



HANDBOOK ON VIGILANCE

OCTOBER 2010



प्रतिज्ञा

हम, भारत के लोक सेवक, सत्यनिष्ठा से प्रतिज्ञा करते हैं कि हम अपने कार्यकलापों के प्रत्येक क्षेत्र में ईमानदारी और पारदर्शिता बनाए रखने के लिए निरंतर प्रयत्नशील रहेंगे।

हम यह प्रतिज्ञा भी करते हैं कि हम जीवन के प्रत्येक क्षेत्र से भ्रष्टाचार उन्मूलन करने के लिए निर्बाध रूप से कार्य करेंगे। हम अपने संगठन के विकास और प्रतिष्ठा के प्रति सचेत रहते हुए कार्य करेंगे। हम अपने सामूहिक प्रयासों द्वारा अपने संगठनों को गौरवशाली बनाएंगे तथा अपने देशवासियों को सिद्धांतों पर आधारित सेवा प्रदान करेंगे। हम अपने कर्तव्य का पालन पूर्ण ईमानदारी से करेंगे और भय अथवा पक्षपात के बिना कार्य करेंगे।

Pledge

We, the public servants of India do hereby solemnly pledge that we shall continuously strive to bring about integrity and transparency in all spheres of our activities. We also pledge that we shall work unstintingly for eradication of corruption in all spheres of life. We shall remain vigilant and work towards the growth and reputation of our organisation through our collective efforts we shall bring pride to our organisations and provide value based service to our countrymen. We shall do our duty conscientiously and act without fear or favour.

अस्वीकरण

यह बुकलेट मात्र सांकेतिक है, अपने आप में सुविस्तृत नहीं है। यह संबंधित विषय पर किसी भी प्रकार से किसी नियम, प्रक्रिया तथा वर्तमान अनुदेशों/मार्ग दर्शी सिद्धांतों को प्रतिस्थापित नहीं करता। इस बुकलेट में उल्लेखित प्रावधान किसी भी प्रकार से किसी भी सी.वी.सी./रिलवे/कॉनकॉर कोड एवं परिपत्रों का, जिनका इसमें हवाला दिया गया है, अधिक्रमण नहीं करता एवं मामलों को सही संदर्भ में समझने के लिए इन्हें अन्य संगत पॉलिसी/सर्कुलर के समायोजन के साथ पढ़ा जाना चाहिए। इस बुकलेट को किसी भी न्यायालय में प्रस्तुत नहीं किया जाना चाहिए एवं जहां कहीं आवश्यक हो तो संबंधित विषय से संबंधित मूल आदेश को ही प्रस्तुत किया जाना चाहिए। इस बुकलेट का प्राथमिक उद्देश्य केवल संदर्भ के लिए है।

DISCLAIMER

THE BOOKLET IS ONLY INDICATIVE AND IS BY NO MEANS EXHAUSTIVE. NOR IT IS INTENDED TO BE A SUBSTITUTE FOR RULES, PROCEDURES AND EXISTING INSTRUCTIONS /GUIDELINES ON THE SUBJECT. THE PROVISIONS HEREIN DO NOT IN ANY WAY SUPERSEDE THE RULES CONTAINED IN ANY OF THE CVC/RAILWAY/CONCOR CODES AND THE CIRCULARS REFERRED TO HEREIN SHOULD BE READ BOTH INDIVIDUALLY AND IN CONJUNCTION WITH OTHER RELEVANT POLICY CIRCULARS FOR PROPER APPRECIATION OF THE ISSUES INVOLVED. THIS BOOKLET ALSO SHOULD NOT BE PRODUCED IN ANY COURT OF LAW AND WHEREVER NECESSARY, REFERENCE SHOULD ALWAYS BE MADE TO THE ORIGINAL ORDERS ON THE SUBJECT. PRIMARY PURPOSE OF THE BOOKLET IS FOR REFERENCE ONLY.



