may be submitted directly to the Secretary, Central Vigilance Commission, Satarkata Bhawan, Block 'A', GPO Complex, INA, New Delhi- within a period of 3 months.

For the purpose of investigation, you may please refer to the instructions contained in para 4.8 of CVC's OM No. 7R-CRD-37 dt. 19/8/87 & O.M. No.3 (v)/99/12 dt. 14/8/2000. You may get an independent and reliable Engineer appointed to assist you in identifying and seizing the relevant records, preparing scrutiny notes thereon, fixing responsibilities, calling for the explanations of the indicted officials and preparing scrutiny notes on the validity of the explanations received. The report may conclude with your considered comments and recommendations in respect of each lapse referred to you for investigation. All the above notes and explanations may be included in the investigation report. In brief, the lapses are given in Appendix-I enclosed [Appendix to indicate the lapses in brief].

Kindly acknowledge receipt of this reference.

Yours faithfully,

(.....)

**Director**

**Assurance Memo**

This is to provide reasonable assurance to the Commission:

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

**Chief Vigilance Officer**

## Appendix-XI

### Format of Bio-Data of officer(s) against whom Commission's advice is sought

(To be incorporated in the Vigilance Report of the CVO)

1. Name of the officer :
2. Designation
  - (a) At present :
  - (b) At the time of alleged misconduct :
3. Service to which belongs :

(Cadre and year of allotment in case of officers of the organised/All India Services)

4. Date of birth :
5. Date of superannuation :
6. Level/group of the present post and pay scale :
7. Date of suspension [if under suspension] :
8. Disciplinary Rules applicable to the officer :

\*\*\*\*\*

ILLUSTRATIVE CHECK POINTS  
FOR  
VARIOUS STAGES OF PUBLIC PROCUREMENT



सत्यमेव जयते

CENTRAL VIGILANCE COMMISSION  
CHIEF TECHNICAL EXAMINER'S ORGANISATION

## **1.0 Works/Purchase Manual**

**1.1** Cardinal principle of public procurement is to procure the material/services/works of the specified quality, at the most competitive prices and, in a fair, just and transparent manner. To achieve this end, it is essential to have uniform and well documented policy guidelines in the organization, so that this vital activity is executed in a well-coordinated manner with least time and cost overruns. In some organizations, Procurement Manual is either not in place or has not been updated for years together, which renders the system of procurement ad-hoc and arbitrary.

A codified Procurement Manual containing the detailed procurement procedures and guidelines needs to be prepared by the organizations so that there is systematic and uniform approach in the decision-making. Delegation of power and commensurate accountability at various levels of decision-making should be essential feature of the Procurement Manual. An integrated procurement policy in the form of Procurement Manual helps the Organisations in circumventing the possibility of corruption and would also ensure smoother and faster decision-making.

**1.2** Following check-points are suggested:

- i. Whether procurement (work/purchase/services) manual are in place. If yes, whether updated regularly or not! When were these updated last time?
- ii. Whether the provision in the work/purchase/services manual are consistent with CVC guidelines, General Financial Rule (GFR) and Cannons of public procurement?
- iii. Whether the provisions in work/purchase/services manual cover the entire gamut of procurement activities of the organization?
- iv. Whether the procurement/contract/works manuals are uploaded on intranet/internet?
- v. Whether officials concerned are conversant with procurement manual or not?

## **2.0 Scope of Work**

**2.1** It is important for any scheme that the scope of work is properly defined. A well defined scope of work giving an overview of the proposed procurement needs to be put up to the

Competent Authority at the time of seeking approval/sanction. The objective of the procurement needs to be clearly brought out in the scope.

### **3.0 Administrative Approval & Expenditure Sanction (AA & ES)**

**3.1** Administrative Approval & Expenditure Sanction is an important component of procurement process. This provides an opportunity to the Competent Authority to have a comprehensive overview of the project. If the scheme is approved by the Competent Authority, suitable provision for expenditure to be incurred on the project is also to be made at this stage. There are situations, where projects/scheme is sanctioned by the authority, who is not competent. The importance of this aspect in public procurement can be gauged from the facts of a case, wherein the Competent Authority that was vested with the power to sanction an original scheme/project of Rs. 10 crores only had sanctioned the project of more than Rs. 300 crores.

**3.2** Following check-points are suggested:

- i. Whether 'Feasibility Study' has been done before formulating the project?
- ii. Whether, proposal for A/A&E/S has been prepared after considering aspect of mandatory clearances such as Environmental, Land Use etc.?
- iii. Whether A/A&E/S is based on proper estimate?
- iv. Whether administrative approval and expenditure sanction has been accorded by the Competent Authority?
- v. Whether the authority, which accorded the administrative approval and expenditure sanction is competent to do so or not as per the delegation of power?
- vi. Whether necessary budget provision has been made for the instant project or not?
- vii. Whether scope of work in the instant contract matches with corresponding provision in the A/A & E/S?
- viii. Whether there is any excess expenditure over the corresponding sanctioned amount?
- ix. Whether in case of excess expenditure or change in scope, approval of the Competent Authority has been taken?

### **4.0 Consultancy**

**4.1** Earlier public organizations were undertaking planning and supervisory activities in-house. Now-a-days, in the era of large-scale infrastructure development, the in-house resources

available with public organizations are gradually being found to be inadequate. Therefore, there has been substantial outsourcing of services such as Architectural services, Preparation of DPR, Project Management Consultancy, and Quality Assurance etc. The Commission has issued instructions regarding appointment of Consultants vide circular No. 3L PRC1 DT.12.11.1982 and the same were reiterated vide circular No. OFF1-CTE-1 Dt. 25.11.2002. Gist of the above circulars is given below-

*The consultant should be appointed in a transparent and competitive manner for need based and specialized jobs. The agreement should contain adequate provisions for penalizing the defaulting consultant keeping in view the fact that a consultant's role is only advisory and recommendatory. Consultant's fee should be based on some fixed value of the contract.*

**4.2** Commission in supersession of its earlier circular [No. No.98/DSP/3 dt. 24.12.2004] has issued detailed instruction on the possible 'Conflict of Interest' in appointment of Consultants and 'Professional Liability' of the Consultants, vide circular No. 08/06/11 dated 24<sup>th</sup> June, 2011.

**4.3** Following check-points are suggested:

- i. Whether guidelines for appointment of consultants are in place in the organization?
- ii. Whether the guidelines are updated regularly or not and when were these last updated?
- iii. Whether the guidelines for appointment of consultants are covering various aspects of the consultancy contracts such as provision of 'Professional Liability', upper sealing of consultancy fee, work performance linked payment, panel clauses for frequent change of staff, panel clauses for deficiency in services, clauses to deal with professional misconduct, panel clauses to deal with delay in services etc.?
- iv. Whether the qualifying requirement fixed for the selection of the consultant is commensurate with the importance and size of the project?
- v. Whether the qualifying requirement is unambiguous and also fixed before inviting the offers for the consultancy work?

- vi. Whether wide and adequate publicity including web-publicity has been given for inviting the offers for the consultancy work?
- vii. In case of limited tender enquiry, whether the panel has been prepared in a fair and transparent manner or not! Whether this panel is being up updated regularly or not?
- viii. Whether the bid(s) are in conformity with the terms of the tender document?
- ix. Whether the evaluation of the bids is done as per the notified qualifying criteria and all bidders are treated at par?
- x. Whether all the issues relating to the services tax, professional tax travelling allowances etc. are taken into account at the time of bid evaluation?
- xi. Whether during performance of the consultancy contract, the contract conditions are being complied with?
- xii. Whether the quality of project management by the Project Management Consultant is up to the mark?

## **5.0 Detailed Project Report (DPR)/Detailed Estimate**

5.1 Successful contract performance depends on the quality of Detailed Project Report (DPR). If, DPR is prepared on ad-hoc basis not based on site conditions, there is likelihood of delays and deviations resulting in time and cost overrun. It is imperative for trouble free execution of the contract that there is consistency among schedule of items, drawings and specifications. Any such ambiguity and inconsistency adds to time and cost overrun of the project besides leading to legal complications. Poor DPR leaves opportunity for the contractor to exploit the situation and gain profits out of ambiguity in the contract.

Designing of the products/structures of a Project is one of the most important activities in the project formulation. It is important that structures are designed using the latest codal provisions and latest engineering practices.

### **5.2 Following check-points are suggested:**

- i. Whether detailed site investigation has been carried out before finalizing the items/materials and their corresponding quantities to be used in the project?
- ii. Whether proper specification suiting to the site conditions have been selected or not?

- iii. Whether all the items required for successful completion of the project has been taken into account?
- iv. Whether there is consistency among description of items in 'schedule of items'/ bill of quantities, drawings and specifications?
- v. Whether rates supported with proper documents (genuine market rate quotations or standard schedule of rate) have been considered in the preparation of the estimate?
- vi. Whether detailed analysis of rate has been carried out before arriving at the rate of a particular item?
- vii. Whether DPR has been reviewed as a whole to assess its conformity with local bylaws, Archaeological Survey of India guidelines, environmental norms, to other mandatory regulations or otherwise by an independent agency or in-house?
- viii. Whether the structural design has been proof checked by an independent agency or in-house?

## **6.0 Design and Drawings**

**6.1** Designing of products/structures/service modules is an important aspect of any procurement. It is important that various elements of the project are scientifically designed using the latest practices and should be economically efficient. Design should suit to the prevailing site conditions. Similarly drawings should be prepared indicating all necessary details leaving no room for ambiguity.

**6.2** Following check-points are suggested:

- i. Whether proper design has been carried out considering the relevant parameters prevailing at site?
- ii. Whether design has been proof checked?
- iii. Whether any deficiency is observed in the design?
- iv. Whether any review of the design has been done! If so, reasons for the same?
- v. Whether 'good for construction' drawings contain all necessary elements?

## **7.0 Tender Document**

The tender after acceptance becomes 'the contract'- a legal document. An ambiguous agreement leads to poor contract performance and litigations. It also gives an opportunity to a contractor to make profit out of ambiguous conditions. It has been observed that often the tender document is prepared in a hurried manner without checking for consistency among Schedule of Items, Drawings, Specifications and Contract Conditions etc. This can happen due to different parts of the tender document like Schedule of Quantities, Specifications, Drawings and General Conditions etc. being prepared by different set of people without correlating them. Sometimes they are copied from old tender cases without giving a thought to the applicability of the conditions to the present work.

### **7.2 Following check-points are suggested:**

- i. Whether complete tender document containing General/Special Conditions of Contract, specifications, Bill of Quantities, all Addendums etc. is approved by the Competent Authority?
- ii. Whether standard approved tender document has been used? If not, whether the tender document would be legally sustainable?
- iii. Whether all the prevailing guidelines of Govt./CVC organization have been made part of the tender document?
- iv. Whether relevant modality to deal with any ambiguity in the bid has been provided in the tender document?
- v. Whether all the documents/drawings stated to have been attached with the tender documents have actually been attached or not?
- vi. Whether proper place of tender receipt has been notified in the NIT or not?
- vii. Whether the provision of additional bank guarantees or other securities have been made in case of bid being unbalanced or front-loaded?
- viii. Bank Guarantees from Nationalised Banks only should be accepted. Under no circumstances bank guarantees from Co-operative Banks should be accepted?

## **8.0 Pre-qualification**

**8.1** The success of a project largely depends on the capability of the contractor/vendor. Pre-qualification is a process to select competent contractors having technical and financial capability commensurate with the requirements of the particular procurement (work/supply of goods/hiring of services). The pre-requisites of pre-qualification process are:

- Transparency
- Fairness
- Maintenance of fair competition

**8.2** The Commission had issued guidelines vide circular No12-02-1-CTE-6 dated: 12.12.2002 and 07.05.2004 advising the organizations to frame the pre-qualification criteria in such a way that it is neither too stringent nor too lax to achieve the purpose of fair competition.

**8.3** During intensive examinations of the works of the organizations dealing with the power projects, following deficiencies were observed:

- Stringent PQ Criteria resulting in poor competition.
- Unduly restrictive criteria, creating entry barrier for potential bidders.
- Evaluation criteria not notified to the bidders, making the PQ process non-transparent.
- PQ Criteria relaxed during evaluation, thus creating entry barrier to the other potential bidders fulfilling the relaxed criteria.
- Credentials of the bidders not matched with the notified criteria.
- Credentials of the bidders not verified.

**8.4** Following check-points are suggested:

- i) Whether there are proper guidelines on pre-qualification of contractors/suppliers in the procurement manual of the organization?
- ii) Whether pre-qualification criteria for the instant procurement has been framed objectively commensurate with importance and size of the project/procurement?
- iii) Whether the pre-qualification criteria was frozen before inviting pre-qualification bids?

- iv) Whether the pre-qualification criteria has been approved by the Competent Authority as per the provision in the procurement manual of the organization?
- v) Whether there is any deliberate attempt to make the pre-qualification criteria suiting to particular bidder(s)?

## **9.0 Inviting & Opening of Tenders**

**9.1** The award of Public Contract through open tender is to ensure - transparency in public procurement, to maximize economy and efficiency in public procurement, to promote healthy competition among tenderers, to provide for fair and equal treatment to all the tenderers and to eliminate irregularities, interference and corrupt practices by authorities concerned. This is also required by the Article 14 of the Constitution of India.

### **9.2 Normally three modes of tendering are adopted. Namely:**

- Open Tenders
- Limited Tenders
- Single Tender/Nomination Basis

In an open tender, bids are invited giving wide and adequate publicity. This is the most preferred mode of tendering.

In the case of small value works, urgent works and in case only a few bidders are available in the market, limited tenders from such bidders who have been empanelled are invited. In case of Limited Tenders the empanelment should be done in a transparent way and updated periodically.

Award of contracts on nomination basis, which is also called a single tender is to be resorted to only under exceptional circumstances such as natural calamities and emergencies or there were no bids to repeated tenders or where only one supplier has been licensed ( proprietary item ) in respect of goods sought to be procured.

**9.3** In a judgment of the Hon'ble Supreme Court [Meerut Nagar Nigam, Meerut Vs Al Faheem Meat Exports Pvt. Ltd.] it has been emphasized that all the public tenders should be in an open and transparent manner with adequate publicity. Consequent to this judgment, the Commission has issued Office Order No. 23/7/07 dated 05.07.2007 laying down the circumstances where award through nomination is admissible.

**9.4** The Commission vide its Circular No. 06-03-02-CTE-34 dt. 20.10.2003 and Circular No. 15/5/06 issued vide letter no. 005/CRD/19 dt. 9<sup>th</sup> May 2006 has emphasized upon open tendering as the most preferred mode of tendering and insisted on transparency in the preparation of panel in case of limited tenders.

**9.5** Widest possible publicity is essential for greater transparency in open tenders. In addition to the existing rules and practices regarding publicity, the Commission vide their circular No. 98/ORD/1 dt.18.12.2003 has instructed for up loading the Notice Inviting Tender and also tender documents in a down loadable form on the web site. The web site publicity is to be given even in the case of limited tenders.

**9.6** In the various booklets issued by the CTE Organization of the Commission, the need to maintain transparency in receipt and opening of tenders has been emphasized and it has been suggested therein that suitable arrangements for receipt of sealed tenders at the scheduled date and time through conspicuously located tender boxes needs to be ensured. The Commission vide their Circular No. 05-04-1-CTE-8 dt. 8.6.2004 has further instructed that in case of bulky tender documents the provision for submission of bids to designated officials by hand should be made in the tender document itself.

To maintain transparency in the opening of tenders, the Commission in its circular dated 8.6.04 has instructed to open the bids in the presence of bidders.

**9.7** Following check-points are suggested:

- i. Whether proper publicity has been given to the tender as per the guidelines of the organization?

- ii. Whether the guidelines of the organization for publicity of the tender are adequate?
- iii. Whether NIT has been posted on the organization's website?
- iv. Whether place of tender receipt as notified in the NIT is conspicuous?
- v. Whether the committee to open the tenders has been duly notified by the Competent Authority?
- vi. Whether the tenders are opened in presence of the bidders or their authorized representatives?
- vii. Whether cutting/overwriting /insertions are accounted for on each page of the price bid?
- viii. Whether the members of the Tender Opening Committee have signed on each page of the price bid?

#### **10.0 Tender Evaluation and Award of Work**

**10.1** This is the most sensitive area susceptible to corruption. Corruption is inversely proportional to transparency and fairness. To ensure that evaluation is done in most transparent, fair & open manner, following points should be taken care of:

- Evaluation of tenders needs to be done as per pre-notified criteria.
- Timely decision within validity period.
- Complying with commission's circular regarding negotiations.
- Ensuring that conditions / specifications are not relaxed in favour of contractor to whom the work is being awarded.
- Ensuring that L1 is not ignored on flimsy grounds.
- Compliance with the purchase preference policy of the govt.
- Ensuring that work order / supply order is placed within justified rates.

**10.2** CVC guidelines in this regard have been issued vide following circulars:

- Circular No. 8(1)(H)/98(1) dated 18.11.98,
- Circular No. 98/ORD/1 dated 24.8.2000 / 15.3.99,
- CVC'S Office Order No. 13/3/05 (005/VGL/4) dated 16.3.2005,
- Circular No. 06-03-02-CTE-34 dated 20.10.03,
- Circular No. 004/DSP/11-6594 dated 24-2-2005
- Circular No. 005/CRD/012 dated 3.03.2007

**10.3** Following check-points are suggested:

- i. Whether the Tender Evaluation Committee has been duly notified by the Competent Authority?
- ii. Whether members of the Tender Evaluation Committee are competent enough to deal with the subject matter?
- iii. Whether the bids are evaluated as per the terms of the tender document or not?
- iv. Whether the tender evaluation committee has commented upon the aspect of the bid being unbalanced or front-loaded?
- v. Whether ambiguity clause has been properly applied to deal with any inconsistency in the bid during evaluation?
- vi. Whether there has been any inordinate delay in processing the tender for award of the work?

**11.0 Contract Agreement**

**11.1** During course of technical examination of various contracts by CTE's Organisation, it was observed that officials, who are otherwise expert in their own technical domain, do not go through the complete contract document. During performance of the contract, their main focus could be on BOQ/specifications for various items. In other words, at times, the officials are more concerned with the technical aspects of the contract and as such, other important contract provisions, which are also essential for smooth operation of contract, get ignored. The contractors/vendors tend to take advantage of the ignorance of the officials for their benefit. Many a times, major financial irregularities occur during the performance of the contract because of the officials not being thorough with the contract conditions/provisions. Besides quality, timely completion of the work is also the essence of the contract. While examining the correspondence files of some power projects, it was observed that many projects get unduly delayed due to contractor's fault such as non deployment of adequate plant & machinery, technical staff, material, labour etc. Officials have been found wanting in their action against the contractors/suppliers. Such actions in many cases lead to recoveries from the contractors/suppliers. In some projects, it was further observed that 'Extension of Time' was granted without claiming compensation i.e. 'Liquidated Damages', ignoring correspondence that could pin the delay to the account of contractor.

**11.2** Following check-points are suggested:

- i. Whether proper agreement between the organization and the contractor / supplier has been entered into within the prescribed period or not?
- ii. Whether the contract agreement containing all the relevant papers has been properly sealed or not?
- iii. Whether irrelevant documents/papers have been made part of the agreement?
- iv. Whether various contract provisions such as labour laws, insurances, guarantees etc. are being compiled by the contractor or not?
- v. Whether action has been taken against the contractor for non-compliance of the contract conditions?
- vi. Whether the payment is being made to the contractor strictly as per the contract?
- vii. Whether any overpayment/inadmissible payment?
- viii. Whether Bank Guarantees submitted by the contractor/supplier have been duly verified for their genuineness from the issuing bank?
- ix. Whether action has been taken/proposed against the contractor/supplier for delay?
- x. Whether the work is being carried out as per the detailed procedure/protocol for quality of the material/product provided in the contract and in case of any deviation, whether approval of Competent Authority highlighting the financial implication has been obtained?
- xi. In case of the contractor being a Joint Venture of two or more firms, whether representatives are being shared by each of the partner as per their disclosure at the time of bidding?
- xii. Whether sub-contracting of the work is allowed in the contract and if so to what extent? Proposal for sub-contracting should be scrutinised scrupulously to assess the competence of the sub-contractor. Indiscriminate sub-contracting that too the inexperienced/incompetent sub-contractors may lead to serious quality compromises besides delay in execution of the work?

**12.0 Payment to the Contractors**

**12.1** Payment to the contractors/suppliers should be made strictly as per the terms of contract. Any payment outside the contact agreement should have proper & specific approval of the

Competent Authority highlighting the need/necessity for the same as well as rule position. Various types of advances such as Mobilization Advance, Plant & Machinery Advance, Advance on Materials (Secured Advance) etc. may have been provided in the contracts, which need to be paid and recovered as per the stipulation in the contract agreement. The basic purpose of Mobilization advance is to extend financial assistance within the terms of contract to the contractor to mobilize the man and material resources for timely and smooth take off of the project or procurement of equipment material or other services contract. There could be possibility of misuse of Mobilization Advance, especially the interest free advance, either due to absence of necessary safeguards or due to non-implementation of these safeguards provided in the contracts. The Mobilization Advance so paid could be misused by the contractors either in building their own capital or for the purpose other than the one for which it was disbursed, rendering to be counter-productive. In view of the susceptibility of its misuse, Commission vide its Circular No. NU/POL/19 dated 8<sup>th</sup> December 1997, banned the provision of interest free Mobilization. However, in view of representations from various organization, Commission has reviewed the earlier instructions and allowed the organizations to stipulate interest free advance with elaborate mechanism for safeguards against its misuse vide circular No.10/4/07 issued vide letter No.4CC-1-CTE-2 dated 10.04.2007. More importantly the BGs taken in lieu of Mobilization Advance need to be properly examined within respect to the acceptable format and any condition deterrent to the Govt.'s interest should be got withdrawn before acceptance besides verifying the genuineness of the Bank Guarantees from the bankers. Timely action for revalidation/ encashment of BGs also needs to be taken so as to protect the Govt. interest. Similarly, Plant & Machinery Advance should be allowed only for the purchase of Plant & Machinery for the bona-fide use in the project and it should be allowed only on the production of genuine documents.

Tax evasion in the procurement contracts could be another area of concern; therefore, it is necessary that tax liability of the contractors/suppliers is examined properly with reference to as per the extant instructions of the Government.

**12.2** Following check-points are suggested:

- i. Whether the payment is made as per the terms of the contract?
- ii. Whether there is any possibility of duplicate payment being made to the contractor/supplier?
- iii. Whether any over payment is being made to the contractor/supplier?
- iv. Whether the rates for extra/substituted items have been derived as per the provision in the contract agreement/Procurement Manual?
- v. Whether the payment for extra/substituted items have been made after due approval of the Competent Authority?
- vi. Whether advances are paid to the contractors/suppliers for the amount specified in the contract agreement?
- vii. Whether recovery of advances is being made as per the terms of the contract agreement?
- viii. Whether recovery of mandatory taxes and duties is being done as per the extant instructions of the Government and as per the terms of the contract agreement?
- ix. Whether reimbursement of service tax, excise duty etc. is being done after obtaining the actual proof of depositing the same with authorities concerned?
- x. Some of the contracts provide escalation clause, with detailed formula in order to compensate the contractors for increase in the material cost during the contract period. Whether the formula for escalation is applied correctly or not?
- xi. Whether hire charges of Plant and Machineries are being recovered from the contractor as per the specified rate?

**13.0 Site Records**

**13.1** Records connected with the execution of the work should be maintained in a proper manner. The registers/files, wherein important data such as record of the mandatory test, record of hindrances, record of receipt and supply of materials, record of issue of drawings/design etc. are kept should be properly bound and page numbered. These records should be maintained under the signature of designated senior officials. This will guard against the possibility of manipulation/tempering of these records at any stage.

**13.2** Following check-points are suggested:

- i. Whether the registers are properly bound and having machine numbered pages?
- ii. Whether the registers to keep record of important data like mandatory test, hindrances etc are being issued under the signature of designated senior officer?
- iii. Whether these records are being maintained properly with signatures and attestation of the designated officers?
- iv. Whether any tampering/manipulation is noticed in these records?

#### **14.0 Site Inspection**

**14.1** Site inspection is basically to assess the quality of work being carried out. All the stages discussed previously are the means, whereas the quality/quantity is the end product. One of the cardinal principles of public procurement is to procure works or goods or services of specified quality. For this purpose, detailed quality standards are stipulated in the contracts. Any compromise in the quality will not only defeat the very purpose of stipulating such elaborate quality standards, but also cause irreversible loss to public exchequer.

To maintain the quality of the work, testing of the material at various stages of the work is required. The contract documents stipulate mandatory tests to be carried out for ensuring that the materials represented by the sample conform to desired quality standards. It has been observed that at times, aspect of testing at specified frequency & interval is ignored. This not only defeats the objective of mandatory testing of input materials/products, but also gives opportunity to the contractors/manufactures/vendors to supply sub-standard materials and save on the testing charges.

It needs to be examined whether the work is being carried out with the specified quality standards? Site inspection should highlight the specific quality compromises w.r.t. the benchmark i.e. specified standards/specifications rather than general observation.

#### **15.0 Leveraging information technology**

**15.1** The Government is promoting E-Governance to improve transparency in government functioning. As regards public procurement, the modern IT tools can be used in enhancing

transparency in the form of E-Tendering, E-Procurements, E-Payments & uploading of post tender details on the website. CVC has issued instructions in this regard from time to time.

**15.2** Following check-points are suggested:

- i. Whether e-payment is being made to the contractors/suppliers in general in the organization?
- ii. Whether e-payment is being made in the instant contract?
- iii. If the e-payment is not being made then reasons for the same?
- iv. Whether CVC's instructions on e-tendering/e-auctions/reverse-auctions are being complied with?
- v. Whether post-tender details are being uploaded on the organization's website?

**16.0 Integrity Pact**

**16.1** As part of its endeavour to promote transparency in public procurement, the Commission has issued instructions for putting in place the mechanism of Integrity Pact. Among the important provisions in the instructions of the Commission are mandatory provision of Integrity Pact in the procurement contracts and appointment of Independent Monitors in the organisation.

**16.2** Following check-points are suggested:

- i. Whether the provision of Integrity Pact as approved by the Management has correctly been incorporated in the tender documents/contracts?

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24600200

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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स. / No. 98/ORD/1(viii)

दिनांक / Dated 29<sup>th</sup> April, 2014

Circular No.01/04/14

**Sub: Short-comings in bid documents**

**Ref:** Commission's circular No.33/7/03 dated 9<sup>th</sup> July, 2003

The Commission has been impressing upon all Organisations to ensure transparency and fairplay in all procurements/contracts. One of the concern relates to the short-comings in framing of NITs and bid documents which results in ambiguity and scope for interpretation differently during processing and award of contracts by the organisations

2. The Commission had vide its Office Order No.33/7/03 dated 9<sup>th</sup> July, 2003. advised that whatever pre-qualification, evaluation/exclusion criteria, etc. which the organization wants to adopt should be made explicit at the time of inviting tenders so that basic concept of transparency and interests of equity and fairness are satisfied. The acceptance/rejection of any bid should not be arbitrary but on justified grounds as per the laid down specifications, evaluation/exclusion criteria leaving no room for complaints as after all, the bidders spend a lot of time and energy besides financial cost initially in preparing the bids and, thereafter, in following up with the organizations for submitting various clarifications and presentations.

3. The above instructions are reiterated for compliance by all Ministries/Departments/ Organisations.

(J Vinod Kumar)  
Officer on Special Duty

To

All Chief Vigilance Officers.

No.98-VGL-25  
Government of India  
Central Vigilance Commission  
(CTEO)

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

OFFICE MEMORANDUM

Circular No. 14/4/07

Sub: Use of Products with standard specification.

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A case has come to the notice of the Commission that the user department one organization requisitioned an item of non-standard size. Requisitioning of item with non-standard size resulted in issue of 'Non-availability certificate' by the stores keeper although the same item of standard size was already available in the stock. Citing urgency, the item was procured by the user department at 10 times the cost of the standard item by inviting limited quotations.

2. In order to avoid such occurrences, it is reiterated that the items with standard specifications only should be stipulated in the bid documents. In case, items with non-standard specifications are to be procured, reasoning for procuring such items may be recorded and reasonability of rates must be checked before placing order.

*P. Vamshi*  
26/4/07  
(Smt. Padmaja Varma)  
Chief Technical Examiner

To

All CVOs of Ministries/Departments/PSUs/Banks/Insurance  
Companies/Autonomous Organizations/Societies/Hrs

No. OFF-1-CTE-1(Pt) V  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 24<sup>th</sup> March 2005

**Office Order No. 15/3/05**

**Subject: Notice inviting tenders – regarding.**

The Commission has observed that some of the Notice Inviting Tenders (NITs) have a clause that the tender applications could be rejected without assigning any reason. This clause is apparently incorporated in tender enquiries to safeguard the interest of the organisation in exceptional circumstance and to avoid any legal dispute, in such cases.

2. The Commission has discussed the issue and it is emphasized that the above clause in the bid document does not mean that the tender accepting authority is free to take decision in an arbitrary manner. He is bound to record clear, logical reasons for any such action of rejection/recall of tenders on the file.

3. This should be noted for compliance by all tender accepting authorities.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

No. 12-02-1-CTE-6

Government of India  
Central Vigilance Commission  
(CTE's Organisation)

Satarkata Bhavan, Block A,  
4<sup>th</sup> Floor, GPO Complex,  
INA, New Delhi – 110 023.

Dated: 7<sup>th</sup> May, 2004

**OFFICE MEMORANDUM**

**Subject : - Pre-qualification Criteria (PQ).**

*Guidelines were prescribed in this office OM of even number dated 17/12/2002, on the above-cited subject to ensure that the pre-qualification criteria specified in the tender document should neither be made very stringent nor very lax to restrict/facilitate the entry of bidders. It is clarified that the guidelines issued are illustrative and the organizations may suitably modify these guidelines for specialized jobs/works, if considered necessary. However, it should be ensured that the PQ criteria are exhaustive, yet specific and there is fair competition. It should also be ensured that the PQ criteria is clearly stipulated in unambiguous terms in the bid documents.*

(M.P. Juneja)  
Chief Technical Examiner

To

*All CVOs of Ministries/Departments/PSUs/Banks/Insurance Companies/  
Autonomous Organisations/Societies/UTs.*

**No. 2EE-1-CTE-3  
Government of India  
Central Vigilance Commission  
(CTE's Organization)**

**Satarkta Bhavan, Block-A,  
GPO Complex, INA,  
New Delhi-110023  
Dated - 15.10.2003**

**OFFICE MEMORANDUM**

**Sub: Tender Sample Clause**

The Commission has received complaints that some organizations, while procuring clothing and other textile items insist on submission of a tender sample by the bidders though detailed specifications for such items exist. The offers are rejected on the basis of tender samples not conforming to the requirements of feel, finish and workmanship as per the 'master sample' though the bidders confirm in their bids that supply shall be made as per the tender specifications, stipulated in the bid documents.

2. While it is recognized that samples may be required to be approved to provide a basis in respect of indeterminable parameters such as shade, feel, finish & workmanship for supplies of such items but system of approving/rejecting tender samples at the time of decision making is too subjective and is not considered suitable, especially for items which have detailed specifications. The lack of competition in such cases is also likely to result in award of contracts at high rates.

3. It is thus advised that Government Departments/Organizations should consider procurement of such items on the basis of detailed specifications. If required, provision for submission of an advance sample by successful bidder(s) may be stipulated for indeterminable parameters such as, shade/tone, size, make-up, feel, finish and workmanship, before giving clearance for bulk production of the supply. Such a system would not only avoid subjectivity at the tender decision stage but would also ensure healthy competition among bidders and thus take care of quality aspect as well as reasonableness of prices.

4. It is requested that these guidelines may be circulated amongst the concerned officials of your organization for guidance. These are also available on the CVC's website, <http://cvc.nic.in>.

Sd/-  
(A.K. Jain)  
Technical Examiner  
for Chief Technical Examiner

To

All CVOs of Ministries/Departments/PSUs/Banks/Insurance Companies/Autonomous Organizations/Societies/UTs.

**No. DPE/14(5)/2020-Fin.**  
**Government of India**  
**Ministry of Heavy Industries & Public Enterprises**  
**Department of Public Enterprises**

\*\*\*\*\*

**Public Enterprises Bhawan**  
**Block No.14, CGO Complex**  
**New Delhi – 110003**

**Date: 5 August, 2020**

**OFFICE MEMORANDUM**

**Subject: Central Vigilance Commission Instructions on tendering -regarding**

The undersigned is directed to refer to Central Vigilance Commission OM dated 30.6.2020 in which the following measures have been suggested for systemic improvement in tendering process in CPSEs:

- i) All tender process to be in line with Contract & Procurement (C&P) Manual of the CPSE
  - ii) Tendering process is to be reviewed and tendering process/ procedures and C&P Manual to be in sync with the extant public procurement policies and CVC guidelines
  - iii) CPSE may strengthen its project monitoring and quality assurance units and develop objective procedures/SoPs so that it can take effective and timely action against non-serious contractors
  - iv) Outright rejection of low bids on basis of minimum cap vis-a-vis estimated price is not recommended. Procuring agency needs to call justification from the bidder making low bid and to look into its merit.
  - v) Cost estimation has to be proper, based upon recommended indices; practice of tweaking estimates by Director/ MD is not advisable.
2. All the administrative Ministries/ Departments of CPSEs are requested to ensure compliance of the directions/ instruction by CPSEs under their administrative control.
3. This issues with the approval of competent authority.

*K. Mishra*

(Kalyani Mishra)  
Director  
Tel.24362061

to

- i) All the Secretaries to the Administrative Ministries/ Departments of CPSEs
- ii) Chief Executives of CPSEs

Copy for information to:

Telephic Address :  
"SATARKTA: New Delhi

E-Mail Address  
cenvigil@nic.in

Website  
www.cvc.nic.in

EPABX  
24600200

फैक्स / Fax : 24651186



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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

सं./No. 018/VGL/022-377353.....

दिनांक / 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 15.06.2017 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.

(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.

TelegraphicAddress :  
"SATARKTA: New Delhi

E-Mail Address  
cenvigil@nic.in

Website  
www.cvc.nic.in

EPABX  
24651001 - 07

फैक्स/Fax : 24616286



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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

No.011/VGL/014  
स./No.....

दिनांक / Dated..... 11<sup>th</sup> February, 2011

Circular No.01/02/11

**Sub: Transparency in Tendering System**

There have been instances where the equipment/plant to be procured is of complex nature and the procuring organization may not possess the full knowledge of the various technical solutions available in the market to meet the desired objectives of a transparent procurement that ensures value for money spent simultaneously ensuring upgradation of technology & capacity building.

2. The Commission advises that in such procurement cases where technical specifications need to be iterated more than once, it would be prudent to invite expression of interest and proceed to finalise specifications based on technical discussions/presentations with the experienced manufacturers/suppliers in a transparent manner. In such cases, two stage tendering process may be useful and be preferred. During the first stage of tendering, acceptable technical solutions can be evaluated after calling for the Expression of Interest (EOI) from the leading experienced and knowledgeable manufacturers/suppliers in the field of the proposed procurement. The broad objectives, constraints etc. could be published while calling for EOI. On receipt of the Expressions of Interest, technical discussions/presentations may be held with the short-listed manufacturers/suppliers, who are prima facie considered technically and financially capable of supplying the material or executing the proposed work. During these technical discussions stage the procurement agency may also add those other stake holders in the discussions who could add value to the decision making on the various technical aspects and evaluation criteria Based on the discussions/presentations so held, one or more acceptable technical solutions could be decided upon laying down detailed technical specifications for each acceptable technical solution, quality bench marks, warranty requirements, delivery milestones etc., in a manner that is consistent with the objectives of the transparent procurement. At the same time care should be taken to make the specifications generic in nature so as to provide equitable opportunities to the prospective bidders. Proper record of discussions/presentations and the process of decision making should be kept.

3. Once the technical specifications and evaluation criteria are finalized, the second stage of tendering could consist of calling for techno commercial bids as per the usual tendering system under single bid or two bid system, as per the requirement of each case. Final selection at this stage would depend upon the quoted financial bids and the evaluation matrix decided upon.

4. Commission desires that organizations formulate specific guidelines and circulate the same to all concerned before going ahead with such procurements.



(Anil Singhal)

Chief Technical Examiner

To

All Secretaries of Ministries/Departments  
All CEOs/Heads of Organisations  
All Chief Vigilance Officers

F.No. 010/VGL/066  
Central vigilance commission

Satarkata Bhawan,  
Block A, GPO Complex,  
INA, New Delhi – 110023  
Dated 07-10-2010

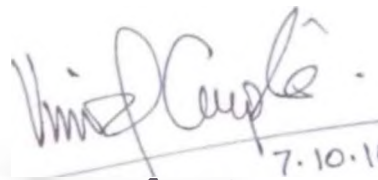
Circular No. 34/10/10

**Subject: Design Mix Concrete**

During inspection of works of many organisations, it has been observed that provisions of IS 456:2000 are neither being followed for designing the concrete mix nor for acceptance criteria. Instances of acceptance of concrete on basis of false certification and without actually testing the cubes for 28 days strength have also been observed. The following deficiencies are brought to the notice of all organisations for immediate corrective action:

1. Minimum cement content, maximum water cement ratio and minimum grade of concrete for different exposures are not adopted as per the details given in Table 5 of above code
2. Value of standard deviation is not being established on the basis of results of 30 samples as provided in Table 11 of the above code even for works where more than 30 samples have been tested.
3. For acceptance criteria mean of a group of 4 non overlapping consecutive test results is not being calculated.
4. The samples where individual variations are more than  $\pm 15\%$  of average of three specimens are not declared invalid as per the provisions of clause 15.4 of the Code.
5. The concrete is being declared meeting the acceptance criteria which is not in conformity of codal provisions.

Most of the organisations are not even aware about the amendment No. 3 of 2007 modifying clause 15.1.1 of IS 456:2000. All organisations are directed to ensure that provisions of IS 456:2000 read with amendment No. 3 should be followed scrupulously for cement concrete and reinforced cement concrete. Non compliance of the provisions shall be viewed seriously.

  
(V.K. Gupta)  
7.10.10  
Chief Technical Examiner

All CVOs

No 008/VGL/083  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 6<sup>th</sup> November 2008

Circular No.31/11/08

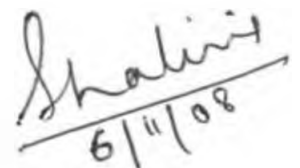
**Subject: Time bound processing of procurement.**

The Commission has observed that at times the processing of tenders is inordinately delayed which may result in time and cost overruns and also invite criticism from the Trade Sector. It is, therefore, essential that tenders are finalized and contracts are awarded in a time bound manner within original validity of the tender, without seeking further extension of validity. While a short validity period calls for prompt finalization by observing specific time-line for processing, a longer validity period has the disadvantage of vendors loading their offers in anticipation of likely increase in costs during the period. Hence, it is important to fix the period of validity with utmost care

2 The Commission would, therefore, advise the organizations concerned to fix a reasonable time for the bids to remain valid while issuing tender enquiries, keeping in view the complexity of the tender, time required for processing the tender and seeking the approval of the Competent Authority, etc., and to ensure the finalization of tender within the stipulated original validity. Any delay, which is not due to unforeseen circumstances, should be viewed seriously and prompt action should be initiated against those found responsible for non-performance

3 Cases requiring extension of validity should be rare. And in the exceptional situations where the validity period is sought to be extended, it should be imperative to bring on record in real time, **valid and logical grounds**, justifying extension of the said validity

4 These instructions may please be noted for immediate compliance



(Shalini Darbari)  
Director

Satarkata Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-110 023  
Dated, the 1st May, 2006

**Circular No.21/05/06**

**Subject: Examination of Public Procurement (Works/Purchases/Services) Contracts by CVOs.**

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The Commission has been emphasising the need for close scrutiny by the CVO, of the Public Procurement (Works/ Purchases/Services) Contracts of his department/organisation concerned, to ensure that the laid down systems and procedures are followed, there is total transparency in the award of contracts, and there is no misuse of power in decision making.

2. A number of booklets have been issued by the Chief Technical Examiner Organisation of the Commission, bringing out the common irregularities/ lapses noticed in different contracts. A Manual for Intensive Examination of Works/ Purchase Contracts and guidelines on tendering have also been issued. These are available in the Commission's website.

