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IMMEDIATE

No. 8(1)(h)/98(1)
CENTRAL VIGILANCE COMMISSION
……..

Jaisalmer House, Man Singh Road,
New Delhi – 110011
Dated the 18th November, 1998

SUB: Improving vigilance administration
……

The Central Vigilance Commission Ordinance 1998 under Section 8(1)(h) directs that the power and function of the CVC will be the following:

> "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".

2. Improving vigilance administration is possible only if system improvements are made to prevent the possibilities of corruption and also encourage a culture of honesty. In exercise of the powers conferred on the CVC by Section 8(1)(h), the following instructions are issued for compliance:

2.1 Creating a culture of honesty

Many organisations have a reputation for corruption. The junior employees and officers who join the organisations hopefully may not be so corruption minded as those who have already been part of the corrupt system. In order to ensure that a culture of honesty is encouraged and the junior officers do not have the excuse that because their seniors are corrupt, that they have to also adopt the corrupt practices, it is decided with immediate effect that junior employees who initiate any proposal relating to vigilance matters which is likely to result in a reference to the CVC can send a copy directly to the CVC by name. This copy will be kept in the office of the CVC and data fed into the computer. If within a reasonable time of say three to six months, the reference does not come to the CVC, the CVC then can verify with the concerned authorities in the department as to what happened to the vigilance case initiated by the junior employee. If there is an attempt to protect the corrupt or dilute the charges, this will also become visible. Above all the junior officers will not have the excuse that they have to fall in line with the corrupt seniors. Incidentally, the seniors also cannot treat the references made directly to the CVC as an act of indiscipline because the junior officers will be complying with the instructions issued under Section 8(1)(h) of the CVC Ordinance 1998. However, if a junior officer makes a false or frivolous complaint it will be viewed adversely.

2.2 Greater transparency in administration

2.2.1 One major source of corruption arises because of lack of transparency. There is a scope for patronage and corruption especially in matters relating to tenders, cases where exercise of discretion relating to out of turn conferment of facilities/ privileges and so on. Each Organisation may identify such items which provide scope for corruption and where greater transparency would be useful. There is a necessity to maintain secrecy even in matters where discretion has to be exercised. But once the discretion has been exercised or as in matters of tenders, once the tender has been finalised, there is no need for the secrecy. A practice, therefore, must be adopted with immediate effect by all organisations within the purview of the CVC that they will publish on the notice board and in the organisation's regular publication the details of all such cases regarding tenders or out of turn allotments or discretion exercised in favour of an employee/party. The very process of publication of this information will provide an automatic check for corruption induced decisions or undue favours which go against the principles of healthy vigilance administration.

2.2.2 The CVC will in course of time take up each organisation and review to see whether any additions and alterations have to be made to the list of items which the organisation identified in the first instance for the monthly communications for publicity in the interests of greater transparency. This may be implemented with immediate effect.

2.3 Speedy departmental inquiries

2.3.1 One major source of corruption is that the guilty are not punished adequately and more important they are not punished promptly. This is because of the prolonged delays in the departmental inquiry procedures. One of the reasons for the departmental inquiry being delayed is that the inquiry officers have already got their regular burden of work and this inquiry is to be done in addition to their normal work. The same is true for the Presenting Officers also.

2.3.2 Each organisation, therefore, may immediately review all the pending cases and the Disciplinary Authority may appoint Inquiry Officers from among retired honest employees for conducting the inquiries. The names of these officers may be got cleared by the CVC. The CVC will also separately issue an advertisement and start building a panel of names all over India who can supplement the inquiry officers work in the department. In fact, it will be a healthy practice to have all the inquiries to be done only through such retired employees because it can then be ensured that the departmental inquiries can be completed in time. If any service/departmental rules are in conflict with the above instructions they must be modified with immediate effect.
2.3.3 In order to ensure that the departmental inquiries are completed in time, the following time limits are prescribed:

(i) In all cases which are presently pending for appointment of Inquiry Officer and Presenting Officer, such appointment should be made within one month. In all other cases, the Inquiry Officer and the Presenting Officer should be appointed, wherever necessary, immediately after the receipt of the public servant's written statement of defence denying the charges.

(ii) The Oral inquiry, including the submission of the Inquiry Officer's report, should be completed within a period of 6 months from the date of appointment of the Inquiry Officer. In the preliminary inquiry in the beginning requiring the first appearance of the charged officers and the Presenting Officer, the Inquiry Officer should lay down a definite time-bound programme for inspection of the listed documents, submission of the lists of defence documents and defence witnesses and inspection of defence documents before the regular hearing is taken up. The regular hearing, once started, should be conducted on day-to-day basis until completed and adjournment should not be granted on frivolous grounds.

2.3.4 One of the causes for delay is repeated adjournments. Not more than two adjournments should be given in any case so that the time limit of six months for departmental inquiry can be observed.

2.3.5 The IO/PO, DA and the CVO will be accountable for the strict compliance of the above instructions in every case.

2.4 Tenders

Tenders are generally a major source of corruption. In order to avoid corruption, a more transparent and effective system must be introduced. As post tender negotiations are the main source of corruption, post tender negotiations are banned with immediate effect except in the case of negotiations with L1 (i.e. Lowest tenderer).

Sd/-
(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

IMMEDIATE

NO.3(V)/99/9
CENTRAL VIGILANCE COMMISSION
*****

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023

Dated the 1st October, 1999

Subject:- **Applicability of CVC's instruction No.8(1)(h)/98(1) dated 18/11/98 on post- tender negotiations to Projects of the World Bank & other international funding agencies.**

******

The Commission has banned post- tender negotiations except with L-1 vide its instruction No.8(1)(h)/98(1) dated 18/11/98. Subsequently, the Commission had also issued a clarification vide No.98/ORD/1 dated 15/3/99. Notwithstanding the clarifications issued by the Commission, many Departments/Organisations have been approaching the Commission on specific issues which were clarified to the individual departments/organisations.

2. A clarification sought by many Departments/Organisation, which is vital and has relevance to many of the organisations relates to the applicability of the above said instruction of CVC to World Bank Projects. 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/organisations have no other alternative but to go by the criteria prescribed by the World Bank/concerned agencies and the Commission's instruction 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 instruction of 18/11/98 will apply even if they are made with sources outside the Country and if they are within the budget provisions and normal operations of the Department/Organisation,

3. All CVOs may ensure strict compliance of this instruction.

4. This instruction is also available on CVC's Website at http://cvc.nic.in

Sd/-
(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) 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

Immediate

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

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

Dated 24th August, 2000

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 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

Subject: Improving Vigilance Administration-Tenders.

……

Sir,

Please refer to the instructions issued by Commission vide its communication No. 8 (1) (h)/98(1) dated 18.11.98, banning post tender negotiations except with L-1.

2. The Commission has been getting a number of queries on how to handle the matter if the quantity to be ordered is more than L-1 can supply or about placement of orders on Public Sector Undertakings. It is requested that such matters may be dealt with in accordance with the clarifications issued by the Commission vide its letter of even number dated 15.3.99 (copy enclosed).

3. Some of the organisations have sought clarification as to whether they can consider the L-2 offer or negotiate with that firm if L-1 withdraws his offer before the work order is placed, or before the supply or execution of work order takes place. In this regard, it is clarified that such a situation may be avoided if a two-bid system is

followed (technocommercial) so that proper assessment of the offers is made before the award of work order., Therefore, if L-1 party backs out, there should be retendering in a transparent and fair manner. The authority may in such a situation call for limited or short notice tender if so justified in the interest of work and take a decision on the basis of lowest tender.

4. The Commission has also been getting references for its advice on the procedures being followed in individual cases of tenders. The Commission would not involve itself in the decision making process of individual organisations. It, however, would expects the organisations to implement its instructions dated 18.11.98, in its spirit and to ensure that the decisions of administrative authorities are transparent.

Yours faithfully,

Sd/-
(K.L.Ahuja)
Officer on Special Duty

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

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

Dated the 3rd August 2001

To
(i) The Secretaries of all Ministries/Departments of Government of India
(ii) 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 Section Banks/Insurance Companies/Autonomous Organisations/Societies
(vi) The Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies
(vii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/Rajya Sabha Secretariat/PMO

Subject: Improving Vigilance Administration - Tenders.

Sir,

Please refer to the instructions issued by the Commission vide its communication No. 8(1)(h)/98(1) dated 18.11.1998, banning post-tender negotiations except with L-1.

2. It is clarified that the CVC's instructions dated 18.11.1998, banning posttender negotiations except with L-1 (i.e. the lowest tenderer), pertain to the award of work/supply orders etc., where the Government or the Government company has to make payment. If the tender is for sale of material by the Government or the Government company, the post-tender negotiations are not to be held except with H-1 (i.e. the highest tenderer), if required.

Yours faithfully,

Sd/-
(K.L. Ahuja)
Officer on Special Duty

No.98/ORD/1(Pt.IV)
Government of India
Central Vigilance Commission
*****

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

Dated the 12.03.2003.

To

All Chief Vigilance Officers

Subject:- Use of web-site in Government procurement or tender process.

Sir,

Attention is invited to the instructions issued by the Commission vide communication No. 98/ORD/1 dated 28.03.2002 regarding publishing of tender documents on the web-site.