MESSAGE

I am glad to know that Vigilance cell of CONCOR is bringing out a Vigilance Bulletin 2010 on the occasion of Vigilance Awareness Period commencing from 25th October to 1st November, 2010.

The purpose of the Vigilance Awareness Week is to educate officer and staff about the cancer of corruption. Corrupt practices not only adversely affects the users confidence in the system but also the productivity of the organization. A cleaner and more transparent administration is possible only when the need for reform is generated from the heart.

I would like to convey my sincere appreciation to the Vigilance cell for taking the initiative and putting an excellent effort in bringing out this bulletin. I am sure that executives at all levels will make use of the various articles contained in the bulletin

A handwritten signature in black ink, appearing to be 'अ. क. गुप्ता' (A. K. Gupta).

(A. K. Gupta)
Managing Director



MESSAGE

The role of Vigilance department is basically to sensitize the officials of the Corporation to adopt good and ethical practices in exercise of administrative and managerial authorities. This supports in fighting corruptions.

In this bulletin, some aspects are being brought out to educate the officers and staff and for ensuring transparency in the official activities in the organization.

The Central Vigilance Commission has been emphasizing on the need to inculcate in the people of the country the desire and determination to fight corruption and promote probity in public life. The period commencing from 25th October to 1st November, 2010 is being observed as "Vigilance Awareness Period". This year emphasis is on "Generating awareness about the harmful effect of corruption". I hope various activities during the period will be very effective in achieving our objectives. Suggestions are welcome for improvement.

K. Rajeswara Rao

**(K. Rajeswara Rao, IAS)
Chief Vigilance Officer**

मिशन

हमारा मिशन अपने व्यावसायिक सहयोगियों और शेयरधारकों के साथ मिलकर कॉनकॉर को एक उत्कृष्ट कंपनी बनाने का है। अपने व्यावसायिक सहयोगियों के सक्रिय सहयोग से तथा लाभप्रदता एवं वृद्धि सुनिश्चित करके अपने ग्राहकों को अनुक्रियाशील, लागत प्रभावी, दक्ष और विश्वसनीय संभारतंत्र साधन उपलब्ध कराकर हम अवश्य ही ऐसा कर पाएंगे। हम अपने ग्राहकों की पहली पसंद बने रहने के लिए प्रयासरत हैं। हम अपने सामाजिक दायित्वों के प्रति दृढ़तापूर्वक प्रतिबद्ध हैं और हम पर जो विश्वास रखा गया है उस पर खरे उतरेंगे।

लक्ष्य

हम ग्राहक केंद्रित निष्पादन प्रेरित, परिणाम अभिमुख संगठन बनेंगे जिसका मुख्य लक्ष्य ग्राहकों को प्रतिलाभ दिलाना होगा।

हम संसाधनों का लाभप्रद उपभोग करने हेतु तथा उच्च गुणवत्ता वाली सेवाएं देने के लिए प्रयासरत रहेंगे और श्रेष्ठता हेतु मानक स्थापित करने के रूप में हमारी पहचान होगी।

हम परिष्कृत नवीन सेवाएं देने के लिए निरन्तर नए और बेहतर विकल्प खोजेंगे। ग्राहकों की सुविधा और संतुष्टि ही हमारा ध्येय होगा। हम अपने व्यावसायिक प्रतिस्पर्धियों से सीख लेंगे और श्रेष्ठता हेतु सदैव प्रयासरत रहेंगे।

हम अपने संगठन के लक्ष्यों और मिशन के समर्थन में परिमेय निष्पादन लक्ष्य निर्धारित करेंगे। हम अपने प्रतिस्पर्धियों के मुकाबले स्वयं ही मानक स्थापित करेंगे तथा अपने संगठन की उन्नति के लिए अपने व्यवसाय और परिचालन के सभी क्षेत्रों में एक संव्यावसायिक, सक्षम और समर्पित टीम के रूप में कार्य करेंगे।