3. The need for CTE type examinations by the CVOs has been emphasised in the Zonal meetings. The CVOs are required to reflect their examinations in the monthly reports. The Commission reiterates the importance of such examinations by the CVOs, as an effective preventive vigilance measure.

4. For this purpose, the CVOs are required to be well conversant with their organisation's works/purchase manual. Wherever works/purchase manuals are non-existent, they should be got prepared, particularly, in those organisations which have substantial procurement activities. CVOs should also ensure that the manuals are updated from time to time. They should check and ensure that the field staff is well conversant with the extant provisions of the manuals, and the guidelines issued by the Commission/CVOs from time to time. CVOs should have a full and active participation during the CTE inspections to know about the problem areas in the organisation's procurement process.

5. CVOs must also familiarise themselves with the earlier CTE examination reports and ensure that the lapses previously noticed are not repeated. If lessons are not learnt from the past, there would be need to take a serious view of the repetition of lapses and initiate disciplinary proceedings against the officials found responsible for repetition of the lapses committed previously.

6. On the basis of the lapses noticed by the Chief Technical Examiner's Organisation over the years, a checklist has been prepared which could be used by the CVO while examining procurements contracts. The checklist may be seen in Annexure -1. If certain procurement contracts require an intensive examination by the CTEO, a reference may be made to them with adequate justification.

7. This may please be noted for strict compliance.

  
(V.Kannan)  
Director

Check list for examination of Procurement (**Works/ Purchases/ Services**) Contracts by CVOs

I. Pre-Award Stage

1. Financial and Technical sanction of competent authority is available.
2. Adequate and wide publicity is given. Advertisement is posted on website and tender documents are available for downloading.
3. Convenient tender receiving/opening time and address of the tender receiving officials/tender box are properly notified.
4. In the case of limited tender, panel is prepared in a transparent manner clearly publishing the eligibility criteria. The panel is updated regularly.
5. Pre-qualification criteria are properly defined/ notified.
6. Short listed firms/consultants are fulfilling the eligibility criteria. There is no deviation from notified criteria during evaluation.
7. Experience certificates submitted have been duly verified.
8. Tenders/bids are opened in the presence of bidders.
9. Corrections/omissions/additions etc., in price bid are properly numbered and attested and accounted page –wise. Tender summary note/ Tender opening register is scrupulously maintained.
10. Conditions having financial implications are not altered after opening of the price bids.
11. In case of consultancy contracts (a)Upper ceiling limit is fixed for consultancy fee and (b) Separate rates for repetitive works are fixed.

B. Post-award stage

(a) General

1. Agreement is complete with all relevant papers such as pre-bid conference minutes, etc.
2. Agreement is page-numbered, signed and sealed properly.
3. Bank Guarantee is verified from issuing bank.
4. Insurance policies, labour licence, performance guarantee are taken as per contract.
5. Technical personnel are deployed as per contract.
6. Plant and equipment are deployed as per contract.
7. Action for levy of liquidated damages is taken in case of delay/default.

(b) Payments to contractors

1. Price escalation is paid only as per contract.
2. Retention Money/Security Deposit is deducted as per contract.
3. Recovery of Mobilisation & Equipment advance is made as per the provisions in the contract.
4. Recovery of I.Tax & Works Contract tax is made as per provisions in the contract.
5. Glaring deviations are supported with adequate justification and are not advantageous to the contractor.

(c) Site Records

1. Proper system of recording and compliance of the instructions issued to the contractors is maintained.
2. Proper record of hindrances is maintained for the purpose of timely removal of the hindrance and action for levy of liquidated damages.

3. Mandatory tests are carried out as per the frequency prescribed in the Agreement.

005/VGL/66  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 9/12/2005

**Office Order No. 71/12/05**

**Subject: Undertaking by the Members of Tender Committee/Agency.**

In continuation of the Commission's directions vide Order 005/VGL/4 dated 16/3/2005 regarding transparency in the tender process, the Commission would advise that the members of the Tender Committee should give an undertaking at the appropriate time, that none of them has any personal interest in the Companies/Agencies participating in the tender process. Any Member having interest in any Company should refrain from participating in the Tender Committee.

2. CVOs should bring this to the notice of all concerned.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

F.No. 000/VGL/161  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, GPO Complex,  
Block-'A', I.N.A,  
New Delhi-110023.  
Dated, the 24<sup>th</sup> March, 2005

**Office Order No. 18/3/05**

**Sub:- Banning of business dealings with firms/contractors-clarification regarding.**

Para 31 of Chapter XIII, Vigilance Manual Part-I provides that business dealings with the firms/contractors may be banned wherever necessary. It was also suggested that for banning of the business with such firms/contractors or for withdrawal of banning orders, advice of the Central Vigilance Commission need not be sought.

2. It is however observed by the Commission that some of the departments/organizations cite the Commission as the authority behind the decision in their orders while banning of the firms/contractors. This is not appropriate. **The Commission once again reiterates its instructions that banning of business is an administrative matter to be decided by the management of the organization and the Central Vigilance Commission does not give its advice in such matters.** This may please be noted for strict compliance.

sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers



No.004/ORD/9  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 10<sup>th</sup> December, 2004

**Office Order No. 72/12/04**

**Subject:- Transparency in tendering system- Guidelines regarding.**

In order to maintain transparency and fairness, it would be appropriate that organisations should evolve a practice of finalizing the acceptability of the bidding firms in respect of the qualifying criteria before or during holding technical negotiations with him. Obtaining revised price bids from the firms, which do not meet the qualification criteria, would be incorrect. Therefore the exercise of shortlisting of the qualifying firms must be completed prior to seeking the revised price bids. Moreover, the intimation of rejection to the firms whose bids have been evaluated but found not to meet the qualification criteria, along with the return of the un-opened price bid, will enhance transparency and plug the loop-holes in the tendering system. All organisations/departments are advised to frame a policy accordingly.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

**No.98/ORD/1**  
**Central Vigilance Commission**

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 2<sup>nd</sup> July 2004

Office Order No.43/7/04

**Subject: Improving Vigilance Administration: Increasing Transparency in procurement/sale etc. – Use of website regarding.**

The Central Vigilance Commission has issued a directive on the above subject vide its Order No.98/ORD/1 dated 18<sup>th</sup> Dec. 2003 making it mandatory to use web-site in all cases where open tender system is resorted to. These instructions have been further extended vide Office Order No.10/2/04 dated 11.2.2004 to tenders of short-term nature (by whatever name it is called in different organizations). Various organizations have been corresponding with the Commission seeking certain clarifications with regard to the above directives. The main issues pointed out by organizations are as follows:

**Issue 1      Size of Tender Documents**

**In cases of works/procurement of highly technical nature, tender documents run into several volumes with large number of drawings and specifications sheets, etc. It may not be possible to place these documents on website.**

**Clarification:** These issues have been discussed with the technical experts and in their opinion, there is no technical and even practical difficulty in doing the same. These days almost all the organizations do their typing work on computers and not on manual typewriters. There is no significant additional effort involved in uploading the material typed on MS Word or any other word processing softwares on the website irrespective of the number of pages. The scanning of drawings is also a routine activity. Moreover if the volume and size of tender document is so large as to make it inconvenient for an intending tendering party to download it, they always have the option of obtaining the tender documents from the organization through traditional channels. The Commission has asked for putting tender documents on web-site in addition to whatever methods are being presently used.

**Issue 2      Issues Connected with Data Security, Legality and Authenticity of Bid Documents.**

Certain organizations have expressed apprehensions regarding security of data, hacking of websites etc. They have also pointed out that certain

bidding parties may alter the downloaded documents and submit their bids in such altered tender documents which may lead to legal complications.

**Clarification:** This issue has been examined both from technical and legal angles. Technically a high level of data security can be provided in the websites. The provisions of digital signatures through Certifying Authority can be used to ensure that in case of any forgery or alteration in downloaded documents it is technically feasible to prove what the original document was. There are sufficient legal provisions under IT Act to ensure that e-business can be conducted using the web-site. A copy of the remarks given by NIC on this issue are enclosed herewith.

**Issue 3** Some organizations have sought clarification whether web site is also to be used for proprietary items or items which are sourced from OEMs (Original Equipment Manufacturers) and OESs (Original Equipment Suppliers).

**Clarification:** It is clarified that Commission's instructions are with regard to goods, services and works procured through open tender system, so these instruction do not apply to proprietary items and items which necessarily need to be procured through OEMs and OESs.

**Issue 4** Do the instructions regarding 'short term tenders' given in the CVC Order No.98/ORD/1 dated 11<sup>th</sup> Feb., 2004 apply to limited tenders also?

**Clarification:** In many organizations goods, services and works which as per laid down norms are to be procured/executed through open tender system many times due to urgency are done through short term tenders without resorting to wide publicity in newspapers because of time constraint. In all such cases short term tenders (by whatever name it is called) etc. should also be put on the website of the dept. as it does not involve any additional time or cost.

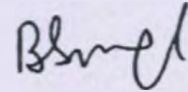
Regarding applicability of these instructions to limited tenders where the number of suppliers/contractors is known to be small and as per the laid down norms limited tender system is to be resorted to through a system of approved/ registered vendors/contractors, the clarification is given below.

**Issue 5** Some organizations have pointed out that they make their procurement or execute their work through a system of approved/registered vendors and contractors and have sought clarification about the implications of CVC's instructions in such procurements/contracts.

**Clarification:** The Commission desires that in all such cases there should be wide publicity through the web site as well as through the other traditional channels at regular intervals for registration of contractors/suppliers. All the required proforma for registration, the pre-qualification criteria etc. should be always available on the web-site of the organization and it should be possible to download the same and apply to the organization. There should not be any entry barriers or long gaps in the registration of suppliers/contractors. The intervals on which publicity is to be given through website and traditional means can be decided by each organization based on their own requirements and developments in the market conditions. It is expected

that it should be done atleast once in a year for upgrading the list of registered vendors/contractors.

The concerned organisation should give web based publicity for limited tenders also except for items of minor value. If the organization desires to limit the access of the limited tender documents to only registered contractors/suppliers they can limit the access by issuing passwords to all registered contractors/suppliers. But it should be ensured that password access is given to all the registered contractors/suppliers and not denied to any of the registered suppliers. Any denial of password to a registered supplier/contractor will lead to presumption of malafide intention on the part of the tendering authority.



**(Balwinder Singh)**  
**Addl. Secretary**

To

- (i) The Secretaries of All Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) The Director, Central Bureau of Investigation
- (vi) The Chief Executives of all PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
- (vii) The Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
- (viii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO

**No. 05-04-1-CTE-8**  
Government of India  
Central Vigilance Commission  
(CTEs Organisation)

Satarkta Bhawan,  
INA Colony,  
New Delhi- 110023  
Dated: 8.6.2004

**OFFICE MEMORANDUM**

**Sub: Receipt and Opening of Tenders**

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In the various booklets issued by the CTE Organisation of the Commission, the need to maintain transparency in receipt and opening of the tenders has been emphasized and it has been suggested therein that suitable arrangements for receipt of sealed tenders at the scheduled date and time through conspicuously located tender boxes need to be ensured.

A case has come to the notice of the Commission, where due to the bulky size of tender documents the bid conditions envisaged submission of tenders by hand to a designated officer. However, it seems that one of the bidders while trying to locate the exact place of submission of tenders, got delayed by few minutes and the tender was not accepted leading to a complaint.

In general, the receipt of tenders should be through tender boxes as suggested in our booklets. However, in cases where the tenders are required to be submitted by hand, it may be ensured that the names and designation of atleast two officers are mentioned in the bid documents. The information about these officers should also be displayed at the entrance/reception of the premises where tenders are to be deposited so as to ensure convenient approach for the bidders. The tenders after receipt should be opened on the stipulated date and time in presence of the intending bidders.

Sd/-  
(Gyaneshwar Tyagi)  
Technical Examiner

**Copy to: -**

All CVOs: Ministries/Departments/PSUs/Banks/UTs

No. 98/ORD/1  
Government of India  
Central Vigilance Commission

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Satarkata Bhavan, Block - 'A',  
GPO Complex, INA,  
New Delhi - 110 023  
Dated 04.09.2003

**Office Order No.44/9/03**

To

**All Chief Vigilance Officers**

**Sub: Irregularities in the award of contracts.**

Sir/Madam,

While dealing with the case of a PSU, the Commission has observed that the qualification criteria incorporated in the bid documents was vague and no evaluation criterion was incorporated therein. It is also seen that the category-wise anticipated TEUs were not specified in the bid documents and the same was left for assumptions by Tender Evaluation Committee for comparative evaluation of financial bids, which led to comparative evaluation of bids on surmises and conjectures. Further, it was also provided as a condition in the tender bid that the tenderer should have previous experience in undertaking handling of similar work and/or transportation works preferably of ISO containers, however, no definition of 'similar works' was, indicated in the bid documents.

2. It should be ensured that **pre-qualification criteria, performance criteria and evaluation criteria are incorporated in the bid documents in clear and unambiguous terms as these criterion very important to evaluate bids in a transparent manner. Whenever required the departments/organisations should have follow two-bid system, i.e. technical bid and price bid. The price bids should be opened only of those vendors who were technically qualified by the Deptt./ Organisation.** The Commission would therefore advise that the Deptt./ Organisation may issue necessary guidelines in this regard for future tenders.

3. It has also observed that the orders were allegedly split in order to bring it within the powers of junior officers and that the proper records of machine breakdown were not being kept. It is therefore, decided that in the matters of petty purchase in emergency items all departments/organisations must keep proper records of all machine breakdown etc.

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

Yours faithfully,

Sd/-  
(Anjana Dube)  
Deputy Secretary



सत्यमेव जयते



Telegraphic Address :  
"SATARKTA: New Delhi

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
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Block A, INA, New Delhi 110023

स./No.....005/CRD/19/480241

दिनांक / Dated.....06.04.2021.....

Circular No. 04/04/21

**Subject: Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.**

**Reference:**

- |       |                                       |                  |
|-------|---------------------------------------|------------------|
| (i)   | Commission's Circular No.15/05/06     | dated 09.05.2006 |
| (ii)  | Commission's Office Order No.23/07/07 | dated 05.07.2007 |
| (iii) | Commission's Office Order No.19/05/10 | dated 19.05.2010 |
| (iv)  | Commission's Circular No.18/12/12     | dated 11.12.2012 |
| (v)   | Commission's Circular No.06/07/18     | dated 11.07.2018 |

Central Vigilance Commission, as part of its drive to ensure transparency, to promote healthy competition and to provide fair and equitable treatment to all interested parties in matters of public procurement, has issued guidelines from time to time emphasizing on the need to adopt tendering process as a basic requirement, before award of contract to any party.

2. Tendering process or public auction is a basic requirement for award of contract by any Government agency. Any other method, especially award of contract on nomination basis would amount to a breach of Article 14 of the Constitution guaranteeing right to equality which implies right to equality to all interested parties. The award of contracts/projects/procurements on nomination basis without adequate justification amounts to restrictive practice eliminating competition, fairness and equity. Hence, award of contracts through open competitive bids should remain the most preferred mode of tendering.


3. However, in some exceptional and inevitable circumstances, the contracts may be awarded on nomination basis; for instance, during natural calamities and emergencies declared by the Government; where procurement is possible from a single source only; where the supplier or contractor has the exclusive rights in respect of the goods or services and no reasonable alternative or substitute exists; where the auction was held on several dates but there were no bidders or the bids offered were too low etc.[Ref: SPL(Civil)No. 10174 of 2006 in case of Nagar Nigam, Meerut Vs A I Faheem Meat Export Pvt Ltd.].

4. But, it has been observed that in some cases, the guidelines issued by the Commission are not being adhered to by the organizations. Therefore, the Commission would reiterate its earlier guidelines and direct that:

- (i) All works/purchase/consultancy contracts awarded on nomination basis should be brought to the notice of following authorities for information:
  - a) the Secretary, in case of the ministries/departments;
  - b) the Board of Directors or equivalent managing body, in case of Public Sector Undertakings, Public Sector Banks, Insurance Companies, etc.;
  - c) the Chief Executive of the organization where such a managing body is not in existence.
- (ii) The report relating to such awards on nomination basis shall be submitted to the Secretary/Board/Chief Executive/equivalent managing body, every quarter.
- (iii) The audit committee or similar unit in the organization may be required to check at least 10% of such cases.

5. Details of all tenders awarded on nomination basis shall be posted on website of the organization concerned, in public domain, along with brief reasons for doing so.

6. The above guidelines may be noted for strict compliance.

  
(Rajiv Varma)  
Officer on Special Duty

To

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



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98/ORD/001

सं. / No.....-392683  
28.08.2018  
दिनांक / Dated.....

Circular No.10/08/18

**Sub: 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 Circulars Nos.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.**

The Commission on receiving references 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., had last issued a Circular No.01/04/18 dated 06.04.2018. On a review of the said instruction and all previous circulars on the subject, the Commission would clarify as under:

*The Commission's instructions dated 18.11.1998 (on post tender negotiations) and other guidelines relating to procurement / sales, etc., would not be applicable to projects funded by World Bank and other International Funding Agencies, as such external aid / loans, etc., received are covered under the applicable policies / legal agreement executed, as permitted under Rule 264 of General Financial Rules, 2017 (GFR), Manual for Procurement of Goods of 2017, Manual for Procurement of Consultancy and other Services, 2017 issued by the D/o Expenditure, M/o Finance, etc.*

2 All Ministries / Departments / Organisations may note for information / guidance.

(J. Vinod Kumar)  
Director

To

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

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स. / No..... 98/ORD/001

दिनांक / 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:

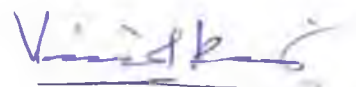
*The Commission's instruction dated 18.11.1998 (on post tender negotiations) would not be applicable to the World Bank Projects and other international funding agencies, such as IMF, ADB, etc. However, the instructions of Central Vigilance Commission would be binding on purchases / sales made by the 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.



(J Vinod Kumar)  
Director

To

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

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Block A, INA, New Delhi 110023  
28<sup>th</sup> October, 2011  
दिनांक / Dated.....

Circular No. 12/10/11

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


References have been received seeking clarification whether the Commission's guidelines contained in Circular No.3(V)/99/9 dated 1<sup>st</sup> October 1999 are binding even for the projects which are funded by international funding agencies like World Bank, ADB etc.

2. Para 2 of the Commission's Circular dated 1<sup>st</sup> October 1999 is reproduced as under:-

*"It has been decided after due consideration, that in so far as the World Bank Projects and other international funding agencies such as IMF, ADB etc. are concerned, the department organizations have no other alternative but to go by the criteria prescribed by the World Bank/ concerned agencies and the Commission's instructions would not be applicable specifically to those projects. However, the instructions of the CVC will be binding on purchases/sales made by the departments within the country. The CVC's instructions of 18/11/98 will apply even if they are made with source outside the country and if they are within the budget provisions and normal operations of the Department/Organization"*

3. 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. This may be brought to the notice of all concerned.

  
(J. Vinod Kumar)  
Officer on Special Duty

All Chief Vigilance Officers

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दिनांक / Dated, 20<sup>th</sup> January, 2010

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to All Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) The Chief Executives of all PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
- (vi) The Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
- (vii) President's, Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO

CIRCULAR No.01/01/10

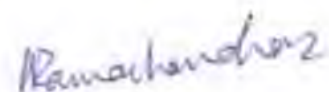
Attention is invited to the Commission's circular No 4/3/07 dated 3.3.07 on the issue of "Tendering Process – Negotiations with L1".

In the said circular it has, among other things, been stated "As post tender negotiations could often be a source of corruption, it is directed that there should be no post tender negotiations with L1. except in certain exceptional situations". It has come to Commission's notice that this has been interpreted to mean that there is a ban on post tender negotiations with L-1 only and there could be post tender negotiations with other than L1 i.e. L2, L3 etc. This is not correct.

It is clarified to all concerned that - there should normally be no post tender negotiations. If at all negotiations are warranted under exceptional circumstances, then it can be with L1 (Lowest tenderer) only if the tender pertains to the award of work/supply orders etc. where the Government or the Government company has to make payment. However, if the tender is for sale of material by the Government or the Govt. company, the post tender negotiations are not to be held except with H1 (i.e. Highest tenderer) if required.

2. All other instructions as contained in the circular of 3.3.2007 remain unchanged

3. These instructions issue with the approval of the Commission and may please be noted for immediate compliance.

  
(V. Ramachandran)  
Chief Technical Examiner

No.005/CRD/012  
Government of India  
Central Vigilance Commission  
\*\*\*\*\*

Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 3<sup>rd</sup> March, 2007

**Circular No. 4/3/07**

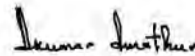
**Sub:- Tendering process - negotiations with L-1.**

Reference is invited to the Commission's circulars of even number, dated [25.10.2005](#) and [3.10.2006](#), on the above cited subject. In supersession of the instructions contained therein, the following consolidated instructions are issued with immediate effect:-

- (i) As post tender negotiations could often be a source of corruption, it is directed that there should be no post-tender negotiations with L-1, except in certain exceptional situations. Such exceptional situations would include, procurement of proprietary items, items with limited sources of supply and items where there is suspicion of a cartel formation. The justification and details of such negotiations should be duly recorded and documented without any loss of time.
- (ii) In cases where a decision is taken to go for re-tendering due to the unreasonableness of the quoted rates, but the requirements are urgent and a re-tender for the entire requirement would delay the availability of the item, thus jeopardizing the essential operations, maintenance and safety, negotiations would be permitted with L-1 bidder(s) for the supply of a bare minimum quantity. The balance quantity should, however, be procured expeditiously through a re-tender, following the normal tendering process.
- (iii) Negotiations should not be allowed to be misused as a tool for bargaining with L-1 with dubious intentions or lead to delays in decision-making. Convincing reasons must be recorded by the authority recommending negotiations. Competent authority should exercise due diligence while accepting a tender or ordering negotiations or calling for a re-tender and a definite timeframe should be indicated so that the time taken for according requisite approvals for the entire process of award of tenders does not exceed one month from the date of submission of recommendations. In cases where the proposal is to be approved at higher levels, a maximum of 15 days should be assigned for clearance at each level. In no case should the overall timeframe exceed the validity period of the tender and it should be ensured that tenders are invariably finalised within their validity period.

- (iv) As regards the splitting of quantities, some organisations have expressed apprehension that pre-disclosing the distribution of quantities in the bid document may not be feasible, as the capacity of the L-1 firm may not be known in advance. It may be stated that if, after due processing, it is discovered that the quantity to be ordered is far more than what L-1 alone is capable of supplying and there was no prior decision to split the quantities, then the quantity being finally ordered should be distributed among the other bidders in a manner that is fair, transparent and equitable. It is essentially in cases where the organisations decide in advance to have more than one source of supply (due to critical or vital nature of the item) that the Commission insists on pre-disclosing the ratio of splitting the supply in the tender itself. This must be followed scrupulously.
- (v) Counter-offers to L-1, in order to arrive at an acceptable price, shall amount to negotiations. However, any counter-offer thereafter to L-2, L-3, etc., (at the rates accepted by L-1) in case of splitting of quantities, as pre-disclosed in the tender, shall not be deemed to be a negotiation.

2. It is reiterated that in case L-1 backs-out, there should be a re-tender.
3. These instructions issue with the approval of the Commission and may please be noted for immediate compliance.



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(Vineet Mathur)  
Deputy Secretary

**All Chief Vigilance Officers**



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स./No..... 010/VGL/035/161731

दिनांक / Dated..... 12.01.2012

Circular No. 01/01/2012

**Sub: Guidelines for compliance to Quality Requirements of e-Procurement Systems.**

**Ref: Commission's Circular No.23/06/010 dated 23/06/2010**

Commission has been advocating leveraging of technology for activities prone to corruption since 2006 and one of the prominent initiatives was adoption of e-procurement for goods, works and services by all Ministries/Departments/Organisations Commission advised all Organizations to ensure security of the e-procurement systems and to get their system certified by Department of Information Technology (DIT)

2. DIT in turn requested its attached office STQC (Standardisation Testing and Quality Certificate) Directorate to establish necessary processes and systems to enable certification of e-Procurement systems Accordingly the guidelines prepared by STQC in this regard approved and notified by the DIT is available on egovstandards website [[www.egovstandards.gov.in](http://www.egovstandards.gov.in)] The guidelines are also available on Commission's website [www.cvc.nic.in](http://www.cvc.nic.in) (link-circular/instructions) All the Ministries/Departments/Organisations are advised to use these guidelines for compliance to Quality Requirements for certifying the e-Procurement systems

(J Vinod Kumar)  
Officer on Special Duty

To

CVOs of all Ministries/Departments  
CVOs of all Public Sector Enterprises  
CVOs of all Public Sector Banks/Insurance Companies and Organizations

No.010/VGL/035  
Central Vigilance Commission

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

Circular No. 23/06/010

Sub: Leveraging of Technology for improving vigilance administration in the National  
E-Governance Plan.

The Commission observes that e-procurement software, security and implementation is a new area and needs improvement. E-procurement provides a platform for the collaborative procurement of goods, works and services using electronic methods at every stage of the procurement process. The e-procurement platform transacts confidential procurement data and is exposed to several security threats. Department of Information Technology could be best placed to address issues relating to e-procurement. In order to ensure proper security of the e-procurement system all Departments/Organizations are advised to get their system certified by Department of Information Technology.

  
(Shalini Darbari)  
Director

To,

All Secretaries of Deptts / Ministries.  
All CMDs / Chief Executives of CPSUs / Banks / Insurance Companies etc.  
All Chief Vigilance Officers

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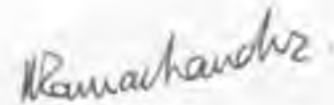
दिनांक / Date 26<sup>th</sup> April, 2010.....

Circular No 18/04/2010

**Subject: - Implementation of e-tendering solutions – check list.**

Guidelines were prescribed in this office OM of even number, dated 17.09 2009, on the above-cited subject, advising organisations to take due care to see that effective security provisions are made in the system to prevent any misuse. It has been observed during security audit carried by CTEO that e-procurement solutions being used by some of the organisations lack security considerations as envisaged in the Commission's guidelines dated 17.09 2009. Some of the shortcomings / deficiencies are of repetitive nature.

A check list to achieve security considerations in e-Procurement solutions is enclosed for information. Organisations concerned may follow the same while implementing e-tendering solutions to address the security related concerns.



(V. Ramachandran)  
Chief Technical Examiner

To

All CVOs of Ministries/Departments/PSUs/Banks/Insurance Companies/  
Autonomous Organisations/Societies/UTs

**CHECK POINTS TO ACHIEVE SECURITY CONSIDERATIONS  
IN E-PROCUREMENT SOLUTIONS**

S.N.	SECURITY CONSIDERATIONS	Please Tick	
		Yes	No
1.	Whether the application is secure from making any temporary distortion in the electronic posting of tender notice, just to mislead certain vendors?	Yes	No
2.	If yes at 2 above, then whether any automatic systems alert is provided in the form of daily exception report in the application in this regard?	Yes	No
3.	Whether application ensures that the tender documents issued to / downloaded by bidders are complete in shape as per the approved tender documents including all its corrigendum?	Yes	No
4.	Is there any check available in the application to detect & alert about the missing pages to the tenderer if any?	Yes	No
5.	Whether application ensures that all the corrigendum issued by the Competent Authority are being fully communicated in proper fashion to all bidders including those who had already purchased / downloaded the bid documents well ahead of the due date & before uploading the corrigendum?	Yes	No
6.	Whether system is safe from sending discriminatory communication to different bidders about the same e-tendering process?	Yes	No
7.	Whether e-procurement solution has also been customised to process all type of tenders viz Limited / Open / Global Tenders?	Yes	No
8.	Whether online Public Tender opening events feature are available in the application?	Yes	No
9.	Whether facilities for evaluation / loading of bids, strictly in terms of criteria laid down in bid documents are available in the application?	Yes	No
10.	Whether sufficient safeguards have been provided in the application to deal with failed attempt blocking?	Yes	No
11.	Whether application is safe from submission of fake bids?	Yes	No
12.	Whether encryptions of bids are done at clients end?	Yes	No
13.	Whether safety against tampering and stealing information of submitted bid, during storage before its opening, is ensured?	Yes	No
14.	Whether application is safe from siphoning off and decrypting the clandestine copy of a bid encrypted with Public key of tender opening officer?	Yes	No
15.	Whether application is safe from mutilation / sabotage or otherwise rendering the encrypted bid in the e-tender box during storage, to make it unreadable / invalid in any form, before opening of the bids?	Yes	No

16.	Whether introduction of special characters / executable files etc by users are restricted in the application?	Yes	No
17.	Whether validity check of DSC is being done at server end?	Yes	No
18.	Whether system supports the feature that even though if a published tender is being deleted from the application, system does not allow permanent deletion of the published tender from the Database?	Yes	No
19.	Whether sufficient security features are provided in the application for authentication procedure of the system administrator like ID password digital signature, biometric etc?	Yes	No
20.	Whether audit trails are being captured in the application on media not prone to tampering, such as optical write once?	Yes	No
21.	Whether log shipping feature is available, where a separate dedicated server receives the logs from the application over a web service in real time?	Yes	No
22.	Whether integrity and non-tampering is ensured in maintaining the server clock synchronisation & time stamping?	Yes	No
23.	Whether application generates any exception report / system alerts etc to indicate the resetting of the clock, in case the application for time stamping is killed at the server level and time is manipulated?	Yes	No
24.	Whether application ensures that the quotes from various bidders with their name are not being displayed to any one including to the Organisation during carrying out of the e-reverse auctioning process?	Yes	No
25.	Whether application is fit for usage complying with the requirements of tender processing viz Authenticity of tenderer non-repudiation and secrecy of information till the actual opening of tenders	Yes	No
26.	Whether any comprehensive third party audit [as per statutory requirement and also as per the requirements of e-tender processing (compliance to IT Act 2000)] was got conducted before first putting it to public use?	Yes	No
27.	Whether application complies with the Commission's Guidelines dated 17 09 2009 on Security considerations for e-procurement Systems	Yes	No

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CENTRAL VIGILANCE COMMISSION

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Block A, INA, New Delhi 110023

दिनांक / Dated.....  
17<sup>th</sup> September, 2009

Circular No 29/9/09

Subject : - Implementation of e-tendering solutions.

Guidelines were prescribed in this office OM of even number, dated 13/01/2009, on the above-cited subject, advising organisations to follow a fair transparent and open tendering procedure, to select the application service provider for implementing their e-tendering solutions

2 It is clarified that while ensuring fair play transparency and open tendering procedure for e-tendering solutions the organisations must take due care to see that effective security provisions are made in the system to prevent any misuse. In this regard, the guidelines on security related issues in e-tendering systems are enclosed for information. Organisations concerned may follow these guidelines while implementing e-tendering solutions to contain the security related loop holes

*Ramachandran*  
(V Ramachandran)  
Chief Technical Examiner

To  
All CVOs of Ministries/Departments/PSUs/Banks/Insurance Companies/  
Autonomous Organisations/Societies/UTs

## Guidelines on Security considerations for e-procurement System.

### 1.0 E-procurement Systems.

E-procurement provides a platform for the collaborative procurement of goods, works and services using electronic methods at every stage of the procurement process. The e-procurement platform transacts confidential procurement data and is exposed to several security threats. Agencies World over face threats to their online e-procurement platforms and the same are addressed by employing a combination of security features and security best practices which result in reduced threat of data loss, leakage or manipulation.

### 2. Security of e-Procurement system.

2.1 Security of e-procurement system is essentially an amalgamated output of Security of Infrastructure, Application and Management. Assuming the management issues are taken care of the following aspects of Infrastructure and Application are essential to have a fairly secure e-Procurement.

#### 2.2 Security Infrastructure level:

Issues	Best Practices to achieve security considerations
Perimeter Defence	Deployment of routers, Firewalls, IPS/IDS, Remote Access and network segmentation
Authentication	Network authentication through deployment of password policy for accessing the network resources. To minimize unauthorised access to the e-procurement system at system level.
Monitoring	Deployment of logging at OS/ network level and monitoring the same
Secure configuration of network host.	The security of individual servers & workstations is a critical factor in the defence of any environment, especially when remote access is allowed. Workstations should have safeguards in place to resist common attacks.
System patching	As the vulnerability of the system are discovered almost regularly and the system vendors are also releasing the patches.  It is expected the host are patched with latest security updates released by the vendors.
Control of malware	Suitable control like anti-virus, anti spyware ext should be deployed on the host associated with e-procurement system. However, option for running the services at non-privileged user profile may be looked for. Otherwise,

	suitable operating system which is immune to virus, trojan and malware may be deployed
Structured cabling	The availability of the network services is critically dependent on the quality of interconnection between the hosts through structured including termination and marking. It is expected the e-procurement system has implemented structured cabling and other controls related with network and interconnection

## 2.3 Security at Application level.

### 2.3.1 Security during design.

Issues	Best Practices to achieve security considerations
Authentication	The authentication mechanism of the e-procurement application should ensure that the credentials are submitted on the pages that are server under SSL
Access Control	The application shall enforce proper access control model to ensure that the parameter available to the user cannot be used for launching any attack
Session management	The design should ensure that the session tokens are adequately protected from guessing during an authenticated session.
Error handling	The design should ensure that the application does not present user error messages to the outside world which can be used for attacking the application
Input validation	<p>The application may accept input at multiple points from external sources, such as users, client applications, and data feeds. It should perform validation checks of the syntactic and semantic validity of the input. It should also check that input data does not violate limitations of underlying or dependent components, particularly string length and character set</p> <p>All user-supplied fields should be validated at the server side</p>
Application logging and monitoring.	<p>Logging should be enabled across all applications in the environment. Log file data is important for incident and trend analysis as well as for auditing purposes.</p> <p>The application should log failed and successful authentication attempts, changes to application data including user accounts, server application errors, and failed and successful access to resources.</p>

	When writing log data, the application should avoid writing sensitive data to log files
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### **2.3.2 Security during application deployment and use.**

Issues	Best Practices to achieve security considerations
Availability Clustering. Load balancing	Depending on the number of expected hits and access the options for clustering of servers and load balancing of the web application shall be implemented.
Application and data recovery	Suitable management procedure shall be deployed for regular back-up of application and data. The regularity of data backup shall be in commensurate with the nature of transaction / business translated into the e-procurement system
Integrity of the Application. Control of source code. Configuration management.	Suitable management control shall be implemented on availability of updated source code and its deployment. Strict configuration control is recommended to ensure that the latest software in the production system.

### **2.3.3 Security in Data storage and communication.**

Issues	Best Practices to achieve security considerations
Encryption for data storage	<p>Sensitive data should be encrypted or hashed in the database and file system. The application should differentiate between data that is sensitive to disclosure and must be encrypted, data that is sensitive only to tampering and for which a keyed hash value (HMAC) must be generated, and data that can be irreversibly transformed (hashed) without loss of functionality (such as passwords). The application should store keys used for decryption separately from the encrypted data.</p> <p>Examples of widely accepted strong ciphers are 3DES, AES, RSA, RC4 and Blowfish. Use 128-bit keys (1024 bits for RSA) at a minimum.</p>
Data transfer security	Sensitive data should be encrypted prior to transmission to other components. Verify that intermediate components that handle the data in clear-text form, prior to transmission or subsequent to receipt, do not present an undue threat to the data. The application should take advantage of

	<p>authentication features available within the transport security mechanism</p> <p>Specially, encryption methodology like SSL must be deployed while communicating with the payment gateway over public network.</p>
Access control	<p>Applications should enforce an authorisation mechanism that provides access to sensitive data and functionality only to suitably permitted users or clients</p> <p>Role-based access controls should be enforced at the database level as well as at the application interface. This will protect the database in the event that the client application is exploited.</p> <p>Authorisation checks should require prior successful authentication to have occurred.</p> <p>All attempts to obtain access, without proper authorisation should be logged.</p> <p>Conduct regular testing of key applications that process sensitive data and of the interfaces available to users from the Internet Include both "black box" informed" testing against the application. Determine if users can gain access to data from other accounts</p>

**3.0 Some of the other good practices for implementers of e-procurement to achieve security considerations are as follows:-**

**3.1 Common unified platform for all department.**

A single platform to be used by all departments across a State / Department / Organisations reduces the threat to security of data. With a centralised implementation, where in the procurement data is preferably hosted and maintained by the State / Department / Organisations itself, concerns of security and ownership of data are well addressed. A common platform further facilitates demand aggregation of common items across State / Department / Organisations, and result in economies of scale

**3.2 Public key Infrastructure (PKI) Implementation**

This is one of the most critical security features that are required to be implemented in order to establish non-repudiation and to ensure the security of the online system. Under the system, participating contractors and suppliers, as

well as the departmental users, are issued a Digital Signature Certificate (DSC) by a licensed Certification Authority.

### **3.3 Third Party Audit.**

It is recommended that the implemented solution be audited by a competent third party at-least once a year

Through the above-mentioned steps, the complete security of the system and the transacted data can be ensured and may be communicated to all concerned agencies.

**No.007/CRD/008**  
**Government of India**  
**Central Vigilance Commission**  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 15<sup>th</sup> February 2008

**Circular No. 07/02/08**

**Subject: – Measures to curb the menace of counterfeit and refurbished IT products - regarding.**

With the increasing use of IT to leverage technology, a large number of Government organizations are either upgrading or in the process of procurement of new computer hardware and software. It is often difficult to know the difference between PC made of “**Genuine Parts**” and that made of “**Counterfeit Parts**”. It may also be the case often that while various organisations order and pay for brand new equipment, they end up getting an inferior PC with counterfeit and second hand/refurbished parts disguised as new in new/ original cabinets to various customers designated as consignees by the ordering agencies at the headquarters of these organizations who are ignorant or have little or no technical knowledge in the matter.

In effect, this amounts to the organisation not getting what they actually ordered and paid for. The supplies of such PC in the long run would defeat the very purpose of going for a new system. COUNTERFEITING is designed to cheat naive consumers/ organizations.

This current circular is intended to help/ inform and enable due diligence as well as curbing the menace of counterfeit and refurbished IT products disguised as new.

As a first step, there is a need for all buyers in the Government Departments/ PSU to insist on a signed undertaking (sample format enclosed) from some authority not lower than the Company Secretary of the system OEM that would certify that all the components/parts/assembly/software used in the Desktops and Servers like Hard disk, Monitors, Memory etc were original/new components/parts/assembly/software, and that no refurbished/duplicate/ second hand components /parts / assembly / software were being used or would be used, so that the buying organizations were not cheated and get the original equipments as ordered by them. Also one could ask for 'Factory Sealed Boxes' with System OEM seal to ensure that the contents have not been changed en route.

Following advisory checkpoints it is hoped shall help identify the fraudulent practices that have come to notice and help guard against spurious and refurbished/duplicate/ second hand components/parts/ assembly / software being received by purchasers and consignees who receive such goods and may not have much technical knowledge.

1. **CPU.** Buyers are cautioned against buying IT Hardware with remarked CPUs that are freely / readily available in the market today. Entry Level processors get

**Remarked / Over clocked** and sold as high end processors. These CPUs, come disguised as higher clock speed processors (e.g. a Celeron CPU can be remarked as a P4 CPU) while their real clock speed may be lower. Since Operating System is loaded from CD bundled with Motherboard, the CD contains image of configured OS. Hence information as seen in '**My Computer**' – '**System Properties**' shall give deceptive information. In other words, a Celeron CPU remarked as a P4 CPU, shall be seen as a P4 CPU only.

Buyers should therefore, use various tool / utilities like the '**CPU-Z**' Utility or the '**sSpecNo.**' for ascertaining the real parameters of the CPU. Utility like CPU-Z (approx. 1.3 MB size) are available free on the web.

2. **Hard Disk** IT Hardware with refurbished Hard Disks that are actually 2<sup>nd</sup> hand / repaired hard disks are readily available at low cost. In hard disk drives, the factory repaired hard disk drives, which are mainly used in the warranty replacements are substituted in the new machines. Same is the case observed with floppy drive and Optical disk drives many times.

Most of the competent hard disk makers use a sticker on such hard disks sold by them that clearly distinguishes such hard disks from the fresh ones. For example, manufacturer '**Seagate**' marks **Green Border** and label of "**Certified Repaired HDD**" to distinguish such disk drives from **New Genuine HDD**. There is **No border** or **Refurbished** label on genuine new HDD.