2. The Commission has received a number of references from various departments/organisations expressing reservations in implementation the said instructions in toto The matter has been reviewed in the Commission and it is observed that it is a fact that use of web-site for accessing the information has so far not picked up in the country and it would not be possible for the vendors to access the web-site of every organisation to know the tender details. There is also no centralised web-site for the tenders

3. Therefore, it has been decided by the Commission that till such time the penetration of Information Technology is adequate and a dedicated web-site for Government tenderers is available, Departments/Organisations may continue with publishing of NIT in newspapers in concise format and put the detailed information in their respective web-sites.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
T.No. 24651010

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

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 5th May, 2003

To
(1) Chief Executives of all PSUs/PSBs/Insurance Sector/Organisations
(2) All Chief Vigilance Officers

Subject: Purchase of computer systems by Govt. departments/organisation.

Sir/Madam,

It has come to the notice of the Commission that some departments/ organisations are issuing tenders for purchase of computers where they mention and insist on the international brands. This not only encourages the monopolistic practices but also vitiates the guidelines issued by the Ministry of Finance, D/o Expenditure vide its OM No. 8(4)- E.II(A) 98 dated 17.12.1998 (copy enclosed).

2. It is, therefore, advised that departments/organisations may follow the instructions issued by the Department of Expenditure.

3.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

No.8(4)-E.II(A)/98
Government of India
Ministry of Finance
(Department of Expenditure)
………

New Delhi, the 17th December, 1998
OFFICE MEMORANDUM

Subject: Purchase of Computer Systems by Government Departments.
….

The undersigned is directed to invite attention to the provisions of GFR 102(1) and the Annexure to the same according to which "Open Tender" system (that is, invitation to tender by public advertisement) should be used as a general rule in all cases in which the estimated value of demand is Rs. 50,000/- and above.

2. It has been brought to the notice of this Ministry by Deptt. of Electronics that certain Ministries/Deptts etc. issue tenders for purchase of personal computers where they specify the international brands like IBM, Compaq, HP, Digital, DELL or Gateway Micron. This vitiates the guidelines for open tender system laid down in GFRs and deprives other brands including domestic manufacturers of an opportunity to participate in the tender. Further Deptt. of Electronics have pointed out that brand names do not have any great advantage since at the broad level there is hardly any difference between the competing products because they predominantly use Intel microprocessors.

3. Separately, DGS&D have informed that generalised specifications for personal computers have been finalised and the process of concluding rate contract is being initiated.

4. It is, therefore advised that Ministries/Departments should follow the open tender system without vitiating it by specifying brand names in accordance with the provisions in GFRs for purchase of personal computers till a rate contract for computers is concluded by DGS&D. Thereafter, computers could be purchased on rate contract basis.

Sd/-
(Narain Das)
Under Secretary to the Govt. of India

To
All Ministries/Departments of Govt. of India

No.98/ORD/1

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

Satarkta Bhavan, Block 'A'
G.P.O. Complex, I.N.A.,
New Delhi– 110 023

Dated the 9th July, 2003

Office Order No. 33/7/03

To

All the Chief Vigilance Officers

Subject:- ***Short-comings in bid documents*.**

Sir/Madam,

The Commission has observed that in the award of contracts for goods and services, the detailed evaluation/exclusion criteria are not being stipulated in the bid document and at times is decided after the tender opening. This system is prone to criticism and complaints as it not only leads to a non-transparent and subjective system of evaluation of tenders but also vitiates the sanctity of the tender system.

2. The Commission would reiterate 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. This is issued for strict compliance by all concerned.

Yours faithfully,
Sd/-
(Mange Lal)
Deputy Secretary
Telefax No.24651010

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

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

Satarkta Bhavan, Block ‘A’,
G.P.O. Complex, I.N.A.,

New Delhi– 110 023

Dated the 11th September 2003

OFFICE ORDER NO. 46/9/03

To

All Chief Vigilance Officers

Subject: E-procurement/Reverse Auction.

Sir/Madam,

The Commission has been receiving a number of references from different departments/organisations asking for a uniform policy in this matter. The departments/organisations may themselves decide on e-procurement/reverse auction for purchases or sales and work out the detailed procedure in this regard. It has, however, to be ensured that the entire process is conducted in a transparent and fair manner.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax- 24651010

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. 06-03-02-CTE-34
Government of India
Central Vigilance Commission

(CTE's Organisation)

Satarkta bhavan, Block-A,
GPO Complex, INA,
New Delhi-110023

Dated: 20.10.2003

OFFICE MEMORANDUM

Sub: Back to back tie up by PSUs- instructions regarding

It has been observed during intensive examination of various works/contracts awarded by construction PSUs on back to back basis that the works are being awarded in an ad-hoc and arbitrary manner without inviting tenders and ascertaining the performance, capability and experience of the tenderers. In some cases, the works were awarded on single tender basis/limited tender basis though sufficient time was available with the Organisation to invite open tenders.

2. Some of the common irregularities/lapses observed during the examination of works were as under:

a) No transparency in selection of contractor for the back to back tie up which is the main source of corruption.

b) Collusion among the contractors was observed where more than one contractors were involved at various stages.

c) Ineligible contractor obtains the contract through the PSUs.

d) Purchase preference misused by the PSUs.

e) PSUs sublet the complete work to a private contractor without obtaining permission from the client which invariably put a condition insisting such permission since the client is generally not interested in such back to back sublet of the work.

f) Infructuous work (to the exchequer) due to the involvement of intermediary PSUs and cost of project goes up ultimately.

g) No supervision by the PSU as they put the staff mainly for coordination work.

h) Quality ultimately suffers due to lack of supervision by the PSUs.

3. Commission is of the view that the practice of award of works to PSUs on nomination basis by Govt. of India/PSUs needs to be reviewed forthwith.

4. The irregularities observed during intensive examination of work and difficulties being faced by the PSUs in inviting tenders were considered and it

has been decided that the procedure to be followed for award of work by Construction PSUs shall be finalised taking into account the following points:

a) PSUs (when bag the contract from the client Department) as a contractor, has to execute the work by functioning like a contractor instead of sub-letting the 100% work on back to back basis.

b) Open tenders to be invited for selection of sub-contractors as far as possible

c) In case, it is not possible to invite open tenders, selection should be carried out by inviting limited tenders from the panel approved in the following manner. Panel of contractors are to be prepared for different categories. monetary limits, regions, in a transparent manner clearly publishing the eligibility criteria etc. The above panel is to be updated every year.

d) Tenders to be opened confidentially by a high level committee to maintain the secrecy of rates, if required. Tender opening register should be maintained in this regard duly signed by the officers opening the tender and kept confidentialy. This should be available for perusal when required by audit/vigilance.

e) The terms and conditions of the contract of the client especially those pertaining to subletting of works should be strictly adhered to by the PSUs.

f) Adequate staff to be deployed by the PSUs to ensure quality in construction etc.

g) The record of enlistment/updation of contractor and tender opening register shall be produced to the CTEO as well as audit officials when demanded for scrutiny.

5. It is, therefore, suggested that the procedure for award of work on back to back basis be finalised keeping in view the above points and circulatedamongst the concerned officials of your organisation for strict compliance in future works.

Sd/-
(R.A. Arumugam)
Chief Technical Examiner

To
All CVOs of Ministries/Departments/PSUs etc.

No.98/ORD/1
CENTRAL VIGILANCE COMMISSION
*****

Satarkta Bhavan, Block 'A'
G.P.O. Complex, I.N.A.,
New Delhi– 110 023

Dated the 18th December, 2003

Subject:- Improving Vigilance Administration: Increasing Transparency in Procurement/Sale etc.

The Commission is of the opinion that in order to bring about greater transparency in the procurement and tendering processes there is need for widest possible publicity. There are many instances in which allegations have been made regarding inadequate or no publicity and procurement officials not making available bid documents, application forms etc. in order to restrict competition.

2. Improving vigilance administration is possible only when system improvements are made to prevent the possibilities of corruption. In order to bring about greater transparency and curb the mal-practices mentioned above the Central Vigilance Commission in the exercise of the powers conferred on it under Section 8(1)(h) issues following instructions for compliance by all govt. departments, PSUs, Banks and other agencies over which the Commission has jurisdiction. These instructions are with regard to all cases where open tender system is resorted to for procurement of goods and services or for auction/sale etc. of goods and services.

(i) In addition to the existing rules and practices regarding giving publicity of tenders through newspapers, trade journals and providing tender documents manually and through post etc. the complete bid documents alongwith application form shall be published on the web site of the organization. It shall be ensured by the concerned organization that the parties making use of this facility of web site are not asked to again obtain some other related documents from the department manually for purpose of participating in the tender process i.e. all documents upto date should remain available and shall be equally legally valid for participation in the tender process as manual documents obtained from the department through manual process.

(ii) The complete application form should be available on the web site for purposes of downloading and application made on such a form shall be considered valid for participating in the tender process.

(iii) The concerned organization must give its web site address in the advertisement/NIT published in the newspapers.

(iv) If the concerned organization wishes to charge for the application form downloaded from the computer then they may ask the bidding party to pay the amount by draft/cheques etc. at the time of submission of the application form and bid documents.

3. While the above directions must be fully complied with, efforts should be made by organizations to eventually switch over to the process of eprocurement/ e-sale wherever it is found to be feasible and practical.

4. The above directions are issued in supersession of all previous instructions issued by the CVC on the subject of use of web-site for tendering purposes. These instructions shall take effect from 1st January, 2004 for all such organizations whose web-sites are already functional. All other organizations must ensure that this facility is provided before 1st April, 2004.