हम व्यवसाय-सम्मत उच्चतम मानको का अनुसरण करेंगे तथा उत्तरदायी निगमित हस्ती के रूप में सामाजिक दायित्वों का निर्वहन करते हुए व्यावसायिक समुदाय के लिए सामाजिक मूल्यों में अत्यधिक वृद्धि करेंगे।

हम अपने कार्यालयीन कार्यों में पूर्णतः सत्यनिष्ठा, ईमानदारी, पारदर्शिता और निष्पक्षता बनाए रखेंगे। हम अपनी निजी जिंदगी में भी नैतिकता के उच्च आदर्श बनाए रखने हेतु प्रयासरत रहेंगे।

MISSION

“ OUR MISSION IS TO JOIN WITH OUR COMMUNITY PARTNERS AND STAKE HOLDERS TO MAKE CONCOR A COMPANY OF OUTSTANDING QUALITY. WE DO THIS BY PROVIDING RESPONSIVE, COST EFFECTIVE, EFFICIENT AND RELIABLE LOGISTICS SOLUTIONS TO OUR CUSTOMERS THROUGH SYNERGY WITH OUR COMMUNITY PARTNERS AND ENSURING PROFITABILITY AND GROWTH. WE STRIVE TO BE THE FIRST CHOICE FOR OUR CUSTOMERS. WE WILL BE FIRMLY COMMITTED TO OUR SOCIAL RESPONSIBILITY AND PROVE WORTHY OF TRUST REPOSED IN US.”

OBJECTIVES

“ WE WILL BE A CUSTOMER FOCUSED , PERFORMANCE DRIVEN , RESULT ORIENTED ORGANISATION, FOCUSED ON PROVIDING VALUE FOR MONEY TO OUR CUSTOMERS..”

“ WE WILL STRIVE TO MAXIMISE PRODUCTIVE UTILISATION OF RESOURCES, DELIVER HIGH QUALITY OF SERVICES, AND BE RECOGNISED AS SETTING THE STANDARDS FOR EXCELLENCE.”

“ WE WILL CONSTANTLY LOOK FOR NEW AND BETTER WAYS TO PROVIDE INNOVATIVE SERVICES. WE WILL AIM FOR CUSTOMER CONVENIENCE AND SATISFACTION, LEARN FROM OUR COMPETITORS AND ALWAYS STRIVE FOR EXCELLENCE.”

“ WE WILL SET MEASURABLE PERFORMANCE GOALS TO SUPPORT THE OBJECTIVES AND MISSION OF OUR ORGANISATION AND WORK AS A PROFESSIONAL, COMPETENT AND DEDICATED TEAM FOR THE ORGANISATION TO ACHIEVE EXCELLENCE IN ALL AREAS OF OUR BUSINESS AND OPERATIONS BY BENCHMARKING OURSELVES WITH OUR COMPETITORS.”

“ WE WILL FOLLOW HIGHEST STANDARDS OF BUSINESS ETHICS AND ADD SOCIAL VALUE FOR THE COMMUNITY AT LARGE BY DISCHARGING SOCIAL OBLIGATIONS AS A RESPONSIBLE CORPORATE ENTITY.”

“ WE WILL MAINTAIN ABSOLUTE INTEGRITY, HONESTY, TRANSPARENCY AND FAIR-PLAY IN ALL OUR OFFICIAL DEALINGS AND STRIVE TO MAINTAIN HIGH STANDARDS OF MORALITY IN OUR PERSONAL LIFE.”