In addition to this, buyers may also use **HDTUNE\_210** Utility. This utility shall return Hard Disk Manufacturers' Serial no. and Date of manufacturing of the Hard Disk. These parameters can be used to cross-verify with the hard disk vendor. Various Hard Disk vendors also put a date code on the hard disk. A mismatch between this date and the one returned by HDTUNE\_210 Utility can also be viewed as tampering with the actual information of the hard disk.

3. **Monitors.** IT Hardware with refurbished Monitors that are actually 2<sup>nd</sup> hand / repaired monitors are given a "new look" by changing the body, with internal components remaining "old / repaired". These CRT monitors are usually discarded from developed countries like US and Europe. There are also B Grade (New but Low Quality) CRT Monitors used in place of new monitors. Many times these can be distinguished by opening the cabinet body and noticing that the label on the tube does not carry various certifications and there are scratch marks on the tube. While 'Genuine' Picture Tubes have all mandatory Certifications, 'Counterfeit' Picture Tubes would not have these certifications. Certification gives an assurance of Reliability.

Further many such cathode ray tubes (Picture Tubes) are found to need extra magnets to achieve focusing and earthing also is missing. Genuine Monitors rely on 'Yoke Coil' alone to focus electronic beam. Counterfeit Monitors typically require Numerous Magnetic Strips in addition to Yoke Coil to focus electronic beam. Further, '**Earthing**' and '**Shielding**' provide **ESD** (Electro Static Discharge) protection. **Genuine Picture Tubes** have proper "**Earthing and Shielding**". Earthing and Shielding is compromised in counterfeit Picture Tubes to reduce cost.

In 'B' Grade LCD Monitors, panels used are B grade in which the number of spots may be higher, response time & brightness of lower specs than what is stated.

Above monitors are all available at low cost.

The “**Signed Undertaking**” as suggested shall serve as a deterrent and as a safeguard to ensure that bidders are not fleecing them by supplying such monitors.

4. **Operating System.** Purchasers should check the IT Hardware supplied (randomly selected IT Hardware) for Certificate of Authenticity (COA) pasted on the PC for product serial number and OEM's / Supplier's name to be printed on it.

In Operating systems, pirated OS software with fake Certificates of Authenticity are used by some suppliers to cut costs. They look as good as the real ones. In PCs, counterfeiters buy legitimate software and copy the box design and packaging. Using sophisticated and expensive copiers, many copies of illegal CDs are created in a day. Purchasers should guard against buying IT Hardware with pirated copies of Operating Systems. Such Operating Systems, though, available at low prices, do not have the updated patches and security features that help safeguarding the PC and also improve its lifespan. Purchasers, therefore, may use the standard testing procedures (randomly on randomly selected IT Hardware) available on the following URL for ascertaining the in authenticity of the operating system installed on their PC :

<http://www.microsoft.com/resources/howtotell/ww/windows/default.mspx> .

Microsoft provides an inbuilt tool to diagnose the “Genuineness of its Operating System”. One could go to ‘My Documents’, and ‘Help’, from where one shall get step by step instructions to find out whether the windows installed is genuine.

<http://www.microsoft.com/resources/howtotell/ww/windows/default.mspx>

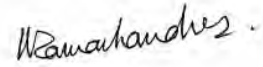
5. **Mechanical Keyboards:** Fake mechanical keyboards that are partially mechanical, with only the key plunger being that of a real mechanical keyboard and rest of the keyboard features remaining the same as those of membrane keyboard are being passed on as true mechanical keyboards. While these keyboards are available at low prices, they do not offer the robustness and long key-stroke life expected of a real mechanical keyboard. Real Mechanical Keyboards are expected to have Keystroke life of 50 Million as against 10 million for Membrane and Semi-Mechanical Keyboards. In case of bulk orders, it is recommended to physically examine a few keyboards for their construct to ascertain the genuineness of their being real mechanical keyboards.

6. **Low Quality Memory Module** – Memory chips are remarked or downgraded wafers are plastic packed under unknown brands or remarked with names of well-known brands. Such memory modules have lower performance levels. It is better to go in for proven reputed brands such as Kingston, Transcend, Corsair, Samsung and Hynix to name a few available in the market.

7. **Fraudulently Marked SMPS** – In power supplies, wrong marking of the wattage is done. The power supplies do not carry all required certifications. While ‘Genuine’ Power supplies carry all mandatory certifications, in counterfeit Power supplies these certifications shall be found missing. Further Short circuit & over voltage protection circuitry could be missing in counterfeit Power Supply to reduce cost.

8. **Counterfeited Consumables** – Counterfeited consumables such as printer cartridges etc are used which are refilled with ink of poor quality leading to poor

performance and clogging, smudging in printers etc. It is advisable to buy such consumables from OEM authorized suppliers or distributors to ensure quality and longevity of the printer equipment.



**(V. Ramachandran)**  
**Chief Technical Examiner**  
**Central Vigilance Commission**

All Chief Vigilance Officers in the Ministries/Departments/PSEs/ Public  
Sector Banks/Insurance Companies/ Autonomous  
Organisations/Societies

Annexure: Model Undertaking of Authenticity form

**Sub: Undertaking of Authenticity for Desktops and Server Supplies**

**Sub:** Supply of IT Hardware/Software -- Desktops and Servers  
**Ref :** 1. Your Purchase Order No. -----dated-----.  
2. Our invoice no/Quotation no. -----dated-----.

With reference to the Desktops and Servers being supplied /quoted to you vide our invoice no/quotation no/order no. Cited above,----

We hereby undertake that all the components/parts/assembly/software used in the Desktops and Servers under the above like Hard disk, Monitors, Memory etc shall be original new components/parts/ assembly /software only, from respective OEMs of the products and that no refurbished/duplicate/ second hand components/parts/ assembly / software are being used or shall be used.

We also undertake that in respect of licensed operating system if asked for by you in the purchase order, the same shall be supplied along with the authorised license certificate (eg Product Keys on Certification of Authenticity in case of Microsoft Windows Operating System) and also that it shall be sourced from the authorised source (eg Authorised Microsoft Channel in case of Microsoft Operating System).

Should you require, we hereby undertake to produce the certificate from our OEM supplier in support of above undertaking at the time of delivery/installation. It will be our responsibility to produce such letters from our OEM supplier's at the time of delivery or within a reasonable time.

In case of default and we are unable to comply with above at the time of delivery or during installation, for the IT Hardware/Software already billed, we agree to take back the Desktops and Servers without demur, if already supplied and return the money if any paid to us by you in this regard. We (*system OEM name*) also take full responsibility of both Parts & Service SLA as per the content even if there is any defect by our authorized Service Centre/ Reseller/SI etc.

Authorised Signatory

Name:

Designation

Place

Date



Telegraphic Address :  
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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

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सं./No. 011/VGL/063-334701

दिनांक / Dated 23<sup>rd</sup> 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 24<sup>th</sup> 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.

  
(J. Vinod Kumar)  
Director

To

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



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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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सं / No. 011/VGL/063 - 134657

दिनांक / Dated 24<sup>th</sup> 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.

  
(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.005/CRD/19(part)  
Government of India  
Central Vigilance Commission

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Satarkata Bhawan, GPO Complex,  
INA, New Delhi,  
Dated 19<sup>th</sup> May, 2010

**OFFICE ORDER No.19/05/10**

**Sub: Transparency in Works/Purchase/Consultancy contracts awarded on Nomination basis.**

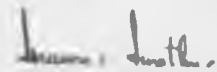
Commission vide Circular No 15/5/06 dated 09/05/2006 had prescribed certain measures to be followed on works/purchase/consultancy contracts awarded on nomination basis by PSUs. These instructions have since been reviewed in the Commission and the Commission is of the view that the Board of the PSU is not required to scrutinize or post facto vet the actions of the operational managers and their decisions to award work on nomination basis.

2 Therefore, the following amendment is being made in sub-para (i) of Para 2 of Commission's above circular:-

\* All works awarded on nomination basis should be brought to the notice of the Board of the respective PSUs for scrutiny and vetting post facto"

**Read as**

\* All works awarded on nomination basis should be brought to the notice of the Board of the respective PSUs for information".



(Vineet Mathur)  
Director

**All Chief Vigilance Officers of CPSUs.**

Copy to:

- (i) All Secretaries of Govt of India
- (ii) All CEOs/Heads of Organizations

No.005/CRD/19  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 9<sup>th</sup> May 2006

**CIRCULAR No.15/5/06**

**Subject:- Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.**

The Commission had, in it's OM No. 06-03-02-CTE-34 dated 20.10.2003 on back to back tie up by PSUs, desired that the practice of award of works to PSUs on nomination basis by Govt. of India/PSUs needed to be reviewed forthwith. It is observed that in a number of cases, Works/Purchase/Consultancy contracts are awarded on nomination basis. There is a need to bring greater transparency and accountability in award of such contracts. While open tendering is the most preferred mode of tendering, even in the case of limited tendering, the Commission has been insisting upon transparency in the preparation of panel.

2. In the circumstances, if sometimes award of contract on nomination basis by the PSUs become inevitable, the Commission strongly feels that the following points should be strictly observed.

- (i) All works awarded on nomination basis should be brought to the notice of the Board of the respective PSUs for scrutiny and vetting post facto.
- (ii) The reports relating to such awards will be submitted to the Board every quarter.
- (iii) The audit committee may be required to check at least 10% of such cases.

3. This may be noted for strict compliance.

(V. Kannan)  
Director

All Chief Vigilance Officers

Copy to:

- (i) All Secretaries of Govt. of India
- (ii) All CEOs/Head of the organisation



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-10023  
015/VGL/091  
सं./No.....  
दिनांक / Dated..... 14.09.2021


**CORRIGENDUM**

**Circular No. 17/09/21**

**Subject:- Adoption of Integrity Pact-Revised Standard Operating Procedure:- regarding.**

Reference is invited to Commission's Circular No. 06/05/21 dated 03.06.2021 on the aforementioned subject.

2. In Para 5.13 of the above cited circular the words 'financial year' may be read as 'calendar year'. The relevant sentence may be read as "*The fees for such meetings shall be same as fee payable to IEMs otherwise and in addition to the fees for the regular meeting of IEMs, to be held otherwise and over and above the ceiling of Rs, 3,00,000/- annually, to be calculated as per calendar year*"

  
(Rajiv Verma)  
Officer on Special Duty

To

- (i) All Secretaries of Ministries/Departments.
- (ii) All CMDs/Head of CPSUs/Public Sector Banks/Organizations.
- (iii) All CVOs of Ministries/Departments/CPSUs/Public Sector Banks/Organizations.
- (iv) All Independent External Monitors.



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**केन्द्रीय सतर्कता आयोग**  
**CENTRAL VIGILANCE COMMISSION**

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi 110023

स./No..... **015/VGL/091**.....

दिनांक / Dated..... **03.06.2021**.....

**Circular No. 06/05/21**

**Subject:- Adoption of Integrity Pact-Revised Standard Operating Procedure:-  
regarding.**

The Commission has reviewed the Standard Operating Procedure (SOP) for adoption of Integrity Pact (IP) by all Government Organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous bodies etc. A copy of the revised SOP is enclosed, which would be applicable for adoption and implementation of the IP by the organizations concerned.

2. The present SOP would replace the earlier SOP issued vide Circular No. 02/01/2017 dated 13.01.2017.

**(Rajiv Varma)**  
Officer on Special Duty

**Encl.: As above.**

To

- (i) All Secretaries of Ministries/Departments. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (ii) All CMDs/Head of CPSUs/Public Sector Banks/Organizations. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (iii) All CVOs of Ministries/Departments/CPSUs/Public Sector Banks/Organizations. **(The revised SOP may be brought to the notice of the Chief Executive of the organization concerned)**
- (iv) All Independent External Monitors.

## **STANDARD OPERATING PROCEDURE FOR ADOPTION OF INTEGRITY PACT**

### **1.0 BACKGROUND**

1.1 In order to ensure transparency, equity and competitiveness in public procurement, the Commission recommends adoption and implementation of the concept of Integrity Pact (IP) by Government organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous Bodies etc.

1.2 Vide Circular No. 02/1/2017 dated 13.01.2017, the Commission issued a Comprehensive Standard Operating Procedure (SOP) for adoption and implementation of Integrity Pact.

Further, vide Circular no. 15/10/20 dated 20.10.2020, the eligibility criteria for consideration for empanelment as Independent External Monitor (IEM) was reviewed and revised.

1.3 Deptt. of Expenditure vide OM dt. 19.7.2011, issued guidelines to all Ministries/ Departments/Organizations including their attached/subordinate offices and autonomous bodies for implementation of IP. Also, vide OM dated 20.7.2011 Deptt. of Expenditure requested Department of Public Enterprises for directions to Central Public Sector Enterprises for use of IP.

1.4 Further, in view of the increasing procurement activities of Public Sector Banks (PSBs), Insurance Companies (ICs) and Financial Institutions (FIs), the Commission vide Circular No. 02/02/2015 dated 25.02.2015 advised that all PSBs, PSICs and FIs shall also adopt and implement the Integrity Pact.

## **2.0 INTEGRITY PACT**

2.1 The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer, committing the persons/officials of both sides, not to resort to any corrupt practices in any aspect/stage of the contract. Only those vendors/bidders, who commit themselves to such a Pact with the buyer, would be considered competent to participate in the bidding process. In other words, entering into this Pact would be a preliminary qualification. The essential ingredients of the Pact include:

- Promise on the part of the principal not to seek or accept any benefit, which is not legally available;
- Principal to treat all bidders with equity and reason;
- Promise on the part of bidders not to offer any benefit to the employees of the Principal not available legally;
- Bidders not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
- Bidders not to pass any information provided by Principal as part of business relationship to others and not to commit any offence under PC/IPC Act;
- Foreign bidders to disclose the name and address of agents and representatives in India and Indian Bidders to disclose their foreign principals or associates;
- Bidders to disclose the payments to be made by them to agents / brokers or any other intermediary;
- Bidders to disclose any transgressions with any other company that may impinge on the anti corruption principle.

Any violation of Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules/Guidelines etc. as may be applicable to the organization concerned.

- 2.2 Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties till the completion of contract. After award of work, the IEMs shall look into any issue relating to execution of contract, if specifically raised before them. As an illustrative example, if a contractor who has been awarded the contract, during the execution of contract, raises issue of delayed payment etc. before the IEMs, the same shall be examined by the panel of IEMs.

However, the IEMs may suggest systemic improvements to the management of the organization concerned, if considered necessary, to bring about transparency, equity and fairness in the system of procurement.

### **3.0 IMPLEMENTATION PROCEDURE**

- 3.1 As stated in Department of Expenditure's O.M. dated 20.7.2011, Ministries/Departments may, in consultation with the respective Financial Adviser and with the approval of the Minister-in-charge, decide on and lay down the nature of procurements/contracts and the threshold value above which the Integrity Pact would be used in respect of procurement transactions/contracts concluded by them or their attached/sub-ordinate offices.

In case, any individual organization desires to lower the threshold value, they may do so with the approval of the competent authority of the organization.

Procurements/contracts would cover procurement of works, goods and services by the organization concerned.

- 3.2 The above provision is also applied for procurements/contracts made by autonomous bodies for which the Administrative Ministry/Department concerned should decide the type of procurement activities and the threshold value above which the Integrity Pact would be applicable.

The procurements/contracts would cover both purchases and works/services contracts being entered into by the organization concerned.

- 3.3 The provision for the Integrity Pact is to be included in all Requests for Proposal/Tender documents issued in future in respect of the procurements/contracts that meet the criteria decided in terms of para 3.1 and 3.2 above.
- 3.4 In all tenders covered under the Integrity Pact, particulars of all IEMs, including their email IDs, should be mentioned, instead of mentioning details of a single IEM.
- 3.5 The Purchase / procurement wing of the organization would be the focal point for the implementation of IP.
- 3.6 It has to be ensured, through an appropriate provision in the contract, that IP is deemed as part of the contract so that the parties concerned are bound by its provisions.
- 3.7 IP would be implemented through a panel of Independent External Monitors (IEMs), appointed by the organization. The IEM would review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact.
- 3.8 A clause should be included in the IP that a person signing IP shall not approach the Courts while representing the matters to IEMs and he / she will await their decision in the matter.
- 3.9 In case of a joint venture, all the partners of the joint venture should sign the Integrity Pact. In case of sub-contracting, the Principal contractor shall take the responsibility of the adoption of IP by the sub-contractor. It is to be ensured that all sub-contractors also sign the IP.
- 3.10 A summary of procurement/contract awarded, which are covered under the IP shall be compulsorily shared with the IEMs on quarterly basis, during the meeting. Based on the specific requirement of the organisations and the no. of tenders floated, the meetings may be held on monthly or bi-monthly basis, instead of quarterly periodicity.

3.11 The final responsibility for implementation of IP vests with the CMD/CEO of the organization.

#### **4.0 ROLE AND DUTIES OF IEMs**

4.1 The IEMs would be provided access to all documents/records pertaining to the contract for which a complaint or issue is raised before them, as and when warranted. However, the documents/records/information having National Security implications and those documents which have been classified as Secret/Top Secret are not to be disclosed.

4.2 It would be desirable to have structured meetings of the IEMs with the Chief Executive of the Organisation on a half yearly basis to discuss / review the information on tenders awarded during the preceding six months' period. Additional sittings, however, can be held as per requirement.

4.3 The IEMs would examine all complaints received by them and give their recommendations/views to the Chief Executive of the organization, at the earliest. They may also send their report directly to the CVO in case of suspicion of serious irregularities requiring legal/administrative action. Only in case of very serious issue having a specific, verifiable Vigilance angle, the matter should be reported directly to the Commission. IEMs are expected to tender their advice on the complaints, within 30 days.

4.4 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process or during execution of contract, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.

4.5 IEM should examine the process integrity, they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging malafide on the part of any officer of the organization should be looked into by the CVO of the concerned Organization.

- 4.6 The advisory role of IEMs is envisaged as that of a friend, philosopher and guide. The advice of IEM would not be legally binding and it is restricted to resolving issues raised by a bidder regarding any aspect of the tender which allegedly restricts competition or bias towards some bidders. At the same time, it must be understood that IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
- 4.7 Issues like warranty/guarantee etc. should be outside the purview of IEMs.
- 4.8 All IEMs should sign non-disclosure agreements with the organization in which they are appointed. They would also be required to sign a declaration of absence of conflict of interest.
- 4.9 A person acting as an IEM shall not be debarred from taking up other assignments such as consultancy with other organizations or agencies subject to his declaring that his / her additional assignment does not involve any conflict of interest with existing assignment. In case of any conflict of interest arising at a later date from an entity wherein he is or has been a consultant, the IEM should inform the CEO and recuse himself/herself from that case.
- 4.10 All organizations may provide secretarial assistance to IEMs for rendering his/her job as IEM.
- 4.11 In case of any misconduct by an IEM, the CMD/CEO should bring it to the notice of the Commission detailing the specific misconduct for appropriate action at the Commission's end.
- 4.12 The role of the CVO of the organization shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO in terms of the provisions of the CVC Act or Vigilance Manual, if a complaint is received by him/her or directed to him/her by the Commission.

4.13 All the deliberations during the IEMs' meetings should be minuted and in the next meeting, the IEMs should confirm the recorded minutes of the previous meeting.

## **5.0 APPOINTMENT OF IEMS**

5.1 The IEMs appointed should be eminent personalities of high integrity and reputation. A periodical notice inviting applications from eligible persons will be published on the Commission's website. After due scrutiny and verification of the applications and accompanying documents, as may be deemed appropriate by the Commission, the name(s) would be included in the panel for consideration for nomination as IEM.

All applications received after due date of notice issued by the Commission, shall be considered alongwith applications received in response to the subsequent notice.

5.2 The zone of consideration of eminent persons for empanelment as IEMs would consists of:-

- (i) Officer who have held the post of Secretary to Govt. of India or were in equivalent pay scale, at the time of retirement.
- (ii) Officer who have held the post of Chief Secretary of any state of Union of India or were equivalent pay scale, at the time of retirement.
- (iii) Officers who have held the post of Director General of Police or were in apex pay scale, at the time of retirement.
- (iv) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent to Additional Secretary to Govt. of India, at the time of retirement.
- (v) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
- (vi) Chief Executive Officer of an organization [other than listed above and were equivalent to Secretary to Govt. of India, at the time of retirement.

- (vii) Officers who were in the apex pay scale at the time of retirement in Central Government/State Government/Forest Service.
- (viii) Officers in the apex pay scale in all three Armed Forces.

- 5.3 The Commission would not include a retired person in the panel being maintained by it for consideration for nomination as IEM, if that retired person had accepted a full time assignment, post retirement, either in government sector or private sector or elsewhere. All those empanelled persons have accepted full time employment elsewhere, would cease to remain on the panel, from the date on which they have accepted the said assignment.
- 5.4 The Commission would nominate IEMs for an organization, from the panel of IEMs maintained by it.
- 5.5 The Commission would not consider the name of a retired officer/ executive for nomination as IEM in a particular organisation, in case that person has retired from the same organization or has conflict of interest in any form.

However, in case the person being appointed as IEM in a particular organization has a conflict of interest, which may have gone unnoticed, despite best efforts, he/she should inform the Appointing Authority about the same at the time of offer of appointment being given to him/her and should not accept the offer for appointment as IEM in that particular organization.

- 5.6 Three IEMs shall be nominated for appointment in Maharatna and Navratna PSUs and two IEMs shall be nominated in all other organizations.
- 5.7 A person may be appointed as an IEM in a maximum of three organizations at a time.
- 5.8 An empanelled person cannot be appointed in one organization for a period of more than three years.

- 5.9 Age should not be more than 70 years at the time of appointment.
- 5.10 In any organization, the IEMs shall be paid per sitting a fees of Rs. 25,000/- or fees as payable to Independent Board Members, whichever is less. However, in case, in any organization, the fee payable to Independent Board Members is less than Rs. 25,000/-, the organization concerned may, after due deliberation increase the fees payable to IEM, subject to the ceiling of Rs. 25,000/- per sitting.

However, the maximum amount payable to IEMs in a calendar year shall not exceed Rs. 3,00,000/- with respect to sitting fees.

Expenses on travel and stay arrangement of IEMs shall be equal to that of Independent Board Member of that organization.

- 5.11 The terms and conditions of appointment, including the remuneration payable to the IEMs, should not be included in the Integrity Pact or the NIT. This may be communicated individually to the IEMs concerned.
- 5.12 At the time of appointment of an IEM, a copy of SOP should be made available to the person being appointed by the organizations concerned. A copy of Commission's guidelines on "Illustrative check points for various stages of public procurement", available on Commission's website, i.e., [www.cvc.gov.in](http://www.cvc.gov.in), under CTE's corner may also be provided to the IEMs at the time of their appointment, for guidance purpose.
- 5.13 In the event of any dispute between the management and the contractor relating to those contracts where Integrity Pact is applicable, in case, both the parties are agreeable, they may try to settle dispute through mediation before the panel of IEMs in a time bound manner. If required, the organizations may adopt any mediation rules for this purpose.

In case, the dispute remains unresolved even after mediation by the panel of IEMs, the organization may take further action as per the terms & conditions of the contract.

The fees for such meetings shall be same as fee payable to IEMs otherwise and in addition to the fees for the regular meeting of IEMs, to be held otherwise and over and above the ceiling of Rs. 3,00,000/- annually, to be calculated as per financial year. The travel and stay arrangement for such meetings shall be equal to that of Independent Board Member of the organization concerned. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties.

- 5.14 The names of all the IEMs of the organization should be available on the website of the organization concerned.

## **6.0 REVIEW SYSTEM**

- 6.1 All organizations implementing IP would undertake a periodical review and assessment of implementation of IP and submit progress reports to the Commission. CVOs of all organizations would keep the Commission posted with the implementation status through their annual reports and special reports, wherever necessary.
- 6.2 All organizations are called upon to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and carry it to its effective implementation.

**No. 01-11-CTE-SH-100**  
**Central Vigilance Commission**

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Satarkta Bhawan, Block 'A'  
GPO Complex, I.N.A.,  
New Delhi- 110023  
Dated the 17<sup>th</sup> Feb, 2011

**Circular No. 02/02/11**

**Sub: Mobilization Advance**

Commission had earlier issued guidelines on granting of 'Mobilisation Advance' vide OM No. UU/POL/18 dated 08.12.1997, OM No. 4CC-1-CTE-2 dated 08.06.2004 and OM No. 4CC-1-CTE-2 dated 10.04.2007.

2. The matter has been further reviewed and it has decided by the Commission that following additional guidelines may be followed in case of grant of Mobilisation Advance.

- (i) The Bank Guarantee etc. taken towards security of 'Mobilisation Advance' should be at least 110% of the advance so as to enable recovery of not only principal amount but also the interest portion, if so required.
- (ii) The mobilisation advance should not be paid in less than two instalments except in special circumstances for the reasons to be recorded. This will keep check on contractor misutilizing the full utilisation advance when the work is delayed considerably.
- (iii) A clause in the tender enquiry and the contract of cases providing for interest free mobilisation advances may be stipulated that if the contract is terminated due to default of the contractor, the 'Mobilisation Advance' would be deemed as interest bearing advance at an interest rate of \_\_\_\_\_%, (*to be stipulated depending on the prevailing rate at the time of issue of NIT*) to be compounded quarterly.

  
(Anil Singhal)  
Chief Technical Examiner

To

All Chief Vigilance Officers

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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स. / No.....12-02-6-CTE/SPI (I)-2 / 161730

दिनांक / Dated.....13.01.2012.....

Circular No. 03/01/12

**Sub: Consideration of Indian Agents.**

**Ref: Commission's Circular Nos. 12-02-6-CTE/SPI(I)-2 dated 7.01.2003 and 21.04.2004**

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The Commission has been stressing on the need for observing transparency and determination of prices in a fair market competition while dealing with the tenders relating to procurement. The above OMs were issued to reduce the possibility of collusion and cartelization among the bidders so that competitive fair market price of the items of procurement can be determined.

2. A number of references have been received in the Commission citing certain specific situations and difficulties being faced in dealing with tenders. Therefore, the matter has been again examined by the Commission.

3. In supersession to the earlier OMs dated 7.01.2003 and 21.04.2004, Commission has decided that in all cases of procurement, the following guidelines may be followed:

- a) In a tender, either the Indian agent on behalf of the Principal/OEM or Principal/OEM itself can bid but both cannot bid simultaneously for the same item/product in the same tender.
- b) If an agent submits bid on behalf of the Principal/OEM, the same agent shall not submit a bid on behalf of another Principal/OEM in the same tender for the same item/product.

4. The tender conditions may be carefully prepared keeping in view the above guidelines.

5. The receipt of these guidelines may please be acknowledged and circulated amongst the concerned officials for their information and guidance.

(J. Vinod Kumar)  
Officer on Special Duty

To: All CVOs of Ministries / Departments / PSUs / Banks / Insurance Companies / Autonomous Organizations / Societies / UTs.

No. 02-07-1-CTE-30/309204  
Central Vigilance Commission  
Chief Technical Examiner's Organization

\*\*\*

Satarkta Bhavan, Block-A  
GPO Complex, INA, New Delhi  
Dated, the 04.03.2016

Circular No. 04/03/2016

OFFICE MEMORANDUM

Sub: Acceptance of Bank Guarantee (BG) – Reg.

\*\*\*\*\*

Reference is invited to the Commission's Circular No. 01/01/08 dated 31.12.2007 (issued vide OM No. 02-07-1-CTE-30 dated 09.05.2006), wherein necessity for ensuring verification of genuineness of Bank Guarantee prior to its acceptance was emphasized and steps were suggested

2. It is, however, observed that the practice of paper based verification of BGs followed by the organizations is not only time consuming causing delay in acceptance/award of works or advance related payments but also its trustworthiness cannot always be ensured due to human intervention in it.

3. In this background, organizations are advised to follow IT enabled confirmation system which is swift and secured in addition to their existing paper based confirmation system. The following methods for verification may be considered by the organizations:-

- a) Getting confirmation through digitally signed secured e-mails from issuing Banks;
- b) Online verification of Company portal with user ID and password followed by 2<sup>nd</sup> stage authentication system generated One Time Password (OTP) on portal for reconfirmation;
- c) E-mail confirmation followed by 2<sup>nd</sup> stage authentication by system generated SMS through registered mobile and reconfirmation through SMS to the verifying officer.

4. Keeping above in view, organizations may evolve their own procedure adopting any one or more of the above methods for ensuring genuineness of BGs, which is compatible with the guidelines of Banks/Reserve Bank of India.

*R Chandra*  
( Ramesh Chandra )  
Chief Technical Examiner  
4/3/2016

To

All Chief Vigilance Officers



# भारत का राजपत्र The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग III—खण्ड 4  
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## केंद्रीय सतर्कता आयोग

### अधिसूचना

नई दिल्ली, 8 जनवरी, 2021

फा. सं. 016/व्हीजीएल/073 (अ).—केंद्रीय सतर्कता आयोग, केंद्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) की धारा 3 की उप-धारा (4) के साथ पठित धारा 21 की उप-धारा (2) के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार के पूर्व अनमोदन से, निम्नलिखित विनियम बनाता है, अर्थात्:—

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम और प्रारंभ--(1) इन विनियमों का संक्षिप्त नाम केंद्रीय सतर्कता आयोग (सचिव के कर्तव्य और शक्तियों) विनियम, 2021 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

अध्याय 2

परिभाषाएं

2. परिभाषाएं--(1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,--

(क) "अधिनियम" से केंद्रीय सतर्कता आयोग अधिनियम, 2002 (2003 का 45) अभिप्रेत है; और

(ख) "धारा" से अधिनियम की धारा अभिप्रेत है।

(2) उन शब्दों और पदों के, जो इन विनियमों में प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, क्रमशः वही अर्थ होंगे, जो उनके अधिनियम में हैं।

### अध्याय 3

#### सचिव के कर्तव्य और शक्तियां

3. सचिव के कर्तव्य और शक्तियां—(1) आयोग का सचिव, आयोग के सचिवालय का प्रशासनिक प्रधान होगा।
- (2) आयोग के सचिव के कर्तव्य, शक्तियां और कृत्य निम्नलिखित होंगे,—
- (क) आयोग के दिन-प्रतिदिन प्रशासन की देखभाल करना और उसके अधिकारियों और कर्मचारियों पर प्रशासनिक नियंत्रण करना ;
- (ख) किसी विनिश्चय या उस पर आदेश के लिए आयोग को शिकायतें प्रस्तुत करना या प्रस्तुत करवाना ;
- (ग) शिकायतों, याचिकाओं, आवेदनों या अभ्यावेदनों से संबंधित विषय में कोई आरंभिक सत्यापन करना या करवाना और आवश्यक स्पष्टीकरण अभिप्राप्त करना ;
- (घ) आयोग के आदेशों और निदेशों के उचित प्रवर्तन को सुनिश्चित करना या करवाना ;
- (ङ) भारत की संचित निधि से भारित किए जाने वाले आयोग के व्यय को अनुमोदित करना ;
- (च) आयोग द्वारा संदाय किए जाने वाले वेतन और अन्य संदायों को आहरित करने और संचित करने के लिए आयोग के अधिकारी को प्राधिकृत करना ;
- (छ) आयोग के बजट प्राक्कलनों को अनुमोदित करना ;
- (ज) केंद्रीय सरकार के नियमों और मार्गदर्शी सिद्धांतों के अनुरूप अधीनस्थ अधिकारियों को वित्तीय शक्तियां प्रत्यायोजित करना ;
- (झ) आयोग के अभिलेखों का उचित रूप में रखरखाव करने के लिए तथा उसकी मुद्राओं और स्टाम्पों की अभिरक्षा करने के लिए आयोग के किसी अधिकारी को प्राधिकृत करना ;
- (ञ) आयोग के अभिलेखों की प्रतिधारण अनुसूची और उनके विनष्ट किए जाने की अनुसूची को अनुमोदित करना ;
- (ट) आयोग की वार्षिक रिपोर्ट तैयार करने, उसके प्रस्तुत किए जाने को सुनिश्चित करना या करवाना ;
- (ठ) आयोग द्वारा जारी आदेशों, सूचनाओं या निदेशों की प्रतियों को अधिप्रमाणित करना या उन्हें अधिप्रमाणित करने के लिए आयोग के अवर सचिव से अनिम्न पंक्ति के किसी अधिकारी को प्राधिकृत करना ;
- (ड) रोकड़ बही के रखरखाव को तथा अतिशेष को बंद किए जाने को सुनिश्चित करना या करवाना ;
- (ढ) रिपोर्टों, व्यय विवरण, बजट प्राक्कलनों को, जिनकी अपेक्षा की जाए, तैयार करना या करवाना ;
- (ण) आयोग के कर्मचारिवृंद द्वारा किए जा रहे कार्य के मूल्यांकन का पुनर्विलोकन करना या पुनर्विलोकन करवाना और जब कभी आवश्यक समझा जाए, आयोग की मानव संसाधन अपेक्षाओं का भी पुनर्विलोकन करना या पुनर्विलोकन करवाना और केंद्रीय सतर्कता आयोग के पूर्व अनुमोदन से कार्मिक और प्रशिक्षण विभाग को ऐसे प्रस्ताव को उसके द्वारा विचार करना और मंजूरी के लिए प्रस्तुत करना ;
- (त) ऐसे किन्हीं अन्य कृत्यों का पालन करना, जो आयोग द्वारा समय-समय पर उसे सौंपे जाए ;
- (थ) आयोग की सभी मामलों में सहायता करना, जैसा आयोग निदेश दे।

सुधीर कुमार, अपर सचिव

[विज्ञापन-III/4/असा./480/2020-21]

**CENTRAL VIGILANCE COMMISSION****NOTIFICATION**

New Delhi, the 8th January, 2021

**F. No. 016/VGL/073 (E).** -In exercise of the powers conferred by clause (a) of sub-section (2) of section 21 read with sub-section (4) of section 3 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Vigilance Commission, with the previous approval of the Central Government, hereby makes the following regulations, namely:

**CHAPTER I****PRELIMINARY**

**1. Short title and commencement.**—(1) These regulations may be called the Central Vigilance Commission (Duties and Powers of Secretary) Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

**CHAPTER II****DEFINITIONS**

**2. Definitions.**—(1) In these regulations, unless the context otherwise requires, -

- (a) “Act” means the Central Vigilance Commission Act, 2003 (45 of 2003); and
- (b) “section” means a section of the Act.

(2) Words and expressions used in these regulations and not defined but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

**CHAPTER III****DUTIES AND POWERS OF SECRETARY**

**3. Duties and powers of Secretary.** - (1) The Secretary to the Commission shall be the administrative head of secretariat of the Commission.

(2) The duties, powers and functions of the Secretary to the Commission shall be to-

- (a) look after the day to day administration of the Commission and exercise administrative control over its officers and staff;
- (b) submit or cause to be submitted complaints to the Commission for a decision or order thereon;
- (c) make or cause to be made any preliminary verification into the matter connected with the complaints, petitions, applications or representations and to obtain necessary clarifications;
- (d) ensure or cause to be ensured proper enforcement of the orders and directions of the Commission;
- (e) approve expenditure of the Commission to be charged from the Consolidated Fund of India;
- (f) authorise an officer of the Commission to draw and disburse salaries and other payments to be made by the Commission;
- (g) approve budget estimates of the Commission;
- (h) delegate financial powers to the subordinate officers in consonance with the rules and guidelines of the Central Government;
- (i) authorise an officer of the Commission for maintenance of the records of the Commission in proper form and to have the custody of its seals and stamps;
- (j) approve the retention schedule and the schedule of destruction of records of the Commission;
- (k) ensure or cause to be ensured preparation and submission of Annual Report of the Commission;
- (l) authenticate or to authorise any officer of the Commission not below the rank of Under Secretary to authenticate the copies of orders, notices or directions issued by the Commission;
- (m) ensure or cause to be ensured maintenance of a cash book and to close the balance;
- (n) prepare or cause to be prepared reports, expenditure statement, budget estimates, as may be required;
- (o) review or cause to be reviewed the assessment of work being handled by the Commission’s staff and also review or cause to be reviewed, as and when considered necessary, the human resource requirements of the

Commission, and with the prior approval of the Central Vigilance Commissioner submit such proposal to the Department of Personnel and Training for its consideration and sanction;

- (p) perform any other functions as may be entrusted to him by the Commission from time to time; and
- (q) assist the Commission in all matters as the Commission may direct.