Sd/-
(P. Shankar)
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) 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

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

Satarkta Bhawan, Block ‘A’,
GPO Complex, INA,
New Delhi- 110 023
Dated the 9th February 2004

Office Order No. 9/2/04

To

All Chief Vigilance Officers

Subject: Improving Vigilance Administration – Increasing transparency in procurement/sale – use of web-site regarding.

The Commission has issued a directive vide No. 98/ORD/1 dated 18th December 2003 wherein detailed instructions are issued regarding the use of website for tendering process. The objective is to improve vigilance administration by increasing transparency. The instructions were to take effect from 1st January 2004. It is noticed that many organisations whose web-sites are functional are still not putting their tenders on the web-site. The Commission has desired that CVOs should ensure compliance of the above directive. They should regularly pursue the Newspaper advertisements, the web-site of their organisation and in general keep track to ensure that the directives of the Commission on this subject are complied with. Further, the Commission has desired that the CVOs should indicate in their monthly report in the column pertaining to tender notices whether all the tenders have been put on the web-site, and if not, the reasons for non-compliance. The explanation of the concerned officers who are not complying with these directions should be called and further necessary action taken.

Sd/-

(Balwinder Singh)
Additional Secretary

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

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

Dated the 11th February 2004

Office Order No. 10/2/04

To

All Chief Vigilance Officers

Subject: Improving Vigilance Administration – Increasing transparency in procurement/tender Process – use of website- regarding.

In CPWD, MCD, Civil Construction Division of Post & Telecom departments and in many other departments/organizations, there is system of short term tenders (by whatever name it is called in different organizations), wherein works below a particular value are undertaken without resorting to publicity as is required in the open tenders. This practice is understandable because of cost and time involved in organizing publicity through newspapers. In all such cases, notice can be put on the web-site of the department as it does not take any time compared to giving advertisements in the newspapers and it practically does not cost anything. This will benefit the department by bringing in transparency and reducing opportunities for abuse of power. This will also help the organizations by bringing in more competition.

2. In view of the reasons given above, the Commission has decided that instructions given in the Commission's circular (No. 98/ORD/1 dated 18.12.2003) for the use of web-site will also apply to all such works awarded by the department/PSEs/other organizations over which the Commission has jurisdiction.

Sd/-
(**Balwinder Singh)**
Additional Secretary

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/DSP/3
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 24th December, 2004

Office Order No.75/12/04

Sub: Participation of consultants in tender – guidelines regarding.

Consultants are appointed by the organisation for preparation of project report. These appointment are made for any new projects, expansions, modernization/modification of the existing projects etc. The selection is made with maximum attention to the suitability, competence and proven track record.

2. Further, during the CVO's Conference convened by the Commission in Sept.1997, the Central Vigilance Commissioner had constituted a Committee of CVOs to go into the system of contracts prevalent in PSUs and to suggest, wherever required, methods of streamlining the contracting provisions. The Committee after going through the contract system of various organisations had made recommendations on consultants as under:-

> **Consultants**:-A firm which has been engaged by the PSU to provide goods or works for a project and any of its affiliates will be disqualified from providing consulting services for the same project. Conversely, a firm hired to provide consulting services for the preparation or implementation of a project, and any of its affiliates, will be disqualified from subsequently providing goods or works or services related to the initial assignment for the same project.
>
> Consultants or any or their affiliates will not be hired for any assignment, which by its nature, may be in conflict with another assignment of the consultants.

3. It has come to the notice of the Commission that in a tendering process of a PSU, the consultant was also permitted to quote for work for which they had themselves estimated the rates and the consultant quoted 20% above their own estimated rates as against the awarded rates which were 20% below the estimated cost. Such over dependence on the consultant can lead to wasteful and infructuous expenditure which the organisation regrets in the long run. Meticulous and intelligent examination of the consultants proposal is therefore essential for successful and viable completion of the project.

4. The Commission reiterates the recommendations made by the Committee that the consultants/firm hired to provide consulting services for the preparation or implementation of a project, and any of its affiliates, will be disqualified from subsequently providing goods or works or services related to the initial assignment for the same project.

Sd/-
(Anjana Dube)
Deputy Secretary

To
All Chief Vigilance Officers

No. 005/ORD/1
Government of India
Central Vigilance Commission
****

Satarkta Bhawan, Block ‘A’,
GPO Complex, INA,
New Delhi-110023
Dated 10th March, 2005

OFFICE ORDER NO. 11/3/05

To,

All the Chief Vigilance Officers

Sub: Delays in Payments to Contractors & Suppliers etc. – Reducing opportunities for corruption reg.

The Commission has observed that in a large number of Government organisations and PSUs, payments to contractors/suppliers are inordinately delayed. This makes the system vulnerable to corruption, in addition to increasing the cost of procurement by the Government agencies.

2. The Commission has therefore directed that all the CVOs should undertake a review of bills received during the last six months. The review is meant to primarily determine the time taken in clearing the bills. Necessary help from the concerned Finance/Administration departments may be taken wherever required. Wherever the systems have not yet been computerized there may be practical difficulties in conducting such a review for all the bills. The organisations may fix a cut off limit for review. It is suggested that the cut off limit for bills can be Rs. 1 lakh i.e. time taken for payment of all bills above this amount should be seen. In smaller organisations the cut off limit can be lower depending on feasibility and convenience.

3. The CVO should also review whether payments are being made on "first-come-first-serve" basis or not.

4. A compliance report in this regard may be sent to the Commission by 15.4.2005 as per the following details:

Statement on delays in Bill Payments

1. Name of Organisation :
2. Cut off limit : Rs.1 lakh/others(in respect of small orgns.)

3. Bills received during Sept.,04-Feb,05 :
(from contractors/suppliers etc.)

Total No. of Bills :
Total amount involved :

4. Out of these :

(a) Bills paid in 15 days :
No. of Bills :
Amount Involved :

(b) Bills paid in 15-30 days :
No. of Bills :
Amount Involved :

(c) Bills paid in 30-60 days :
No. of Bills :
Amount Involved :

(d) Bills paid from 60 days to 120 days :

No. of Bills :
Amount Involved :

(e) Bills paid over 120 days :
No. of Bills :
Amount Involved :

5. There are also complaints that most of the organisations take inordinately long time in releasing 5% bills amount which is normally retained as performance guarantee after it becomes due. CVO may do a similar exercise with regard to release of this payment.

6. Has any ERP system or any other computerized system been installed for accounting purposes which can monitor bill payment? 6A. If not, is there any plan to do so in near future? If so, please indicate the time frame.

Sd/-
(Balwinder Singh)
Additional Secretary

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

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

Office Order No.12/3/05

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

The Commission has observed that some of the Govt. Departments were not following the prescribed guidelines as regards action taken on Commission's Ist/IInd 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.005/VGL/4
Government of India
Central Vigilance Commission
*****

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

Office Order No.13/3/05

Subject: Details on award of tenders/contracts publishing on Websites/ Bulletins.

The Commission vide its Circular No.8(1)(h)/98(1) dated 18.11.1998 had directed that a practice must be adopted with immediate effect by all organisations within the purview of the CVC that they will publish on the notice board and in the organization's regular publication(s), the details of all such cases regarding tenders or out of turn allotments or discretion exercised in favour of an employee/party. However, it has been observed by the Commission that some of the organisations are either not following the above mentioned practice or publishing the information with a lot of delay thereby defeating the purpose of this exercise, viz. increasing transparency in administration and check on corruption induced decisions in such matters.

2. The Commission has desired that as follow up of its directive on use of "website in public tenders", all organisations must post a summary every month of all the contracts/purchases made above a certain threshold value to be decided by the CVO in consultation with the head of organisation i.e. CEO/CMD etc. as per Annexure-I. The threshold value may be reported to the Commission for concurrence.

3. Subsequently, the website should give the details on the following:

a) actual date of start of work
b) actual date of completion
c) reasons for delays if any

A compliance report in this regard should be sent by the CVOs alongwith their monthly report to CVC.

Sd/-

(Anjana Dube)
Deputy Secretary

To
All Chief Vigilance Officers

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 24th 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

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 24th 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 pleas be noted for strict compliance.

sd/-

(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

No.005/VGL/4
Government of India
Central Vigilance Commission

*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 28th July 2005

Office Order No.46/07/05

Subject: Details on award of tenders/contracts publishing on Websites/ Bulletins - Reminder regarding.

Reference is invited to Commission's **Office Order No.13/3/05 dated 16.3.2005** regarding above mentioned subject directing the organisations to publish every month the summary of contracts / purchases made above a threshold value on the website. **In this regard it is specified that the proposed threshold limit is acceptable to the Commission as long as it covers more than 60% of the value of the transactions every month**. This limit can be raised subsequently once the process stabilizes.

2. CVOs may, therefore, ensure that such details are posted on the website of the organisation immediately and compliance report in this regard should be sent by CVOs in their monthly report to the Commission.

(Anjana Dube)
Deputy secretary

To
All Chief Vigilance Officers

No.005/VGL/4
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 20th September 2005

Office Order No.57/9/05

Subject: Details on award of tenders/contracts publishing on Websites/ Bulletins- Reminder regarding.

It has been observed that despite Commission's directions vide its circulars dated 16/3/05 and 28/7/05, a number of organisations are yet to give details of the tenders finalized on the website of their organisations. Some of the Organisations have informed that this is due to the delay in receipt of information from their Regional/Subordinate Offices.