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GLOSSARY

ACR	Annual Confidential Report
AG(AFHQ)	Adjudicent General
C.A.	Competent Authority
C.O.	Corporate Office
CA	Controlling Authority
CDI	Commissioner for Departmental Inquiries
CO	Charged Official
CBI	Central Bureau of Investigation
CFS	Container Freight Station
CGM	Chief General Manager
CONCOR	Container Corporation of India
CTE	Chief Technical Examiner
CVC	Central Vigilance Commission
CVO	Chief Vigilance Officer
D.A.	Disciplinary Authority
DA	Defence Assistant
DCT	Domestic Container Terminal
DD	Defence Documents
DOPT	Department of Personnel and Training
DSPE	Delhi Special Police Establishment
DW	Defence Witness
GEQD	Government Examiner of Questioned Documents
GGM	Group General Manager
ICD	Inland Container Depot
IO	Inquiry Officer
IVO	Investigating Officer
JPC	Joint Parliamentary Committee
PD	Prosecution Documents
PE	Preliminary Enquiry
PH	Preliminary Hearing
PO	Presenting Officer
PSB	Public Sector Bank
PSCT	Port Side Container Terminal
PSE	Public Sector Enterprise
PSU	Public Sector Undertaking
PW	Prosecution Witness
QPR	Quarterly Progress Report
R.O.	Regional Office
RC	Regular Case
RDA	Regular Departmental Action
RGM	Regional General Manager
RH	Regular Hearing
SPS	Suspected Public Servant
TE	Technical Examiner
TM	Terminal Manager
VC	Vigilance Commissioner

CHAPTER – I

1. Vigilance

Vigilance – A management function : The term “Vigilance” was introduced in Indian administrative vocabulary in the second half of the fifties in pursuance of complaints raised in Parliament and outside against corruption. “Vigilance” is defined as watchfulness / caution / prudence. In the context of administration, vigilance signifies maintenance of purity and integrity in public life. It is essentially a management function aimed at ensuring orderly conduct of affairs by the public servant. It is a planned effort to uncover & punish corruption and bribery malpractice. The primary object of vigilance is to protect the honest and punish the corrupt.

2. Need for Vigilance

Proper exercise of authority : Corruption in public life is an age-old problem. In developing countries like India, there is a need to ensure that the resources which are mobilized for development are properly utilized. It is the moral responsibility of every functionary that he/she does not use the authority vested in him/her, for personal gain. It is also a legitimate function of the management to ensure that it is alert and vigilant. All Managers are ipso-facto vigilance officers.

3. Vigilance Angle

3.1 Vigilance angle is obvious in the following acts:

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.

- (iii) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- (iv) Possession of assets disproportionate to his known sources of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

3.2 There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible public interest is evident; failure to keep the controlling authority/superiors informed in time – these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.

3.3 The *raison d'être* of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the bonafides of the case. A positive response to this question may indicate the existence of bona-fides. A negative reply, on the other hand, might indicate their absence.

3.4 Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not

liable to face the consequences of his actions. All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules.

4. Definitions

Corruption :

As described under section 161 of IPC corruption is defined as follows:-

“Whoever, being or expecting to be a public servant, accepts or obtains, or agrees to accept, or attempts to obtain gratification whatever, other than legal remuneration as a motive or a reward for doing or for bearing to do any official act or for showing or for bearing to show, in the exercise of his official functions favour or disfavour to any person with the Central or State Government or Parliament or Legislature of any State or with any public servant as such”.

World bank defines “Corruption” as the abuse of public office for private gain.

Corruption is also described as the acquisition of forbidden benefits by officials or employees, so bringing into question their loyalty to their employers.

Corruption is a willful act, intentionally committed by an individual – by deception, suppression, cheating, fraudulent means or by any other illegal means, thereby causing wrongful gain and/or wrongful loss to others.

The misuse of power by someone to whom it has been entrusted, for their own private gain;

- Corruption by a public official for private gain.
- Corruption of the criminal justice system
- Corruption of a public office
- Corruption for private gain.

Causes of Corruption

As per report of Santhanam Committee : The major causes of corruption as identified by Santhanam Committee constituted by the Central Government are :

Red tape & Administrative delays

Unnecessary regulation

Scope of personal discretion

Cumbersome procedures

Scarcity of goods & services

Lack of transparency

Bribe :

The most common form of corruption is bribery, which is defined as the giving or receiving of money, a gift or other advantage as an inducement to do something that is dishonest, illegal or a breach of trust in the course of doing business.

It is the amount received by a Public Servant, other than his legal remuneration, for performance of his official duties.