SUDHIR KUMAR, Addl. Secy.  
[ADVT.-III/4/Exty./480/2020-21]



# भारत का राजपत्र The Gazette of India

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## केंद्रीय सतर्कता आयोग

### अधिसूचना

नई दिल्ली, 8 जनवरी, 2021

फा.सं. 016/व्हीजीएल/073 (अ).—केंद्रीय सतर्कता आयोग. केंद्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) की धारा 21 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार के पूर्व अनुमोदन से, निम्नलिखित विनियम बनाता है, अर्थात्:--

1. संक्षिप्त नाम और प्रारंभ--(1) इन विनियमों का संक्षिप्त नाम केंद्रीय सतर्कता आयोग (शिकायत निपटान संबंधी प्रक्रिया और जांच-प्रक्रिया) विनियम, 2021 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

2. परिभाषाएं--(1) इन विनियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हों,--

(क) "अधिनियम" से केंद्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) अभिप्रेत है;

(ख) "शाखा अधिकारी" से आयोग का उपसचिव और उससे ऊपर के स्तर का अधिकारी और जिसे विशिष्ट कार्य समनुदेशित किया जाता है, अभिप्रेत है;

(ग) "खंड" से अधिनियम का खंड अभिप्रेत है;

(घ) "आयोग का अधिकारी" से अवर सचिव की पक्ति से अन्यून पक्ति का आयोग का कोई अधिकारी अभिप्रेत है;

(ड) "अधिकारी" से केंद्रीय सरकार के मंत्रालय या विभाग में या केंद्रीय सरकार द्वारा स्थापित या उसके अधीन निगमों में या केंद्रीय सरकार के स्वामित्वाधीन या उसके नियंत्रणाधीन सरकारी कंपनियों, सोसाइटियों तथा स्थानीय प्राधिकरणों में मुख्य सतर्कता अधिकारी अभिप्रेत है ;

(च) "प्रक्रिया" से इस अधिनियम या नियम या विनियम के अधीन जारी कोई आदेश, सूचना, समन, परिप्रश्न, आदि अभिप्रेत है ;

(छ) "विनियम" से अधिनियम की धारा 21 के अधीन विरचित विनियम अभिप्रेत है ;

(ज) "नियम" से अधिनियम की धारा 20 के अधीन विरचित नियम अभिप्रेत है ;

(झ) "अनुसूची" से विनियम से उपाबद्ध अनुसूची अभिप्रेत है ; और

(ञ) "धारा" से अधिनियम की धारा अभिप्रेत है ।

(2) उन शब्दों और पदों के, जो इन विनियमों में प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, जब तक संदर्भ से अन्यथा अपेक्षित न हो, क्रमशः वही अर्थ होंगे, जो उनके अधिनियम में हैं ।

**3. शिकायत के निपटान संबंधी प्रक्रिया—**(1) भ्रष्टाचार का अभिकथन करने वाली कोई भी शिकायत लिखित रूप में आयोग को दाखिल की जा सकती है या पदाभिहित पोर्टल, अर्थात् <http://portal.cvc.gov.in> पर आनलाइन या इसकी शिकायत निपटान नीति में समय-समय पर आयोग द्वारा यथा अधिकथित रीति में दाखिल की जा सकती है ।

(2) विनिर्दिष्ट ढंग में आयोग द्वारा प्राप्त सभी शिकायतों को रजिस्ट्रीकृत किया जाएगा और उन्हें शाखा अधिकारी द्वारा एक संख्या समनुदेशित की जाएगी, उनकी संवीक्षा और जांच की जाएगी तथा इस संबंध में समय-समय पर आयोग द्वारा जारी आदेशों के अनुसार उन पर कार्रवाई की जाएगी :

परंतु शिकायत को, शिकायतकर्ता से पुष्टि, शाखा अधिकारी द्वारा संवीक्षा और परीक्षा के पश्चात्, यदि जांच या अन्वेषण के संचालन के लिए समुचित समझा जाए, विचार और आदेश के लिए आयोग के समक्ष रखा जाएगा :

परंतु यह और कि आयोग, शिकायतकर्ता से ऐसी पुष्टि या अतिरिक्त जानकारी या शपथपत्र की मांग कर सकेगा, जो शिकायत में अगली कार्रवाई का विनिश्चय करने से पूर्व आवश्यक समझी जाए ।

(3) आयोग, शिकायत पर विचार किए जाने पर, जांच या अन्वेषण के संचालन या इसे खारिज करने के लिए अपने विवेकानुसार आदेश पारित कर सकेगा ।

(4) जहां आयोग, किसी शिकायत में जांच या अन्वेषण संचालित करने का विनिश्चय करता है, वहां शाखा अधिकारी संबद्ध प्राधिकारी से, उन्हें युक्तियुक्त समय देने के पश्चात्, रिपोर्ट मांगेगा ।

(5) संबंधित प्राधिकारी से शिकायत प्राप्त होने के संबंध में रिपोर्ट के प्राप्त हो जाने पर, शाखा अधिकारी उसकी परीक्षा करेगा और उसे विचार करने के लिए तथा अगले निदेशों के लिए आयोग के समक्ष रखेगा ।

(6) आयोग के निदेश और उसकी सलाह शाखा अधिकारी द्वारा संबंधित प्राधिकारी को संसूचित की जाएगी ।

(7) आयोग द्वारा निम्नलिखित प्रकार की शिकायत तब ग्रहण नहीं की जाएगी और उसे ऐसी आवश्यक कार्रवाई के लिए, जो ठीक समझी जाए, संक्षिप्तः तब खारिज या फाइल कर दिया जाएगा या संबंधित प्राधिकारी को अग्रेषित किया जाएगा, अर्थात् :—

(i) जब अभिकथन ऐसी प्रशासनिक प्रकृति के हैं, जो स्थानान्तरण, तैनाती, भर्ती, निलंबन या यात्रा भत्ते से संबंधित है, भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) के उपबंधों के अधीन अपराधों का अभिकथित किए जाने से संबंधित सतर्कता की दृष्टि का अंतवर्लन न हो ;

(ii) जिन्हें बहु प्राधिकारियों को प्रेषित या पृष्ठांकित किया गया है ;

(iii) जिन्हें आयोग को सीधे ही प्रेषित नहीं किया गया है ;

(iv) जो अनाम या छद्म नाम है ;

- (v) जो अस्पष्ट, तुच्छ या विनिर्दिष्ट अंतर्वस्तु या प्रकृति के नहीं है ;
- (vi) जिनमें ऐसे विषय अंतर्विष्ट हैं, जो किसी सक्षम न्यायालय या अधिकरण या प्राधिकरण के समक्ष न्यायाधीन हैं ;
- (vii) जो प्राइवेट व्यक्तियों, राज्य सरकार के पदधारियों, संसद् सदस्यों या राज्य विधान मंडल सदस्यों, अन्य निकायों के निर्वाचित प्रतिनिधियों, न्यायपालिका के सदस्यों या प्राइवेट संगठनों के पदधारियों के विरुद्ध हैं ;
- (viii) जो अधिनियम की धारा 8 की उपधारा (2) के अधीन तथा तदधीन जारी अधिसूचना में यथा विनिर्दिष्ट लोक सेवक के प्रवर्ग के विरुद्ध नहीं है ; और
- (ix) जो अपठनीय है ।
- (8) आयोग को दाखिल शिकायतों के लिए कोई फीस प्रभार्य नहीं होगी ।
- (9) कोई शिकायत, उस पर शीघ्र कार्यवाही को सुकर बनाने के लिए, अधिमानतः अंग्रेजी या हिंदी भाषा में टंकित या लिखित रूप में दाखिल की जानी चाहिए ।
- (10) आयोग, आरंभ में ही ऐसी शिकायत को खारिज कर सकेगा, जो विहित मानदंड को पूरा नहीं करती है।
4. जांच प्रक्रिया—आयोग, धारा 8 की उपधारा (1) के खंड (ग) या खंड (घ) में निर्दिष्ट जांच के प्रयोजन के लिए, निम्नलिखित प्रक्रियाओं में से किसी प्रक्रिया का पालन करेगा, अर्थात् :--

(i) आयोग, आयोग के अधिकारी को या किसी अधिकारी को कमीशन निकालकर प्राधिकृत करके जांच कर सकेगा या जांच करवा सकेगा :

परंतु इस प्रकार प्राधिकृत अधिकारी साधारणतया उसी मंत्रालय या विभाग या संगठन का होगा, जिससे जांच की विषयवस्तु संबंधित है ।

(ii) आयोग, किसी जांच को करते समय, अपने आदेशों को अधिप्रमाणित कर सकेगा या आयोग के किसी अधिकारी द्वारा अधिप्रमाणित करवा सकेगा और ऐसी जांच के लिए अपेक्षित आदेशिकाओं में से कोई आदेशिका, जो अनुसूची में अधिकथित की जाए, जारी कर सकेगा या जारी करवा सकेगा ;

(iii) आयोग का अधिकारी या खंड (i) में निर्दिष्ट अधिकारी, जांच करते समय, अनुसूची में यथा अभिकथित आदेशिकाओं में से कोई आदेशिका जारी कर सकेगा ;

(iv) खंड (ii) और खंड (iii) में निर्दिष्ट आदेशिकाओं को अनुसूची में यथा अधिकथित रूपविधानों में जारी किया जा सकेगा या उनका उपयोग किया जा सकेगा ;

(v) साक्षी को हाजिर होने के लिए विवश करने और दस्तावेजों के प्रकटीकरण और प्रस्तुत करने की प्रक्रिया, किसी भी ऐसे न्यायालय, जो जांच के अधीन विषय में अधिकारिता रखता है, द्वारा की जा सकेगी ;

(vi) आयोग के किसी अधिकारी या खंड (i) में निर्दिष्ट किसी अधिकारी द्वारा जांच साधारणतया तीस दिन की अवधि के भीतर पूरी की जा सकेगी, जिसे आयोग के पूर्व अनुमोदन से एक बार में साठ दिन से अनधिक की अतिरिक्त अवधि तक बढ़ाया जा सकता है ;

(vii) आयोग का अधिकारी या खंड (i) में निर्दिष्ट अधिकारी, आयोग को ऐसे प्ररूप में, जो समय-समय पर आयोग द्वारा अधिकथित किया जाए, जांच की रिपोर्ट प्रस्तुत करेगा ।

#### अनुसूची

[विनियम 4 का खंड (ii), खंड (iii) और खंड (iv) देखें]

जांच में उपयोग के लिए आदेशिकाओं के मानक रूपविधान

#### 1. साक्षी की परीक्षा के लिए कमीशन

सेवा में [नाम, वर्णन और निवास का स्थान]

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

उपरोक्त जांच में [साक्षी का नाम और पता] का साक्ष्य अपेक्षित है ;

और, [किसी अन्य स्थान, आदि पर साक्षी की परीक्षा के कारण बताएं];

और, आपको साक्ष्य, जिसके अंतर्गत ऐसे साक्षी [साक्षी का नाम] के कथनों का अभिलेखन भी है, लेने के प्रयोजन के लिए कमीशनर के रूप में नियुक्त किया जाता है।

साक्षी को हाजिर होने के लिए विवश करने की आदेशिका आपके आवेदन पर अधिकारिता रखने वाले किसी न्यायालय द्वारा जारी की जाएगी।

..... रुपए की राशि, जो उपरोक्त मामले में आपकी फीस है, साक्ष्य की प्राप्ति पर संदत्त की जाएगी।

यह आज, तारीख....., 20....., को मेरे हस्ताक्षर से और मुद्रा लगाकर दी गई है।

[अधिप्रमाणन अधिकारी का नाम और पदनाम]

कृते केंद्रीय सतर्कता आयोग

## 2. दस्तावेजों की परीक्षा के लिए कमीशन

सेवा में [नाम, वर्णन और निवास का स्थान]

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

चूंकि जांच के प्रयोजन के लिए यह आवश्यक हो गया है कि निम्नलिखित दस्तावेजों (दस्तावेजों के ब्यौर लिखें) की परीक्षा के लिए कमीशन जारी किया जाए। आपको इस प्रयोजन के लिए कमीशनर के रूप में नियुक्त किया जाता है और आपसे यह और अनुरोध किया जाता है कि आप लिखित में ऐसी परीक्षा, जैसे ही वह पूरी हो, का विवरण दें।

आपके समक्ष किसी साक्षी को हाजिर होने के लिए विवश करने के लिए या ऐसे किन्हीं दस्तावेजों को पेश करने के लिए, जिनकी आप परीक्षा या निरीक्षण करने की वांछा करे, आदेशिका आपके आवेदन पर अधिकारिता रखने वाले किसी न्यायालय द्वारा जारी की जाएगी।

..... रुपए की राशि, जो उपरोक्त जांच में आपकी फीस है, साक्ष्य की वापसी पर संदत्त की जाएगी।

यह आज, तारीख....., 20..... को मेरे हस्ताक्षर से और मुद्रा लगाकर दी गई है।

[अधिप्रमाणन अधिकारी का नाम और पदनाम]

कृते केंद्रीय सतर्कता आयोग

## 3. हाजिरी के लिए समन

सेवा में [नाम, वर्णन और निवास का स्थान]

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

आपको समन किया जाता है और यह अपेक्षा की जाती है कि आप उपरोक्त जांच में साक्ष्य देने के लिए नीचे उल्लिखित तारीख को और समय पर आयोग के समक्ष हाजिर हों। अतः, आप पर इस समन की तामील, शिकायत की प्रति/अभिकथनों के सार के साथ की जाती है।

जांच का स्थान :

तारीख और समय :

कमीशनर/जांच अधिकारी/अधिप्रमाणन अधिकारी

का नाम, पदनाम और हस्ताक्षर

## तामील की वापसी

समन और शिकायत/अभिकथनों के सार की तामील ..... (तारीख) को मेरे ..... (तामीलकर्ता का नाम) द्वारा की गई थी। उचित रूप से जांच करें :

- ..... पर व्यक्तिगत रूप से तामील किया गया।
- ..... रजिस्ट्रीकृत डाक द्वारा तामील किया गया।
- प्रेषिती के निवास गृह पर या प्रायिक आवास स्थान पर, उसमें तब निवास कर रहे उपयुक्त आयु और वर्णन वाले व्यक्ति के पास उसकी प्रतियां छोड़ दी गई हैं। उस व्यक्ति का नाम, जिसके पास समन और शिकायत छोड़ दी गई हैं :
- अनिष्पादित रूप से लौटाया गया।

## 4. व्यक्तिगत रूप से साक्षी की परीक्षा और दस्तावेजों की परीक्षा के लिए समन

सेवा में [नाम, वर्णन और निवास का स्थान]

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

चूंकि केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8 की उपधारा (1) के खंड (घ) के अधीन प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सतर्कता आयोग द्वारा ..... (संक्षिप्त में वर्णन) ..... के अभिकथनों में जांच की जा रही है।

और, अधोहस्ताक्षरी को साक्षी [नाम और पता लिखें] और साक्षी के कब्जे में निम्नलिखित दस्तावेज [दस्तावेजों का नाम बताएं] की परीक्षा के लिए कमीशनर नियुक्त किया गया है।

और, अधोहस्ताक्षरी आपकी व्यक्तिगत रूप से परीक्षा करना और दस्तावेजों की परीक्षा करना आवश्यक समझता है।

और, आपको इस प्रयोजन के लिए तारीख ....., 20..... को ..... बजे ..... (स्थान) पर व्यक्तिगत रूप से अधोहस्ताक्षरी के समक्ष हाजिर होने के लिए समन किया जाता है।

कमीशनर का नाम, पदनाम और हस्ताक्षर

## तामील की वापसी

समन की तामील ..... (तारीख) को मेरे ..... (तामीलकर्ता का नाम) द्वारा की गई थी। उचित रूप से जांच करें :

- ..... पर व्यक्तिगत रूप से तामील किया गया।
- ..... रजिस्ट्रीकृत डाक द्वारा तामील किया गया।
- प्रेषिती के निवास गृह पर या प्रायिक आवास स्थान पर, उसमें तब निवास कर रहे उपयुक्त आयु और वर्णन वाले व्यक्ति के पास उसकी प्रतियां छोड़ दी गई हैं। उस व्यक्ति का नाम, जिसके पास समन और शिकायत छोड़ दी गई हैं :
- अनिष्पादित रूप से लौटाया गया।

## 5. उत्तर के लिए समन

सेवा में [नाम, वर्णन और निवास का स्थान]

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

आपको समन किया जाता है और उस शिकायत, जिसे आप पर तामील किया गया है, इस समन की आप पर तामील के पश्चात् ..... दिन के भीतर, जिसमें तामील का दिन सम्मिलित नहीं है, का उत्तर देने के लिए शिकायतकर्ता (नाम

और पता) पर तामील करने की अपेक्षा की जाती है। यदि आप ऐसा नहीं करते हैं तो शिकायत में अधिकथित अभिकथनों के लिए आपके विरुद्ध व्यतिक्रम द्वारा विनिश्चय किया जाएगा। आप, इस तामील के पश्चात् युक्तियुक्त समय की अवधि के भीतर इस जांच के लिपिक के पास अपना उत्तर अवश्य फाइल करें।

कमीश्रर/जांच अधिकारी/अधिप्रमाणन अधिकारी  
का नाम, पदनाम और हस्ताक्षर

तामील की वापसी

समन की तामील ..... (तारीख) को मेरे ..... (तामीलकर्ता का नाम) द्वारा की गई थी। उचित रूप से जांच करें :

- ..... पर व्यक्तिगत रूप से तामील किया गया।
- ..... रजिस्ट्रीकृत डाक द्वारा तामील किया गया।
- प्रेषिती के निवास गृह पर या प्रायिक आवास स्थान पर, उसमें तब निवास कर रहे उपयुक्त आयु और वर्णन वाले व्यक्ति के पास उसकी प्रतियां छोड़ दी गई हैं। उस व्यक्ति का नाम, जिसके पास समन और शिकायत छोड़ दी गई हैं :
- अनिष्पादित रूप से लौटाया गया।

#### 6. दस्तावेजों के प्रकटीकरण और पेश किए जाने के लिए समन

सेवा में [नाम, वर्णन और निवास का स्थान]

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

चूंकि, कमीशन का, शिकायत की परीक्षा करने पर/श्री ..... (शिकायतकर्ता/मुख्य सतर्कता अधिकारी का नाम) द्वारा किए गए अनुरोध पर विचार करने के पश्चात्, यह समाधान हो जाने पर कि आपके नियंत्रणाधीन/अभिरक्षा में निम्नलिखित दस्तावेजों/अभिलेखों को, उपरोक्त जांच के प्रयोजन के लिए पेश किया जाना आवश्यक है।

.....

और, आपको निदेश दिया जाता है कि उक्त दस्तावेजों को मूल रूप में या उसकी सम्यकतः अधिप्रमाणित प्रतियां, तारीख ....., 20.... को या उससे पहले प्रस्तुत करें/प्रस्तुत करवाएं या अग्रेषित करें।

(अपेक्षित दस्तावेजों का वर्णन दर्ज करें)

....., 20.... को मेरे हस्ताक्षर और मुद्रा से जारी किया गया।

[अधिप्रमाणन अधिकारी का नाम और पदनाम]

कृते केंद्रीय सतर्कता आयोग

तामील की वापसी

समन की तामील ..... (तारीख) को मेरे ..... (तामीलकर्ता का नाम) द्वारा की गई थी। उचित रूप से जांच करें :

- ..... पर व्यक्तिगत रूप से तामील किया गया।
- ..... रजिस्ट्रीकृत डाक द्वारा तामील किया गया।
- प्रेषिती के निवास गृह पर या प्रायिक आवास स्थान पर, उसमें तब निवास कर रहे उपयुक्त आयु और वर्णन वाले व्यक्ति के पास उसकी प्रतियां छोड़ दी गई हैं। उस व्यक्ति का नाम, जिसके पास समन और शिकायत छोड़ दी गई हैं :
- अनिष्पादित रूप से लौटाया गया।

## 7. साक्षी द्वारा ली जाने वाली शपथ या प्रतिज्ञान का प्ररूप

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

“मैं, ईश्वर की शपथ लेता हूँ और सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि जो मैं कथन करूंगा, वह सत्य, पूर्णतः सत्य होगा और सत्य के सिवाए कुछ नहीं होगा।”

साक्षी का नाम, पता और हस्ताक्षर

## 8. दुभाषिया द्वारा ली जाने वाली शपथ या प्रतिज्ञान का प्ररूप

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

“मैं, ईश्वर की शपथ लेता हूँ और सत्यनिष्ठा से प्रतिज्ञान करता हूँ कि मैं साक्षी से पूछे गए सभी प्रश्नों और उसके द्वारा दिए गए साक्ष्य का सच्ची श्रद्धा से उनका निर्वचन करूंगा और उन्हें स्पष्ट करूंगा तथा अनुवाद के लिए मुझे दिए गए सभी दस्तावेजों का सही और ठीक-ठीक अनुवाद करूंगा।”

दुभाषिया का नाम, पता और हस्ताक्षर

## 9. शपथपत्र का प्ररूप

(नाम)

[केंद्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 8(1)(घ) के साथ पठित धारा 11 के अधीन जांच]

शपथपत्र

मैं, ....., आयु ..... वर्ष, सुपुत्र/सुपुत्री/पत्नी श्री .....  
(प्रत्यर्थी का नाम और व्यवसाय), निवासी ..... (पूरा पता) ईश्वर की शपथ लेता हूँ और सत्यनिष्ठा से प्रतिज्ञान करता हूँ और निम्नानुसार कथन करता हूँ :

पैरा 1 .....

पैरा 2 .....

पैरा 3 .....

पैरा सं. .... की अंतर्वस्तु की मुझे पूर्ण जानकारी है और पैरा सं. ....की अंतर्वस्तु मेरे द्वारा प्राप्त जानकारी के आधार पर है, जिसके बारे में मुझे विश्वास है कि वह सत्य है (जहां कहीं संभव हो, वहां जानकारी के स्रोत और विश्वास के लिए आधारों, यदि कोई हों, का उल्लेख करें) ।

.....

.....

प्रत्यर्थी के हस्ताक्षर

स्पष्ट अक्षरों में नाम

स्थान :

तारीख :

प्रष्ठ सं. .... पर संशोधनों की संख्या

मेरे समक्ष ..... द्वारा पहचान की गई ।

\* ..... मेरे  
समक्ष, आज तारीख ....., 20... को शपथ ली गई/सत्य निष्ठा से प्रतिज्ञान किया गया।

हस्ताक्षर

[अनुप्रमाणन प्राधिकारी का मुद्रा सहित नाम और पदनाम]

\*जहाँ आवश्यक हो, वहाँ प्ररूप सं. में पृष्ठांकन लिखे।

सुधीर कुमार, अपर सचिव

[विज्ञापन-III/4/असा./479/2020-21]

## CENTRAL VIGILANCE COMMISSION

### NOTIFICATION

New Delhi, the 8th January, 2021

**F. No. 016/VGL/073 (E).**—In exercise of the powers conferred by sub-section (1) of section 21 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Vigilance Commission, with the previous approval of the Central Government, hereby makes the following regulations, namely: —

**1. Short title and commencement.**—(1) These regulations may be called the Central Vigilance Commission (Procedure for Dealing with Complaints and Procedure of Inquiry) Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definitions.** — (1) In these regulations, unless the context otherwise requires, —

- (a) “Act” means the Central Vigilance Commission Act, 2003 (45 of 2003);
- (b) “Branch Officer” means an officer of the Commission of the level of Deputy Secretary and above and assigned a particular work;
- (c) “clause” means clause of the Act;
- (d) “Officer of the Commission” means any officer of the Commission not below the rank Under Secretary;
- (e) “Officer” means a Chief Vigilance Officer in the Ministry or Department of the Central Government or in corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government;
- (f) “process” means any order, notice, summons, interrogatory, etcetera issued under the Act or rule or regulation;
- (g) “regulations” means regulations framed under section 21 of the Act;
- (h) “rule” means the rules framed under section 20 of the Act;
- (i) “Schedule” means the Schedule annexed to the regulation; and
- (j) “section” means a section of the Act.

(2) Words and expressions used in these regulations and not defined but defined in the Act, unless the context otherwise means, shall have the meanings respectively assigned to them in the Act.

**3. Procedure for dealing with complaint.** — (1) Any complaint alleging corruption can be lodged with the Commission in written form or lodged online at the designated portal namely, <http://portal.cvc.in> or in the manner as laid down by the Commission from time to time in its Complaint Handling Policy.

(2) All complaints received by the Commission in the specified mode shall be registered and assigned a number, scrutinised and examined by the Branch Officer and action be taken thereon in accordance with the directions issued by the Commission from time to time in this regard:

Provided that a complaint, after confirmation from the complainant, scrutiny and examination by the Branch Officer, if deemed appropriate for conduct of inquiry or investigation, shall be placed before the Commission for consideration and order:

Provided further that the Commission may seek confirmation or further information or affidavit from the complainant as may be considered necessary before deciding the further course of action in a complaint.

- (3) On consideration of a complaint, the Commission may in its discretion pass orders for conduct of inquiry or investigation or dismiss it.
- (4) Where the Commission decides to conduct inquiry or investigation into a complaint, the Branch Officer shall call for the report from the concerned authority after giving them a reasonable time.
- (5) On receipt of the report on the complaint from the concerned authority, the Branch Officer shall examine the same and place before the Commission for consideration and further directions.
- (6) The directions and advice of the Commission shall be communicated to the concerned authority by the Branch Officer.
- (7) A complaint of the following nature shall not be entertained by the Commission and shall be summarily dismissed or filed or forwarded to the concerned authority for necessary action as deemed fit, namely: -
- (i) where allegations are administrative in nature such as those relating to transfer, posting, recruitment, suspension or travelling allowance, unless there is involvement of vigilance angle therein relating to alleged commission of offences under the Prevention of Corruption Act, 1988 (49 of 1988);
  - (ii) which are addressed or endorsed to multiple authorities;
  - (iii) which are not directly addressed to the Commission;
  - (iv) which are anonymous or pseudonymous;
  - (v) which are vague, frivolous or not specific in content or nature;
  - (vi) contain matters which are sub-judice before any competent Court or Tribunal or Authority;
  - (vii) which are against private persons, State Government officials, Members of Parliament or State Legislature, elected representatives of other bodies, members of judiciary or officials of private organisations;
  - (viii) which are not against the category of public servants as specified under sub section (2) of section 8 of the Act and the notification issued thereunder; and
  - (ix) which are illegible.
- (8) No fee shall be chargeable for lodging complaints with the Commission.
- (9) A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- (10) The Commission may dismiss a complaint in-limine which does not meet the prescribed criteria.

**4. Procedure of inquiry.** — For the purpose of inquiry referred to in clause (c) or clause (d) of sub-section (1) of section 8, the Commission may follow any of the following procedure, namely: -

- (i) the Commission may inquire or cause the inquiry to be made by authorising, through issuing a commission to, an Officer of the Commission or to an Officer:  
Provided that the Officer so authorised shall ordinarily belong to the same Ministry or Department or Organisation to which the subject matter of inquiry relates;
- (ii) the Commission while conducting an inquiry, may authenticate or cause to be authenticated by an Officer of the Commission its orders and issue or cause to be issued any of the processes required for such inquiry as laid down in the Schedule;
- (iii) the Officer of the Commission or the Officer referred to in clause (i) while conducting the inquiry may issue any of the processes as laid down in the Schedule;
- (iv) the processes referred to in clause (ii) and (iii) may be issued or used in the inquiry in the formats as laid down in the Schedule;
- (v) a process to compel the appearance of witness and discovery and production of documents may be made by any Court of law having jurisdiction in the matter under inquiry;
- (vi) the inquiry by an Officer of the Commission or an Officer referred to in clause (i) shall ordinarily be completed within a period of thirty days, extendable upto a further period not exceeding sixty days at a time, with the previous approval of the Commission;
- (vii) the Officer of the Commission or an Officer referred to in clause (i) shall submit a report of the inquiry to the Commission in such form as may be laid down by the Commission from time to time.

## SCHEDULE

[See clause (ii), (iii) and (iv) of Regulation 4]

**STANDARD FORMATS OF PROCESSES FOR USE IN INQUIRY****1. Commission for examination of witness**

To [Name, description and place of residence.]

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

WHEREAS the evidence of [name and address of witness] is required in the above inquiry;

AND WHEREAS [give reasons for examination of witness at another place, etc.];

AND THEREFORE you are appointed as Commissioner for the purpose of taking the evidence including recording of statements of such witness [name of witness].

Process to compel the attendance of the witness will be issued by any court having jurisdiction on your application.

A sum of Rs..... being your fee in the above, shall be paid on return of the evidence.

Given under my hand and seal, this day of 20...

[Name and Designation of authenticating officer]

for Central Vigilance Commission

**2. Commission for examination of documents**

To [Name, description and place of residence.]

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

WHEREAS it is deemed requisite, for the purpose of this inquiry, that a commission for examination of the following documents [write detail of documents] should be issued. You are, hereby, appointed Commissioner for that purpose and you are further requested to make return of such examination in writing as soon as it may be completed.

Process to compel the attendance before you of any witnesses, or for the production of any documents whom or which you may desire to examine or inspect, will be issued by any court having jurisdiction on your application.

A sum of Rs..... being your fee in the above, shall be paid on return of the examination.

Given under my hand and seal, this day of 20..

[Name and Designation of authenticating officer]

for Central Vigilance Commission

**3. Summons for appearance**

To [Name, description and place of residence.]

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

YOU ARE HEREBY SUMMONED and required to appear before the Commission/ on the date and time mentioned below for giving evidence in the above inquiry. Therefore, this summons is herewith served upon you along with the copy of complaint/gist of allegations.

Place of inquiry:

Date and time:

Name Designation and Signature of Commissioner/Inquiry Officer/

authenticating officer

RETURN OF SERVICE

Service of the Summons and complaint/gist of allegations was made by me (NAME OF SERVER) on (DATE). Check appropriately:

- Served personally at:
- Served by Registered Post:
- Left copies thereof at the addressee's dwelling house or usual place of abode with a person of suitable age and description then residing therein. Name of person with whom the summons and complaint were left:
- Returned unexecuted

#### 4. Summons for examination of witness in person and examination of documents

To [Name, description and place of residence.]

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

WHEREAS an inquiry is being conducted by Central Vigilance Commission in exercise of powers conferred under clause (d) of sub-section (1) of Section 8 of Central Vigilance Commission Act, 2003 into the allegations of ..... [description in brief] .....

AND WHEREAS the undersigned has been appointed Commissioner for examination of witness [write name and address] and the following documents in possession of witness [give name of documents].

AND WHEREAS the undersigned deems it requisite to examine you in person and examine the documents.

AND THEREFORE you are hereby summoned to appear before the undersigned in person along with the said documents on the ..... day of ..... 20..... at ..... at ....., for the purpose.

Name, Designation and Signature of Commissioner

#### RETURN OF SERVICE

Service of the Summons was made by me (NAME OF SERVER) on (DATE). Check appropriately:

- Served personally at:
- Served by Regd. Post:
- Left copies thereof at the addressee's dwelling house or usual place of abode with a person of suitable age and description then residing therein. Name of person with whom the summons and complaint were left:
- Returned unexecuted

#### 5. Summons for reply

To [Name, description and place of residence.]

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

YOU ARE HEREBY SUMMONED and required to serve upon COMPLAINANT (name and address) an answer to the complaint which is here with served upon you, within.....days after service of this summons upon you, exclusive of the day of service. If you fail to do so, decision by default will be taken against you for the allegations laid in the complaint. You must also file your answer with the Clerk of this Inquiry within a reasonable period of time after service.

Name, Designation and Signature of Commissioner/Inquiry Officer/  
authenticating officer

#### RETURN OF SERVICE

Service of the Summons and complaint/gist of allegations was made by me (NAME OF SERVER) on (DATE). Check appropriately:

- Served personally at
- Served by Regd. Post
- Left copies thereof at the addressee's dwelling house or usual place of abode with a person of suitable age and description then residing therein. Name of person with whom the summons and complaint were left:
- Returned unexecuted

**6. Summons for discovery and production of documents**

To [Name, description of public officer]

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

WHEREAS the Commission on examination of the complaint/case / on consideration of the request made by Shri .....( Name of complainant/ Chief Vigilance Officer ) having been satisfied that production of the following documents/records under your control/custody is necessary for the purpose of the above inquiry.

AND THEREFORE you are hereby directed to produce/cause production of the said documents/records before the Commission in original or forward duly authenticated copies thereof on or before the .....day of.....20.....

(Enter description of documents requisitioned)

Given under my hand and seal, this day of 20..

[Name and Designation of authenticating officer]

for Central Vigilance Commission

**RETURN OF SERVICE**

Service of the Summons was made by me (NAME OF SERVER) on (DATE). Check appropriately:

- Served personally at
- Served by Regd. Post
- Left copies thereof at the addressee's dwelling house or usual place of abode with a person of suitable age and description then residing therein. Name of person with whom the summons and complaint were left:
- Returned unexecuted

**7. Form of oath or affirmation to witness**

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

"I do swear in the name of God and solemnly affirm that what I shall state shall be truth, the whole truth and nothing but the truth".

Name, Address and Signature of Witness

**8. Form of oath or affirmation to interpreter**

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

"I do swear in the name of God and solemnly affirm that I will faithfully and truly interpret and explain all questions put to and evidence given by witness and translate correctly and accurately all documents given to me for translation."

Name, Address and Signature of Interpreter

**9. Form of affidavit**

(Title)

[Inquiry under section 11 read with section 8(1)(d) of Central Vigilance Commission Act, 2003]

**AFFIDAVIT**

I, .....aged.....years, son/daughter/wife of .....  
 .....(name and occupation of the deponent)..... residing at (Full  
 address) .....do hereby swear in the name of God/solemnly affirm and state as  
 follows:

Para. 1 .....

Para. 2 .....

Para. 3 .....

That the contents of Paragraph Numbers. ....are within my personal knowledge and contents of Paragraph Numbers.....are based on information received by me which I believe the same to be true (state the source of information wherever possible and the grounds for belief, if any ).

.....

.....

Signature of the Deponent

Name in Block Letters

Place:

Date:

Number. of corrections on page numbers.

Identified by : Before me

\*.....

Sworn/solemnly affirmed before me on this the .....day of ...20.....

Signature

(Name and Designation of the Attesting Authority with Seal)

\*To add endorsement in Form Number, when necessary

SUDHIR KUMAR, Addl. Secy.

[ADVT.-III/4/Exty./479/2020-21]



# भारत का राजपत्र The Gazette of India

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असाधारण  
EXTRAORDINARY

भाग III—खण्ड 4  
PART III—Section 4

प्राधिकार से प्रकाशित  
PUBLISHED BY AUTHORITY

सं. 47]  
No. 47]

नई दिल्ली, शुक्रवार, जनवरी 29, 2021/माघ 9, 1942  
NEW DELHI, FRIDAY, JANUARY 29, 2021/MAGHA 9, 1942

केंद्रीय सतर्कता आयोग

अधिसूचना

नई दिल्ली, 8 जनवरी, 2021

फा.सं. 016/व्हीजीएल/073 (अ).—केंद्रीय सतर्कता आयोग, केंद्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) की धारा 9 की उप-धारा (2) के साथ पठित धारा 21 की उप-धारा (2) के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्रीय सरकार के पूर्व अनुमोदन से, निम्नलिखित विनियम बनाता है, अर्थात्: --

अध्याय 1

प्रारंभिक

1. संक्षिप्त नाम और प्रारंभ--(1) इन विनियमों का संक्षिप्त नाम केंद्रीय सतर्कता आयोग (संव्यवहार की प्रक्रिया और कार्य आवंटन) विनियम, 2021 है।

(2) ये राजपत्र में उनके प्रकाशन की तारीख को प्रवृत्त होंगे।

अध्याय 2

परिभाषाएं

2. परिभाषाएं--(1) इन नियमों में, जब तक संदर्भ से अन्यथा अपेक्षित न हो,--

(क) "अधिनियम" से केंद्रीय सतर्कता आयोग अधिनियम, 2002(2003 का 45) अभिप्रेत है;

(ख) "अध्यक्ष" से केंद्रीय सतर्कता आयोग अभिप्रेत है;

(ग) "सदस्य" से सतर्कता आयोग अभिप्रेत है; और

(घ) "धारा" से अधिनियम की धारा अभिप्रेत है।

(2) उन शब्दों और पदों के, जो इन विनियमों में प्रयुक्त हैं और परिभाषित नहीं हैं, किंतु अधिनियम में परिभाषित हैं, क्रमशः वही अर्थ होंगे, जो उनके अधिनियम में हैं।

### अध्याय 3

#### कार्य आबंटन

3. आयोग के कार्य का आबंटन—(1) आयोग, समय-समय पर, साधारण आदेश या विशेष आदेश द्वारा, उपविनियम (2) के अधीन गठित समूहों में अपने कार्य के आबंटन के बारे में उपबंध करेगा और ऐसे विषयों को विनिर्दिष्ट करेगा, जिन पर ऐसे प्रत्येक समूह द्वारा कार्रवाई की जाए।

(2) उपविनियम (1) में विनिर्दिष्ट समूह सतर्कता आयुक्त और केंद्रीय सतर्कता आयुक्त से मिलकर बनेगा :

परंतु समूह को गठित करने वाले केंद्रीय सतर्कता आयुक्त या सतर्कता आयुक्तों की अनुपस्थिति, चाहे वह किसी भी कारणवश हो, की दशा में, आयोग, साधारण या विशेष आदेश द्वारा, परस्पर सहमति से अपने कार्य का अपने मध्य आबंटन करेंगे और ऐसे विषय को विनिर्दिष्ट करेगा, जिनके संबंध में उनके द्वारा कार्रवाई की जाए।

### अध्याय 4

#### कार्य संचालन

4. आयोग के कार्य का संचालन—(1) आयोग, विनियम 3 के अधीन गठित समूह के माध्यम से अधिनियम की धारा 8, धारा 8क और धारा 8ख में निर्दिष्ट सभी या किन्हीं कृत्यों से संबंधित विषयों में फाइल पर विनिश्चय अभिलिखित करके अपने सामान्य दिन प्रतिदिन के कार्य को संचालित करेगा।

(2) अधिनियम की धारा 9 की उपधारा (3) में यथाउपबंधित, आयोग के सभी कार्य, यथासंभव, सर्वसम्मति से संचालित किए जाएंगे।

(3) उपविनियम (2) के उपबंधों के अधीन रहते हुए, यदि सतर्कता आयुक्त और केंद्रीय सतर्कता आयुक्त (समूह गठित करने वाला) की किसी विषय पर राय भिन्न है, तो ऐसा विषय अन्य सतर्कता आयुक्त के समक्ष रखा जाएगा और बहुमत सदस्यों की राय को आयोग के विनिश्चय के रूप में समझा जाएगा।

5. आयोग की बैठकें—(1) विनियम 4 के उपविनियम (3) में यथाउपबंधित के सिवाय, और जैसा अध्यक्ष या सदस्यों में से एक सदस्य इसे महत्वपूर्ण प्रकृति का समझे, कोई अन्य कारबार, जैसा समुचित समझा जाए, जहां आयोग का विनिश्चय अपेक्षित है, आयोग की बैठकों में संचालित किया जा सकेगा।

(2) आयोग, सामान्यतः प्रत्येक मास में एक बार अपनी बैठकें करेगा :

परंतु अध्यक्ष स्वयं या किसी सदस्य की प्रेरणा पर, अत्यावश्यकता के किसी भी विनिर्दिष्ट विषय पर विचार करने के लिए, आयोग की विशेष बैठक बुलाए जाने का निदेश दे सकेगा।

(3) केंद्रीय सतर्कता आयुक्त, आयोग की बैठकों की अध्यक्षता करेगा :

परंतु यदि केंद्रीय सतर्कता आयुक्त, किसी बैठक में उपस्थित नहीं है तो सतर्कता आयुक्तों में से ज्येष्ठ आयुक्त उस बैठक की अध्यक्षता करेगा :

परंतु यह और कि सतर्कता आयुक्तों की ज्येष्ठता में बराबरी होने की दशा में, सतर्कता आयुक्तों में से एक आयुक्त, उनकी परस्पर सहमति से, उस बैठक की अध्यक्षता करेगा।

(4) उपविनियम (3) में किसी बात के होते हुए भी, केंद्रीय सतर्कता आयुक्त की अनुपस्थिति में कोई बैठक नहीं होगी, यदि इसे ऐसे विषय पर विनिश्चय करने के लिए बुलाया जाता है, जिसमें सतर्कता आयुक्त और केंद्रीय सतर्कता आयुक्त की राय में भिन्नता थी।

6. सचिवालय सहायता—आयोग का सचिव, साधारणतया, आयोग की बैठक में, ऐसे अन्य अधिकारियों के साथ, जो भी आवश्यक समझे जाएं, बैठक में उसकी सहायता करने के लिए भाग लेगा :

परंतु आयोग के सचिव को, किसी बैठक में उपस्थित होने में असमर्थता की दशा में, आयोग द्वारा छूट प्रदान की जाएगी :

परंतु यह और कि आयोग के सचिव की अनुपस्थिति में, आयोग के ऐसे अन्य अधिकारी, जिन्हें आयोग द्वारा आवश्यक समझा जाए, बैठक में आयोग की सहायता करेंगे ।

7. बैठक की कार्यसूची--(1) आयोग का सचिवालय, एक टिप्पण या कार्यसूची तैयार करेगा, जिसमें आयोग की बैठक में संचालित किए जाने वाले कार्य की मदें विनिर्दिष्ट होंगी और टिप्पण या कार्यसूची को प्रत्येक बैठक के कम से कम दो दिन पहले सचिवालय द्वारा अध्यक्ष और सदस्यों में परिचालित किया जाएगा तथा कार्यसूची मदों के अंतर्गत आने वाली विभिन्न फाइलें बैठक के दौरान संदर्भ के लिए आयोग को तुरंत उपलब्ध कराई जाएंगी ।

(2) उपविनियम (1) में विनिर्दिष्ट कार्यसूची में सम्मिलित न की गई कार्य की किसी मद को बैठक में विचार किए जाने के लिए लिया जा सकेगा, यदि कार्य की ऐसी मद को आयोग द्वारा कार्यसूची में सूचीबद्ध कारवार की उस या उन मदों के अनुपूरक के रूप में उनके समावेशन के लिए अनुमोदित कर दिया जाता है ।

8. बैठक का कार्यवृत्त--(1) आयोग की प्रत्येक बैठक का कार्यवृत्त, आयोग के सचिव द्वारा या सचिव द्वारा सम्यकतः प्राधिकृत आयोग के किसी अन्य अधिकारी द्वारा बैठक में ही या इसके ठीक पश्चात् लेखबद्ध किया जाएगा और तत्पश्चात्, उस पर अध्यक्ष या सदस्य, जिसने बैठक की अध्यक्षता की थी, का अनुमोदन प्राप्त किया जाएगा ।

(2) यथास्थिति, आयोग का सचिव या प्राधिकृत अधिकारी, सदस्यों या अध्यक्ष को प्रत्येक बैठक की कार्यवाहियों के कार्यवृत्त को पुष्टि और हस्ताक्षर के लिए प्रस्तुत करेगा ।

(3) बैठक के दौरान प्रत्येक विषय में किए गए आयोग के निष्कर्ष "संकल्प"के रूप में लेखबद्ध किए जाएंगे और विसम्मत्कातरी राय, यदि कोई दी गई हो, भी कार्यवृत्त का भाग होगी और इन्हें अभिलेख पर रखा जाएगा ।

(4) आयोग का सचिव या आयोग का ऐसा अधिकारी, जो सचिव द्वारा इस निमित्त प्राधिकृत किया जाए, कार्यवृत्त पुस्तिका का रखरखाव करेगा और उसे रखेगा ।

9. अनुवर्ती कार्रवाई--(1) विनिर्दिष्ट रूप से प्राधिकृत किए जाने के सिवाए, बैठक के कार्यवृत्त पर आयोग के सचिवालय द्वारा तब तक कोई कार्रवाई नहीं की जाएगी, जब तक अध्यक्ष द्वारा उसकी पुष्टि नहीं कर दी जाती है ।

(2) जहां कोई मतभेद हो, वहां बैठकों के कार्यवृत्त पर कार्रवाई विनियम 4 के उपविनियम (3) में यथाविनिर्दिष्ट रीति में बहुमत की राय के आधार पर की जाएगी ।

10. कार्यवृत्त का अभिलेख--(1) आयोग की प्रत्येक बैठक के कार्यवृत्त की तथा संकल्प की मास्टर कापी उचित सूचकांकन सहित गार्ड फाइल में पृथक् रूप से बनाई रखी जाएगी और सचिव द्वारा या सचिव द्वारा इस निमित्त प्राधिकृत अधिकारी द्वारा सम्यकतः अधिप्रमाणित की जाएगी ।

(2) प्रत्येक मद से संबंधित बैठक के कार्यवृत्त की प्रति समुचित कार्रवाई के लिए सुसंगत फाइल में लगाई जाएगी ।

11. की गई कार्रवाई की रिपोर्ट--पूर्ववर्ती कार्यवृत्त पर अनुवर्ती कार्रवाई की रिपोर्ट, ऐसी प्रत्येक मद पर अद्यतन प्रास्थिति उपदर्शित करते हुए प्रत्येक पश्चात्वर्ती बैठक में आयोग को प्रस्तुत की जाएगी, जिस पर आयोग ने ऐसी मदों को छोड़कर, जिन पर कोई अगली कार्रवाई अपेक्षित नहीं है, अपनी पूर्ववर्ती बैठकों में से किसी बैठक में विनिश्चय किया था ।

12. आयोग के आदेशों और विनिश्चयों का अधिप्रमाणन--आयोग के आदेशों और विनिश्चयों को अवर सचिव से अन्यून पंक्ति के आयोग के किसी अधिकारी द्वारा और इस निमित्त अध्यक्ष द्वारा प्राधिकृत अधिकारी द्वारा अधिप्रमाणित किया जाएगा ।

सुधीर कुमार, अपर सचिव  
[विज्ञापन-III/4/असा./481/2020-21]

**CENTRAL VIGILANCE COMMISSION****NOTIFICATION**

New Delhi, the 8th January, 2021

**F. No. 016/VGL/073 (E).** – In exercise of the powers conferred by clause (b) of sub-section (2) of section 21 read with sub-section (2) of section 9 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Vigilance Commission, with the previous approval of the Central Government, hereby makes the following regulations, namely: -

**CHAPTER I****PRELIMINARY**

(1) These regulations may be called the Central Vigilance Commission (Procedure for Transaction and Allocation of Business) Regulations, 2021.