2. In this regard it is clarified that placing of such information on the website will be a continuous process. The CVOs should ensure publishing of the details of the tenders awarded immediately with available information and subsequently update it. The threshold limits as proposed by the CVOs in consultation with CEOs can be taken as the starting point which could be revised subsequently to cover 60% of the transactions in a year and further 100% on stabilization.

Sd/-
(Mitter Sain)
Deputy Secretary

All Chief Vigilance Officers

No.005/CRD/12
Government of India
Central Vigilance Commission
****

Satarkta Bhawan, Block-A,
GPO Complex, I.N.A,
New Delhi-110 023.
Dated : 25/10/2005

Office order No.68/10/05

Sub:- Tendering Process – Negotiation with L-1.

A workshop was organised on 27th July 2005 at SCOPE New Delhi, by the Central Vigilance Commission, to discuss issues relating to tendering process including negotiation with L-1. Following the deliberations in the above mentioned Work Shop, the following issues are clarified with reference to para 2.4 of Circular No. 8(1) (h)/98(1) dated 18th November, 1998 on negotiation with L-1, which reflect the broad consensus arrived at in the workshop.

(i) There should not be any negotiations. Negotiations if at all shall be an exception and only in the case of proprietary items or in the case of items with limited source of supply. Negotiations shall be held with L-1 only. Counter offers tantamount to negotiations and should be treated at par with negotiation.

(ii) Negotiations can be recommended in exceptional circumstances only after due application of mind and recording valid, logical reasons justifying negotiations. In case of inability to obtain the desired results by way of reduction in rates and negotiations prove infructuous, satisfactory explanations are required to be recorded by the Committee who recommended the negotiations. The Committee shall be responsible for lack of application of mind in case its negotiations have only unnecessarily delayed the award of work/contract.

2. Further, it has been observed by the Commission that at times the Competent Authority takes unduly long time to exercise the power of accepting the tender or negotiate or re-tender. Accordingly, the model time frame for according such approval to completion of the entire process of Award of tenders should not exceed one month from the date of submission of recommendations. In case the file has to be approved at the next higher level a maximum of 15 days may be added for clearance at each level. The overall time frame should be within the validity period of the tender/contract.

3. In case of L-1 backing out there should be re-tendering as per extant instructions.

4. The above instructions may be circulated to all concerned for compliance.

(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers.

No.3(v)/99/1
Central Vigilance Commission
******

Satarkta Bhawan, Block "A"
GPO Complex, I.N.A.,
New Delhi-110023

Dated the 21st June 1999

Subject:- Improving vigilance Administration- Bringing in accountability- Regarding.
******

Accountability is one of the major factors in the effective administration of the Organisations. Administration without accountability is disastrous and provides ample scope for corruption. Dealing with the complaints is one of the areas, which calls for more accountability. Therefore, in order to bring in a sense of accountability both in the complainant and in the office receiving the complaint, the Commission, in exercise of its powers conferred on it vide Section 3(v) of the Resolution No.371/20/99-AVD.III dated 4/4/99, hereby directs all Departments/Organisations under its purview to compulsorily give proper receipt of the complaints being received in person to the complainant, with immediate effect.

2. This is subject to surprise check by the Commission.

(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

No.3 (v)/99/2
Central Vigilance Commission
*****

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

Dated the 29th June 1999

Subject: Improving vigilance administration - no action to be taken on anonymous/pseudonymous petitions/complaints.

…….

By virtue of the powers invested in the CVC under para 3(v) of the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training Resolution No.371/20/99-AVD.III dated 4th April 1999, the CVC is empowered to exercise superintendence over the vigilance administration of the various Ministries of the Central Government or Corporations established under any Central Act, Government Companies, Societies and local authorities owned or controlled by that Government.

2. One of the facts of life in today's administration is the widespread use of anonymous and pseudonymous petitions by disgruntled elements to blackmail honest officials. Under the existing orders, issued by Department of Personnel & Training letter No.321/4/91-AVD.III dt.29.9.92, no action should be taken on anonymous and pseudonymous complaints and should be ignored and only filed. However, there is a provision available in this order that in case such complaints contain verifiable details, they may be enquired into in accordance with existing instructions. It is, however, seen that the exception provided in this order has become a convenient loophole for blackmailing. The public servants who receive the anonymous/pseudonymous complaints, generally, follow the path of least resistance and order inquiries on these complaints. A peculiar feature of these complaints is that these are resorted to especially when a public servant's promotion is due or when an executive is likely to be called by the Public Enterprises Selection Board for interview for a post of Director/CMD etc. If nothing else, the anonymous/pseudonymous petition achieves the objective of delaying the promotion if not denying the promotion. These complaints demoralise many honest public servants.

3. A person will resort to anonymous or pseudonymous complaints because of the following reasons:

i. He is an honest person who is a whistle blower but he is afraid to reveal his identity because of fear of consequences of the powerful elements in the organisation.

ii. He is a blackmailer who wants to psychologically pressurise the public servant complained against

4. There could be a view that if the anonymous/pseudonymous complaints contain an element of truth and if no action is to be taken on them then on important source of information will be lost. To that extent, corrupt practices may get a boost. At the same time the Central Vigilance Commission has initiated a number of steps to provide a channel of communication against the corrupt public servants. These measures include the following:

i. Under CVC's order No.8 (1)(h)(1) dated 18.11.98, even junior officers can complain to the CVC in cases of corruption against the seniors;

ii. The CVC has issued instructions that the name of the complainant will not be revealed when the complaint is sent to the appropriate authorities for getting their comments or launching inquiries;

iii. Under CVC Order No. 8(1)(g)/99(4) dated 12th March 1999, in every office there should be public notice displayed directing that no bribe should be paid. If any bribe is demanded, the complaint should be made to the appropriate authority like CVO, CVC etc.; and

iv. The CVC is now available on web - http://cvc.nic.in If anybody wants to complain they can easily lodge complaints on the website of CVC and also through e-mail - **vigilance@hub.nic.in**

5. In view of the above measures taken, there is very little possibility that genuine cases of corruption will not be brought to the notice of the appropriate authorities by those who were earlier resorting to anonymous/pseudonymous complaint route.

6. It is, therefore, ordered under powers vested in the CVC under para 3(v) of the DOPT Resolution No.371/20/99-AVD.III dated 4th April 1999 that with immediate effect no action should at all be taken on any anonymous or pseudonymous complaints. They must just be filed.

7. This order is also available on web site of the CVC at http://cvc.nic.in

All CVOs must ensure that these instructions are strictly compiled with.

(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

98/DSP/9
Government of India
Central Vigilance Commission
*****

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

Dated the 31st January 2002

To

All Chief Vigilance Officers

Subject: Improving vigilance administration – no action to be taken on anonymous/pseudonymous petitions/complaints.

The Commission had reviewed the instructions regarding action to be taken on anonymous/pseudonymous complaints and observed that the enabling provision in the DOPT's orders No.321/4/91-AVD.III dated 29.09.1992 had become a convenient loophole for blackmailing and detrimentally affecting the career of public servants whose promotions/career benefits were denied owing to consequent investigation. Considering all aspects, the Commission by virtue of powers invested under para 3(v) of the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training Resolution No.371/20/99-AVD.III dated 4th April 1999, had instructed all Govt. Deptts./Orgns., PSEs and Banks not to take action on anonymous/pseudonymous complaints. All such complaints are to be filed vide CVC's instruction No.3(v)/99/2 dated 29th June 1999.

2. However, it has come to the notice of the Commission that some Govt. Deptts./Orgns. and, in particular, banks are not complying with the CVC's instructions and have been taking cognizance/action on anonymous/pseudonymous complaints. Very often, the content of the complaint, described as verifiable, is used as a justification for such action. The instruction of the Commission does not permit this line of action.

3. It is hereby reiterated that, under no circumstance, should any investigation be commenced or action initiated on anonymous/pseudonymous complaints; these should invariably be filed. Any violation of this instruction will be viewed seriously by the Commission.

4. This issues with the approval of the Commission.

Yours faithfully,
Sd/-
(C.J. Mathew)
Deputy Secretary

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

Satarkta Bhavan, Block 'A',
GPO Complex, I.N.A.,
New Delhi- 110 023

Dated the 23rd September 2003

Office Order No. 53/09/03

To
All Chief Vigilance Officers.

Subject:- Disposal of complaints- regarding

Sir/Madam,

The Commission has received a number of references from the various departments/organisations seeking clarifications whether a complaint forwarded by the Commission for report may be first got confirmed from the complainant before taking up for investigations.

2. The Commission has examined the issue and decided that once it calls for a report on a complaint, the departments/organisations, should treat it as a signed complaint though on the face of it the complaint may be anonymous/ pseudonymous. Clarifications, if required, could be obtained from the complainant(s), as part of the enquiry into the matter.

3. CVOs may bring it to the notice of the concerned officials.

Sd/-
(Mange Lal)
Deputy Secretary
Telefax- 24651010

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

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

Dated the 1st 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

No.004/VGL/62
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block-A,
GPO Complex, I.N.A.,
New Delhi – 110023
Dated, the 31st August 2004

Office Order No. 57/8/04

To

All the CVOs of:
(i) Public Sector Undertakings
(ii) Public Sector Banks

Sub: Time limit for investigation for complaints- regarding.