DIFFERENCE BETWEEN GIFT AND BRIBE

PURPOSE	–	Is it a thank you or seeking favour.
RULES	–	What are organizational rules.
OPENNESS	–	Is the offer transparent.
VALUE	–	Is it expensive.
ETHICS	–	Does the offer fit with Org. ethics
IDENTITY	–	Who has made offer.
TIMING	–	Are you about to make decision.

Public Servant :

Public Servant is a person – in service or pay of Government or remunerated by fees or commission for the performance of any public duty by the Government. In the service or pay of local authority, a corporation established by or under a Central, Provincial or state Act, or a Government Company as defined in Section 617 of the Companies Act, 1956.

Misappropriation :

Misappropriation is deemed to have been committed if a public servant has appropriated property which does not belong to him/her for his/her own benefit, or for the benefit of someone else for which it was not intended.

Fraud :

Fraud means the successful practice of deception with the intention of cheating. Deception is dishonest concealment of facts on the part of a person. The deceiver's objective is to acquire or retain wrongful possession of property to which the other person has a rightful claim and is entitled to recovery by law.

Fraud is a crime of OPPORTUNITY that involves rogue employees or third parties being given or exploiting the OPPORTUNITY to commit fraud, which exposes the entity to financial and reputational damage

Illegal :

The word 'illegal' is applicable to everything which is an offence or which is prohibited by law, or which furnishes a ground for a civil action.

Wrongful Gain :

'Wrongful gain' is the loss by unlawful means, of property to which the person/organization losing, is entitled.

Wrongful loss :

'Wrongful loss' is the loss by unlawful means, of property to which the person / organization losing, is entitled.

Disproportionate assets :

The assets acquired by a public servant during a certain period are said to be disproportionate to his known source of income if, the total value of such assets is more than the difference between his income from all his known sources and the expenditure during the same period.

Money Laundering :

Money Laundering is the practice of engaging in financial transactions in order to conceal the identity, source, and/or destination of money, and is a main operation of the underground economy.

- Swiss Bank Accounts
- Online casinos
- Anti-money laundering initiatives

Complaints

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

कॉनकॉर परिवार का यह नारा है,
नया कुछ कर दिखाना है।

भ्रष्टाचार-मुक्त कार्य व्यवहार,
हम सबने ही तो अपनाया है ॥

CHAPTER – II

1. Administrative Vigilance Division

The Administrative Vigilance Division was set up in the Ministry of Home Affairs, in August 1955, to serve as a central agency to assume overall responsibility for anti-corruption measures. With the establishment of the Central Vigilance Commission, a good part of the functions performed by the Administrative Vigilance Division are now exercised by the Central Vigilance Commission. The Administrative Vigilance Division is now responsible for the formulation and implementation of policies of the Central Government in the field of vigilance, integrity in public services, and anti-corruption and to provide guidance and coordination to Ministries/Department of Government of India in matters requiring decisions of Government.

2. Central Vigilance Commission

Central Vigilance Commission Act 2003 : It is an Apex advisory body for exercising general superintendence and control over vigilance matters in administration and probity in public life. CVC was accorded statutory status through an Ordinance dated 25.08.1998, namely, "Central Vigilance Commission Ordinance, 1998". The Central vigilance Commission Act, 2003 has since been enacted.

Constitution : As per Central Vigilance Commission Act 2003, the Commission shall consist of a Central Vigilance Commissioner who will be the Chairperson and not more than two vigilance Commissioners as members. At present CVC is headed by the Central Vigilance Commissioner. There are two vigilance Commissioners. CVC has a technical wing headed by Chief Technical Examiners which provides aid and advice in technical matters. CTEs conduct periodic examination of works in the organizations under their jurisdictions.