(2) They shall come into force on the date of their publication in the Official Gazette.

**CHAPTER II****DEFINITIONS**

**2. Definitions.** - (1) In these regulations, unless the context otherwise requires, -

- (a) “Act” means the Central Vigilance Commission Act, 2003 (45 of 2003);
- (b) “Chairperson” means the Central Vigilance Commissioner;
- (c) “Member” means a Vigilance Commissioner; and
- (d) “section” means a section of the Act.

(2) Words and expressions used in these regulations and not defined but defined in the Act shall have the same meanings as respectively assigned to them in the Act.

**CHAPTER III****ALLOCATION OF BUSINESS**

**3. Allocation of business of Commission.** - (1) The Commission shall, from time to time, by general or special order, make provisions as to allocation of its business amongst the groups constituted under sub-regulation (2), and specify the matters which may be dealt with by each such group.

(2) A group referred to in sub-regulation (1) shall consist of a Vigilance Commissioner and the Central Vigilance Commissioner:

Provided that in the event of absence of the Central Vigilance Commissioner or the Vigilance Commissioners constituting the group, for whatever reasons, the Commission shall, by general or special order, allocate its business amongst themselves through mutual consent and specify the matter which may be dealt by them.

**CHAPTER IV****TRANSACTION OF BUSINESS**

(1) The Commission shall transact its normal day to day business by recording decisions on file in matters relating to all or any of the functions referred to in sections 8, 8A and 8B and other provisions of the Act through a group constituted under regulation 3.

(2) All business of the Commission, as provided in sub-section (3) of section 9 of the Act, shall, as far as possible, be transacted unanimously.

(3) Subject to the provisions of sub-regulation (2), if the Vigilance Commissioner and the Central Vigilance Commissioner (constituting a group) differ in opinion on any matter, such matter shall be placed before other Vigilance Commissioner, and the opinion of the majority Members would be termed as the decision of the Commission.

**5. Meetings of Commission.** - (1) Save as provided in sub-regulation (3) of regulation 4, and as the Chairperson or one of the Member may consider it to be of important nature, any other business as considered appropriate, where the decision of the Commission is required, may be transacted at the meetings of the Commission.

(2) The Commission shall normally have its regular meetings once every month:

Provided that the Chairperson by himself or at the instance of a Member may direct a special meeting of the Commission to be convened to consider any specific matter of urgency.

(3) The Central Vigilance Commissioner shall preside over the meetings of the Commission:

Provided that in case the Central Vigilance Commissioner is not present at any meeting, the senior amongst the Vigilance Commissioners shall preside over that meeting:

Provided further that in case of equality in seniority of the Vigilance Commissioners, one from amongst the Vigilance Commissioners with their mutual consent shall preside over that meeting.

(4) Notwithstanding anything contained in sub-regulation (3), no meeting shall take place in the absence of the Central Vigilance Commissioner if it is convened to decide a matter wherein the Vigilance Commissioner and the Central Vigilance Commissioner had differed in opinion.

**6. Secretariat assistance.** -The Secretary to the Commission shall ordinarily, along with such other officers, as may be considered necessary, attend the meeting of the Commission to assist it in the meeting:

Provided that the Secretary of the Commission may be exempted by the Commission, in case of his inability to attend any meeting:

Provided further that in the absence of Secretary to the Commission such other officers of the Commission, as may be considered necessary by the Commission, shall assist it in the meeting.

**7. Agenda of meeting.** -(1) The Secretariat to the Commission shall prepare a note or agenda specifying the items of business to be transacted in the meeting of the Commission and the note or agenda shall be circulated amongst the Chairperson and Members by the Secretariat at least two days in advance of every meeting and the specific files covering the agenda items shall be made readily available to the Commission for reference during the meeting.

(2) An item of business not included in the agenda referred to in sub-regulation (1), may be taken up for consideration in the meeting provided that such item of business is approved by the Commission for its inclusion as a supplementary to those item or items of business listed in the agenda.

**8. Minutes of meeting.** -(1) The minutes of each meeting of the Commission shall be recorded in the meeting itself or immediately thereafter by the Secretary to the Commission or by any other officer of the Commission duly authorised by the Secretary, and thereafter the approval of the Chairperson or the Member who presided over the meeting shall be obtained thereon.

(2) The Secretary to the Commission or the authorised Officer, as the case may be, shall submit the minutes of proceedings of every meeting to the Members and the Chairperson for confirmation and signatures.

(3) The conclusions of the Commission in every matter undertaken during the meeting shall be recorded in the form of 'resolution' and the dissenting opinion, if any given, shall also form part of the minutes and be kept on record.

(4) The Secretary to the Commission, or such officer of the Commission as may be authorised by the Secretary in this behalf shall maintain and keep the minutes book.

**9. Follow-up action.** -(1) Unless specifically authorised, no action shall be taken by the Secretariat of the Commission on the minutes of the meetings until the same are confirmed by the Chairperson.

(2) Where there is any difference, action on the minutes of meetings shall be taken on the basis of the majority opinion in the manner as specified in sub-regulation (3) of regulation 4.

**10. Record of minutes.** - (1) A master copy of the minutes of every meeting and resolution of Commission shall be maintained separately in a guard file with proper indexing and duly authenticated by Secretary or by an officer authorised in this behalf by the Secretary.

(2) The copy of minutes of meeting pertaining to each item shall be added to the relevant file for appropriate action.

**11. Report of action taken.** -Report of follow-up action on previous minutes shall be submitted to the Commission at every subsequent meeting indicating the updated status on each item on which the Commission had taken a decision in any of its earlier meetings, excepting the items on which no further action is called for.

**12. Authentication of orders and decisions of Commission.** - Orders and decisions of the Commission shall be authenticated by an officer of the Commission not below the rank of an Under Secretary and authorised by the Chairperson in this behalf.

SUDHIR KUMAR, Addl. Secy.

[ADVT.-III/4/Exty./481/2020-21]



सत्यमेव जयते

# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (i)

PART II—Section 3—Sub-section (i)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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नई दिल्ली, शुक्रवार, अक्टूबर 1, 2004/आश्विन 9, 1926  
NEW DELHI, FRIDAY, OCTOBER 1, 2004/ASVINA 9, 1926

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

आदेश

नई दिल्ली, 28 सितम्बर, 2004

सा.का.नि. 654(अ).—केन्द्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) की धारा 23 की उप धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा निम्नलिखित आदेश करती है, अर्थात् :—

- (1) इस आदेश का नाम केन्द्रीय सतर्कता आयोग (कठिनाईयां दूर करना) आदेश, 2004 है।
- (2) यह सरकारी राजपत्र में प्रकाशन की तारीख से प्रवृत्त होगा।
- केन्द्रीय सतर्कता आयोग अधिनियम, 2003 की धारा 11 में " धारा 8 की उपधारा (1) के खण्ड (ख) तथा (ग) में संदर्भित जांच " शब्दों, कोष्ठकों तथा अक्षरों के लिए " धारा 8 की उप-धारा (1) के खण्ड (ग) तथा (घ) में संदर्भित जांच " शब्दों, कोष्ठकों तथा अक्षरों को प्रतिस्थापित किया जाए।

[फा. सं. 418/3/2003-ए.वी.डी.-IV]

मंजुलिका गौतम, अपर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

ORDER

New Delhi, the 28th September, 2004

G.S.R. 654(E).—In exercise of the powers conferred by Sub-section (1) of Section 23 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Government hereby makes the following Order, namely :—

- (1) This Order may be called the Central Vigilance Commission (Removal of Difficulties) Order, 2004.
- (2) It shall come into force on the date of its publication in the Official Gazette.
- In Section 11 of the Central Vigilance Commission Act, 2003, for the words, brackets and letters "inquiry referred to in clauses (b) and (c) of Sub-section (1) of Section 8", the words, brackets and letters "inquiry referred to in clauses (c) and (d) of Sub-section (1) of Section 8" shall be substituted.

[F.No.418/3/2003-AVD. IV]

MANJULIKA GAUTAM, Addl. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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NEW DELHI, THURSDAY, MARCH 18, 2004/PHALGUNA 28, 1925

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

अधिसूचना

नई दिल्ली, 18 मार्च, 2004

का.आ. 371(अ).—केन्द्रीय सतर्कता आयोग अधिनियम, 2003 (2003 का 45) की धारा 8 की उपधारा (2) के खण्ड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा सार्वजनिक क्षेत्र के सभी बैंकों के स्केल-V और उस से ऊपर के स्तर के सभी अधिकारियों को, उपर्युक्त अधिनियम की धारा 8 की उपधारा (1) के खंड (घ) के प्रयोजनार्थ अधिकारियों के वर्ग में शामिल करती है।

[सं. 418/2/2004-ए.वी.डॉ.-IV]

केशव देसिराजु, संयुक्त सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES  
AND PENSIONS

(Department of Personnel and Training)

NOTIFICATION

New Delhi, the 18th March, 2004

S.O. 371 (E).—In exercise of the powers conferred by clause (b) of Sub-section (2) of Section 8 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Government hereby include all the officers of Scale V and above of all Public Sector Banks in the category of officials for the purpose of clause (d) of Sub-section (1) of Section 8 of the said Act.

[No. 418/2/2004-AVD. IV]

KESHAV DESIRAJU, Jt. Secy.



# भारत का राजपत्र

## The Gazette of India

असाधारण  
EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

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

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

अधिसूचना

नई दिल्ली, 12 सितम्बर, 2007.

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

सारणी

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

[ सं. 418/2/2004-ए.वी.डी.-IV ]

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**

**(Department of Personnel and Training)**

**NOTIFICATION**

New Delhi, the 12th September, 2007

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

**TABLE**

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

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

P. K. TRIPATHI, Jt. Secy.



# भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

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सं 50]

नई दिल्ली, शुक्रवार, सितम्बर 12, 2003 / भाद्र 21, 1925

No. 50]

NEW DELHI, FRIDAY, SEPTEMBER 12, 2003 / BHADRA 21, 1925

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।  
Separate paging is given to this Part in order that it may be filed as a separate compilation.

## MINISTRY OF LAW AND JUSTICE

(Legislative Department)

*New Delhi, dated the 12th September, 2003/Bhadra 21, 1925 (Saka)*

The following Act of Parliament received the assent of the President on the 11th September, 2003, and is hereby published for general information:—

### THE CENTRAL VIGILANCE COMMISSION ACT, 2003

No. 45 of 2003

[11th September, 2003]

An Act to provide for the constitution of a Central Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Fifty-fourth Year of the Republic of India as follows:—

#### CHAPTER I

##### PRELIMINARY

1. This Act may be called the Central Vigilance Commission Act, 2003.

Short title.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "Central Vigilance Commissioner" means the Central Vigilance Commissioner appointed under sub-section (1) of section 4;

(b) “Commission” means the Central Vigilance Commission constituted under sub-section (1) of section 3;

(c) “Delhi Special Police Establishment” means the Delhi Special Police Establishment constituted under sub-section (1) of section 2 of the Delhi Special Police Establishment Act, 1946; 25 of 1946.

(d) “Government company” means a Government company within the meaning of the Companies Act, 1956; 1 of 1956.

(e) “prescribed” means prescribed by rules made under this Act;

(f) “Vigilance Commissioner” means a Vigilance Commissioner appointed under sub-section (1) of section 4.

## CHAPTER II

### THE CENTRAL VIGILANCE COMMISSION

Constitution  
of Central  
Vigilance  
Commission.

3. (1) There shall be constituted a body to be known as the Central Vigilance Commission to exercise the powers conferred upon, and to perform the functions assigned to it under this Act and the Central Vigilance Commission constituted under sub-section (1) of section 3 of the Central Vigilance Commission Ordinance, 1999 which ceased to operate, and continued under the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No. 371/20/99-AVD. III, dated the 4th April, 1999 as amended *vide* Resolution of even number, dated the 13th August, 2002 shall be deemed to be the Commission constituted under this Act. Ord. 4 of 1999.

(2) The Commission shall consist of—

(a) a Central Vigilance Commissioner — Chairperson;

(b) not more than two Vigilance Commissioners — Members.

(3) The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed from amongst persons—

(a) who have been or are in an All-India Service or in any civil service of the Union or in a civil post under the Union having knowledge and experience in the matters relating to vigilance, policy making and administration including police administration; or

(b) who have held office or are holding office in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government and persons who have expertise and experience in finance including insurance and banking, law, vigilance and investigations:

Provided that, from amongst the Central Vigilance Commissioner and the Vigilance Commissioners, not more than two persons shall belong to the category of persons referred to either in clause (a) or clause (b):

(4) The Central Government shall appoint a Secretary to the Commission on such terms and conditions as it deems fit to exercise such powers and discharge such duties as the Commission may by regulations specify in this behalf.

(5) The Central Vigilance Commissioner, the other Vigilance Commissioners and the Secretary to the Commission appointed under the Central Vigilance Commission Ordinance, 1999 or the Resolution of the Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No. 371/20/99-AVD. III, dated the 4th April, 1999 as amended *vide* Resolution of even number, dated the 13th August, 2002 shall be deemed to have been appointed under this Act on the same terms and conditions including the term of office subject to which they were so appointed under the said Ordinance or the Resolution, as the case may be. Ord. 4 of 1999.

*Explanation.*—For the purposes of this sub-section, the expression “term of office” shall be construed as the term of office with effect from the date the Central Vigilance Commissioner or any Vigilance Commissioner has entered upon his office and continued as such under this Act.

(6) The headquarters of the Commission shall be at New Delhi.

4. (1) The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President by warrant under his hand and seal:

Appointment of Central Vigilance Commissioner and Vigilance Commissioners.

Provided that every appointment under this sub-section shall be made after obtaining the recommendation of a Committee consisting of—

- |   |   |         |
|---|---|---------|
| (a) the Prime Minister                                      | — |         |
| Chairperson;  |   |         |
| (b) the Minister of Home Affairs                            | — | Member; |
| (c) the Leader of the Opposition in the House of the People | — | Member. |

*Explanation.*—For the purposes of this sub-section, “the Leader of the Opposition in the House of the People” shall, when no such Leader has been so recognised, include the Leader of the single largest group in opposition of the Government in the House of the People.

(2) No appointment of a Central Vigilance Commissioner or a Vigilance Commissioner shall be invalid merely by reason of any vacancy in the Committee.

5. (1) Subject to the provisions of sub-sections (3) and (4), the Central Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier. The Central Vigilance Commissioner, on ceasing to hold the office, shall be ineligible for reappointment in the Commission.

Terms and other conditions of service of Central Vigilance Commissioner.

(2) Subject to the provisions of sub-sections (3) and (4), every Vigilance Commissioner shall hold office for a term of four years from the date on which he enters upon his office or till he attains the age of sixty-five years, whichever is earlier:

Provided that every Vigilance Commissioner, on ceasing to hold the office, shall be eligible for appointment as the Central Vigilance Commissioner in the manner specified in sub-section (1) of section 4:

Provided further that the term of the Vigilance Commissioner, if appointed as the Central Vigilance Commissioner, shall not be more than four years in aggregate as the Vigilance Commissioner and the Central Vigilance Commissioner.

(3) The Central Vigilance Commissioner or a Vigilance Commissioner shall, before he enters upon his office, make and subscribe before the President, or some other person appointed in that behalf by him, an oath or affirmation according to the form set out for the purpose in Schedule to this Act.

(4) The Central Vigilance Commissioner or a Vigilance Commissioner may, by writing under his hand addressed to the President, resign his office.

(5) The Central Vigilance Commissioner or a Vigilance Commissioner may be removed from his office in the manner provided in section 6.

(6) On ceasing to hold office, the Central Vigilance Commissioner and every other Vigilance Commissioner shall be ineligible for—

(a) any diplomatic assignment, appointment as administrator of a Union territory and such other assignment or appointment which is required by law to be made by the President by warrant under his hand and seal.

(b) further employment to any office of profit under the Government of India or the Government of a State.

(7) The salary and allowances payable to and the other conditions of service of—

(a) the Central Vigilance Commissioner shall be the same as those of the Chairman of the Union Public Service Commission;

(b) the Vigilance Commissioner shall be the same as those of a Member of the Union Public Service Commission:

Provided that if the Central Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of a pension (other than a disability or wound pension) in respect of any previous service under the Government of India or under the Government of a State, his salary in respect of the service as the Central Vigilance Commissioner or any Vigilance Commissioner shall be reduced by the amount of that pension including any portion of pension which was commuted and pension equivalent of other forms of retirement benefits excluding pension equivalent of retirement gratuity:

Provided further that if the Central Vigilance Commissioner or any Vigilance Commissioner is, at the time of his appointment, in receipt of retirement benefits in respect of any previous service rendered in a corporation established by or under any Central Act or a Government company owned or controlled by the Central Government, his salary in respect of the service as the Central Vigilance Commissioner or, as the case may be, the Vigilance Commissioner shall be reduced by the amount of pension equivalent to the retirement benefits:

Provided also that the salary, allowances and pension payable to, and the other conditions of service of, the Central Vigilance Commissioner or any Vigilance Commissioner shall not be varied to his disadvantage after his appointment.

Removal of  
Central  
Vigilance  
Commissioner  
and Vigilance  
Commis-  
sioner.

6. (1) Subject to the provisions of sub-section (3), the Central Vigilance Commissioner or any Vigilance Commissioner shall be removed from his office only by order of the President on the ground of proved misbehaviour or incapacity after the Supreme Court, on a reference made to it by the President, has, on inquiry, reported that the Central Vigilance Commissioner or any Vigilance Commissioner, as the case may be, ought on such ground be removed.

(2) The President may suspend from office, and if deem necessary prohibit also from attending the office during inquiry, the Central Vigilance Commissioner or any Vigilance Commissioner in respect of whom a reference has been made to the Supreme Court under sub-section (1) until the President has passed orders on receipt of the report of the Supreme Court on such reference.

(3) Notwithstanding anything contained in sub-section (1), the President may by order remove from office the Central Vigilance Commissioner or any Vigilance Commissioner if the Central Vigilance Commissioner or such Vigilance Commissioner, as the case may be,—

(a) is adjudged an insolvent; or

(b) has been convicted of an offence which, in the opinion of the Central Government, involves moral turpitude; or

(c) engages during his term of office in any paid employment outside the duties of his office; or

(d) is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body; or

(e) has acquired such financial or other interest as is likely to affect prejudicially his functions as a Central Vigilance Commissioner or a Vigilance Commissioner.

(4) If the Central Vigilance Commissioner or any Vigilance Commissioner is or becomes in any way, concerned or interested in any contract or agreement made by or on behalf of the Government of India or participates in any way in the profit thereof or in any

benefit or emolument arising therefrom otherwise than as a member and in common with the other members of an incorporated company, he shall, for the purposes of sub-section (1), be deemed to be guilty of misbehaviour.

7. The Central Government may, in consultation with the Commission, make rules with respect to the number of members of the staff of the Commission and their conditions of service.

Power to make rules by Central Government for staff.

### CHAPTER III

#### FUNCTIONS AND POWERS OF THE CENTRAL VIGILANCE COMMISSION

8. (1) The functions and powers of the Commission shall be to—

Functions and powers of Central Vigilance Commission.

49 of 1988.

2 of 1974.

(a) exercise superintendence over the functioning of the Delhi Special Police Establishment in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial;

25 of 1946.

(b) give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946:

Provided that while exercising the powers of superintendence under clause (a) or giving directions under this clause, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner;

49 of 1988.

2 of 1974.

(c) inquire or cause an inquiry or investigation to be made on a reference made by the Central Government wherein it is alleged that a public servant being an employee of the Central Government or a corporation established by or under any Central Act, Government company, society and any local authority owned or controlled by that Government, has committed an offence under the Prevention of Corruption Act, 1988 or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;

49 of 1988.

2 of 1974.

(d) inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to such category of officials specified in sub-section (2) wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 and an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial;

49 of 1988.

2 of 1974.

(e) review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or the public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;

49 of 1988.

(f) review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988;

(g) tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise;

(h) exercise superintendence over the vigilance administration of the various Ministries of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government:

Provided that nothing contained in this clause shall be deemed to authorise the Commission to exercise superintendence over the Vigilance administration in a manner not consistent with the directions relating to vigilance matters issued by the Government and to confer power upon the Commission to issue directions relating to any policy matters;

(2) The persons referred to in clause (d) of sub-section (1) are as follows:—

(a) members of All-India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;

(b) such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued under this clause, all officers of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1).

Proceedings of  
Commission.

9. (1) The proceedings of the Commission shall be conducted at its headquarters.

(2) The Commission may, by unanimous decision, regulate the procedure for transaction of its business as also allocation of its business amongst the Central Vigilance Commissioner and other Vigilance Commissioners.

(3) Save as provided in sub-section (2), all business of the Commission shall, as far as possible, be transacted unanimously.

(4) Subject to the provisions of sub-section (3), if the Central Vigilance Commissioner and other Vigilance Commissioners differ in opinion on any matter, such matter shall be decided according to the opinion of the majority.

(5) The Central Vigilance Commissioner, or, if for any reason he is unable to attend any meeting of the Commission, the senior-most Vigilance Commissioner present at the meeting, shall preside at the meeting.

(6) No act or proceeding of the Commission shall be invalid merely by reason of—

(a) any vacancy in, or any defect in the constitution of, the Commission; or

(b) any defect in the appointment of a person acting as the Central Vigilance Commissioner or as a Vigilance Commissioner; or

(c) any irregularity in the procedure of the Commission not affecting the merits of the case.

Vigilance  
Commissioner  
to act as Cen-  
tral Vigilance  
Commissioner  
in certain  
circumstances.

10. (1) In the event of the occurrence of any vacancy in the office of the Central Vigilance Commissioner by reason of his death, resignation or otherwise, the President may, by notification, authorise one of the Vigilance Commissioners to act as the Central Vigilance Commissioner until the appointment of a new Central Vigilance Commissioner to fill such vacancy.

(2) When the Central Vigilance Commissioner is unable to discharge his functions owing to absence on leave or otherwise, such one of the Vigilance Commissioners as the President may, by notification, authorise in this behalf, shall discharge the functions of the Central Vigilance Commissioner until the date on which the Central Vigilance Commissioner resumes his duties.

Power relating  
to inquiries.

11. The Commission shall, while conducting any inquiry referred to in clauses (b) and (c) of sub-section (1) of section 8, have all the powers of a civil court trying a suit under the Code of Civil Procedure, 1908 and in particular, in respect of the following matters, namely:—

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

- (b) requiring the discovery and production of any document;
- (c) receiving evidence on affidavits;
- (d) requisitioning any public record or copy thereof from any court or office;
- (e) issuing commissions for the examination of witnesses or other documents;
- and
- (f) any other matter which may be prescribed.

2 of 1974.  
45 of 1860.

**12.** The Commission shall be deemed to be a civil court for the purposes of section 195 and Chapter XXVI of the Code of Criminal Procedure, 1973 and every proceeding before the Commission shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 and for the purposes of section 196 of the Indian Penal Code.

Proceedings before Commission to be judicial proceedings.

#### CHAPTER IV

##### EXPENSES AND ANNUAL REPORT

- 13.** The expenses of the Commission, including any salaries, allowances and pensions payable to or in respect of the Central Vigilance Commissioner, the Vigilance Commissioners, Secretary and the staff of the Commission, shall be charged on the Consolidated Fund of India.
- Expences of Commission to be charged on the Consolidated Fund of India.
- 14.** (1) It shall be the duty of the Commission to present annually to the President a report as to the work done by the Commission within six months of the close of the year under report.
- Annual report.
- (2) The report referred to in sub-section (1) shall contain a separate part on the functioning of the Delhi Special Police Establishment in so far as it relates to sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946.
- 25 of 1946.
- (3) On receipt of such report, the President shall cause the same to be laid before each House of Parliament.

#### CHAPTER V

##### MISCELLANEOUS

- 15.** No suit, prosecution or other legal proceeding shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under this Act.
- Protection of action taken in good faith.
- 16.** The Central Vigilance Commissioner, every Vigilance Commissioner, the Secretary and every staff of the Commission shall be deemed to be a public servant within the meaning of section 21 of the Indian Penal Code.
- 45 of 1860.
- Central Vigilance Commissioner, Vigilance Commissioner and staff to be public servants.
- 17.** (1) The report of the inquiry undertaken by any agency on a reference made by the Commission shall be forwarded to the Commission.
- Report of any inquiry made on reference by Commission to be forwarded to that Commission.
- (2) The Commission shall, on receipt of such report and after taking into consideration any other factors relevant thereto, advise the Central Government and corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government, as the case may be, as to the further course of action.

(3) The Central Government and the corporations established by or under any Central Act, Government companies, societies and other local authorities owned or controlled by that Government, as the case may be, shall consider the advice of the Commission and take appropriate action:

Provided that where the Central Government, any corporation established by or under any Central Act, Government company, society or local authority owned or controlled by the Central Government, as the case may be, does not agree with the advice of the Commission, it shall, for reasons to be recorded in writing, communicate the same to the Commission.

Power to call for information.

**18.** The Commission may call for reports, returns and statements from the Central Government or corporations established by or under any Central Act, Government companies, societies and other local authorities owned or controlled by that Government so as to enable it to exercise general supervision over the vigilance and anti-corruption work in that Government and in the said corporations, Government companies, societies and local authorities.

Consultation with Commission in certain matters.

**19.** The Central Government shall, in making any rules or regulations governing the vigilance or disciplinary matters relating to persons appointed to public services and posts in connection with the affairs of the Union or to members of the All-India Services, consult the Commission.

Power to make rules.

**20. (1)** The Central Government may, by notification in the Official Gazette, make rules for the purpose of carrying out the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the number of members of the staff and their conditions of service under section 7;

(b) any other power of the civil court to be prescribed under clause (f) of section 11; and

(c) any other matter which is required to be, or may be, prescribed.

Power to make regulations.

**21. (1)** The Commission may, with the previous approval of the Central Government, by notification in the Official Gazette, make regulations not inconsistent with this Act and the rules made thereunder to provide for all matters for which provision is expedient for the purposes of giving effect to the provisions of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

(a) the duties and the powers of the Secretary under sub-section (4) of section 3; and

(b) the procedure to be followed by the Commission under sub-section (2) of section 9.

Notification, rule, etc., to be laid before Parliament.

**22.** Every notification issued under clause (b) of sub-section (2) of section 8 and every rule made by the Central Government and every regulation made by the Commission under this Act shall be laid, as soon as may be after it is issued or made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the notification or the rule or the regulation, or both Houses agree that the notification or the rule or the regulation should not be made, the notification or the rule or the regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that notification or rule or regulation.

23. (1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order, not inconsistent with the provisions of this Act, remove the difficulty:

Power to remove difficulties.

Provided that no such order shall be made after the expiry of a period of two years from the date of commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

24. With effect from the constitution of the Commission under sub-section (1) of section 3, the Central Vigilance Commission set up by the Resolution of the Government of India in the Ministry of Home Affairs No. 24/7/64-AVD, dated the 11th February, 1964 (hereafter referred to in this section as the existing Vigilance Commission) shall, in so far as its functions are not inconsistent with the provisions of this Act, continue to discharge the said functions and—

Provisions relating to existing Vigilance Commission.

(a) all actions and decisions taken by the Vigilance Commission insofar as such actions and decisions are relatable to the functions of the Commission constituted under this Act shall be deemed to have been taken by the Commission;

(b) all proceedings pending before the Vigilance Commission, insofar as such proceedings relate to the functions of the Commission, shall be deemed to be transferred to the Commission and shall be dealt with in accordance with the provisions of this Act;

(c) the employees of the Vigilance Commission shall be deemed to have become the employees of the Commission on the same terms and conditions;

(d) all the assets and liabilities of the Vigilance Commission shall be transferred to the Commission.

42 of 1999.

25. Notwithstanding anything contained in the Foreign Exchange Management Act, 1999 or any other law for the time being in force,—

Appointments, etc., of officers of Directorate of Enforcement.

(a) the Central Government shall appoint a Director of Enforcement in the Directorate of Enforcement in the Ministry of Finance on the recommendation of the Committee consisting of—

(i) the Central Vigilance Commissioner — Chairperson;

(ii) Vigilance Commissioners — Members;

(iii) Secretary to the Government of India in-charge of the Ministry of Home Affairs in the Central Government — Member;

(iv) Secretary to the Government of India in-charge of the Ministry of Personnel in the Central Government — Member;

(v) Secretary to the Government of India in-charge of the Department of Revenue, Ministry of Finance in the Central Government — Member;

(b) while making a recommendation, the Committee shall take into consideration the integrity and experience of the officers eligible for appointment;

(c) no person below the rank of Additional Secretary to the Government of India shall be eligible for appointment as a Director of Enforcement;

(d) a Director of Enforcement shall continue to hold office for a period of not less than two years from the date on which he assumes office;

(e) a Director of Enforcement shall not be transferred except with the previous consent of the Committee referred to in clause (a);

(f) the Committee referred to in clause (a) shall, in consultation with the Director of Enforcement, recommend officers for appointment to the posts above the level of the Deputy Director of Enforcement and also recommend the extension or curtailment of the tenure of such officers in the Directorate of Enforcement;

(g) on receipt of the recommendation under clause (f), the Central Government shall pass such orders as it thinks fit to give effect to the said recommendation.

Amendment  
of Act 25 of  
1946.

Interpretation  
section.

Superintendence  
and adminis-  
tration of  
Special Police  
Establishment.

**26.** In the Delhi Special Police Establishment Act, 1946,—

(a) after section 1, the following section shall be inserted, namely:—

“1A. Words and expressions used herein and not defined but defined in the Central Vigilance Commission Act, 2003, shall have the meanings, respectively, assigned to them in that Act.”;

(b) for section 4, the following sections shall be substituted, namely:—

“4. (1) The superintendence of the Delhi Special Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988, shall vest in the Commission. 49 of 1988.

(2) Save as otherwise provided in sub-section (1), the superintendence of the said police establishment in all other matters shall vest in the Central Government.

(3) The administration of the said police establishment shall vest in an officer appointed in this behalf by the Central Government (hereinafter referred to as the Director) who shall exercise in respect of that police establishment such of the powers exercisable by an Inspector-General of Police in respect of the police force in a State as the Central Government may specify in this behalf.

Committee for  
appointment  
of Director.

4A. (1) The Central Government shall appoint the Director on the recommendation of the Committee consisting of—

- |  |   |              |
|--|---|--------------|
| (a) the Central Vigilance Commissioner   | — | Chairperson; |
| (b) Vigilance Commissioners  | — | Members;     |
| (c) Secretary to the Government of India in-charge of the Ministry of Home Affairs in the Central Government | — | Member;      |
| (d) Secretary (Coordination and Public Grievances) in the Cabinet Secretariat                                | — | Member.      |

(2) While making any recommendation under sub-section (1), the Committee shall take into consideration the views of the outgoing Director.

(3) The Committee shall recommend a panel of officers—

(a) on the basis of seniority, integrity and experience in the investigation of anti-corruption cases; and

(b) chosen from amongst officers belonging to the Indian Police Service constituted under the All-India Services Act, 1951, 61 of 1951.

for being considered for appointment as the Director.

Terms and  
conditions of  
service of  
Director.

4B. (1) The Director shall, notwithstanding anything to the contrary contained in the rules relating to his conditions of service, continue to hold office for a period of not less than two years from the date on which he assumes office.

(2) The Director shall not be transferred except with the previous consent of the Committee referred to in sub-section (1) of section 4A.

4C. (1) The Committee referred to in section 4A shall, after consulting the Director, recommend officers for appointment to the posts of the level of Superintendent of Police and above and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment.

Appointment for posts of Superintendent of Police and above, extension and curtailment of their tenure, etc.

(2) On receipt of the recommendation under sub-section (1), the Central Government shall pass such orders as it thinks fit to give effect to the said recommendation.”;

(c) after section 6, the following section shall be inserted, namely:—

“6A. (1) The Delhi Special Police Establishment shall not conduct any inquiry or investigation into any offence alleged to have been committed under the Prevention of Corruption Act, 1988 except with the previous approval of the Central Government where such allegation relates to—

Approval of Central Government to conduct inquiry or investigation.

49 of 1988.

(a) the employees of the Central Government of the level of Joint Secretary and above; and

(b) such officers as are appointed by the Central Government in corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government.

(2) Notwithstanding anything contained in sub-section (1), no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any gratification other than legal remuneration referred to in clause (c) of the *Explanation* to section 7 of the Prevention of Corruption Act, 1988.”.

49 of 1988.

27. (1) The Government of India in the Ministry of Personnel, Public Grievances and Pensions (Department of Personnel and Training) Resolution No. 371/20/99-AVD. III, dated the 4th April, 1999 as amended *vide* Resolution of even number, dated the 13th August, 2002 is hereby repealed.

Repeal and saving.

Ord. 4 of 1999.

(2) Notwithstanding such repeal and the cesser of operation of the Central Vigilance Commission Ordinance, 1999, anything done or any action taken under the said Resolution and the said Ordinance including the appointments made and other actions taken or anything done or any action taken or any appointment made under the Delhi Special Police Establishment Act, 1946 and the Foreign Exchange Regulation Act, 1973 as amended by the said Ordinance shall be deemed to have been made or done or taken under this Act or the Delhi Special Police Establishment Act, 1946 and the Foreign Exchange Regulation Act, 1973 as if the amendments made in those Acts by this Act were in force at all material times.

25 of 1946.

46 of 1973.

## THE SCHEDULE

[See section 5(3)]

Form of oath or affirmation to be made by the Central Vigilance Commissioner or Vigilance Commissioner:—

“I, A. B., having been appointed Central Vigilance Commissioner (or Vigilance Commissioner) of the Central Vigilance Commission do swear in the name of God  
solemnly affirm  
that I will bear true faith and allegiance to the Constitution of India as by law established, that I will uphold the sovereignty and integrity of India, that I will duly and faithfully and to the best of my ability, knowledge and judgment perform the duties of my office without fear or favour, affection or ill-will and that I will uphold the constitution and the laws.”.

SUBHASH C. JAIN,  
Secy. to the Govt. of India.



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-10023

सं./No.....000/VGL/018  
दिनांक / Dated.....06.10.2021

Circular No. 19/09/21

**Subject:-** Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

**Reference: -**

(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
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020

The Central Vigilance Commission in order to bring about efficiency in vigilance administration and to ensure timely initiation and completion of the disciplinary proceedings, has issued guidelines from time to time, specifying the time limit for completion of inquiry proceedings, so that no undue delay takes place in disciplinary matters.

2. In this regard, Central Vigilance Commission, in continuation of its guidelines dated 23.05.2000 and DoPT's OM dated 14.10.2013, had issued Circular No. 18/12/20 dated 14.12.2020, prescribing the time limit for action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated. The time limit prescribed by the Commission is as under: -

Sl. No.	Stage of disciplinary action	Time Limit
1.	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the Inquiry officer (I.O.)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3.	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable/unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken, if required.

Contd...2...

3. The Commission has observed that in some cases, the above time limit is not being adhered to by the authorities concerned. The inordinate delay in completion of departmental proceedings on the part of the organization concerned has also attracted adverse comments from the Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010, Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr in its judgment dated 16.12.2015. Hence, the above guidelines are reiterated and the Commission desires that the same should be adhered to strictly by the authorities in the organisations concerned.

4. Due to the situation arising out of severity of COVID-19 pandemic and related issues, Commission has given a special dispensation for completion of the pending inquiry proceedings with a fresh timeline. In those cases where initiation of Major Penalty Proceedings was advised by the Commission on or before 31.12.2020, inquiry proceedings by the Inquiry Officers should be completed latest by 31.03.2022. In respect of those cases where Commission's advice for initiation of Major Penalty Proceedings was tendered between 01.01.2021 to 30.09.2021, inquiry proceedings by the Inquiry Officers should be completed latest by 30.06.2022.

5. Since initiation and conduct of disciplinary proceedings is within the domain of the disciplinary authority concerned, the CVOs may bring the above guidelines of the Commission to the notice of the competent authorities for strict compliance.



(Rajiv Verma)  
Officer on Special Duty

To

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



केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023  
Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-10023  
021/VGL/036  
सं./No.....  
दिनांक / Dated..... 15.09.2021

Circular No. 16/09/21

**Subject:- Reporting of cases of deviations from the Central Vigilance Commission's advice-reg.**

**Reference:- (i) DoPT's OM No. 118/2/78-AVD(I) dated 28.09.1978  
(ii) DoPT's OM No. 119/2/2019-AVD-III dated 02.09.2019  
(iii) Commission's Circular No. 10/06/21 dated 23.06.2021**


Central Vigilance Commission, vide its Circular No. 10/06/21 dated 23.06.2021 has issued guidelines for reporting of cases of deviations from Commission's advice. As per para (5) and (6) of the circular, cases of deviations from Commission's advice, in respect of Non-Presidential Appointees, are to be reported by the CVO of the ministry concerned to the Secretary of his ministry/department. In respect of PSUs, Banks and other organizations, all such cases of deviation from Commission's advice in respect of Non-Presidential Appointees, are to be reported to the CVO of the administrative ministry through the Chief Executive of the respective organization. The CVO of the administrative ministry is required to submit all such cases to Secretary of his/her ministry and a confirmation in this regard is also to be sent to the Commission.

2. The above guidelines of the Commission are reiterated herewith and all organizations are advised to strictly adhere to the same and inform the administrative ministry about cases of deviation from Commission's advice, without exception. As already stated in Para (7) of the Circular No. 10/06/21 dated 23.06.2021, all actions are to be completed within a period of two months from the date of issue of order by the competent authority.

Contd...2...

3. It is also clarified that the existing procedure of reporting of cases of deviation directly to the Commission will continue and the procedure as stated in Para (1) and (2) above, is in addition to the existing procedure.

4. A confirmation regarding compliance of the aforementioned guidelines may also be sent to the Commission at quarterly intervals.