Sir/Madam,

The DOPT in their OM No. 27(12)(EO)/94/ACC dated 30.7.99 regarding guidelines for processing cases of Board level appointments in PSEs have taken cognizance of the fact that there are sometimes spate of complaints against individuals whose names are being considered/finalized by the PESB. It has also come to the notice of the Commission that sometimes when an official is due for promotion, some old complaints are taken cognizance of and investigations started against the official. This matter was also discussed in the meetings to review the performance of the CVOs wherein suggestions for modification in the time period were made.

2. The matter has been considered by the Commission and to avoid unnecessary harassment to the officials, against whom frivolous complaints are received at the time of their promotion/selection the Commission has decided that:

(a) as a rule, complaints/cases which are more than 5 years old and no action has been taken till then, should not be investigated. However, the limit of 5 years will not apply to cases of fraud and other criminal offences; and

(b) no cognizance should be taken of any complaint which is received 6 months prior to the initiation of selection process for senior posts.

Yours Faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax 24651010

No.004/VGL/20

Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA
New Delhi- 110 023
Dated the 29th 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)

MMEDIATE

No.8(1)(h)/98(3)

CENTRAL VIGILANCE COMMISSION

Jaisalmer House, Man Singh Road
New Delhi – 110 011

Dated the 27th November 98.

Sub: Sanction of Prosecution

The Central Vigilance Commission, while reviewing the overall functioning of the vigilance administration of the Departments/Organisations has observed that one of the methods of improving the vigilance functions is to give prompt clearance for sanction for Prosecution under the Prevention of
Corruption Act. The Supreme Court has also in the case of Vineet Narain and others Vs. Government of India directed that **a time limit of 3 months in grant of sanction for prosecution must be strictly adhered to. However, additional time of one month may be allowed where consultation is required with the Attorney General or any other Law Officer in the AG's Office.** Subsequently, the Commission had also issued instructions vide its letter No.98/VGL/7 dated the 12th March,1998,directing all Ministries/Departments / Organisations to furnish their comments on CBI reports within 30 days of the receipt of CBI reports in respect of prosecution and disciplinary cases. Notwithstanding these directions/instructions, delays on the part of the disciplinary/administrative authorities in the cases of sanction of prosecution continue to exist.

2. The Central Vigilance Commission Ordinance 1998 under Section 8(1)(f) directs that the power and function of the CVC will be:

> "to review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988"

3. Therefore, in exercise of powers conferred on CVC under Section 8(1)(f) in conjunction with Section 8(1)(h) of the CVC Ordinance 1998, it is hereby directed that:

(i) In respect of CBI reports/cases in which the Commission's advice is not necessary, the competent authorities may exercise their mind and give or refuse sanction for prosecution under the PC Act, within the time limit of 30 days from the date of receipt of request from CBI; and

(ii) In respect of the cases of Presidential appointees, in which the Commission's advice is required, the competent authorities may furnish their comments within 30 days to the Commission and give the sanction of prosecution or otherwise, within a period of 60 days from the date of receipt of request from CBI.

4. **If at the end of the above said time limits no decision had been given by the competent authorities, then the CVC will take an adverse view and deem it as a case of misconduct on the part of the competent authority.**

5. This comes into force with immediate effect.

(N.VITTAL)
CENTRAL VIGILANCE COMMISSIONER

To

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

Immediate

No.98/MSC/23
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi - 110 023
Dated the 16th September, 1999

To
All Chief Vigilance Officers

Subject: Utilising the services of retired officers for conducting Departmental Inquiries.

Sir,

As you are aware the Commission, in order to ensure that the departmental inquiries are completed in time, had advised all Departments/Organisations vide its instruction No. 8(1)(h)/98(1) dated 18.11.98 to immediately review all pending cases and appoint IOs from among retired Government Officers. In the said instruction, the Commission had interalia stated that it would build a panel of officers for this purpose.

2. Accordingly, after verifying the antecedents of Retired Officers, the Commission has built a database. The details of retired officers who have been empanelled by the Commission as on date is enclosed. The terms and conditions formulated by the Commission for appointing these officers is also enclosed.

3. This is brought to the notice of all concerned in order to utilise the services of the empanelled retired officers of IOs.

4. This instruction as well as the panel of retired officers and the terms and conditions are available on the web site of CVC as **http://cvc.nic.in**. The panel will be updated from time to time in the web site, which can be downloaded. Those Departments/Organisations who do not have Internet facility may approach the Commission for the updated panel.

(P. S. FATEHULLAH)
DIRECTOR

No.000/VGL/70
Government of India
Central Vigilance Commission
*****

Satarkata Bhavan, Block "A",
GPO Complex, I.N.A.,
New Delhi - 110 023.

Dated 25th September 2000

Subject: - Suspension of public servants involved in criminal/ departmental proceedings.

*****

Suspension is an effective tool for checking corruption. There have been many instances where senior officials, who had been trapped or were alleged to have disproportionate wealth or who were facing charge sheets on other serious charges, had not been suspended. It has also come to notice that officers charged of corruption, if not suspended, manage to get their inquiries delayed because delay in criminal/departmental proceedings enables them to continue in service even though the charges against them are grave enough to deserve the punishment of dismissal from service. Such officials can also use the opportunity of continuance in service for earning money through illegal/corrupt means. The Commission, therefore, is of the view that officers facing criminal/ departmental proceedings on serious charges of corruption should be placed under suspension as early as possible and their suspension should not be revoked in a routine manner.

2. It has been provided in para 2.4, Chapter V of the Vigilance Manual, Volume- I, that public interest should be the guiding factor in deciding whether, or not, a public servant should be placed under suspension; or whether such action should be taken even while the matter is under investigation and before a prima-facie case has been established. The instructions provide that it would be appropriate to place a person under suspension if: -

(i) the continuance of the public servant in office is likely to prejudice investigation, trial or inquiry [apprehending tampering with documents or witness]; or

(ii) where the continuance in office of the public servant is likely to seriously subvert discipline in the office in which he is working;

(iii) where the continuance in office of the public servant will be against the wider public interest, e.g., if there is a public scandal and it is considered necessary to place the public servant under suspension to demonstrate the policy of the Government to deal strictly with officers involved in such scandals, particularly corruption;

(iv) where the investigation has revealed a prima-facie case justifying criminal/departmental proceedings which are likely to lead to his conviction and/or dismissal, removal or compulsory retirement from service; or

(v) where the public servant is suspected to have engaged himself in activities prejudicial to the interest of the security of the State.

3. Para 2.5, Chapter V of the Vigilance Manual, Volume-I also lays down that it may be considered desirable to suspend a public servant for misdemeanor of the following types: -

(i) an offence or conduct involving moral turpitude;
(ii) corruption, embezzlement or misappropriation of Government money, possession of disproportionate assets, misuse of official powers for personal gains;
(iii) serious negligence and dereliction of duty resulting in considerable loss to Government;
(iv) desertion of duty; and
(v) refusal or deliberate failure to carry out written orders of superior officers.

[In case of types (iii), (iv) and (v) discretion should be exercised with care].

4. It has also been provided in para 17 of the "Directive on investigation of cases by the Special Police Establishment Division of the CBI" that the CBI would recommend suspension of the concerned employees in appropriate cases.

5. The Central Vigilance Commission has been empowered, vide para 3 (v) of the Government of India's Resolution No.371/20/99-AVD.III dated 4th April 1999, to exercise superintendence over the vigilance administration of various Ministries of the Central Government or Corporations established by or under any Central Act, Government Companies, Societies and local authorities, owned or controlled by that Government. Since the suspension of a public servant on serious charges, like corruption, is directly related to the vigilance administration, the Commission hereby desires that all disciplinary authorities should follow the instructions enumerated in paras 2, 3 and 4 supra strictly. It also desires that if the CBI recommends suspension of a public servant and the competent authority does not propose to accept the CBI's recommendation in that regard, it may be treated as a case of difference of opinion between the CBI and the administrative authority and the matter may be referred to the Commission for its advice. It also directs that if a person had been suspended on the recommendations of the CBI, the CBI may be consulted if the administrative authority proposes to revoke the suspension order.

6. These instructions are available on the CVC's web-site **http://cvc.nic.in**

(N. VITTAL)
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. 98/MSC/23
Government of India
Central Vigilance Commission
*****

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

Dated: 10th September 2001.

To

All Chief Vigilance Officer,
Public Sector Undertakings/Public Sector Banks.

Subject: Utilising the services of Retired Government Officer as Inquiry Officer in the disciplinary proceedings against the employees of Banks/PSUs.

Sir,

This has reference to the CVC's instructions vide No. 8(1)(h)/98(1) dated 18.11.98 regarding review of the cases pending for departmental inquiries and utilizing the services of retired Government officers as Inquiry Officer for completing the inquiry in time.

2. The Commission is reviewing the position. The following information is required in this regard:-

(i) Whether PSUs/Banks have taken steps to amend the Conduct, Discipline and Appeal Rules, so as to provide for appointment of retired officers as Inquiry Officers.

(ii) If the answer to (i) above is in the affirmative whether they have operated the panel prepared by the CVC.

3. It is requested the above mentioned information may be furnished to the Commission on priority basis.

Yours faithfully,
Sd/-
(C.J. Mathew)
Deputy Secretary

No.002/MSC/15
Government of India
Central Vigilance Commission
*****

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

Dated the 10th February 2003

To
All Chief Vigilance Officers

Subject: Entitlement of TA/DA to the private witnesses and the retired employees appearing before departmental inquiry.