**(Rajiv Verma)**  
Officer on Special Duty

To

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

**No. 428/07/2021 - AVD.IV(B)**  
**Bharat Sarkar/ Government of India**  
**Ministry of Personnel, Public Grievances and Pensions**  
**(Department of Personnel and Training)**

North Block, New Delhi  
The 3<sup>rd</sup> September, 2021

To,

The Chief Secretaries of all State Governments/  
Union territory Administrations  
(As per standard Mailing List)

**Subject: Standard Operating Procedures (SOPs) for processing of cases under section 17A of the Prevention of Corruption Act, 1988 - regarding**

Sir/ Madam,

The undersigned is directed to state that the Prevention of Corruption Act, 1988 was amended by the Prevention of Corruption (Amendment) Act, 2018 and after the Presidential assent thereto has been brought into force from the 26<sup>th</sup> July, 2018. It may be recalled that the amendments inter alia, include insertion of a new section 17A which reads as follows:

***“17A. Enquiry or Inquiry or Investigation of offences relatable to recommendations made or decision taken by public servant in discharge of official functions or duties.—***

*No police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under this Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties, without the previous approval—*

*(a) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of the Union, of that Government;*

*(b) in the case of a person who is or was employed, at the time when the offence was alleged to have been committed, in connection with the affairs of a State, of that Government;*

*(c) in the case of any other person, of the authority competent to remove him from his office, at the time when the offence was alleged to have been committed:*

*Provided that no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any undue advantage for himself or for any other person:*

*Provided further that the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month”*

2. So as to standardise and operationalise procedures with a view to achieving uniform and effective implementation for prior approval processes under section 17A of the Act, a set of SOPs are hereby conveyed.

3. The SOPs provide for –

- i. Stage-wise processing of information received by a Police officer;
- ii. Specifying the rank of police officer to seek prior approval under section 17A in respect of different categories of public servants;
- iii. Consideration of the proposals under section 17A of the Act by the Appropriate Government or Authority;
- iv. Laying down of single window procedure to specify receipt stage of the proposal; and
- v. Check List for submitting proposals under section 17A.

4. All Administrative Authorities, including Ministries and Departments of the Central and the State Governments and the Investigating Agencies are requested to take note of the SOPs, as appended herewith and bring the same to the notice of all concerned, including subordinate and autonomous statutory bodies and PSEs/ PSBs under their respective control for strict compliance.

Encl: as above

Yours faithfully

*Deepti U*

(Deepti Umashankar)

Additional Secretary to the Government of India

Copy to:

1. Secretaries, All Ministries/ Departments with the request that these SOPs may be given wide publicity and may be circulated to all concerned including all subordinate and attached offices and organisations under the administrative control of respective Ministries/ Departments/ Organisations for compliance.
2. Director, CBI with the request that all field Units may kindly be apprised of these SOPs for strict compliance.
3. Central Vigilance Commission.
4. Secretaries, GAD with the request that these SOPs may be given wide publicity and may be circulated to all concerned including all subordinate and attached offices and organisations under the administrative control of respective Ministries/ Departments/ Organisations for compliance.

**STANDARD OPERATING PROCEDURES FOR HANDLING INFORMATION IN RESPECT OF A PUBLIC SERVANT, ALLEGING OFFENCES UNDER PREVENTION OF CORRUPTION ACT, 1988 – SEEKING OF PREVIOUS APPROVAL FOR CONDUCT OF ENQUIRY OR INQUIRY OR INVESTIGATION UNDER SECTION 17A OF THE ACT**

The information received by a police officer alleging offences under Prevention of Corruption Act (hereinafter referred to as the Act), against public servants will be processed in the manner as laid down by the Standard Operating Procedures (SOPs) hereunder.

2. It may be emphasized here that the provisions of section 17A stipulate a mandatory requirement for a Police Officer to seek previous approval for conducting any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under the Prevention of Corruption Act, where the alleged offence is relatable to any recommendation made or decision taken by such public servant in discharge of his official functions or duties.

**3. PROCESSING OF INFORMATION RECEIVED BY A POLICE OFFICER**

3.1. A Police Officer upon receipt of such information shall verify, whether the same –

- (a) pertains to or the information avers to the allegation of the commission of an offence(s) by a public servant under provisions of the Act;
- (b) prima facie reveals actual commission of an offence under the Act;
- (c) contains information to identify –
  - i. the public servant(s) against whom the offence has been alleged;
  - ii. the present status of such public servant against whom an offence under the Act has been alleged so as to determine the rank of appropriate Police Officer for seeking previous approval for conducting enquiry, inquiry or investigation under section 17A of the Act. For this purpose, in case the person who has ceased to be public servant the position/office last held by him shall be determined;
  - iii. specific act(s) of commission or omission attributable to such public servant(s);
  - iv. whether such act(s) are relatable to the official function or duty discharged by such public servant(s) specific to the office/post held at the time of commission of the alleged offence;
  - v. the specific recommendation(s) made or decision taken by such public servant(s); and
  - vi. deriving of an undue advantage for self or any other person to fulfil the ingredients of offences alleged against a public servant.

3.2. Deriving of an undue advantage by the public servant for self or for others is a key ingredient for establishing an offence against him and in absence of fulfilment of this condition any act of omission or commission amounts to an administrative misdemeanour only.

3.3. The Police Officer in receipt of an information shall place the matter before the Police Officer of Appropriate Rank for seeking previous approval under section 17A of the Act, by such Police Officer of Appropriate Rank.

3.4. The Police Officer of Appropriate Rank who shall make a proposal to the Appropriate Government/Authority under Section 17A of the Act, in respect of a person who is or has been a public servant, will be as specified in **Annexure-I**. Specifying ranks of police officers for seeking previous approval shall ensure due diligence for the purpose of processing proposals under section 17A of the Act.

#### **4. PROCESSING OF 'INFORMATION' RECEIVED BY A POLICE OFFICER OF APPROPRIATE RANK**

4.1. The Police Officer of Appropriate Rank as referred to above shall decide upon whether information received, merits to be –

- a) enquired; or
- b) inquired into; or
- c) investigated

4.2. "Enquiry" for the purposes of these SOPs, means any action taken, for verifying as to whether the information pertains to commission of an offence under the Act.

4.3. The proposal of the Police Officer of Appropriate Rank shall contain the following information -

- i. the office held by the public servant(s) when the offence was alleged to have been committed;
- ii. the present rank and status of the public servant; or
- iii. the post/ office last held by the person who ceases to be a public servant; and
- iv. the appropriate Government or Authority, before whom the proposal of previous approval is to be made in accordance with the provisions of clauses (a) to (c) of section 17A of the Act.

4.4. The Police Officer of Appropriate Rank shall make a proposal to the Appropriate Government or Authority, as the case may be, through the single window procedure as laid down by these SOPs and shall ensure that the proposal is in accordance with the requirements laid down in the Check List and encloses clear, legible and authenticated documents, as may be required.

4.5. Separate proposals shall be submitted for enquiry, inquiry or investigation, as the case may be.

4.6. Separate proposals shall be made in respect of each public servant, where a composite offence is alleged against more than one public servant.

4.7. The complete proposal shall be submitted in a sealed cover in accordance with the Check List as attached at **Annexure II**.

4.8. The Police Officer of Appropriate Rank shall submit the proposal for previous approval under section 17A of the Prevention of Corruption Act, 1988 to the officer designated by the Appropriate Government or Authority for the said purpose.

**5. ACTION TO BE TAKEN ON PROPOSAL UNDER SECTION 17A OF THE ACT BY THE APPROPRIATE GOVERNMENT OR AUTHORITY – SINGLE WINDOW PROCEDURE**

5.1. “Appropriate Government or Authority” means the Central or the State Government or an authority competent to remove a public servant from his office as stipulated by clauses (a) to (c) of section 17A.

5.2. The Central or the State Government may, by a general or special order, delegate powers for consideration of matters under section 17A in respect of public servants of different rank or status, as may be specified by such Government.

5.3. Appropriate Government or Authority shall designate an officer, serving such Government or Authority, not below the rank of an Under Secretary for receiving the proposals relating to previous approval under section 17A of the Act.

5.4. Incomplete proposals shall be returned for removing inadequacies and deficiencies for being addressed by the Police Officer of the Appropriate Rank within a reasonable period of time and expeditious submission of the complete proposal.

5.5. The statutory timelines for processing of the proposal shall be from the date of receipt of complete proposal duly acknowledged by the designated officer.

5.6. All appropriate measures shall be taken by the Appropriate Government or Authority for completing the examination of the proposal within the statutory timelines.

5.7. Legal consultations, if required, will be undertaken in accordance with procedures of the Appropriate Government or Authority. The Appropriate Government or Authority shall take due diligence to maintain secrecy at all stages including the legal consultation process.

5.8. The Appropriate Government or the Authority, as the case may be, shall examine the proposal, by independent application of mind and take an appropriate decision under section 17A of the Act, for being conveyed to the Police Officer of Appropriate Rank.

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**RANKS OF POLICE OFFICER FOR SEEKING PREVIOUS APPROVAL UNDER SECTION 17A IN RESPECT OF DIFFERENT CATEGORIES OF PUBLIC SERVANTS**

<b>S. No.</b>	<b>Designation/ Rank or equivalent</b>	<b>Rank and Status of persons who are or have been Public Servants</b>
1.	Director General of Police or equivalent	<ul style="list-style-type: none"> <li>i. Union Ministers</li> <li>ii. Appointees carrying the rank equivalent to Cabinet Ministers/Minister of State</li> <li>iii. Members of Parliament</li> <li>iv. Chief Ministers of State Governments</li> <li>v. Ministers of State Governments</li> <li>vi. Members of State Legislature</li> <li>vii. Judges of the Supreme Court and High Court</li> <li>viii. Public Servants at the level 16 as per the Seventh Pay Commission and above and their equivalent</li> <li>ix. Chairpersons/ Managing Directors of Public Sector Enterprises (both Central and State) and Public Sector Banks (Board level)</li> </ul>
2.	Director General of Police or Addl. Director General of Police or equivalent	<ul style="list-style-type: none"> <li>i. Public servants drawing pay at level 14 and 15 as per the Seventh Pay Commission and its equivalent</li> <li>ii. Board level (Directors), Senior Management level appointees, (Pay level E 7 to E 9) viz. General Managers, Senior Managers, Executive Directors, Deputy Managing Directors of Public Sector Enterprises (both Central and State) and Public Sector Banks and their equivalent</li> </ul>
3.	Inspector General of Police or equivalent	<ul style="list-style-type: none"> <li>i. Public servants drawing pay at level 11 to 13 and 13A as recommended by the Seventh Pay Commission and its equivalent.</li> <li>ii. Middle management level officers of Public Sector Enterprises (Pay level E3 to E 6) (both Central and State) and Public Sector Banks and their equivalent</li> </ul>
4	Deputy Inspector General of Police, SSP, SP or ASP	<ul style="list-style-type: none"> <li>i. Public servants drawing pay below level 11 as recommended by the Seventh Pay Commission and its equivalent.</li> <li>ii. Junior management level officers of Public Sector Enterprises (Pay level E0 to E 2) (both Central and State) and Public Sector Banks and their equivalent.</li> <li>iii. All other staff of Public Sector Enterprises and Public Sector Banks and their equivalent.</li> <li>iv. All other public servants.</li> </ul>

**NOTE:** *Persons authorised to investigate will not be below the rank of officers as stipulated under section 17 of the Act.*

**CHECK LIST OF ITEMS FOR MATTERS RELATING TO SECTION 17A OF THE PREVENTION OF CORRUPTION ACT, 1988**

S. No.	Head	Yes/No	Folder No./ Page No.
1.	<p>Name, designation or office held by the public servant against whom the allegation of an offence under the Prevention of Corruption Act, 1988 has been made.</p> <p>If the person has ceased to be a public servant, the post or office last held by such person may also be indicated.</p>		
2.	<p>The post or office held by such public servant at the time of alleged commission of offence under the Prevention of Corruption Act.</p> <p>Please furnish the details of the Appropriate Government or Authority the public servant was serving at the relevant point of time.</p>		
3.	<p>(i) Whether the request is based on a complaint received? Please enclose a copy thereof.</p> <p>(ii) If yes, please enclose an authenticated translation thereof where the original complaint has been made in a vernacular language.</p>		
4.	<p>Whether the complaint prima facie reveals deriving of an undue advantage by a public servant for self or any other person?</p> <p>Please furnish details.</p>		
5.	<p>Whether any information is available in respect of the bribe giver?</p> <p>If so, please furnish details.</p>		
6.	<p>Mention clearly, the offences under specific provisions of the Prevention of Corruption Act, 1988 as alleged against the person who is or has been a public servant.</p>		
7.	<p>Please provide specific details of the recommendation made or decision taken by a public servant, which is relatable to the offence alleged against the public servant.</p>		
8.	<p>In case any preliminary enquiry/ inquiry was undertaken at any earlier stage, please enclose the findings thereof and it may also be confirmed as to whether prior approval was sought for such PE/ inquiry?</p>		

S. No.	Head	Yes/No	Folder No./ Page No.
9.	Whether any criminal offences under the Indian Penal Code or offences under any other law have also been alleged against the public servant? If so, please furnish details thereof.		
10.	Any other information which is considered to be relevant for consideration of the proposal.		
11.	Name, designation and contact details of person authorized by the Police Officer of Appropriate Rank to rectify inadequacies and deficiencies in the proposal seeking Previous Approval, as pointed out by the Officer designated to receive the proposal by Appropriate Government or Authority.		

Signature \_\_\_\_\_

Date: \_\_\_\_\_

Name of Police officer authorised  
to seek prior approval  
(in Block letters) \_\_\_\_\_

Designation \_\_\_\_\_

Telephone No. \_\_\_\_\_

email ID \_\_\_\_\_

Telegraphic Address :  
"SATARKTA: New Delhi

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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

सं./No.....021-VGL-036.....

दिनांक / Dated.....23.06.2021.....

Circular No. 10/06/21

**Subject:-** Reporting of cases of deviations from the Central Vigilance Commission's advice-reg.

**Reference:-** (i) DoPT's OM No. 118/2/78-AVD(I) dated 28.09.1978  
(ii) DoPT's OM No. 119/2/2019-AVD-III dated 02.09.2019

Central Vigilance Commission, in accordance with the provisions contained under Section 8(1) (g) of CVC Act, 2003, tenders advice to the organisation concerned on matters referred to it.

2. In respect of those cases where Commission's advice has been obtained by the organizations concerned, the competent authority is required to proceed further in the matter, in accordance with the advice tendered by the Commission. However, there are occasions when the Disciplinary Authority concerned takes a view which is different from the advice tendered by the Commission in a particular case. All cases of disagreement/deviation from the Commission's advice are presently reported by the Chief Vigilance Officers concerned in Para 5(C) of Quarterly Performance Report (QPR) being submitted online by the CVOs, under the head "Non-Acceptance/Deviation of CVC advice".

3. Department of Personnel and Training (DoPT), vide their O.M. dated 29.09.1978, reiterated vide O.M. dated 02.09.2019 (as referred to above) has issued guidelines, providing for consultation with DoPT regarding those cases where the authorities concerned propose to disagree with the advice of the Commission, in respect of officers for whom the appointing authority is the President. No such procedure has been defined in respect of Non-Presidential Appointees.

4. In respect of officers belonging to Ministry of Railways/Railway Board, separate instructions have been issued by DoPT, vide their O.M. No. 119/16/2014/AVD-III (Pt.) dated 05.02.2016, defining procedure for handling cases of disagreement/deviation from

Contd...2...

Commission's advice. Later on, DoPT, vide their O.M. No. 23/34/2018-EO (ACC) dated 02.08.2019, constituted a committee to revisit the existing instructions relating to the settlement of cases of disagreement between Ministry of Railways/Railway Board and Central Vigilance Commission. The report of the committee is awaited. During the pendency of the report of the committee, a system of reporting of cases of disagreement/deviation from Commission's advice, to the Commission through the Chairman and CEO, Railway Board has been adopted by Ministry of Railways/Railway Board.

5. The Commission has directed that for the sake of uniformity, all such cases of disagreement/deviation from Commission's advice (in respect of Non-Presidential Appointees), which, presently are not being referred to DoPT by the authorities concerned, shall be reported by the CVOs of the Ministry/Department concerned to the Secretary of that Ministry/Department.

6. In respect of Central Public Sector Enterprises/Public Sector Banks/Insurance Companies/Financial Institutions and other organisations, such cases of disagreement/deviation from Commission's advice, in respect of Non-Presidential Appointees, shall be reported to the CVO of the administrative ministry/department concerned, through the Chief Executive of the organisation. The CVO of the administrative ministry shall put up all such cases to the Secretary of the administrative ministry/department concerned. A confirmation in this regard shall be sent to the Commission by the CVO of the administrative ministry/department.

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

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



(Rajiv Verma)  
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC
- (v) The Secretary, DoPT, with reference to Para (4), to request to inform the status of the report of the Committee.



सत्यमेव जयते



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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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सं./No.....21-VGL-024.

दिनांक / Dated.....03.06.2021

Circular No. 07/05/21

**Subject:- Procedure for offering/accepting post retirement contractual employments/assignment or consultancy etc.- reg.**

It has been observed that sometimes, government organisations, in order to meet their functional requirement, use the expertise of retired government officials by hiring them on contractual basis, in the capacity of advisor/consultant etc. There is no defined procedure for seeking vigilance inputs before engaging retired government officials from the organisations where such retired officials were employed on full time basis, prior to their retirement.

2. Central Vigilance Commission has observed that the absence of a uniform defined procedure for obtaining vigilance clearance, before engaging retired officials by government organisations, sometimes lead to a situation where officials with tainted past or having cases pending against them are engaged by the government organisations. Such a situation not only leads to unnecessary complaints/allegations of favouritism, but is also against the tenets of fairness and probity which is the basic principle governing the functioning of government organisations.

3. The Commission has therefore decided to formulate a defined procedure before engaging a retired government official on contractual/consultancy basis by government organisations. The procedure to be adopted would include the following steps:-

Contd...2...

- (i) In respect of retired officers belonging to All India Services, Group 'A' officers of Central Govt. or their equivalent in other organizations owned or controlled by Central Govt., before offering employment to them on contractual/consultancy basis, vigilance clearance from the employer organisation, from which the Govt. Officer had retired, should be necessarily obtained.
- (ii) In case a retired officer had served in more than one organisation, vigilance clearance should be obtained from all organisations where the retired officer had served during a period of 10 years prior to his retirement.
- (iii) A communication seeking vigilance clearance may also be sent to Central Vigilance Commission, simultaneously.
- (iv) In case, no reply is received from the erstwhile employer(s) within 15 days of sending communication by Speed Post to them, a reminder may be sent to them for expediting vigilance clearance. However, in case no reply is received from the erstwhile employer within 21 days of sending initial communication to them, it may be considered as 'deemed vigilance clearance' for the person concerned. Later on, if it is found that the ex-employee was involved in any vigilance related matter or was not clear from vigilance point of view, the erstwhile employer organization would be responsible for all consequential actions.
- (v) The retired Govt. officer is to be considered for post retirement engagement only on receipt of vigilance clearance/vigilance inputs, subject to the conditions as given in sub para (i) to (iv) above.
- (vi) All communications regarding vigilance clearance should be sent by Registered Post/Speed Post, followed by emails on official mail ID of the organisation concerned.
- (vii) The procedure for engaging retired government officers should be transparent with equal opportunity to all those, who are willing to offer their services. The post to be filled up on contractual/consultancy basis should at least be advertised on the website of the organisation concerned at appropriate place and should be available in public domain.

4. Further, it has been observed that on some occasions, immediately after their retirement from government organisations, retired officials are taking up full time job/contractual assignments in private sector organisations. Quite often, cooling off period, as prescribed under the rules of organisations concerned, is not observed before taking up such offers. Post retirement acceptance of offer by retired government officials without observing cooling off period, constitutes a serious misconduct on their part.

Contd...3...

5. All government organisations may, therefore, formulate appropriate rules/guidelines for its employees to ensure that post retirement, cooling off period is mandatorily observed by them before accepting any offer from private sector entities. The rules/guidelines should incorporate procedure for seeking/obtaining permission before accepting offer from private sector entities during cooling off period if not in existence. The applicable service/conduct rules should also be revised/modified to ensure that, if required, appropriate action can also be initiated in case of violation of such rules by retired employees.

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



**(Rajiv Verma)**  
Officer on Special Duty

To

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

**Most Immediate**

**No 021-AIS-1(2)  
Central Vigilance Commission**

Satarkta Bhavan  
New Delhi  
19<sup>th</sup> April, 2021

**OFFICE MEMORANDUM**

**Subject: Expeditious disposal of complaints received against employees, having bearing on Vigilance Clearance - Suitable monitoring mechanism - Reg**

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With reference to the subject mentioned above, it has been observed from the proposals being received by the Commission for the purpose of vigilance clearance that complaints received against an employee gets registered/received and stays in the vigilance profile of the employee for a very long time.

Commission has noted with concern that the end result on these complaints is that there is a) no action for a long time or b) the action not being taken to its logical conclusion or c) the action taken not being updated in the records. This has led to a situation where the vigilance clearance is being delayed / denied for no fault of the employee.

2. In this context, attention is invited to Para (3) of DoP&T OM No 104/33/2005-AVD-I dated 29.10.2007 for members of All India Services and DoP&T OM No 11012/11/2007-Estt (A) dated 14.12.2007 for members of Central Civil Services/ Central civil posts, which is reproduced below for ready reference:

*"In cases where complaints have been referred to the state / administrative authority concerned, and no substantive response has been received from such state / administrative authority concerned within three months from the date on which the reference was made, the Cadre Controlling Authority / Disciplinary Authority may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the Competent Authority, vigilance clearance shall be accorded."*

3. Despite these provisions, vigilance clearance is being with-held because of delay in disposal of the complaints received against the employees. To streamline the process, it has been decided that the following procedure shall be adopted while handling the complaints received against an employee in an organization, including the complaints sent by CVC for 'necessary action':

- (i) All anonymous/ pseudonymous complaints must be filed in compliance of DoP&T OM no 104/76/2011-AVD-I dated 18.10.2013 and 18.06.2014 ([https://documents.doptcirculans.nic.in/D2/D02ser/104\\_76\\_2011-AVD-I-31032015.pdf](https://documents.doptcirculans.nic.in/D2/D02ser/104_76_2011-AVD-I-31032015.pdf)) and Commission's circular no. 07/11/2014 dated 25.11.2014 (<https://cvc.gov.in/sites/default/files/anps25112014.pdf>) and circular no. 12/09/20 dated 24.09.2020. (<https://cvc.gov.in/sites/default/files/98DSP009.pdf>), as amended from time to time.
- (ii) Action on the remaining complaints against the employees must be taken to the logical conclusion **within 3 months** of the date of receipt of the complaint. Logical conclusion here implies that the decision shall be taken by the organization to either (a) file the complaint or (b) register a vigilance case for further investigation or (c) register a non-vigilance/ administrative action case for further investigation. This is in partial modification of Commission's circular no 000/VGL/18 dated 23.05.2000. (<https://cvc.gov.in/sites/default/files/0000vgl18.pdf>).
- (iii) At the end of the third month from the date of receipt of complaint against the employee and after deciding on the course of action as mentioned in Para 3 (ii) (b) and 3 (ii) (c) above, a copy of the complaint shall be made available to the concerned employee, **within 15 days** through speed post, wherever the name of employee is mentioned in the complaint. In cases where the employee's name is not explicitly mentioned in the complaint, copy of the complaint shall be made available to the concerned employee at the stage of registration of vigilance/non-vigilance case against the said employee. The purpose is to inform the employee that the complaint is being examined by the organization. The employee shall also be informed that full opportunity would be given to him during examination. In case of decision to file the complaint as in Para 3 (ii) (a) above, no further action is required.
- (iv) Once a decision has been made to take up the matter as a vigilance case as in Para 3 (ii) (b) above, the organization shall send its inquiry report to the

Commission /CVO seeking First Stage Advice **within 3 months** of registration of such regular case. This timeline shall strictly be adhered to.

- (v) Once a decision has been made to take up the matter as a non-vigilance/administrative action case as in Para 3 (ii) (c) above, the organization must follow the relevant guidelines/instructions issued by DoPT from time to time.
4. CVOs shall submit the following information in the QPRs being submitted online to the Commission:
- Number of complaints pending for more than prescribed time limit, yet to be made available to the employee concerned, as in Para 3 (iii) above;
  - Number of complaints pending for more than prescribed time limit, yet to be closed or registered as a vigilance/non-vigilance case, as in Para 3 (ii) above;
  - Number of cases pending for more than prescribed time limit, yet to be sent for FSA as in Para (iv) and (v) above;
  - Number of cases under process within the prescribed time limit.

*Illustration*

Complaints pending with an Organisation as on 31.12.2020			10
Anonymous Complaints filed immediately			2
Pseudonymous complaints filed after complainant verification			2
Remaining 06 complaints on which decision taken as per Para 3 (ii)	Filed	01	
	Vig case	03	
	Non Vig Case	02	
In 05 complaints, copy of complaint has to be shared with the concerned employee within 1 week of arriving at the decision as per Para 3(ii) (b) and (c)			
In Vig cases, inquiry report to be submitted to CVO/CVC for FSA within 3 months as per Para 3 (iv)			
Non Vig cases as per Para 3 (v) to be governed by relevant DOPT guidelines			

5. As a pilot to begin with, the backlog complaints received till 31.12.2020 shall be disposed off as per the guidelines issued in this circular and compliance reported by 31.05.2021.

6. All the Head of Ministries/ Departments/ Organisations and their CVOs to ensure strict compliance to the above-mentioned guidelines with respect to the disposal of complaints. The status of complaints received after 01.01.2021 shall be reported through the online QPRs with effect from the 3<sup>rd</sup> Quarter of 2021. Necessary modifications to the QPR format will be made in this regard.

7. These instructions/guidelines shall be applicable to the category of complaints which are taken cognizance by the organization while issuance of vigilance clearance of employees, for any purpose.

  
(Sudhir Kumar)  
Additional Secretary

To

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

Copy to

The Chief Secretaries of all States and UTs for information and necessary action on the complaints pertaining to All India Service Officers.

  
(Sudhir Kumar)

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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स./ No..... 020-VGL-054-५४००१७

दिनांक / Dated..... 05.04.2021

**Circular No. 03/04/21**

Subject:- Transfer of officers/officials working in Vigilance Unit of the organization-reg.

Ref: (i) Commission's Circular No. 98/VGL/60	dated 15.04.1999
(ii) Commission's Circular No. 98/VGL/60	dated 02.11.2001
(iii) Commission's Circular No. 17/4/08	dated 01.05.2008
(iv) Commission's Circular No. 02/01/12	dated 04.01.2012
(v) Commission's Circular No. 03/09/13	dated 11.09.2013

Central Vigilance Commission, as part of its function of exercising supervision over vigilance administration of the organizations under its advisory jurisdiction, has issued guidelines, as referred to above, relating to transfer of officials working in Vigilance Units of the organizations. The Commission has already identified posting in Vigilance Units/departments as 'sensitive posting'. It has been observed that undue long stay of an official in such a sensitive post at one place, has the potential of developing vested interests, apart from giving rise to unnecessary complaints/allegations etc. In order to emphasize on the importance of the issue and to ensure transparency, objectivity, and uniformity in approach, the Commission has decided to modify its earlier guidelines. The Commission would now direct as under:-

- (i) The tenure of personnel in vigilance unit at one place including PS/PA and lower level functionaries, should be limited to 'three years' only. Such personnel who have completed three years in Vigilance Units can be given another tenure of three years in vigilance unit, in continuation of earlier tenure, but at a different place of posting. It would mean that the personnel can have two continuous postings in Vigilance Units, at two different places of posting, each running into a maximum of three years.
- (ii) In case of personnel presently working in Vigilance Units of the organizations concerned, who have worked for more than three years, the exercise of transferring them out of the present place of posting may be started in phases, with priority to be given to shift/transfer personnel who have served for the maximum period in Vigilance Unit. The personnel, who have completed more than five years in Vigilance Units at same place,

should be shifted on top priority basis. In first phase, atleast 10% of the persons (minimum of one person), who have worked beyond three years, should be shifted in sequential order, without exception, i.e., on the basis of first come first go principle. An illustrative example of the manner in which the exercise is to be conducted is given below: -

Name of the organization- 'X'

1	2	3	4	5
No. of officials posted in Vigilance Units	No. of officials working for >3 years	No. of officials to be posted out in first phase	Out of column (3), no. of officials working for >5 years	No. of officials working between four and half years to five years
86	41	4 (10% of column 2)	3 (to be posted out in first phase)	1 (to be posted out in first phase)

- (iii) In case, a personnel has served at one place in Vigilance Unit for more than three years, his tenure at the next place (if posted in Vigilance Unit) may be curtailed to ensure that the combined tenure at two places is limited to six years only.
- (iv) After transfer from Vigilance Unit, a compulsory cooling off period of three years should be observed before a person can be considered again for posting in Vigilance Unit of the organization concerned.
- (v) A person, after completion of three years in Vigilance Unit of an organization may be considered for transfer on deputation basis, in the Vigilance Unit of another organization, subject to the policy of the organizations and/or authorities concerned, on the subject.
- (vi) In case of transfer on deputation basis and/or transfer to another unit in the same organization, priority/preference should be given to those personnel who have sought transfer or applied for deputation on the basis of posting of their spouse.
- (vii) Induction training of preferably seven days should be given to the personnel, at the time of their posting in Vigilance Unit and further training at regular interval may be given. so as to enable them to function smoothly and efficiently. A hybrid model for the training may be developed, which may include online training.

2. The first phase of transfer/posting of minimum of 10% of the personnel [as indicated in para 1 (ii) above] may be completed by 31.05.2021. Further, it may be ensured that the exercise of transferring all the personnel who have worked for more than 3 years at one place is completed by 30.06.2022.

3. In the organizations where there is a vigilance cadre, the vigilance personnel may be transferred to other place/station in Vigilance unit after completion of tenure of three years at one place/station in the vigilance unit of the organisation concerned.
4. The details regarding transfer of personnel to and from Vigilance Units should be provided to the Commission by the CVOs concerned in para 9 of the Quarterly Performance Report being submitted by them to the Commission.
5. The guidelines for transfers/postings in view of COVID-19 pandemic to be kept in view while effecting transfers/postings.
6. The above instructions may be noted for strict compliance.



(Rajiv Varma)  
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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020/MSC/028

सं./No.....

दिनांक / Dated: 22.12.2020

Circular No. 19/12/20

**Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India.**

Ministry of Law and Justice, vide their Office Memorandum No. N-17/10/2018-NM dated 13.06.2018 have brought to notice, the judgement dated 28.03.2018 of the Hon'ble Supreme Court in the above cited Criminal Appeal. Copy of O.M. dated 13.06.18 of Ministry of Law and Justice is enclosed.

2. As pointed out by Ministry of Law and Justice, in the judgement dated 28.03.2018, Hon'ble Supreme Court had ordered for limiting the period of stay granted by a court of law to six months, except in exceptional circumstances. The Commission has desired that the orders dated 28.03.2018 may be kept in view, while handling/examining court matters in the organisations. In respect of those court cases, where stay was granted by a trial court more than six months ago and also in cases based on CBI's investigation, which have been kept in abeyance due to court's orders, the issues may be examined in the light of the aforementioned judgement of the Hon'ble Supreme Court. Appropriate and immediate steps may also be taken, in consultation with the organization's counsels/Legal Branch to ensure that the stay, if granted by a court of law, is vacated within six months' period and court proceedings are commenced.

3. The above position may also be brought to the notice of the Chief Executive and Legal Branches of the organisations concerned for keeping the Supreme Court's orders in view, while handling Legal/ Court matters.

4. Complete judgement of the Hon'ble Supreme Court may be accessed from the Supreme Court's website through the link <https://sci.gov.in/supremecourt/2011/27580/27580 Judgement 28-Mar-2018.pdf>.

5. It may be noted for compliance with immediate effect.

(Rajiv Verma)  
Officer on Special Duty

All Chief Vigilance Officers

Encls: As above.

File No N-17/10/2018-NM  
Government of India  
Ministry of Law and Justice  
Department of Justice

Jaisalmer House  
26, Mansingh Road, New Delhi-110011  
Dated the 13<sup>th</sup> June, 2018

**OFFICE MEMORANDUM**


**Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon'ble Supreme Court of India.**

Sir,

This Department has received a copy of Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon'ble Supreme Court of India, through the Office of Hon'ble Prime Minister for forwarding to all concerned

The implication of the aforesaid judgment is that where any action by a development agency or an enforcement agency, as the case may be, was stayed by a court of law, the same shall stand vacated automatically at the expiry of 6 months from the date of the order i.e. 28.03.2018, unless the same is extended by a speaking order. Further, the judgment casts a responsibility on the court granting stay that the speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. Also, in such cases where the stay is extended, the trial court has been directed to fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence

The judgment of Hon'ble Supreme Court can be accessed at [https://sci.gov.in/supremecourt/2011/27580/27580\\_Judgement\\_28-Mar-2018.pdf](https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf).

  
(Giridhar G. Pai)  
Director  
Ph 23072145

Secretary  
Department of Atomic Energy  
Anushakti Bhavan, Chatrapathi Shivaji  
Maharaj Marg, Mumbai - 400001

Copy to - Under Secretary (JI), Department of Justice for uploading on portal w.r.t PMO ID No. 4827311/PMO/2018-Pol dated 24.04.2018



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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION

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

सं./No.....No. 000-VGL-18 - 469044

दिनांक / Dated...14.12.2020.....

Circular No.18/12/20

Subject: Timely finalization of 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
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016

The Central Vigilance Commission as part of its functions of exercising superintendence over the vigilance administration of the organizations covered under its advisory jurisdiction and for bringing about improvement and efficiency in the same, has been emphasizing on timely initiation and completion of the disciplinary proceedings, wherever required. The Commission is of the view that any delay in initiation or finalization of the disciplinary action is neither in the interest of the organization, nor that of the official concerned.

2. Guidelines have been issued by the Commission in this regard, defining the time limits for various stages of disciplinary proceedings, in order to ensure that there is no undue delay on the part of the concerned authorities/officials. However, it is observed that despite clear guidelines issued by the Commission and Department of Personnel & Training (DoP&T), the authorities/officials concerned are not adhering to the prescribed time-limit and the disciplinary proceedings in some cases take much longer time, which leads to unwarranted delay in finalization of disciplinary case. Any unexplained, undue delay may also be a cause of unnecessary litigation and provide undue advantage/harassment to the charged officer. Such delays on one hand help in evading penalty on guilty officials, while prolonging the agony of the officials who may have been charge-sheeted wrongly in few cases and are finally exonerated.

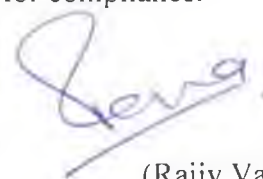
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3. The delay in completion of departmental proceedings on the part of the organization concerned has also attracted adverse comments from the Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010 Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr in its judgment dated 16.12.2015.

4. In continuation of CVC's guidelines dated 23.05.2000 and DoPT OM dated 14.10.2013, the Commission therefore, to ensure prompt/timely action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated, the following time limit may be adhered to: -

Sl. No.	Stage of disciplinary action	Time Limit
1.	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the Inquiry officer (I.O.)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3.	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable/unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken, if required.

5. The Commission desires that the above time limit should be adhered to strictly by the authorities in the organisations concerned. Since initiation and conduct of disciplinary proceedings is within the domain of the disciplinary authority concerned, the CVOs may bring the above guidelines of the Commission to the notice of the competent authorities for compliance.



(Rajiv Varma)  
Officer on Special Duty

**To**

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

**Copy to:**

Department of Personnel & Training [Shri Lok Ranjan, Additional Secretary, DoP&T], North Block, New Delhi-110 001 for information and necessary action.

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 02<sup>nd</sup> December, 2020.

**OFFICE MEMORANDUM**

**Subject: Adherence to Guidelines issued by DoPT regarding grant of sanction for prosecution-regarding.**

The Department of Personnel & Training had formulated guidelines for grant of sanction for prosecution and issued the same vide this Department's various OMs inter-alia, dated 06.11.2006, 20.12.2006, 31.01.2012 and 01.03.2019 (to be read with OM dated 18.07.2019).

2. These guidelines clearly prescribe the situations under which consultation with CVC is required by the concerned DAs while considering the requests of CBI for grant of Sanction of Prosecution, which inter-alia, include that:

- (i) The CBI would forward its final report of investigation to the CVC and also simultaneously endorse a copy of the report to the Administrative Ministry/Department concerned and the Competent Authority shall within three weeks formulate its tentative view regarding the action to be taken and seek the advice of CVC in the matter.
- (ii) In cases in which the 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;
- (iii) 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.

3. Recently, CVC has observed that some Ministries/Department, specifically CPSUs and Public Sector Banks, are not following the said guidelines/instructions in true spirit. Further, in certain cases the Competent Authority formally declined the sanction for prosecution and then referred the matter to the CVC for advice.

4. As once the Competent Authority takes a decision and communicates it to the CBI, the matter of grant of sanction for prosecution cannot be reviewed, it is important that the requisite consultation with CVC, etc. is completed before the Competent Authority takes a decision in such matters.

5. In view of the above, all Ministries/Departments are advised to ensure strict adherence to the afore-said instructions of DoP&T in this regard.
6. This issues with the approval of the Competent Authority.

  
(Manmeet Kaur)

**Under Secretary to the Government of India**

To

Secretary, all Ministry/Department (As per standard list).

Copy to:

1. Secretary, Central Vigilance Commission, Satarkata Bhawan, New Delhi.
2. Prime Minister's Office, South Block, New Delhi.
3. Cabinet Secretariat, Rashtrapati Bhawan, New Delhi.

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CENTRAL VIGILANCE COMMISSION



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

सं./No..... 019/VGL/026-46223

दिनांक / Dated..... 01.10.2020

Office Order No.13/10/20

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

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

The Commission vide its OMs referred above had directed CVOs of all Ministries/Departments/Organisations to ensure expeditious finalization of disciplinary proceedings/action, particularly in respect of officials likely to retire shortly. The Commission had specifically impressed upon the vigilance functionaries as well as administrative authorities concerned about the need to prioritize their activities of conducting investigations and completion of disciplinary action well in advance so as to avoid such late references to the Commission. Further, it was also conveyed vide office order dated 12/05/2020 that all such retirement cases should be received in the Commission by 10<sup>th</sup> 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 30<sup>th</sup> November, 2020, **the case should be received for advice before 31<sup>st</sup> Oct, 2020 in the Commission.**

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

(J. Vinod Kumar)  
Director

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

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



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सं./No.000/VGL/018/459759

दिनांक / Dated 10<sup>th</sup> Sept., 2020

**Office Order No. 11/09/20**

**Sub: Expeditious disposal of Vigilance cases- regarding**

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


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

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

contd...

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

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

  
(J. Vinod Kumar)  
Director

**To:**

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

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Satarkta Bhawan, G.P.O. Complex,  
Block A, INA, New Delhi-110023  
008/VGL/027-459659

सं. / No.....

09/09/2020

दिनांक / Dated.....

**Office Order No.10/09/20**

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

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

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

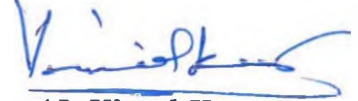
2. The Commission has analysed the cases received for reconsideration of its second stage advice tendered, and observes that second stage advice is tendered based on inputs received from Departments / Organisations which includes all material / information pertaining to the individual disciplinary case. Further, in most of the cases, Commission had reiterated its earlier advice tendered at second stage and in almost all such proposals, no new material / additional facts were brought out by the Departments / Organisations to justify any change. Also, in such cases of second stage advice, there is little scope for reconsideration. Such proposals also result in avoidable delays in finalization / issue of final orders by the Disciplinary Authority concerned.

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

:2:

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

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



**(J. Vinod Kumar)**  
**Director**

**To:**

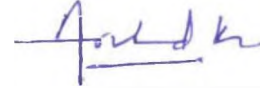
1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.

No. 020/VGL/032  
Central Vigilance Commission  
\*\*\*\*\*

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

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

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

  
( Arvind Kumar)  
Under Secretary (Coord)

All Chief Vigilance Officers

Encl: As above.

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

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North Block, New Delhi  
Dated the August 5, 2020

**OFFICE MEMORANDUM**

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

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

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

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

  
(Satish Kumar)

Under Secretary to the Government of India

To

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



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

सं./No.....000/VGL/018.....

14<sup>th</sup> August, 2020

दिनांक / Dated.....

Office Order No.08/08/2020

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

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

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

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

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

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

(J. Vinod Kumar)  
Director

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

Copy for information to:

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

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स. / No.008/VGL/027.....