Sir,

It has come to the notice of the Commission that some of the organisations are reluctant to pay TA/DA to their retired employees for appearance in departmental inquiries. It has also been noticed that some of the private persons, summoned to appear as witnesses, had made payment of advance TA/DA a pre-condition for appearance.

2. The position regarding the payment of TA/DA to private persons or retired employees appearing as defence witnesses has been provided in the Ministry of Finance U.O. Note 3221-E IV(B)/61 dated 20.11.1961 and O.M. No. F.5(15) F.IV (B)/68 dated 15.09.1969 which inter-alia lay down that the private persons or retired employees appearing as prosecution or defence witnesses in departmental inquiries including those conducted by the Commissioner of Departmental Inquiries should be paid TA/DA. The Commission reiterates these instructions and expects the organisations/departments to follow these scrupulously.

Yours faithfully,
Sd/-
(Mange Lal)
Deputy Secretary
Telefax- 24651010

No.98/MSC/23
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Blcok ‘A’,
GPO Complex, INA,
New Delhi 110 023

Dated the 25th March 2003

To
All Chief Vigilance Officers

Subject:- Utilising the services of outsiders including retired officers for conducting Departmental Inquiries.

Sir/Madam,

Attention is hereby invited to the instructions contained in the Commission’s circular letter No.98-MSC-23 dated 29th November, 2002 on the subject cited above.

2. The matter relating to appointment of outsiders including retired officer as Inquiry Officer has been considered further in the Commission and in supersession of all the instructions issued on the subject, it has now been decided that the disciplinary authority may appoint outsiders including retired officer as Inquiry Officer with the approval of the CVO. In case the CVO does not agree to his appointment as Inquiry officer and the DA/ management insist on his appointment, only then the approval of the Commission should be sought.

3. However, before doing so, the organizations should lay down clear cut guidelines for appointment of Inquiry Officers.

4. In view of the aforesaid instructions, the Commission does not find the need to maintain a centralized panel.

Yours faithfully,
-sd-
(MANGE LAL)
Deputy Secretary
Telefax- 24651010

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

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

Dated the 12th May 2003

To
All Chief Vigilance Officers

Subject: Procedure for making references to the Commission for seeking advice.

Sir/Madam,

Kind attention is invited to the Commission's circular letter of even number dated 16.3.2000 reiterating the Commission's instructions dated 7.12.1995 and dated 24.11.1997 on the procedure for making references to the Commission.

2. It has been observed that organisations are still making references with incomplete bio-data forms and insufficient justification to support recommendations. The Commission has, therefore, devised a format, a copy of which is enclosed alongwith instructions thereto. The CVOs are therefore, requested to ensure that bio-data forms are properly filled in and recommendation against allegations are given in the enclosed format.

3. Kindly acknowledge receipt.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Tel.No. 24651010

Copy for internal distribution

Annexure

PROFORMA FOR SEEKING FIRST STAGE ADVICE OF THE COMMISSION

Name & Date of Birth :

Designation
(a) Present :
(b) At the material time :

1. Date of occurrence of the :
alleged misconduct

2. Source :

3. Nature of Lapse(s) :

4. Details of Allegation(s) :

5. Evidence(s) with type :

6. Explanation of SPS and :
reasons as to why the
same is acceptable or
not acceptable

7. Misconduct imputes, with :
relevant clause(s) of CDA
Rules

8. Recommendation of the :
CVO

9. Recommendation of the :
Disciplinary Authority
Chief Vigilance Officer

Instructions to the departments on filling up the proforma in reference(s) seeking first stage advice of the Commission

1. A separate proforma should be used for allegation(s) in respect of each official.

2. It is mandatory to mention the date of birth. A proposal that does not contain date of birth will be returned back to the department.

3. In Column (3), the nature of allegation would mean a brief description, say false TA claim; Use of Excess Authority; Supervisory Lapse; etc.

4. Details of allegation(s) should be indicated in Column (4).

5. Evidences in support of each allegation should be indicated clearly in Column (5). Type of evidences should be indicated, using 'O' for Oral evidence and 'D' for Documents.

6. In Column (6), the department should specifically comment on explanation of the official and give reasons why it is not acceptable.

7. In Column (7), nature of misconduct, along with relevant clause(s) of CDA Rules, should necessarily be mentioned. For instance, it must be indicated whether the allegation/imputation reflects lack of devotion to duty or lack of integrity or it is a violation of some other CDA Rule.

NO.99/DSP/1
GOVERNMENT OF INDIA
CENTRAL VIGILANCE COMMISSION

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023

Dtd. The 20th June, 2003

To
All Chief Vigilance Officers.

Subject:- Definition of term stiff/severe minor penalty.
Sir/Madam,

The Commission had clarified the term "stiff/severe minor penalty" vide its circular of even No. dtd. 11.8.1999.

2. The Commission has received a number of references from various organizations and the Commission has again reviewed the issue. The Commission has decided that henceforth the Commission will advise two kinds of minor penalties (1) suitable minor penalty which would include 'censure' or (2) minor penalty other than 'censure'.

3. This supersedes the earlier circular of the Commission dated 11.8.1999.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax No.24651010

No.98/MSC/23
Government of India
Central Vigilance Commission
*****

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

Dated the 1st August, 2003

OFFICE ORDER NO. 34/7/2003

To
All Chief Vigilance Officers

Subject: Utilising the services of outsiders including retired officers for conducting Departmental inquiries.

Sir/Madam,

Please refer to the Commission's letter of even number dated 25th March 2003 on the above subject.

2. The rules applicable to public sector enterprises generally provide that the disciplinary authority may itself inquire into the truth of any imputation of misconduct against an employee, or appoint any public servant (called as inquiring authority) to inquire into the truth thereof. The term "public servant" has been defined in the CDA rules, which means and includes a person as mentioned in section 21 of the IPC. The retired employees of the public sector undertakings do not fall within the definition of public servants as defined in 21 IPC and therefore cannot be appointed as inquiring authority unless the aforesaid provision is suitably amended. Such public sector undertakings as have not amended the aforesaid provision may take expeditious action to provide for appointment of retired public servants as inquiring authorities.

3. Further, the Commission has also decided that keeping Para 2 above in view **the departments/public sector undertakings/organisations depending upon their need, and if they so desire, may maintain a panel of retired officers from within or outside the department or organization for appointment as inquiring authorities, in consultation with the Chief Vigilance Officer. In case, there is difference of opinion between the Disciplinary Authority and the Chief Vigilance Officer about the inclusion of any name in the panel or appointment of any one out of the panel as IO in any case, the CVO may report the matter to the next higher authority, or the CMD for the resolution of the difference. If still unresolved, the CVO may refer the matter to the CVC. A case of difference of opinion between the CVO and the CMD, if acting as Disciplinary Authority, may be referred to the Commission for its advice.**

4. It however may be ensured that the officer appointed as inquiring authority has no bias or/ and had no occasion to express an opinion at any stage of the preliminary inquiry.

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

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

No.98/DSP/9
Government of India
Central Vigilance Commission

Satarkta Bhavan, Block "A"
GPO Complex, I.N.A.
New Delhi-110023

Dated the 13th August, 2003

OFFICE ORDER NO. 36/7/03 dated 9.7.2003

Subject:- Clarifications on Commission's Directions

During the meeting of the Central Vigilance Commission with CMDs of Public Sector Banks at IBA, Mumbai on 25.02.2003, a number of issues were raised. The Commission clarified these issues as follows:

(i) Commission's directive dated 11.10.2002 on dealing with anonymous/ pseudonymous complaints.

It was requested to reconsider the Commission's directive on dealing with anonymous/pseudonymous complaints modifying the earlier advice of not to take cognizance of such complaints. The Commission is of the view that such a verification cannot be done in a routine manner and in case any department/organization wanted to verify the facts, then a reference to the Commission is necessary. There is, therefore, no change in the Commission's earlier ruling on action on anonymous/pseudonymous complaints.

(ii) Commission's clarification dated 10.02.2003 on non-acceptance of the Commission's advice in the matter of appeals.

It was requested to reconsider the Commission's clarification dated 10.02.2003 on non-acceptance of the Commission's advice in the matter of appeals. It was clarified that the DA could differ with the Commission's 2nd stage advice for valid reasons and this applied to the Appellate Authority also. The right to the Appellate Authority to differ with the Commission, therefore, not interfered with. The Appellate Authority should satisfy himself that the DA has applied his mind and then take his own independent decision. The Commission, however, would take a view as to whether the 'deviation' in such cases is serious enough to warrant inclusion in its Annual Report.

(iii) Reference of cases to CBI

It was clarified that the institution, at the initial stage itself, depending on the facts of the case, should decide whether the case is to be entrusted to the local police or CBI.

(iv) Posting of officer in 'agreed list'

It was clarified that drawing up and revising the agreed list with the assistance of
CVO is left to the CEOs and if it is desired that a person in the agreed list is to be posted in a particular position, the institution may take the decision for specific reasons.

Sd/-
(Anjana Dube)
Deputy Secretary

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

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

Dated the 26th February 2004

Office Order No.14/02/04

To

All Secretaries to the Government of India
All Chief Vigilance Officers
Deputy Secretary (AVD III), DOPT

Subject:- Role of Disciplinary Authority in decision taken.