दिनांक / Dated... 6<sup>th</sup> 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.

:: 2 ::

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



**(J. Vinod Kumar)**  
**Director**

To:

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



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स. / No..... 000/DSP/001.....

दिनांक / Dated.....20.07.2020.....

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Circular No.05/07/2020

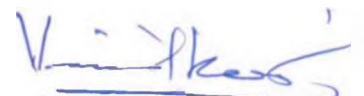
**Sub. Reporting cases of deviations by Appellate / Reviewing Authorities by Chief Vigilance Officers.**

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

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

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

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

  
(J. Vinod Kumar)  
Director

To: All Chief Vigilance Officers.

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011-24651186



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CENTRAL VIGILANCE COMMISSION



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

सं./No.....No.019/VGL/026...

दिनांक / Dated....12.May..2020...

**Office Order No. 04 /05/20**

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

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

The Commission vide its O.Ms referred above had directed CVOs of all Ministries/Departments/Organisations to ensure expeditious finalization of disciplinary proceedings/action, particularly in respect of officials likely to retire shortly. The Commission had specifically impressed upon the vigilance functionaries as well as administrative authorities concerned the need 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 10<sup>th</sup> of every month by 5 PM. Further, if 10<sup>th</sup> is a holiday, by the next working day.

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

(J. Vinod Kumar)  
Director

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

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

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सं./No..... 019/VGL/026 - 426775

दिनांक / Dated 23<sup>rd</sup> July, 2019

Office Order No.04/7/19

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

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

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

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

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

(J. Vinod Kumar)  
Director

To

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

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

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सं./No..... 016/VGL/011.....

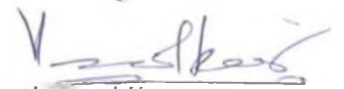
दिनांक / Dated. ...02.05.2019.....

Circular No.03/05/2019

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

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

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

  
(J Vinod Kumar)  
Director

Encl.: As above.

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

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

North Block, New Delhi  
Dated 1<sup>st</sup> 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 30<sup>th</sup> 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 13<sup>th</sup> April, 1984.

Contd. 2/-

(2)

- (iii) In a case falling under (i) above if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision
  - (iv) In a case falling under (i) above, if the CVC declines sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution the case should be referred to this Department for a final decision
  - (v) In a case falling under (ii) above, if the CBI has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction the case should be referred to this Department for final decision
  - (vi) Where two or more Government servants belonging to different Ministries/Departments or under the control of different cadre controlling authorities are involved the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs. Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any for final decision
3. This issues with the approval of Competent Authority

  
(Manmeet Kaur)

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

To

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

Copy to

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

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

\*\*\*

North Block, New Delhi  
Dated 18<sup>th</sup> July, 2019

**CORRIGENDUM**

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

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

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

  
(Manmeet Kaur)

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

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सं./No. 18/misc/02-392171

दिनांक / Dated. 23-08-2018

**OFFICE MEMORANDUM**

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

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

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


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

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

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

Contd.2/-

5. This issues with the approval of the Commission.

  
(P. Daniel)  
Addl. Secretary

To,

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

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सत्यमेव जयते

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सं./No... 004/VGL/090

दिनांक / Dated... 11.9.2013

Circular No. 03 09/13

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

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

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

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

(K D Tripathi)  
Secretary

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

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स. / No. 99/VGL/087-389176

दिनांक / Date 1<sup>st</sup> 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 1<sup>st</sup> August, 2007 and 21<sup>st</sup> July 2016 in this regard.

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

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


4. The Commission would like to clarify that Disciplinary Authorities are vested with responsibility to ensure that employees under their control, against whom criminal trial is pending are proceeded against forthwith for simultaneous departmental proceedings. Further, a view as to whether simultaneous disciplinary proceedings are to be initiated need to be invariably taken by the Competent Authorities at the time of considering the request for grant of sanction for prosecution

itself. However, the Disciplinary Authority may withhold departmental proceedings only in exceptional cases wherein the charge in the criminal trial is of grave nature which involves questions of fact and law. In other words, in complex matters where, in case it is not possible to delineate the misconduct for the purpose of RDA. If the charge in the criminal case is of a grave nature which involves complicated questions of law and fact, it would be desirable to stay the departmental proceedings till the conclusion of the criminal case. Further, even if stayed at one stage, the decision may require reconsideration, if the criminal case gets unduly delayed. It may be noteworthy to mention that the Hon'ble Supreme Court in State of Rajasthan vs. B.K.Meena & Ors. (1996) 6 SCC 417 emphasised the need for initiating departmental proceedings and stated as below:

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

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

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



(M.A. Khan)

Officer on Special Duty

To

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

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018/VGL/044

स. / No.....

दिनांक / Dated. 27 07.2018

Circular No. 09/07/18

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

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

2. In this regard attention is invited to para 7.24 3 (xi) of Vigilance Manual 2017 whereby the Presenting Officers are required to keep the Disciplinary Authority posted with the progress of inquiry proceedings by sending a brief of work done at the end of each hearing. Attention is also invited to para 17 of Chapter 15 of the Handbook for Inquiry Officers and Disciplinary Authorities issued by ISTM (DoPT) wherein guidelines on the responsibilities of the PO during the Regular Hearing have been described in detail.

3. The Presenting Officer is required to lead the evidence of the prosecution logically and forcefully before the Inquiring Authority. The CVOs are required to monitor the progress of inquiry proceedings including the quality of performance of Presenting Officers before the IO on a regular basis and keep the disciplinary authorities posted about it. While examining some of the cases referred to the Commission for second

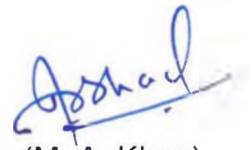
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stage advice, it has been noticed by the Commission that some of the Presenting Officers (POs) have taken a stand / position contrary to the stand / position stated in the charge-sheet without the explicit consent of the Disciplinary Authority. In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

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

5. This issues with the approval of the Commission.



(M. A. Khan)  
Officer on Special Duty

To

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



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स. / No..... 000/VGL/18-388880

दिनांक / Dated..26.07.2018.....

Circular No.07/07/18

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

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

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

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

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

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

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



(M.A. Khan)

Officer on Special Duty

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- (i) The Secretaries of all Ministries/Departments of Gol.
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सं./No..... 005/VGL/011

दिनांक / Dated..... 25<sup>th</sup> May, 2015

**CIRCULAR No.08/05/15**

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

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

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

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

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

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

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

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

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

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

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

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

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

  
(J Vinod Kumar)  
Officer on Special Duty

All Secretaries to the Ministries/Departments of Government of India  
All CVOs of Ministries/Departments, CPSEs/Public Sector Banks/ Insurance Companies /Organizations / Societies and Local Authorities etc.

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- ii) The Director, Central Bureau of Investigation, Lodhi Road, New Delhi

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,  
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Block A, INA, New Delhi 110023

स./No. 015/MSC/016

27<sup>th</sup> April, 2015  
दिनांक / Dated.....

CIRCULAR No.07/04 /15

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

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

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

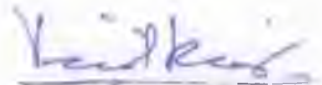
**(iii) Commission's Office Order No. 25/4/05 dated 29.4.2005**

As per the existing scheme for consultation with the Commission, the CVOs of the Ministries / Departments and all other organisations are required to seek the Commission's first stage advice after obtaining the tentative views of Disciplinary Authorities (DAs) on the reports of the preliminary inquiry / investigation of all complaints involving allegation(s) of corruption or improper motive; or if the alleged facts prima-facie indicate an element of vigilance angle which are registered in the Vigilance Complaint Register involving Category-A officers (i.e., All India Service Officers serving in connection with the affairs of the Union, Group-A officers of the Central Govt. and the levels and categories of officers of CPSUs, Public Sector Banks, Insurance companies, Financial Institutions, Societies and other local authorities as notified by the Government u/s 8(2) of CVC Act, 2003) before the competent authority takes a final decision in the matter. Such references also include cases wherein the allegations on inquiry do not prima facie indicate any vigilance overtone / angle / corruption.

2. On a review of the scheme of consultation with the Commission and to expedite the processes of vigilance administration in the Ministries/Departments/Organisations, it has been decided that, henceforth after inquiry / investigation by the CVO in complaints / matters relating to Category-A officers as well as composite cases wherein, Category-B officers are also involved, if the allegations, on inquiry do not indicate prima facie vigilance angle / corruption and relate to purely non-vigilance / administrative lapses, the case would be decided by the CVO and the DA concerned of the public servant at the level of Ministry / Department / Organisation concerned. The CVO's reports recommending administrative / ~~288~~ disciplinary action in non-vigilance / administrative lapses would, therefore, be submitted to the DA and if the DA

agrees to the recommendations of the CVO, the case would be finalised at the level of the Ministry / Department / Organisation concerned. In all such matters, no reference would be required to be made to the Commission seeking its first stage advice. However, in case there is a difference of opinion between the CVO and the DA as to the presence of vigilance angle, the matter as also enquiry reports on complaints having vigilance angle though unsubstantiated would continue to be referred to the Commission for first stage advice. The provisions of the Vigilance Manual and the Special Chapter on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Insurance Companies would stand amended to this extent.

3. The above revised consultation procedure / dispensation would not apply to the complaints received by the Commission and referred for investigation and report to the CVO of the Ministry / Department / Organisation and CVOs would continue to furnish their investigation reports in all matters involving Category-A officers for seeking first stage advice of the Commission irrespective of the outcome of inquiry / investigation. Similarly, all written complaints / disclosures (Whistle Blower complaints) received under the Public Interest Disclosure and Protection of Informers' Resolution (PIDPI), 2004 or the Whistle Blowers Protection Act, 2011 would also continue to be handled / processed by CVOs in terms of the existing prescribed procedures or as amended from time to time.



(J. Vinod Kumar)

Officer on Special Duty

To

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

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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स. / No..... 003/DSP/9

दिनांक / Dated..... 16/04/2015

Circular No.05/03/15

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

- Reference - (i) DoPT O M No 134/2/85-AVD-I dated 15/17.10 1986,  
(ii) Commission's Office Order No 1/1/04 dated 08.01.2004,  
(iii) Commission's Office Order No 23/6/06 dated 23.06.2006,  
(iv) DoPT O M No 399/33/2006-AVD-III dated 06.11.2006 & 20.12.2006,  
(v) Commission's Office Order No 31/5/05 dated 12.05.2005 and  
(vi) Commission's Circular No.07/03/12 dated 28.03.2012

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

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

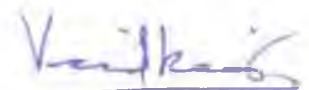
3. In view of above, the Commission, on a review of the existing mechanism has decided to dispense with the mechanism of holding joint meetings with the representatives of CBI and the concerned Department / Organisation and henceforth, all such matters of difference of opinion with CBI / Investigating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

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

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

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

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



[J Vinod Kumar]  
Officer on Special Duty

1. All Secretaries of Ministries/Departments of Government of India.
2. All CMDs/CEOs of CPSUs/Public Sector Banks/Insurance Companies/Organisations, etc
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Insurance Companies Organisations, etc.

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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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स. / No. .... 006/PRC/1

दिनांक / Dated ..... 11.12.2014

Circular No. 09/12/2014

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

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

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

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


**First stage advice**

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

**Second stage advice**

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

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

  
(J Vinod Kumar)  
Officer on Special Duty

To

All Chief Vigilance Officers

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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स. / No. .... 014-VGL-061 .....

दिनांक / Dated: 03<sup>rd</sup> December 2014

**Circular No. 08/12/14**

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

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

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

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

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

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

the Organisation/Department. However, the CVO should forward an action taken report alongwith a copy of IO's findings and the final order issued by DA in all such cases of officers for Commission's record. It is further clarified that all such cases where the disciplinary authority proposes to take any action which is at variance with the Commission's first stage advice would continue to be referred to the Commission for obtaining second stage advice.

4. By dispensing with the requirement of seeking second stage advice in regard to the categories of officers as aforesaid, the Commission expects that (i) the CVO would be in a position to exercise proper check and supervision over such cases and would ensure that the cases are disposed off expeditiously within the time norms stipulated by the Commission; and (ii) the punishment awarded to the concerned officer is commensurate with the gravity of the misconduct established on his/her part. In order to ensure that the Commission's expectations are fully met, the Commission may depute its officers to conduct vigilance audit through onsite visits. If the Commission comes across any matter, which in its opinion, has not been handled properly, it may recommend its review by the appropriate authority or may give such directions as it considers appropriate.

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



(J. Vinod Kumar)  
Officer on Special Duty

To

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

सं / No27(4)/2014(ACC)

भारत सरकार

Government of India

मंत्रिमंडलीय नियुक्ति समिति का सचिवालय

Secretariat of the Appointments Committee of the Cabinet

कार्मिक एवं प्रशिक्षण विभाग

Department of Personnel & Training

स्थापना अधिकारी का कार्यालय

Office of the Establishment Officer

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नॉर्थ ब्लॉक, नई दिल्ली

North, Block, New Delhi

दिनांकित / Dated : 22.10.2014

कार्यालय ज्ञापन

OFFICE MEMORANDUM

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**Subject:** Guidelines for processing proposals for appointment to Board level posts in Central Public Sector Enterprises(CPSEs).

Attention of all Ministries/Departments is invited to Secretary, PESB's D.O. letter No. 13/07/2010-PESB dated 13.05.2011 vide which detailed guidelines for appointment/extension/confirmation to the Board level posts were circulated. Consolidated guidelines to be followed in this regard are also available on this Department's website [www.persmin.nic.in](http://www.persmin.nic.in) (O.M. & Orders →Establishment Officer→ S.No.10 - Guidelines for processing cases of Board level appointments in Central Public Sector Enterprises).

2. It has been observed that the timelines prescribed for processing the proposals for appointments to Board level posts in CPSEs are not being adhered to. The resultant delay in filling up the Board level vacancies has been a matter of serious concern for the Government. In order to address this issue effectively, the following timelines are hereby issued for information and strict compliance:-

PESB will initiate the process for filling up of Board level vacancies at least one year prior to the date on which the vacancy arises. (The Ministry concerned shall be responsible to intimate all anticipated vacancies to the PESB well in time for this process to commence.)	6 months prior to scheduled expiry of tenure	PESB ↓	Initiate selection process 1 year prior to date of vacancy; send recommendations to Ministry 6 months before date of vacancy
PESB will complete the selection process and send its recommendations to the Ministry at least 6 months prior to the date of vacancy.			Forward vigilance profile to CVC
Ministry concerned will forward the PESB recommendation with vigilance profile of the selected individual CVC within 10 days from the receipt of PESB recommendation.	10 days	MINISTRY ↓	Forward vigilance profile to CVC

CVC will complete the Vigilance clearance process within two months from the date of receipt of the vigilance profile of the selected candidate from the Ministry and send it to the Ministry. This period of two months will include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarifications, etc.	60 days	CVC ↓	Vigilance clearance or denial including consultation with CBI
The Ministry concerned will, with the approval of the Minister, forward the proposal to ACC Secretariat (E.O.) within the next 10 days.	10 days	MINISTRY ↓	Will forward with Minister's approval
The ACC will thereafter take a decision on the proposal within six weeks of its receipt by the ACC Secretariat.	6 Weeks	ACC	Decision

3. The Establishment Officer will monitor compliance of the above time-line and bring any abnormal and unexpected delay to the notice of the Cabinet Secretariat. To facilitate monitoring of proposals at every stage, all Ministries/Departments shall upload and update the data filled in AVMS on real time basis so that effective monitoring can be done.

4. It is further noted that appointments are getting considerably delayed in cases where vigilance clearance is neither denied nor given but is awaited. In order to avoid delays on account of non-receipt of vigilance clearance, the following guidelines are hereby issued: -

- (a) The instructions contained in DoPT's O.M. No. 104/76/2011-AVD.I dated 18.10.2013 regarding handling of pseudonymous/ anonymous complaints should be strictly adhered to at all levels. Further as per CVC's instructions issued vide Office Order No.57/8/04 dated 31.08.2004, no cognizance should be taken of any complaint received within six months prior to the initiation of the selection process. *For this purpose, the date of interview held by the PESB would be the crucial date, six months prior to which no cognizance would be taken of complaints received against the selected candidates.* Such complaints therefore should not have any bearing on the ACC process and would not prejudice the same. Such complaints should however be dealt separately and necessary action be taken in the event of any adverse conclusion even after the appointment is made.
- (b) (i) In case vigilance clearance is not denied by CVC within the two months period stipulated above (which would include consultation with CBI/CBI clearance, reference to the CVO of the Ministry for any report, clarification etc), the Ministries shall proceed with the appointment process, without waiting any further.

(ii) While submitting such proposals for the consideration of ACC, the Ministry shall provide the complete details of cases/complaints, if any, pending against the selected candidate and their specific views regarding the gravity of the allegations and the culpability of the concerned candidate. While the Ministry may not have much difficulty in processing the proposal when selected candidate is from an organisation under the control of the same Department, some advance action would be required when the candidate is coming from outside. For this purpose, the Ministry shall obtain the complete vigilance profile of the candidate from the concerned Ministry/Department to which the selected candidate belongs as soon as the PESB recommendation is received by them. The Ministry shall also obtain complete details of the cases/complaints, if any, which are pending for enquiry and the concerned Department's views thereon.

5. The timelines currently prescribed for processing ACC proposals and the existing instructions regarding vigilance clearance shall accordingly stand modified to the extent stipulated above.

6. This issues with the approval of the Competent Authority.

  
(B. P. Sharma)

Establishment Officer & Additional Secretary

■ : 23092370

To

All the Secretaries in Ministries/Departments of the Government of India

Copy to:-

1. The Prime Minister's Office(Shri V. Sheshadri, Director) New Delhi.
2. Cabinet Secretariat(Ms. Nivedita Shukla Verma), New Delhi.
3. The Secretary, Central Vigilance Commission, New Delhi.
4. The Secretary, PESB, New Delhi.
5. NIC (DoP&T)-with request to upload the O.M. on the website of DoPT.
6. EO(ACC)- (30) copies.

  
22.10.2014  
(Virender Singh)

Under Secretary to the Government of India

■ : 23093671

स. / No.17(9)EO/2014-ACC

भारत सरकार

Government of India

मंत्रिमंडलीय नियुक्ति समिति का सचिवालय

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North, Block, New Delhi

दिनांकित / Dated : 30.10.2014

कार्यालय ज्ञापन

OFFICE MEMORANDUM

Subject: Policy guidelines for Extension of tenure of Board level incumbents where vigilance clearance is not available.

As per extant policy, In case the Initial term of 05 years of a Board-level appointee come to an end prior to his/her date of superannuation, extension of his/her tenure upto the date of superannuation is considered with the approval of the ACC subject to his/her being free from vigilance angle and meeting the prescribed performance parameters. In terms of existing Instructions, services of any Board-level appointee cannot be terminated on completion of his Initial term, if he/she is due for extension, without specific orders of the ACC. There are many cases, however, where vigilance clearance is not given in time by CVC/concerned administrative Ministry/Department due to complaints/inquiries pending against the concerned officer.

2. The issue of extension of tenure of Board level incumbents has been examined and with the approval of the ACC, It has been decided to henceforth follow the following procedure in this regard :-

- (I) As in the case of fresh appointments, in line with CVC's instructions dated 31.08.2004, no cognizance should be taken of any complaint which is received within 06 months prior to the terminal date of the approved tenure of Board-level appointees. This is imperative as it has been frequently observed that there is a spate of allegations and complaints against Board-level officials whose cases become due for extension of tenure.
- (II) The Department should take a conscious decision on whether to extend the term of a Board-level appointee at least one year in advance of the completion of his initial term so that adequate time is available for the Department to obtain CVC clearance.
- (III) Taking into account the vigilance status as on the date six months before the terminal date of initial appointment, the CVC may give its clearance within **294** months of receiving the reference in this

regard from the Administrative Ministry. This limit of two months will include time taken for back references, CBI references/inquiries, etc.

(IV) Even though complaints received after the cut-off date shall have no bearing upon the process of extension of tenure and would not prejudice the same, such complaints shall be dealt with as per the normal procedure. Disregarding such complaints received after the cut off date at the time of deciding upon extension of tenure may not be of any serious consequence as the appointment can always be terminated at a later date if the charges are substantiated on the basis of an inquiry.

(V) (a) In respect of the cases where CVC clearance has been delayed beyond the prescribed timelines, merely on account of procedural reasons, and where there is no denial of vigilance clearance, the case of extension could be processed without waiting any further.

(b) In respect of the cases where CVC clearance is awaited, and there are cases/complaints pending against the officer, the Ministry shall submit to ACC, a proposal for extension of tenure, at least two months prior to the officer's approved tenure with:

- (i) all available information in respect of the complaint;
- (ii) material received from/sent to CVC, including enquiry report, if any, of the CVO of the Ministry;
- (iii) the comments of the Ministry thereon.

3. All the Ministries/Departments are requested to strictly adhere to the time-line and procedural guidelines stipulated above for processing the proposals for extension of tenure of Board level appointees.

(Anand Madhukar)  
Director (ACC)  
☎: 23092272

To

All the Secretaries in Ministries/Departments of the Government of India

Copy to:-

1. The Prime Minister's Office (Shri V. Sheshadri, Director) New Delhi.
2. Cabinet Secretariat (Ms. Nivedita Shukla Verma), New Delhi.
3. The Secretary, Central Vigilance Commission, New Delhi.
4. The Secretary, PESB, New Delhi.
5. NIC (DoP&T)-with request to upload the O.M. on the website of DoPT.
6. EO(ACC)- (30) copies.

(Anand Madhukar)  
Director (ACC)  
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सत्यमेव जयते

केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi 110023  
011/VGL/094(Part-1)

सं./No.....

14<sup>th</sup> July, 2014

दिनांक / Dated.....

OFFICE ORDER NO.03/07/14

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

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

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

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

(Salim Haque)  
Additional Secretary

To

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

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केन्द्रीय सतर्कता आयोग  
CENTRAL VIGILANCE COMMISSION



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स. / No. .... 003/DSP/3

19<sup>th</sup> May, 2014

दिनांक / Dated.....

Circular No. 02/05/2014

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

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

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

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

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

(J. Vinod Kumar)  
Officer on Special Duty

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



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सं./No..... 004/VGL/090 | 22553

दिनांक / Dated..... 11.9.2013

Circular No. 03/09/13

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

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

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

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

*K D Tripathi*  
(K D Tripathi)  
Secretary

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

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म./ No 005-CVO-35

दिनांक / Dated.....08.02.2013.....

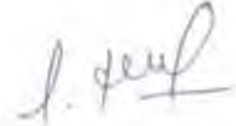
**CIRUCLAR No. 01/02/13**

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

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

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

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

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

All Chief Vigilance Officers.

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010VGL/095

सं./No.....

07.12.2012

दिनांक / Dated.....

Circular No.17/12/12

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

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

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

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

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



(J. Vinod Kumar)  
Officer on Special Duty

To,

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

**Copy for information to:-**

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

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दिनांक / Dated.. 04<sup>th</sup>.. Jan., 2012

Circular No.02/01/12

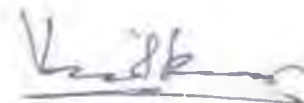
**Sub: Rotation of officials working in sensitive posts – reg.**

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

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

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

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



(J Vinod Kumar)  
Officer on Special Duty

All CVOs of Public Sector Banks

**No. 012/VGL/020**  
**Central Vigilance Commission**  
\*\*\*\*\*

**Satarkta Bhawan, Block 'A'**  
**INA New Delhi- 110023**  
**the, 29<sup>th</sup> March, 2012**

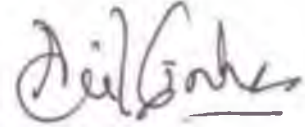
**Circular No. 08/03/12**

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

It has been brought to the notice of the Commission that the investigating agencies while sending their proposals seeking previous sanction for prosecution of All India Service Officers (AIS) under Section 19 of PC Act, 1988, are not following the prescribed guidelines as contained in the DoPT's Circular No 107/8/99-AVD 1 dated 27 10 1999, addressed to All Chief Secretaries of State Governments/UT Administrations. It is often found that such prosecution proposals/requests are not accompanied with complete set of relied upon documents/evidences etc., due to which the Competent Authorities are not in a position to take a view in such matters. Further, in respect of members of the All India Services, serving in connection with the affairs of the State Government, such sanction in terms of Section 19(1) of PC Act, 1988 is required to be accorded by the Central Government; i.e. Department of Personnel and Training in respect of IAS officers, Ministry of Home Affairs in respect of IPS officers and the Ministry of Environment and Forests in respect of IFS officers. When such sanction under the PC Act is required against an IAS/IPS/IFS officer by the State Government and the concerned officer is serving in connection with the affairs of the State Government, the Competent Authority under the State Government is required to examine the case on the basis of evidence on records and forward the documents to the Central Government along with their views/recommendation thereon and also enclosing the sanction, if any, issued by the State Government under Section 197(1) of the Cr PC.

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

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



(Anil K. Sinha)  
Additional Secretary

To,

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

Circular No. 07/03/12

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

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

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

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

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



(Anil K. Sinha)

Additional Secretary

Encl: as above.

To

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

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

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

OFFICE ORDER NO. 31/5/05

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

.....

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

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

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

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

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

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

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

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

Sd/-  
**(Sujit Banerjee)**  
Secretary

To

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

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

Satarkta Bhawan, GPO Complex,  
INA, New Delhi  
Dated 28<sup>th</sup> September, 2010

Circular No. 33/09/10

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

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

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



(Vineet Mathur)  
Director

To

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

No 010/CRD/003 91417  
Central Vigilance Commission

Satarkta Bhawan, GPO Complex,  
INA, New Delhi  
Dated 23<sup>rd</sup> June, 2010

**Circular No. 22/06/10**

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

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

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

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

  
(Shalini Darbari)  
Director

To

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

No. 010/VGL/039 | 30/09  
Central Vigilance Commission  
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Satarkta Bhawan, Block-A,  
2<sup>nd</sup> Floor, GPO Complex,  
INA, New Delhi-110023

Dated: 2<sup>nd</sup> June, 2010

Circular No. 21/05/10

**Subject: Delay in initiating Disciplinary Proceedings.**

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

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

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

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

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

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

**No. 009/VGL/067**  
**Government of India**  
**Central Vigilance Commission**  
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Satarkta Bhawan, Block 'A'.  
GPO Complex, INA,  
New Delhi- 110023  
Dated the 9<sup>th</sup> March 2010

**Office Order No.13/03/10**

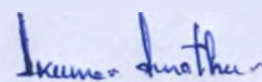
**Sub: Timely completion of Departmental Inquiries - Improving Vigilance Administration.**

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

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

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

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



(Vineet Mathur)  
Director

To

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

**Office Order No.03/01/10**

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

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

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**1. Complaints:**

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

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

**2. Vigilance Cases:**

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



( Vincet Mathur )  
Director

To

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

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

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

Circular No.21/8/09

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

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

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

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

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

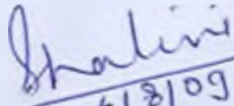
- (i) All vigilance reports of the CVOs should conform to the parameters prescribed in **Annexure-A**
- (ii) They would be accompanied by an Assurance Memo, in the form of **Annexure-B**

Contd . 2/-

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

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

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

  
6/8/09  
(Shalini Darbari)  
Director

**All Chief Vigilance Officers**

**Encl: As proposed.**

**Vigilance Report****Title of the report****1. Source**

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

**2. Gist of allegations****3. Facts**

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

**4. Observations**

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

- Observations are also arrived at by evaluating the facts against certain criteria viz. rules, regulations, policies, procedures, norms, good practices or normative principles. Evidence of these criteria (extracts of rules, procedures, etc.) should also be presented as E1, E2, etc.

## **5. Response of the officials concerned**

- It is necessary to elicit the reasons and clarifications of the management or the officers concerned for the anomalies pointed out in the observations. Every deviation from rules or procedure cannot be attributed to a malafide/corrupt intent. There may be situations where it may be difficult to achieve the objectives of a task by strictly abiding by the rules. Rules may be circumvented, while expediting the work or in the larger interest of the work, with good intentions. It is, therefore, essential for Vigilance to distinguish between acts of omission and acts of commission. Therefore, obtaining the response of the officers concerned is essential in order to arrive at an objective conclusion.
- Response of the management is also necessary in order to clarify differences in interpretation or an understanding of the issues between vigilance and the management.

## **6. Counter to the response**

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

## **7. Conclusion**

- Conclusion is the logical summation of the observations. The observations denoting various counts of irregularity, lapses or impropriety should finally lead to a logical conclusion on whether the case involves commission of irregularity/impropriety with the intention of corruption.
- Undue favour given to a party or obtained for self and its adverse impact on the government or the citizens in terms of

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

#### **8. Responsibility of officials**

- Having determined the vigilance angle in the case, the next step is to fix the accountability of the individuals involved in the misconduct. Name of officers should be clearly stated in this para.
- The role of each officer should be judged with reference to his prescribed charter of duties. In case the tender committee is responsible for the misconduct then, as far as possible, all members should be equally and collectively held responsible.
- Comments of Disciplinary Authority should invariably be included.

#### **9. Recommendation for action**

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

#### **10. Recommendation for systemic improvement**

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

**ASSURANCE MEMO**

This is to provide reasonable assurance to the Commission:

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

Chief Vigilance Officer

**Format of Bio-Data of officer(s) against whom Commission's advice is sought**

**(To be incorporated in the Vigilance Report of the CVO)**

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

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No.009/VGL/028  
Government of India  
Central Vigilance Commission  
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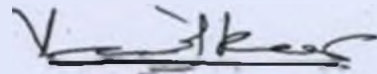
Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 24<sup>th</sup> July 2009

Circular No.18/7/09

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

Sir,

A copy of the DOPT's OM No 219/12/2009-AVD-II dated 13 5 2009 on the subject mentioned above is enclosed for information and necessary action



(J Vinod Kumar)  
Under Secretary

All Chief Vigilance Officers

Encl: As above.

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

New Delhi dated the 13<sup>th</sup> May, 2009.

**OFFICE MEMORANDUM**

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

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

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

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

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

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

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

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

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

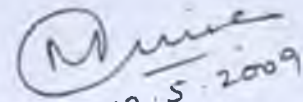
(2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority which would have been competent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

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

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

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

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

  
12.5.2009

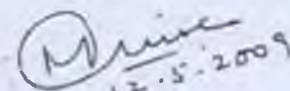
(Manisha Saxena)

Deputy Secretary to the Govt. of India

Tele:23094319

To

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

  
12.5.2009

(Manisha Saxena)

Deputy Secretary to the Govt. of India

No. 009/VGL/035  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi- 110023  
Dated the 1<sup>st</sup> July, 2009

**Circular No. 15/07/09**

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

Complaints containing information about corruption, malpractice or misconduct by public servants are received in a decentralized manner. CVOs receive complaints, also from many a decentralized location. According to the prevailing practice what is sent to the CVO from different decentralized locations entirely depends on the appreciation of 'vigilance angle' or otherwise by the officers controlling these decentralized locations. In such a system there is every chance that a complaint with a vigilance overtone may not be forwarded to the CVO, due to a lack of appreciation or for other bonafide reasons. This has also been revealed through the vigilance audit by the Commission in some organizations.

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

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

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



(Shalini Darbari)  
Director

To

All Chief Vigilance Officers

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

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated 18<sup>th</sup> February, 2009

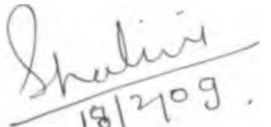
**Circular No.03/02/09**

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

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

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

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

  
(Shalini Darbari)  
Director

All Chief Vigilance Officers

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

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

**Circular No. 02/01/09**

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

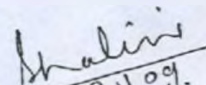
Attention is invited to the Commission's Office Order No. 51/9/03 dated 15.09.2003 and Office Order No. 14/2/04 dated 26.2.2004 wherein, it was clarified that disciplinary authorities (DAs) should issue a self-contained, speaking and reasoned order which must indicate, inter-alia, due application of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

2 As regards, making available a copy of CVC's first and second stage advises to the employees concerned, the Commission vide its circular No. 99/VGL/66 dated 28 09 2000, had prescribed that the same should be supplied to the employees by the Disciplinary Authorities. It was precisely stated, therein that a copy of CVC's 2<sup>nd</sup> state advice should be supplied to the employee concerned alongwith the IOs report, in order to give him an opportunity to make a representation against IO's findings and CVC's advice.

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

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

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

  
[Shalini Darbari]  
Director

All Chief Vigilance Officers

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

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

**Circular No.32/12/08**

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

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

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

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

*Shalini*  
1/12/08  
(Shalini Darbari)  
Director

**328**

All Chief Vigilance Officers

No.008/VGL/027  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-110023.  
Dated, the 24<sup>th</sup> April, 2008

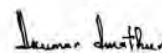
**Circular NO.15/4/08**

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

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

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

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



(Vineet Mathur)  
Deputy Secretary

All Chief Vigilance Officers

F.No.007/MISC/Legal/04(Pt.)  
Government of India  
Central Vigilance Commission  
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Satarkata Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-110 023  
Dated: 1<sup>st</sup> November, 2007

**Circular No.39 /11/07**

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

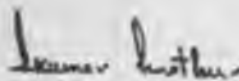
The Commission has observed that certain departments, while approaching the Commission for advice in respect of alleged/perceived lapses of the officials exercising quasi-judicial powers, do not follow a uniform approach in examining such lapses. In certain cases, it is routinely defended that the official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

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

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

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

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



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(Vineet Mathur)  
Deputy Secretary

To

All Chief Vigilance Officers

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

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

**Office Order No.37/10/07**

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

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

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



(Rajiv Verma)  
Under Secretary

All Chief Vigilance Officers



# भारत का राजपत्र

## The Gazette of India

असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

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NEW DELHI, THURSDAY, SEPTEMBER 13, 2007/BHADRA 22, 1929

कार्मिक, लोक शिक्षा तथा पेंशन मंत्रालय

( कार्मिक और प्रशिक्षण विभाग )

अधिसूचना

नई दिल्ली, 12 सितम्बर, 2007

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

सारणी

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

[सं. 418/2/2004-ए.वी.डी.-IV]

पी. के. त्रिपाठी, संयुक्त सचिव

**MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS****(Department of Personnel and Training)****NOTIFICATION**

New Delhi, the 12th September, 2004

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

**TABLE**

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

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

P. K. TRIPATHI, Jt. Secy.

No.007/VGL/013  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 23<sup>rd</sup> February 2007

**Circular No.3/2/07**

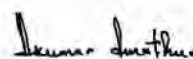
**Subject: Investigation of complaints by the CVOs - seizure of records reg.**

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

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

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

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



(Vineet Mathur)  
Deputy Secretary

All Chief Vigilance Officers

No.006/VGL/ 098  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block –A,  
GPO Complex,  
INA, NEW DELHI-110 023.  
New Delhi, the 10<sup>th</sup> October, 2006

**Circular No.39/10/06**

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

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

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

The CVOs may please note these instructions for strict compliance. They should also ensure that wherever it has been finally decided to disagree with the Commission's advice, reasons for the same are communicated to the Commission along with a final order in the case, to enable the Commission to decide about inclusion of the case in its Annual Report.

SD/-  
(V.KANNAN)  
DIRECTOR

All Chief Vigilance Officers

No.006/PRC/1  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 21<sup>st</sup> September, 2006

**Circular No. 34 /09/06**

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

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

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

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

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

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

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



(V. Kannan)  
Director

To

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

No.006/VGL/ 065  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-110 023  
Dated the 6<sup>th</sup> July, 2006

**Circular No.25/7/06**

**Sub: Vigilance Administration – Role of CVO- regarding.**

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

**i) Complaints.**

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

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

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

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

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

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

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

## **ii) Consultation with CVOs.**

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

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

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

## **iii) Review of Vigilance work by Board**

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

**iv) Monthly/Quarterly/Annual Report of the CVOs**

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

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

**v) Reference to the Commission**

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

**vi) Disciplinary Cases**

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

**vii) Irregularities in Recruitment:**

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

  
(V.Kannan)  
Director

To  
All CVOs  
All CMDs/CEOs

No.006/VGL/022  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 28<sup>th</sup> March 2006

**Circular No.16/3/06**

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

The Commission has viewed seriously certain instances of harassment and attempts at victimisation of vigilance officials of certain organisations. The need to allow the vigilance officials to work independently and freely without any fear, which is the foundation for effective vigilance administration in any organisation, has been recognized since long. In fact, the Committee on Prevention of Corruption (Santhanam Committee) had recommended that "those posted to the Vigilance Organisations should not have the fear of returning to their parent cadre with the possibility of facing the anger and displeasure of those against whom they made inquiries". The Committee had also recommended that "those working in Vigilance Organisations should have an assurance that good and efficient work in the Vigilance Organisation will enhance their opportunities for promotion and not become a sort of disqualification".

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

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

- (i) All personnel in Vigilance Units will be posted only in consultation with and the concurrence of the CVOs. They will be for an initial tenure of three years extendable up to five years. Any premature reversion before the expiry of such tenure will only be with the concurrence of the CVO. The CVO shall bring to the notice of the Commission any deviation from the above.

Contd....2/-

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- (ii) The ACR of personnel working in the Vigilance Department will be written by the CVO and reviewed by appropriate authority prescribed under the relevant conduct rules. The remarks in review shall be perused by the CVO and in case he has reservations about the comments made under the review, he shall take it up with the Chief Executive/HOD to resolve the issue. In case he is unable to do this, he shall report the matter to the Commission who will intercede in the matter suitably.
- (iii) Since the problem of victimisation occurs, if at all, after the reversion of the personnel to their normal line departments, the Commission would reiterate the following:
  - (a) On such reversion the vigilance personnel shall not be posted to work under an officer against whom, while working in the vigilance department, he had undertaken verification of complaints or detailed investigation thereafter. Needless to say his ACR shall not be written by such officer/s.
  - (b) All such Vigilance personnel will be deemed to be under the Commission's purview for purposes of consultation in disciplinary matters. This is irrespective of their grade. This cover will be extended to a period of not less than five years from the date of reversion from the vigilance department.
  - (c) All Vigilance personnel on reversion shall be entitled to represent through the CVO and chief executive of the organisation to the Commission if they perceive any victimisation as a consequence of their working in the Vigilance department. This would include transfers, denial of promotion or any administrative action not considered routine or normal. This protection will be extended for a period not less than five years after the reversion of such personnel from the vigilance department.

4. The above instructions may be noted for strict compliance. The CVO should report promptly to the Commission, the details of any real or perceived victimisation of any official who is working in the Vigilance Unit. Similarly, he should also report such instances pertaining to the former officials of the Vigilance Unit, up to a period of five years after they had completed their tenure in the Vigilance Unit. He should also report where such deserving officials are ignored/superseded in matters of promotion.

  
(V. Kannan)  
Director

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

No.006/PRC/1  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 13<sup>th</sup> March 2006

**Circular No. 14/3/06**

**Subject:- Reference to the Commission for its advice – Documents including the draft charge sheet to be enclosed for seeking first stage advice and the documents to be enclosed for seeking second stage advice reg.**

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

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

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

- (a) A self contained note clearly bringing out the facts and the specific point(s) on which Commission's advice is sought. The self contained note is meant to supplement and not to substitute the sending of files and records.
- (b) The bio-data of the officer concerned in the enclosed format (Annexure-I).
- (c) Other documents required to be sent for first stage advice:
  - (i) A copy of the complaint/source information received and investigated by the CVOs;
  - (ii) A copy of the investigation report containing allegations in brief, the results of investigation on each allegation;
  - (iii) Version of the concerned public servant on the established allegations, the reasons why the version of the concerned public servant is not tenable/acceptable, and the conclusions of the investigating officer;
  - (iv) Statements of witnesses and copies of the documents seized by the investigating officer;

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

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

  
(V. Kannan)  
Director

To

All Chief Vigilance Officers

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

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

Signature of C.V.O. \_\_\_\_\_  
Date \_\_\_\_\_  
Tel. No. \_\_\_\_\_

F.No. 006/VGL/5  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi-110023.  
Dated, the 18/01/2006.

**Circular No. 3/1/06**

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

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

The above instructions may be noted for strict compliance.