Sir/Madam,

The Commission vide its Office Order No. 51/9/03 dated 15.9.2003 stressed the need for self-contained speaking and reasoned orders to be issued by the authorities exercising disciplinary powers. The Commission has however, noticed that at the time of issuing final orders imposing a penalty on the charged officer on the advice of the Commission and/or at the time of deposing affidavits in the courts, some Disciplinary Authorities (DA) mention the Commission's reference. The Commission has observed that this leads to an unwarranted presumption that the DA has acted under the influence/pressure of the Commission.

2. The DAs are again informed that, their orders in the matter of disciplinary cases or affidavits to the courts, should in no case imply that any decision has been taken under the influence of the Commission; as the Commission is only an Advisory Body and it is for the Disciplinary Authority to apply its mind subsequent to obtaining the Commission's advice and take reasoned decisions on each occasion. The Disciplinary Authorities are required to strictly follow the above guidelines of the Commission at all stages.

Yours faithfully,
Sd/-
(Anjana Dube)
Deputy Secretary

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

Satarkta Bhawan, Block 'A',
GPO Complex, I.N.A.,
New Delhi-110 023

Dated the 16/04/2004

Office Order No. 26/4/04

To

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

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

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

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

3. While delegating the powers to the concerned Ministries/Organisations with regard to gazetted officers below Group 'A' of Central Government, the Commission expects that (i) appropriate expertise would be available to the CVOs; (ii) the CVO would be in a position to exercise proper check and supervision over such cases and would ensure that the cases are disposed off expeditiously within the time norms stipulated by the Commission; and (iii) the punishment awarded to the concerned employee would commensurate with the gravity of the misconduct established on his/her part. In order to ensure that the Commission's expectations are fully met, the Commission may depute its officers to conduct vigilance audit through onsite visits and also through the monthly information system (monthly reports etc.). If the Commission comes across any matter, which in its opinion has not been handled properly, it may recommend its review by the appropriate authority or may give such directions as it considers appropriate.

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

Sd/-
(Anjana Dube)
Deputy Secretary

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

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

Dated 26th April, 2004

Office Order No 30.4/04

To
All Chief Vigilance Officers

Subject:- Reducing Delays in Departmental Inquiries

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

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

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

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

Date the 9th August, 2004

Office Order No.50/08/2004

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

The Commission is concerned that the schedule of time limits in conducting investigations and departmental inquiries laid down in its letter of even number dated the 23rd May 2000 are not being strictly adhered to and more often than not, delays have been noticed on the part of decision-making authorities leading to disciplinary proceedings getting unduly prolonged. The Commission would tend to view such delays seriously, if willful, on the part of administrative authorities and would be constrained to advise penal action against the administrative authorities concerned.

2. All administrative authorities are therefore requested to take note and strictly adhere to the prescribed schedule of time-limits in dealing with disciplinary cases.

Sd/-
(Anjana Dube)
Deputy Secretary

To,

All CMDs of Public Sector Banks/ Insurance Companies/Public Sector Undertakings.

All CVOs of Public Sector Banks/ Insurance Companies/Public Sector Undertakings.

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

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

Date the 10th August, 2004

Office Order No.51/08/2004

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

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

2. Delay in decision-making by authorities in processing of vigilance cases would also be construed as misconduct under the relevant Conduct Rules and would be liable to attract penal action. All administrative authorities are requested to take not and strictly adhere to the prescribed schedule of time-limits in dealing with disciplinary cases.

sd/-
(Anjana Dube)

Encl:- As above Deputy Secretary

To,
All Secretaries to the Government of India,
All Chief Vigilance Officers of Ministries/Departments of Government of India.
Copy to:-
1. Comptroller and Auditor General of India, New Delhi.
2. Union Public Service Commission, New Delhi.
3. Central Bureau of Investigation, New Delhi.
4. All Union Territory Administrations.
5. Lok Sabha/Rajya Sabha Secretariat.

No. 005/ORD/1
Government of India
Central Vigilance Commission
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Satarkta Bhawan, Block ‘A’,
GPO Complex, INA,
New Delhi-110023
Dated 10th March, 2005

OFFICE ORDER NO. 11/3/05

To,
All the Chief Vigilance Officers

Sub: Delays in Payments to Contractors & Suppliers etc. – Reducing opportunities for corruption reg.

The Commission has observed that in a large number of Government organisations and PSUs, payments to contractors/suppliers are inordinately delayed. This makes the system vulnerable to corruption, in addition to increasing the cost of procurement by the Government agencies.

2. The Commission has therefore directed that all the CVOs should undertake a review of bills received during the last six months. The review is meant to primarily determine the time taken in clearing the bills. Necessary help from the concerned Finance/Administration departments may be taken wherever required. Wherever the systems have not yet been computerized there may be practical difficulties in conducting such a review for all the bills. The organisations may fix a cut off limit for review. It is suggested that the cut off limit for bills can be Rs. 1 lakh i.e. time taken for payment of all bills above this amount should be seen. In smaller organisations the cut off limit can be lower depending on feasibility and convenience.

3. The CVO should also review whether payments are being made on “first-come-first-serve” basis or not.

4. A compliance report in this regard may be sent to the Commission by 15.4.2005 as per the following details:

Statement on delays in Bill Payments

1. Name of Organisation :

2. Cut off limit : Rs.1 lakh/others(in respect of small orgns.)

3. Bills received during Sept.,04-Feb,05 :
(from contractors/suppliers etc.)

Total No. of Bills :
Total amount involved :

4. Out of these :

(a) Bills paid in 15 days :
No. of Bills :
Amount Involved :
(b) Bills paid in 15-30 days :
No. of Bills :
Amount Involved :
(c) Bills paid in 30-60 days :
No. of Bills :
Amount Involved :
(d) Bills paid from 60 days to 120 days :
No. of Bills :
Amount Involved :
(e) Bills paid over 120 days :
No. of Bills :
Amount Involved :

5. There are also complaints that most of the organisations take inordinately long time in releasing 5% bills amount, which is normally retained as performance guarantee after it becomes due. CVO may do a similar exercise with regard to release of this payment.

6. Has any ERP system or any other computerized system been installed for accounting purposes which can monitor bill payment?

6A. If not, is there any plan to do so in near future? If so, please indicate the time frame.

Sd/-
(Balwinder Singh)
Additional Secretary

F.No. 000/VGL/161
Government of India
Central Vigilance Commission
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Satarkta Bhawan, GPO Complex,
Block-'A', I.N.A,
New Delhi-110023.
Dated,the 24th 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 pleas be noted for strict compliance.

sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

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

Satarkta Bhawan, Block 'A'
INA, New Delhi-110023
The, 12th May, 2005.
OFFICE ORDER NO. 31/5/05

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

……….

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

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

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

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

i) Grant of sanction is an administrative act. The purpose is to protect the public servant from harassment by frivolous or vexatious prosecution and not to shield the corrupt. The question of giving opportunity to the public servant at that stage does not arise. The sanctioning authority has only to see whether the facts would prima-facie constitutes the offence.

II) The competent authority cannot embark upon an inquiry to judge the truth of the allegations on the basis of representation which may be filed by the accused person before the Sanctioning Authority, by asking the I.O. to offer his comments or to further investigate the matter in the light of representation made by the accused person or by otherwise holding a parallel investigation/enquiry by calling for the record/report of his department.

iii) When an offence alleged to have been committed under the P.C. Act has been investigated by the SPE, the report of the IO is invariably scrutinized by the DIG, IG and thereafter by DG (CBI). Then the matter is further scrutinized by the concerned Law Officers in CBI.

iv) When the matter has been investigated by such a specialized agency and the report of the IO of such agency has been scrutinized so many times at such high levels, there will hardly be any case where the Government would find it difficult to disagree with the request for sanction.

v) The accused person has the liberty to file representations when the matter is pending investigation. When the representations so made have already been considered and the comments of the IO are already before the Competent Authority, there can be no need for any further comments of IO on any further representation.

vi) A representation subsequent to the completion of investigation is not known to law, as the law is well established that the material to be considered by the Competent Authority is the material, which was collected during investigation and was placed before the Competent Authority.

vii) However, if in any case, the Sanctioning Authority after consideration of the entire material placed before it, entertains any doubt on any point the competent authority may specify the doubt with sufficient particulars and may request the Authority who has sought sanction to clear the doubt. But that would be only to clear the doubt in order that the authority may apply its mind proper, and not for the purpose of considering the representations of the accused which may be filed while the matter is pending sanction.

viii) If the Sanctioning Authority seeks the comments of the IO while the matter is pending before it for sanction, it will almost be impossible for the Sanctioning Authority to adhere to the time limit allowed by the Supreme Court in Vineet Narain's case. The Commission has directed that these guidelines as at para 2(i)-

(vii) should be noted by all concerned authorities for their guidance and strict compliance.

Sd/-
(Sujit Banerjee)
Secretary

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

No.004/VGL/18
Government of India

Central Vigilance Commission
*****

Satarkta Bhawan, Block ‘A’,
GPO Complex, INA,
New Delhi- 110 023
Dated the 2nd June, 2005

Office Order No.32/6/05

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

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

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers.

No. 8(1)(g)/99(4)
CENTRAL VIGILANCE COMMISSION

SATARKTA BHAVAN,
Block A, GPO Complex,
INA, New Delhi – 110023

Dated the 12th March, 1999

SUB: Improving Vigilance Administration - Sensitising the Public about corruption.

Prevention is better than cure and prevention of corruption is better than the post corruption hunt for the guilty. Keeping this in view, the Commission is determined to improve the vigilance administration vis-'a-vis system improvements to prevent the possibilities of corruption. Therefore, in exercise of powers conferred on the Commission vide Section 8(1)(g) of the CVC Ordinance, 1999, assuming the role of a whistle blower and authority cautioning against misuse of official powers leading to corruption, directs all
Departments/Organisations under the preview of the CVC to prominently display a standard notice board, at the Reception of each of their offices to catch the attention of the Public, written in English as well as in the vernacular Languages, saying:

> **"DO NOT PAY BRIBES. IF ANYBODY OF THIS OFFICE ASKS FOR BRIBE OR IF YOU HAVE ANY INFORMATION ON CORRUPTION IN THIS OFFICE OR IF YOU ARE A VICTIM OF CORRUPTION IN THIS OFFICE, YOU CAN COMPLAIN TO THE HEAD OF THIS DEPARTMENT OR THE CHIEF VIGILANCE OFFICER AND THE CENTRAL VIGILANCE COMMISSION**
>
> **(Name, complete address and telephone numbers have also to be mentioned against each)"**

2. This is subject to surprise inspections by the Central Vigilance Commission.

(N. VITTAL)
CENTRAL VIGILANCE COMMISSIONER

To
1) The Secretaries of All Ministries/Departments of Government of India

2) The Chief Secretaries of All Union Territories
3) The Chief Executives of all PSUs/Banks/Financial Institutions
4) The Comptroller & Auditor General of India
5) The Chairman, Union Public Service Commission
6) All 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

No.3(V)/99/12
Government of India
Central Vigilance Commission
*****

Satarkata Bhavan, Block 'A'
GPO Complex, I.N.A.,
New Delhi-110023

Dated the 14th August 2000

Subject: - Appointment of consultants in vigilance departments.

It was stated in the Department of Personnel & Training's OM No.371/32/97-AVD.III dated 28.11.1997 that contrary to the instructions governing appointment of CVOs, such functions as are to be performed strictly by the CVOs or vigilance set-ups in the Ministries/Departments were assigned to outsiders engaged as consultants. It was clarified that consultants are not appointed against any regular post and, therefore, their engagement itself for sensitive functions of vigilance and discipline was against the spirit of the scheme of "vigilance and discipline".

2. The appointments against the posts of CVOs are made with the prior approval of the Commission. The Commission, therefore, takes care of the situation that no organisation appoints a consultant to perform the functions of a CVO. It has, however, been observed by the Commission that some of the organisations have appointed retired officers as consultants in the vigilance/personnel departments to perform vigilance functions, in the capacities of other than the CVO.

3. A person, who is not a full-time employee of the Government/public sector enterprise etc., may be amenable to influence. There is also a possibility that the retired officers, appointed as consultants, may provide a convenient legal cover for going easy on corrupt practices, as they may be financially obliged to the Management. It is also difficult to make them accountable for the misconduct committed by them. Therefore, the Commission in exercise of the powers conferred upon it, vide para 3(v) of the Government of India's Resolution No. 371/20/99-AVD.III dated 04.04.1999, directs that the vigilance functionaries should always be full-time employees of the organisation and in no case a retired employee should be appointed as a consultant to perform vigilance functions. If there is not sufficient vigilance work for a full-time functionary in the organisation, the organisation may entrust him some other work in addition to vigilance work.

4. The above instructions may please be followed strictly. For any violation of the above instructions, the CVO and the chief executive of the concerned organisation may be held responsible.

5. This order is available on the CVC's website http://cvc.nic.in.

(N. VITTAL)
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)/99/15
Central Vigilance Commission

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Satarkta Bhawan, block 'A'
GPO Complex, INA,
New Delhi – 110 023.
Dated the 16th January 2002

Subject: System changes in organisation to check corruption.

The Central Vigilance Commission is empowered to exercise superintendence over the vigilance administration of the various Ministries of the Central Government or Corporations established under any Central Act, Government Companies, Societies and local authorities owned or controlled by that Government in terms of the powers invested in it under para (3)(v) of the Ministry of Personnel, Public Grievances & Pensions, Department of Personnel & Training Resolution No. 371/20/99-AVD.III dated 4th April 1999.

2. The Commission, in exercise of these powers, has been conducting studies of systems that lead to corruption and has issued directives to organisations to make appropriate changes. It is quite possible that CVOs, while performing their normal functions, may come across systems and procedures that breed corruption in their organisations. These are to be brought to the notice of the Commission for remedying by issue of directives under the powers vested in the Commission.

3. This is for strict compliance by all CVOs.

4. This order is also available on web-site of the CVC at http://cvc.nic.in.

(N. Vittal)

Central Vigilance Commissioner

To

All CVOs of the Ministries/Deptt./PSEs

No.002/MSC/70
Government of India
Central Vigilance Commission
******

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi- 110 023
Dated the 27th August, 2003

Office Order No.40/8/2003

To
All Chief Vigilance Officers

Subject:- Acceptance of gifts by Government servants.

Sir/Madam,

Gifts are presented by the public sector undertakings, banks etc. to a number of persons including government officials during festive occasions, such as, Diwali, Christmas, New Year etc. This matter has been the subject of comments in the press, media etc. The Commission has considered the matter and is of the view that this practice, at least, so far as Government servants are concerned, needs to be discouraged. The CCS (Conduct) Rules provide that no Government servant shall accept or permit any member of the family or any other person acting on his behalf to accept any gift except on occasions like weddings, anniversaries or religious functions. The practice of PSUs etc. sending gifts to government servants unnecessarily embarrasses them and puts them in a dilemma. The gifts are to be provided only to promote commercial/business interests and need not therefore be sent to government officials etc. who are only doing their duty. The public sector undertakings, banks etc. are therefore advised that they may follow this advice with immediate effect. The CVOs may bring this
to the notice of the Chief Executives and all relevant executives.

2. The Commission also would like to receive a report from the CVOs on the gift policy of the Company followed by them in the current year and the actual expenditure incurred by them as festival gifts. The Commission hopes to receive the special report by 15th January 2004 and every year thereafter.

Yours faithfully,

Sd/-
(Mange Lal)
Deputy Secretary
Telefax- 24651010

No.004/MSC/032
Government of India
Central Vigilance Commission
*****

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

Dated the 22nd Sept., 2004

Office Order No. 60/9/04

To
All Chief Vigilance Officers

Subject: Acceptance of gifts by Government servants.

Sir/Madam,

Please refer to the Commission’s letter No.002/MSC/70 (Office Order No. 40/8/2003) dated the 27th August 2003 on the subject cited above. While the Commission reiterates its instructions issued vide the aforesaid office order and emphasizes that the practice by PSUs etc. of sending gifts to government servants on the occasion of festivals be discouraged, it is clarified that these instructions would not apply to mementoes, diary & calendar, etc. brought out by PSUs etc. for publicity and business promotion.

2 All CVOs are requested to bring this to the notice of all concerned. They should furnish a report on the expenditure incurred by them on festival gifts during this year, in their monthly and the annual report to the Commission.

Yours faithfully,

Sd/-
(Anjana Dube)
Deputy Secretary

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

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 2nd June, 2005

Office Order No.32/6/05

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

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

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers.

No. 004/VGL/96
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block'A',
GPO Complex, INA,
New Delhi-110023
Dated, the 4th April, 2005

Office Order No. 20/4/05

Sub:- **Guidelines issued by the Central Vigilance Commission for Vigilance Administration - regarding.**

The Commission regularly issues guidelines/instructions regarding important policy decisions etc. These guidelines are mainly meant for the Chief Vigilance Officers. However, a number of guidelines relate to tender matters/operational aspects, these should be circulated to all concerned by the CVO. Further, some of the C&MDs/CEOs desire to have all the guidelines/instructions issued by the Commission irrespective of whether they are meant for CVOs only. The Commission has considered the issue and has decided that all the important communications/Circulars issued by the Commission to the Chief Vigilance Officers should be brought into the notice of C&MDs/CEOs by the Chief Vigilance Officers.

Sd/-
(Anjana Dube)
Deputy Secretary

All Chief Vigilance Officers

No.005/VGL/15
Government of India
Central Vigilance Commission
*****

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 4th May, 2005.

Office Order No.24/4/05

**Subject: No prior approval/sanction of CVO's tour programmes by CMDs/
CEOs – reg.**

As per instructions contained in para 2(b) of Chapter XVIII of Vigilance Manual Vol. I, the CVOs are required to conduct regular inspections/surprise visits for detecting failures in quality and speed of work or malpractices as an integral part of vigilance activities. In this regard it is clarified that the CVOs of PSUs / PSBs need not to take formal prior approval/sanction of CMDs / CEOs for undertaking such tours and inspections but an intimation to the management would suffice in the matter. However, at the end of the tour, CVOs should send an inspection report to the CMDs/CEOs for information.

2. The above instructions may please be noted for strict compliance.

Sd/-
(Anjana Dube)
Deputy Secretary

All Secretaries to the Govt. of India.
All Chairman & Managing Directors/Chief Executive Officers of PSUs/PSBs/ Autonomous Organisations.
All Chief Vigilance Officers of PSUs/ PSBs/ Departments/ Ministries/ Autonomous Organisations.