Sd/-  
(V.KANNAN)  
DIRECTOR

All Chief Vigilance Officers/CBI

No. 004/VGL/18  
Government of India  
Central Vigilance Commission  
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Satarkata Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi-1100 23.  
Dated the 21<sup>st</sup> December, 2005

**Office Order No.74/12/05**

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

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

**“Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case”. The existing para 2 will be marked as para 2 (a).**

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

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

Copy to:-

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

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

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

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

**Subject: Vigilance angle – definition of.**

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

**“Vigilance angle is obvious in the following acts: -**

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

2(a)\*\* There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer’s integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in time – **these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.**

2(b) **Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case.**

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

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.

4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. **All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules."**

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

CVOs may bring this to the notice of all concerned.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

No. 000/VGL/154  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, 'A' Block,  
GPO Complex, INA,  
New Delhi – 110 023  
Dated: 15<sup>th</sup> December, 2005

**Office Order No. 73/12/2005**

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

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

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

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

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

Sd/-  
(Balwinder Singh)  
Additional Secretary

All Chief Vigilance Officers

Copy to:  
Director, CBI, New Delhi

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**Confidential**

No.99/VG/87  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-110 023  
Dated the 30<sup>th</sup> September, 2005

**Office Order No.52/08/05**

**Subject:- Prosecution and Departmental Action.**

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

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

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

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

(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

AVD-III, DOPT

JD (Policy), CBI

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

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**Satarkta Bhawan, Block 'A'  
INA, New Delhi-110023  
The, 12<sup>th</sup> May, 2005.**

**OFFICE ORDER NO. 31/5/05**

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

.....

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

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

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

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

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

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

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

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

Sd/-  
**(Sujit Banerjee)**  
**Secretary**

To

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



No.NZ/PRC/1  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 9<sup>th</sup> May,2005

**Office Order No. 30/5/05**

**Subject:- Reference to the Commission for its advice.**

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

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

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

- (a) A self contained note clearly bringing out the facts and the specific point(s) on which Commission's advice is sought. The self contained note is meant to supplement and not to substitute the sending of files and records.
- (b) The bio-data of the officer concerned in the enclosed format (Annexure-I).
- (c) Other documents required to be sent for first stage advice:
  - (i) A copy of the complaint/source information received and investigated by the CVOs;
  - (ii) A copy of the investigation report containing allegations in brief, the results of investigation on each allegation;
  - (iii) Version of the concerned public servant on the established allegations, the reasons why the version of the concerned public servant is not tenable/acceptable, and the conclusions of the investigating officer;

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

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

(Anjana Dube)  
Deputy Secretary

To

All Chief Vigilance Officers

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

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

Signature of C.V.O. \_\_\_\_\_

Date \_\_\_\_\_

Tel. No. \_\_\_\_\_

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

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

**Office Order No.12/3/05**

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

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

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

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

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

Sd/-  
(Anjana Dube)  
Deputy Secretary

To

All CVOs of Ministries/Departments



No.004/VGL/79  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi-1100 23  
Dated the 4<sup>th</sup> October 2004

**Office Order No. 62/9/04**

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

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

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

(Anjana Dube)  
Deputy Secretary

To

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

No. 99/VGL/3  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block "A", GPO  
Complex, INA, New Delhi  
Dated 26<sup>th</sup> April, 2004

**Office Order No 30.4/04**

To

All Chief Vigilance Officers

**Subject:- Reducing Delays in Departmental Inquiries**

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

Yours faithfully,

Sd/-

(Anjana Dube)  
Deputy Secretary

No. 004/VGL/18  
Government of India  
Central Vigilance Commission  
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Satarkata Bhawan, Block-A,  
GPO Complex, INA,  
New Delhi-1100 23.  
Dated: 13<sup>th</sup> April, 2004

**Office Order No. 23/04/04**

**Subject: Vigilance angle – definition of.**

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

**“Vigilance angle is obvious in the following acts: -**

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
  - (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
  - (iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
  - (iv) Possession of assets disproportionate to his known sources of income.
  - (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.
2. There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer’s integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in time – **these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.**

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.

4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. **All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules."**

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

CVOs may bring this to the notice of all concerned.

Sd/-  
(Anjana Dube)  
Deputy Secretary

All Chief Vigilance Officers

No. 000/VGL/18  
Government of India  
Central Vigilance Commission  
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Satarkta Bhavan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 27<sup>th</sup> February 2004

**Office Order No. 13/02/04**

To

All Chief Vigilance officers of Ministries / Departments / autonomous organisations and societies.

**Sub: Delay in finalising of Vigilance cases.**

Sir/Madam,

The Commission has observed that a large number of departmental inquiries remain pending with the disciplinary authorities for long periods. The Commission has laid down the time limits in conducting investigations and departmental inquiries vide instruction No. 000/VGL/18 dt. 23.5.2000 and dated 3.3.2003. However, it is seen that these time limits are not adhered to by various organisations and there is no mechanism to monitor the progress made in the inquiries.

2. It has come to notice of the Commission, that one of the PSUs has formed a vigilance committee consisting of Director (P), Director (OP) and CVO to monitor the progress of the departmental inquiries. This committee reviews the progress of the departmental inquiries quarterly.

3. The Commission suggests that similar type of system should be adopted in other organisations, suited to their requirement, to monitor the progress made in departmental inquiries and check delays in completion of inquiries.

4. Action taken in this regard may be intimated.

Yours faithfully,

Sd/-  
(Anjana Dube)  
Deputy Secretary

No.003/DSP/3  
Government of India  
Central Vigilance Commission  
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Satarkta Bhavan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 26<sup>th</sup> February 2004

**Office Order No.14/02/04**

To

All Secretaries to the Government of India  
All Chief Vigilance Officers  
Deputy Secretary (AVD III), DOPT

**Subject:- Role of Disciplinary Authority in decision taken.**

Sir/Madam,

The Commission vide its Office Order No. 51/9/03 dated 15.9.2003 stressed the need for self-contained speaking and reasoned orders to be issued by the authorities exercising disciplinary powers. The Commission has however, noticed that at the time of issuing final orders imposing a penalty on the charged officer on the advice of the Commission and/or at the time of deposing affidavits in the courts, some Disciplinary Authorities (DA) mention the Commission's reference. The Commission has observed that this leads to an unwarranted presumption that the DA has acted under the influence/pressure of the Commission.

2. The DAs are again informed that, their orders in the matter of disciplinary cases or affidavits to the courts, should in no case imply that any decision has been taken under the influence of the Commission; as the Commission is only an Advisory Body and it is for the Disciplinary Authority to apply its mind subsequent to obtaining the Commission's advice and take reasoned decisions on each occasion. The Disciplinary Authorities are required to strictly follow the above guidelines of the Commission at all stages.

Yours faithfully,

Sd/-  
(Anjana Dube)  
Deputy Secretary

No.004/VGL/3  
GOVERNMENT OF INDIA  
CENTRAL VIGILANCE COMMISSION  
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Satarkata Bhawan, A, Block,  
GPO Complex, INA,  
New Delhi-1100 23.  
Dtd:19<sup>th</sup> February, 2004

**Office Order No.11/02/04**

To,

- (1) All Secretaries to the GOI.
- (2) Chief Executives of all PSUs/Banks/Orgn.
- (3) All CVOs
- (4) Dy. Secy.(AVD.III), DOPT

**SUB: Commission's advice in cases not having vigilance angle.**

Sir,

The Commission has observed that the Deptts./Ministries are not properly interpreting and appreciating the advice of the Commission that "there is no vigilance angle to the alleged lapses and the Department may take appropriate action in the matter".

2. The Cases where the lapses are not having vigilance angle, it does not automatically mean that no disciplinary proceedings have to be taken. In such cases the disciplinary authority may take appropriate action under the Conduct and Disciplinary Rules and the matter need not be referred to the Commission again for consultation.

Yours faithfully,

Sd/-  
(Anjana Dube)  
Deputy Secretary

No.000/VGL/187  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 8<sup>th</sup> January, 2004

**Office Order No. 2/1/04**

To

All CVOs of Public Sector Enterprises

**Subject:- Obtaining Commission's advice in composite cases.**

Sir,

Para 16.2 of Special Chapter on Vigilance Management in Public Sector Enterprises provides that if an employee of a PSU involved in a case, falls within the Commission's jurisdiction, latter's advice would be required and any decision of the disciplinary authority at this juncture may be treated as tentative. Such a reference would be required to be made even in respect of an officer/staff who are not within the Commission's jurisdiction if they are involved alongwith other officers who are within the jurisdiction of the Commission, as the case would than become a composite case and falls within the Commission's jurisdiction.

2. However, it has been observed by the Commission that a number of organisations are not following this procedure and de-linking the suspected employees in a composite case. This is not in consonance with the Commission's directives. The Commission again reiterates that a composite case should be processed as 'one' and action against every individual employee should be taken only on Commission's advice, even if there is only one official who comes within Commission's jurisdiction.

Yours faithfully,

Sd/-  
(Anjana Dube)  
Deputy Secretary

Confidential

No.003/DSP/9  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 8<sup>th</sup> January, 2004

**Office Order No. 1/1/04**

To

All Chief Vigilance Officers

**Subject: Difference of opinion between CBI and Administrative authorities.**

Sir/Madam,

The Commission has decided that where there is difference of opinion between the Deptt./organisation and the CBI in cases where the latter have recommended prosecution under PC Act etc., the Commission would hold a joint meeting with the representatives of CBI and concerned Deptt./organisation. In such a meeting the CVO of the Deptt./organisation should take a brief from the disciplinary authority in this regard. However, if the DA wishes to attend the joint meeting, the Commission has no objection to it.

2. CVOs may bring this to the notice of all concerned Disciplinary Authorities.

Sd/-  
(Anjana Dube)  
Deputy Secretary

**No.98/DSP/9  
Government of India  
Central Vigilance Commission**

**Satarkta Bhavan, Block "A"  
GPO Complex, I.N.A.  
New Delhi-110023  
Dated the 13th August, 2003**

**OFFICE ORDER NO. 36/7/03 dated 9.7.2003**

**Subject:- Clarifications on Commission's Directions**

**During the meeting of the Central Vigilance Commission with CMDs of Public Sector Banks at IBA, Mumbai on 25.02.2003, a number of issues were raised. The Commission clarified these issues as follows:**

**(i) Commission's directive dated 11.10.2002 on dealing with anonymous/pseudonymous complaints.**

It was requested to reconsider the Commission's directive on dealing with anonymous/pseudonymous complaints modifying the earlier advice of not to take cognizance of such complaints. The Commission is of the view that such a verification cannot be done in a routine manner and in case any department/organization wanted to verify the facts, then a reference to the Commission is necessary. There is, therefore, no change in the Commission's earlier ruling on action on anonymous/pseudonymous complaints.

**(ii) Commission's clarification dated 10.02.2003 on non-acceptance of the Commission's advice in the matter of appeals.**

It was requested to reconsider the Commission's clarification dated 10.02.2003 on non-acceptance of the Commission's advice in the matter of appeals. It was clarified that the DA could differ with the Commission's 2<sup>nd</sup> stage advice for valid reasons and this applied to the Appellate Authority also. The right to the Appellate Authority to differ with the Commission, therefore, not interfered with. The Appellate Authority should satisfy himself that the DA has applied his mind and then take his own independent decision. The Commission, however, would take a view as to whether the 'deviation' in such cases is serious enough to warrant inclusion in its Annual Report.

**(iii) Reference of cases to CBI**

It was clarified that the institution, at the initial stage itself, depending on the facts of the case, should decide whether the case is to be entrusted to the local police or CBI.

**(iv) Posting of officer in 'agreed list'**

It was clarified that drawing up and revising the agreed list with the assistance of CVO is left to the CEOs and if it is desired that a person in the agreed list is to be posted in a particular position, the institution may take the decision for specific reasons.

**Sd/-  
(Anjana Dube)  
Deputy Secretary**

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

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Satarkta Bhavan, Block "A"  
GPO Complex, I.N.A.  
New Delhi –110023  
Dated the 3<sup>rd</sup> March 2003

To

- (1) The Secretaries of Ministries/Departments, autonomous organizations and Societies etc.
- (2) CMDs of all PSUs including PSBs.

**Subject:- Delay in implementation of Commission's advice.**

**Reference: Commission's instructions vide Circular letter No. 000/VGL/18 dated 23.05.2000 and 003/MMT/02 dated 07.01.2003.**

The Commission would like to invite the attention of disciplinary authorities to a large number of advices from it at both first and second stage pending implementation for long periods. It must be understood that a reasonable time limit for concluding and finalizing vigilance cases is already built in the procedure for disciplinary proceedings. Besides the responsibility for ensuring quick disposal of disciplinary proceedings rest with the administration and the vigilance department cannot be called in to share it at the advice implementation stage. Therefore administration must appreciate that it will be called upon to explain inordinate delay over the above the prescribed time limits for finalizing disciplinary cases. **Accordingly the Commission would like to direct that subsequent to its first and second stage advice the responsibility for finalization and award of punishment passes on from the vigilance to the personnel department.**

**Administration may impress upon all concerned and especially the personnel departmental that in view of the shift in responsibility from the vigilance to the personnel, any delay over and above the prescribed time limits for finalization of disciplinary cases will be viewed as misconduct by the Commission and will render the concerned officials of the personnel department and others concerned liable for being proceeded from the vigilance angle with its attendant ramifications.**

Kindly acknowledge receipt and confirm having taken steps for compliance of the above instructions. A copy of this letter is also being endorsed to the CVOs of the organizations for necessary followed up action.

Yours faithfully,

Sd/-  
(R. Ashok)  
Additional Secretary  
Telefax: 24651017

No.002/MSC/15  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 10<sup>th</sup> February 2003

To

All Chief Vigilance Officers

**Subject: Entitlement of TA/DA to the private witnesses and the retired employees appearing before departmental inquiry.**

Sir,

It has come to the notice of the Commission that some of the organisations are reluctant to pay TA/DA to their retired employees for appearance in departmental inquiries. It has also been noticed that some of the private persons, summoned to appear as witnesses, had made payment of advance TA/DA a pre-condition for appearance.

2. The position regarding the payment of TA/DA to private persons or retired employees appearing as defence witnesses has been provided in the Ministry of Finance U.O. Note 3221-E IV(B)/61 dated 20.11.1961 and O.M. No. F.5(15) F.IV (B)/68 dated 15.09.1969 which inter-alia lay down that the private persons or retired employees appearing as prosecution or defence witnesses in departmental inquiries including those conducted by the Commissioner of Departmental Inquiries should be paid TA/DA. The Commission reiterates these instructions and expects the organisations/departments to follow these scrupulously.

Yours faithfully,

Sd/-  
(Mange Lal)  
Deputy Secretary  
Telefax- 24651010

Immediate

No. 3S/DSP/1  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110023  
Dated the 14<sup>th</sup> June 2002

To

All Chief Vigilance Officers

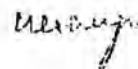
**Subject: Promotion of Govt. Servants against whom preliminary inquiries are pending – clarification regarding.**

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Sir/Madam,

The undersigned has been directed to refer to the Commission's letter of even number dated 28.03.2002, on the above subject, and to say that the instructions contained therein are hereby withdrawn. The Commission, however, desires that in the matter of promotion of public servants, the instructions contained in DOPT's O.M.No.22011/4/91-Estt.(A) dated 14.09.1992 may be followed strictly.

Yours faithfully,



(K.L. Ahuja)  
Officer on Special Duty

No.001/VGL/82  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi – 110023.  
Dated: 11<sup>th</sup> February 2002

To

All Chief Vigilance Officers

**Sub: Video taping of evidence.**

Sir,

It has been brought to the notice of the Commission that in Indian Airlines, departmental proceedings have been initiated and brought to successful completion in a case which emanated from a complaint that an official had demanded illicit gratification from a user. The crucial witness in the proceedings was the complainant who could not be personally present; a videotape of the complaint was utilised in the proceedings and it was considered sufficient to establish the case though preponderance of probability.

2. This is being brought to the notice of all concerned for similar action in such situations.

Yours faithfully,

Sd/-

**(C.J. Mathew)**  
**Deputy Secretary**

No.: 001/DSP/6  
Government of India  
Central Vigilance Commission

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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi – 110023.  
Dated the 2<sup>nd</sup> November, 2001.

To

The All Chief Vigilance Officers

**Sub: Ensuring attendance by private witnesses in Departmental Inquiries.**

Sir,

It has been observed that in many cases warranting initiation of major penalty proceedings, the main impediment is the distinct possibility that private witnesses, who are required to provide crucial evidence, are likely to evade appearance before the Inquiry Authority.

2. The provisions of Departmental Inquiries (Enforcement of Attendance of witnesses and Production of Documents) Act, 1972 can be taken recourse to in such cases. This Act is applicable to all inquiry proceedings where lack of integrity is a charge or part of a charge. The inquiry authority authorised under the Act is conferred with the powers of a trial court to summon witnesses/documents and such summons shall be served through a District Judge. The authorisation to summon under the Act can be issued only by the Central Govt. Therefore, wherever lack of integrity is a charge and witnesses have to be compelled to attend, a proposal will have to be made to the Central Govt. by the concerned inquiry authority for issue of a notification conferring the power under the Act.

3. This may be resorted to when considered necessary.

4. This issues with the approval of the Commission.

Yours faithfully,

Sd/-  
**(C.J. Mathew)**  
**Deputy Secretary**

**No.3(v)/99/14**  
**Government of India**  
**Central Vigilance Commission**  
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**Satarkta Bhawan, Block 'A',**  
**GPO Complex, I.N.A.,**  
**New Delhi- 110 023**  
**Dated the 16<sup>th</sup> May 2001**

**Subject: System improvement to fight corruption through better synergy between CAG and CVC.**

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Under the powers vested in the DOPT Resolution No.371/20/99-AVD.III dated 4<sup>th</sup> April 1999, para 3(v), the following instructions are issued:

The audit reports of the Comptroller & Auditor General many a time reveal not only administrative and financial irregularities but also actual cases of corruption. The CAG reports are generally well documented and would be useful in bringing the corrupt public servants to book.

2. There is a need for introducing a system for prompt follow up action in the cases of corruption brought out by the CAG in its audit reports. The Public Accounts Committee and the Committee on Public Undertakings which scrutinise the CAG reports may not have the time to scrutinise all the reports and all the paragraphs. At the same time, the valuable information available through the CAG audit reports in the form of documented cases of corruption call for prompt action on the part of the disciplinary authorities.

3. It is, therefore, decided that with immediate effect the CVOs in all the organisations must scrutinise the CAG audit reports issued after the date of this circular to check whether any cases of corruption are revealed in them. In all such cases immediate action must be initiated against the public servants concerned through the standard practice of referring vigilance cases to CVC.

4. The Commission had also been in correspondence with the CAG on this subject. It has been agreed that all serious cases of malpractices reported by CAG which are perceived to have a vigilance angle would also be sent to the Commission for examination and follow up action. On receiving such references from CAG, the CVC would take follow up action with the disciplinary authorities. In this way, it will be ensured that the cases of corruption and issues having a vigilance angle are not lost sight of and there is effective synergy between CAG and CVC to Strengthen the system to fight corruption.

5. This instruction is also available on the CVC web site at <http://cvc/nic.in>.



(N. VITTAL)  
CENTRAL VIGILANCE COMMISSIONER

To

1. The Secretaries of all Ministries/Departments of Government of India
2. The Chief Secretaries to all Union Territories
3. The Comptroller & Auditor General of India
4. The Chairman, Union Public Service Commission
5. The Chief Executives of all PSEs/Public Sector Banks/ Insurance Companies/Autonomous Organisations/ Societies
6. The Chief Vigilance Officers in the Ministries/Departments/PSEs/ Public Sector Banks/Insurance Companies/Autonomous Organisations /Societies
7. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO
8. Director, CBI
9. Department of Personnel & Training, North Block, New Delhi

001/VGL/5  
Government of India  
Central Vigilance Commission  
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Satarkta Bhawan, Block 'A',  
GPO Complex, INA,  
New Delhi- 110 023  
Dated the 25<sup>th</sup> April 2001

To

- (i) Secretaries of all Ministries/Departments of Government of India.
- (ii) Chief Executives of all PSEs/Public Sector Banks/Insurance Companies/  
Autonomous Organisations/Societies.
- (iii) CVOs of all Ministries/ Departments / Public Sector Undertakings/  
Organisations.

**Subject: Tackling corruption through a proper follow up of audit reports.**

Sir,

Audit is an important tool available for proper control of organisations and the office of the Comptroller and Auditor General (CAG) has been envisaged as the body established for carrying out the necessary checks and reporting of irregularities. It has, however, been observed by the Commission that in response to CAG reports, apart from replying to the office of CAG and to the Public Accounts Committee, no serious effort is undertaken to identify the officials responsible and to initiate disciplinary proceedings, where warranted. As a result, the audit exercise remains an unfulfilled one and irregularities continue to be repeated.

2. The Commission has been in correspondence with CAG on this subject and it has been decided that all serious cases of malpractices reported by the CAG which have a perceived vigilance angle would be sent to the Commission for examination and follow up action.

3. However, this does not absolve the Ministries, Departments and other organisations of their administrative responsibility. It has, therefore, been decided that, in future, all audit reports should be examined by the administrative head to identify the officials responsible for the lapses. Initiation of disciplinary action should be the objective of this examination and the matter is to be referred thereafter to the CVO for complying with the procedure stipulated. Any audit report on which it has been decided that no action is to be initiated is to be furnished, within three months of receipt, to the CVO for a further examination. The CVO is to furnish quarterly data to the Commission about such cases.

This is issued for strict compliance by all concerned.

Yours faithfully,

Sd/-  
**(C.J. Mathew)**  
**Deputy Secretary**

No.000/VGL/166  
Government of India  
Central Vigilance Commission  
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Satarkata Bhavan, Block "A"  
GPO Complex, I.N.A.,  
New Delhi-110023  
Dated the 16<sup>th</sup> January 2001

To

All CVOs of Ministries/Departments of Govt. of India/Nationalised Banks/  
PSUs/Autonomous Bodies etc.

**Subject: Advance copy of CVO investigation report to CVC.**

Please refer to instructions issued under the Commission's Circular of even number dated 9/11/2000 regarding advance copy of CVO investigation report to CVC. Consequent upon the issue of the instructions, certain clarifications have been sought by some Departments/Organisations on the issue. The matter has been considered in the Commission and it is clarified as under:

- i) The Commission's circular dated 9.11.2000 refers to investigations carried out by the Vigilance Wing of the concerned Ministries/Departments/Organisations into acts of omission and commission on the part of officers coming within the purview of the Commission's jurisdiction.
- ii) It is reiterated that notwithstanding the submission of advance copy by the CVO, a separate reference in accordance with the usual procedure needs to be made to the Commission to enable tendering of advice.
- iii) CVOs are to furnish advance copies to the Secretary, Central Vigilance Commission and not to the undersigned.

This issues with the approval of the Commission.

Yours faithfully,

Sd/-  
(C.J.Mathew)  
Deputy Secretary

**000/VGL/166**  
**Government of India**  
**Central Vigilance Commission**  
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**Satarkta Bhawan, Block 'A',  
GPO Complex, INA  
New Delhi-110013.**

**Dated the 9<sup>th</sup> November, 2000**

**To**

**All Chief Vigilance Officers of Ministries/ Departments of Government of India/ Nationalised Banks/ PSU's Autonomous Bodies, Societies etc.**

**Subject: Advance copy of CVO investigation reports to CVC.**

The Commission finds that there is a disturbing trend noticed in certain organisations under its purview to shield corrupt public servants especially at the senior levels. The modus operandi is not to respond to the CVC's communications and delay the report as far as possible. Secondly when the CVOs report is submitted, attempts are made to dilute the gravity of offence before reference is made to CVC, if it all made.

2. In order to reduce such in-built safety nets for the corrupt public servants, it has been decided that with immediate effect all CVOs, when they complete their investigation in vigilance cases, will endorse an advance copy of their report to the CVC while submitting their reports/ comments to the superiors in the organisations. The CVC in turn would analyse the reports/ comments and keep the course of action ready. As soon as the reference is received from the appropriate disciplinary authority, could be taken for giving the advice after taking into account the specific advice of the disciplinary authorities. If attempts have been made to dilute the CVOs report and shield the corrupt, this would also become clear.

3. After the CVO gives the investigation report generally the appropriate authorities must be able to send the report to the CVC within one month of the submission of the report. It is quite possible that a series of queries can be raised by way of scrutiny of the CVOs report which can sometimes be a deliberate attempt to shield the corrupt. In such cases, the CVC will be constrained to draw appropriate conclusion about the action being taken by the CVO.

Yours faithfully,

Sd/-  
(C.J. Mathew)  
Deputy Secretary

No.99/VGL/66  
Government of India  
Central Vigilance Commission  
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Satarkta Bhavan, Block "A",  
GPO Complex, I.N.A.,  
New Delhi-110023  
Dated the 28<sup>th</sup> September 2000

To

**All Chief Vigilance Officers of Ministries / Departments of Government of India/ Nationalised Banks / PSUs / Autonomous Bodies, Societies etc.**

**Subject: - Consultation with the CVC - Making available a copy of the CVC's advice to the concerned employee.**

Sir,

Para 3.6 (iii), chapter XI and para 8.6, Chapter XII of the Vigilance Manual, Vol. I, provide that the advice tendered by the Central Vigilance Commission is of a confidential nature meant to assist the disciplinary authority and should not be shown to the concerned employee. It also mentions that the Central Vigilance Commission tenders its advice in confidence and its advice is a privileged communication and, therefore, no reference to the advice tendered by the Commission should be made in any formal order.

2. The Commission has reviewed the above instructions in view of its policy that there should be transparency in all matters, as far as possible. The Commission has observed that the Hon'ble Supreme Court had held a view in the case - State Bank of India Vs. D.C. Aggarwal and another [Date of Judgement: 13.10.1992] - that non-supply of CVC's instructions, which was prepared behind the back of respondent without his participation, and one does not know on what material, which was not only sent to the disciplinary authority but was examined and relied, was certainly violative of procedural safeguard and contrary to fair and just inquiry. Further, the Hon'ble High Court of Karnataka at Bangalore, in writ Petition No. 6558/93, has also observed that if a copy of the report (CVC's advice) was furnished to the delinquent officer, he would have been in a position to demonstrate before the disciplinary authority either to drop the proceedings or to impose lesser punishment instead of following blindly the directions in the CVC's report.

3. The Commission, at present, is being consulted at two stages in disciplinary proceedings, i.e. first stage advice is obtained on the investigation report before issue of the charge sheet, and second stage advice is obtained either on receipt of reply to the charge sheet or on receipt of inquiry report. It, however, does not seem necessary to call for the representation of the concerned employee on the first stage advice as the concerned employee, in any case, gets an opportunity to represent against the proposal for initiation of departmental proceedings against him. Therefore, a copy of the Commission's first stage advice may be made available to the concerned employee along with a copy of the charge


sheet served upon him, for his information. However, when the CVC's second stage advice is obtained, a copy thereof may be made available to the concerned employee, along with the IO's report, to give him an opportunity to make representation against IO's findings and the CVC's advice, if he desires to do so.

4. In view of the position stated above, para 3.6 (iii), Chapter XI and para 8.6, Chapter XII of the Vigilance manual, Vol. I, and also para 2 of the Commission's letter No. 6/3/73-R dated 20.08.1973 may be treated as deleted.

5. Para 12.4.4 of Special Chapter on Vigilance Management in Public Sector Banks and para 22.6.4 of the Special Chapter on Vigilance Management in Public Sector Enterprises envisage that the inquiring authorities, including the CDIs borne on the strength of the Commission, would submit their reports to the disciplinary authority who would then forward the IO's reports, along with its own tentative views to the Commission for its second stage advice. The existing procedure in this regard may broadly continue. The disciplinary authority may, after examination of the inquiry report, communicate its tentative views to the Commission. The Commission would thereafter communicate its advice. This, along with the disciplinary authority's views, may be made available to the concerned employee. On receiving his representation, if any, the disciplinary authority may impose a penalty in accordance with the Commission's advice or if it feels that the employee's representation warrants consideration, forward the same, along with the records of the case, to the Commission for its reconsideration.

6. Thus, if on the receipt of the employee's representation, the concerned administrative authority proposes to accept the CVC's advice, it may issue the orders accordingly. But if the administrative authority comes to the conclusion that the representation of the concerned employee necessitates reconsideration of the Commission's advice, the matter would be referred to the Commission.

Yours faithfully,

  
(K.L. Ahuja)  
Officer on Special Duty

**No.000/VGL/70**  
**Government of India**  
**Central Vigilance Commission**

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**Satarkata Bhavan, Block "A",**  
**GPO Complex, I.N.A.,**  
**New Delhi - 110 023.**  
**Dated 25<sup>th</sup> September 2000**

**Subject: - Suspension of public servants involved in criminal/departmental proceedings.**

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Suspension is an effective tool for checking corruption. There have been many instances where senior officials, who had been trapped or were alleged to have disproportionate wealth or who were facing charge sheets on other serious charges, had not been suspended. It has also come to notice that officers charged of corruption, if not suspended, manage to get their inquiries delayed because delay in criminal/departmental proceedings enables them to continue in service even though the charges against them are grave enough to deserve the punishment of dismissal from service. Such officials can also use the opportunity of continuance in service for earning money through illegal/corrupt means. The Commission, therefore, is of the view that officers facing criminal/ departmental proceedings on serious charges of corruption should be placed under suspension as early as possible and their suspension should not be revoked in a routine manner.

2. It has been provided in para 2.4, Chapter V of the Vigilance Manual, Volume-I, that public interest should be the guiding factor in deciding whether, or not, a public servant should be placed under suspension; or whether such action should be taken even while the matter is under investigation and before a prima-facie case has been established. The instructions provide that it would be appropriate to place a person under suspension if: -

- (i) the continuance of the public servant in office is likely to prejudice investigation, trial or inquiry [apprehending tampering with documents or witness]; or
- (ii) where the continuance in office of the public servant is likely to seriously subvert discipline in the office in which he is working;
- (iii) where the continuance in office of the public servant will be against the wider public interest, e.g., if there is a public scandal and it is considered necessary to place the public servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;

- (iv) where the investigation has revealed a prima-facie case justifying criminal/departmental proceedings which are likely to lead to his conviction and/or dismissal, removal or compulsory retirement from service; or
- (v) where the public servant is suspected to have engaged himself in activities prejudicial to the interest of the security of the State.

3. Para 2.5, Chapter V of the Vigilance Manual, Volume-I also lays down that it may be considered desirable to suspend a public servant for misdemeanor of the following types: -

- (i) an offence or conduct involving moral turpitude;
- (ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gains;
- (iii) serious negligence and dereliction of duty resulting in considerable loss to Government;
- (iv) desertion of duty; and
- (v) refusal or deliberate failure to carry out written orders of superior officers.

[In case of types (iii), (iv) and (v) discretion should be exercised with care].

4. It has also been provided in para 17 of the "Directive on investigation of cases by the Special Police Establishment Division of the CBI" that the CBI would recommend suspension of the concerned employees in appropriate cases.

5. The Central Vigilance Commission has been empowered, vide para 3 (v) of the Government of India's Resolution No.371/20/99-AVD.III dated 4<sup>th</sup> April 1999, to exercise superintendence over the vigilance administration of various Ministries of the Central Government or Corporations established by or under any Central Act, Government Companies, Societies and local authorities, owned or controlled by that Government. Since the suspension of a public servant on serious charges, like corruption, is directly related to the vigilance administration, the Commission hereby desires that all disciplinary authorities should follow the instructions enumerated in paras 2, 3 and 4 supra strictly. It also desires that if the CBI recommends suspension of a public servant and the competent authority does not propose to accept the CBI's recommendation in that regard, it may be treated as a case of difference of opinion between the CBI and the administrative authority and the matter may be referred to the Commission for its advice. It also directs that if a

person had been suspended on the recommendations of the CBI, the CBI may be consulted if the administrative authority proposes to revoke the suspension order.

6. These instructions are available on the CVC's web-site <http://cvc.nic.in>

  
(N. VITTAL) 25.9.2000  
CENTRAL VIGILANCE COMMISSIONER

To

1. The Secretaries of all Ministries/Departments of Government of India.
2. The Chief Secretaries to All Union Territories.
3. The Comptroller & Auditor General of India.
4. The Chairman, Union Public Service Commission.
5. The Chief Executives of All PSEs/Public Sector Banks/ Insurance Companies/Autonomous Organisations/ Societies.
6. The Chief Vigilance Officers in the Ministries/ Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
7. President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO.
8. Director, CBI.
9. Department of Personnel & Training, North Block, New Delhi.

**No.3(V)/99/12**  
**Government of India**  
**Central Vigilance Commission**  
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Satarkata Bhavan, Block 'A'  
GPO Complex, I.N.A.,  
New Delhi-110023  
Dated the 14<sup>th</sup> August 2000

**Subject: - Appointment of consultants in vigilance departments.**

It was stated in the Department of Personnel & Training's OM No.371/32/97-AVD.III dated 28.11.1997 that contrary to the instructions governing appointment of CVOs, such functions as are to be performed strictly by the CVOs or vigilance set-ups in the Ministries/Departments were assigned to outsiders engaged as consultants. It was clarified that consultants are not appointed against any regular post and, therefore, their engagement itself for sensitive functions of vigilance and discipline was against the spirit of the scheme of "vigilance and discipline".

2. The appointments against the posts of CVOs are made with the prior approval of the Commission. The Commission, therefore, takes care of the situation that no organisation appoints a consultant to perform the functions of a CVO. It has, however, been observed by the Commission that some of the organisations have appointed retired officers as consultants in the vigilance/personnel departments to perform vigilance functions, in the capacities of other than the CVO.

3. A person, who is not a full-time employee of the Government/public sector enterprise etc., may be amenable to influence. There is also a possibility that the retired officers, appointed as consultants, may provide a convenient legal cover for going easy on corrupt practices, as they may be financially obliged to the Management. It is also difficult to make them accountable for the misconduct committed by them. Therefore, the Commission in exercise of the powers conferred upon it, vide para 3(v) of the Government of India's Resolution No. 371/20/99-AVD.III dated 04.04.1999, directs that the vigilance functionaries should always be full-time employees of the organisation and in no case a retired employee should be appointed as a consultant to perform vigilance functions. If there is not sufficient vigilance work for a full-time functionary in the organisation, the organisation may entrust him some other work in addition to vigilance work.

4. The above instructions may please be followed strictly. For any violation of the above instructions, the CVO and the chief executive of the concerned organisation may be held responsible.

5. This order is available on the CVC's website <http://cvc.nic.in>.

  
(N. VITTAL) 14. 8. 2010  
CENTRAL VIGILANCE COMMISSIONER

To

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) The Comptroller & Auditor General of India
- (iv) The Chairman, Union Public Service Commission
- (v) Chief Executives of all Public Sector Undertakings/ Banks/ autonomous organisations etc.
- (vi) All Chief Vigilance Officers in the Ministries/Departments/ PSEs/Public Sector Banks/Insurance Companies/ Autonomous Organisations/Societies
- (vii) President's Secretariat/Vide President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO/CBI
- (viii) The NGOs/Institutes/Service Associations (appearing in the Commission's mailing list)

**No.3(v)/99/8**  
**CENTRAL VIGILANCE COMMISSION**

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**Satarkta Bhavan, Block "A"**  
**GPO Complex, I.N.A.**  
**New Delhi-110023**  
**Dated the 5<sup>th</sup> October,1999.**

**Subject:- Drafting of charge- sheet.**

Inadequate skill in drafting the charge-sheet is one of the reasons which help the charged officials to get away with lapses/misconduct committed by them. Many cases fail before the Courts of Law just because of the defective framing of charge-sheets. It has been observed by the Commission that the chargesheets are sometimes framed in a very general way and the existing practice with regard to framing of charges and imputations vary widely. Sometimes the charge itself is framed in a very general way, only pointing out that the official concerned has acted in an unbecoming manner or has shown lack of devotion to duty or has acted without integrity. The real issues, in such circumstances, are to be found in the statement of imputations. It has also been observed by the Commission that the organisations/Ministries etc. while framing the charge sheets list serious irregularities/charges in the imputations but do not mention the same in the articles of charge. Many a times the charges are not framed in accordance with the advice given by the Commission, thereby diluting the central issues.

2. Rule 14(3)(i) of the CCS (CCA) Rules stipulates that "the substance of the imputations of misconduct or misbehaviour into distinct articles of charge" should be drawn up by the Disciplinary Authority whenever it is proposed to hold an enquiry against a Government servant. This would mean that no charge can be proper or complete without including therein elements of the main content of the allegations/imputations. Therefore, the spirit of all Conduct, Discipline & Appeal Rules imply that there should be a specific finding on each allegation made against the officer. At the end, the IO must then apply his mind to come to a conclusion as to whether the charge as a whole has been proved wholly, partially or not at all.

3. It has to be understood that the statement of imputations/allegations annexed are supplementary/supportive material to the charge sheet; they are details of facts/evidence to support the charges made, and should contain names of witnesses/documents in support of the charges. That is, the statement of imputations is to make the basis of the charge, allegation-wise, precise and specific and should include details of what exactly each witness/document is going to prove regarding every charge. Each charge should also have a separate statement of imputations of

misbehaviour/misconduct. The common failing of listing out one long statement of misconduct/misbehaviour ought to be avoided.

4. The Commission has also issued instructions earlier which are reproduced in Para 14.1 to 14.3 of Chapter X of Vigilance Manual Part I stipulating that the articles of charge should be framed with great care. Broad guidelines as to how the articles of charge should be framed have also been indicated therein. Similarly, the common mistakes which have been noticed by the Commission in framing the chargesheet have also been incorporated in Para 12.1.3 of the special Chapter on Vigilance Management in Banks and Para 20.1.3 in the Special Chapter in PSEs. These are reproduced below:-


"Special care has to be taken while drafting a chargesheet. A charge of lack of devotion to duty or integrity or unbecoming conduct should be clearly spelt out and summarised in the Articles of charge. It should be remembered that ultimately the IO would be required to give his specific findings only on the Articles as they appear in the chargesheet. The Courts have struck down chargesheets on account of the charges framed being general or vague (S.K. Raheman Vs. State of Orissa 60 CLT 419.) If the charge is that the employee acted out of an ulterior motive that motive must be specified (Uttar Pradesh Vs. Salig Ram AIR 1960 All 543). Equally importantly, while drawing a charge sheet, special care should be taken in the use of language to ensure that the guilt of the charged official is not pre-judged or pronounced upon in categorical terms in advance (Meena Jahan Vs. Deputy Director, Tourism 1974 2SLR 466 Cal). However, the statement merely of a hypothetical or tentative conclusion of guilt in the charge, will not vitiate the charge sheet (Dinabandhu Rath Vs. State of Orissa AIR 1960 Orissa 26 cf. Also Powari Tea Estate Vs. Barkataki (M.K.) 1965 Lab LJ 102)".

5. Notwithstanding the extant instructions/guidelines many organisations continue to make avoidable mistakes while framing the charge sheets. Therefore, it is reiterated that the extant instructions on the subject as stated in the aforesaid paras may be followed carefully while drafting the charge sheet, in order to avoid subsequent difficulties. The CVOs of the organisations/Ministries etc. should ensure that these instructions are implemented scrupulously.

6. In addition as already summarised above, an IO is required to give his finding in respect of each article of charge and reasons thereof. As the articles of charge are definite and distinct substance of the statement of imputations of misconduct or misbehaviour, the findings on each articles of charge have to be inter-alia based on statement of imputations. Therefore, the Inquiry Officers are required to record their findings in respect of each allegation framed in support of an article of charge in order to ensure that inquiry reports do not suffer due to deficiencies.

7. All CVOs may ensure strict compliance of the above instructions. CVOs are also instructed to carry out an exercise on their own in respect of cases where the Commission has tendered its first stage advice to ensure that the articles of charge and statement of imputations are in conformity with the advice. The CVOs of Ministries can also check charge sheets in a random manner during their visits/inspections.

8. This instruction is available in the website of CVC at <http://cvc.nic.in>.



(N.VITTAL)

**CENTRAL VIGILANCE COMMISSIONER**

TO

- (i) The Secretaries of All Ministries/Departments of Government of India.
- (ii) The Chief Secretaries to All Union Territories.
- (iii) The Comptroller & Auditor General of India.
- (iv) The Chairman, Union Public Service Commission.
- (v) All Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies.
- (vi) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO.
- (vii) The Director/CBI, New Delhi.