(1) In pursuance of the recommendations made by the

Committee on Prevention of Corruption [*popularly known as Santhanam Committee*], the Central Vigilance Commission was set up by the Government of India by a Resolution, dated 11.2.1964. Consequent upon the judgement of the Hon'ble Supreme Court in *Vineet Narain vs. Union of India* [CWP 340-343 of 1993], the Commission was accorded statutory status with effect from 25.8.1998 through "**The Central Vigilance Commission Ordinance, 1998**". Subsequently, the CVC Bill was passed by both Houses of Parliament in 2003 and the President gave its assent on 11th September 2003. Thus, the Central Vigilance Commission Act, 2003 (No.45 of 2003) came into effect from that date.

(2) **Set-up:** In terms of the provisions made in the CVC's Act, the Commission shall consist of a Central Vigilance Commissioner [Chairperson] and not more than two Vigilance Commissioners [Members]. Presently, the Commission is a three member Commission consisting of a Central Vigilance Commissioner and two Vigilance Commissioners. The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President by warrant under his hand and seal for a term of four years from the date on which they enter upon their offices or till they attain the age of sixty-five years, whichever is earlier. However, the present Vigilance Commissioners shall have tenure of three years as they had been appointed before the CVC Act came into force.

(3) **Functions and Powers of Central Vigilance Commission**

3.1 The functions and powers of the Commission, as defined in the CVC Act, are as under:

(a) To exercise superintendence over the functioning of Delhi Special Police Establishment [DSPE] insofar as it relates to investigation of offences alleged to have been committed under the PC Act or an offence with which a public servant belonging a particular category [i.e. a member of All India Services serving in

connection with the affairs of the Union; or Group 'A' officer of the Central Government; or an officer of the Central Public Sector enterprise/autonomous organisation etc.] may be charged under the Code of Criminal Procedure at the same trial;

- (b) To give directions to the DSPE for the purpose of discharging the responsibility of superintendence. The Commission, however, shall not exercise powers in such a manner so as to require the DSPE to investigate or dispose of any case in a particular manner;
- (c) To inquire or cause an inquiry or investigation to be made on a reference made by the Central Government wherein it is alleged that a public servant being an employee of the Central Government or a corporation established by or under any Central Act, Government company, society and any local authority owned or controlled by that Government, has committed an offence under the PC Act; or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (d) To inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to the following categories of officials, wherein it is alleged that he has committed an offence under the PC Act:
 - (i) Members of All India Services serving in connection with the affairs of the Union;
 - (ii) Group 'A' Officers of the Central Government;
 - (iii) Officers of Scale-V and above of public sector banks;
 - (iv) Such level of officers of the corporations established by or under any Central Act,

Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf, provided that till such time a notification is issued, all officers of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in this clause.

- (e) To review the progress of applications pending with the competent authorities for sanction of prosecution under the PCAAct;
- (f) To review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the PCAAct;
- (g) To tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, the said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise; and
- (h) 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.

3.1.1 Clause 24 of the CVC Act empowers the Commission to discharge the functions entrusted to it vide Government of India's Resolution dated 11.02.1964, insofar as those functions are not inconsistent with the provisions of the Act. Thus, the Commission will continue to perform following

functions in addition to the functions enumerated in para 1.3.3.1 above:

- (a) **Appointment of CVOs:** The Commission would convey approval for appointment of CVOs in terms of para 6 of the Resolution, which laid down that the Chief Vigilance Officers will be appointed in consultation with the Commission and no person whose appointment as the CVO is objected to by the Commission will be so appointed.
- (b) **Writing ACRs of CVOs:** The Central Vigilance Commissioner would continue to assess the work of the CVO, which would be recorded in the character rolls of the officer concerned in terms of para 7 of the Resolution.
- (c) **Commission's advice in Prosecution cases:** In cases in which the CBI considers that a prosecution should be launched and the sanction for such prosecution is required under any law to be issued in the name of the President, the Commission will tender advice, after considering the comments received from the concerned Ministry/Department/Undertaking, as to whether or not prosecution should be sanctioned.
- (d) **Resolving difference of opinion between the CBI and the administrative authorities:** In cases where an authority other than the President is competent to sanction prosecution and the authority does not propose to accord the sanction sought for by the CBI, the case will be reported to the Commission and the authority will take further action after considering the Commission's advice. In cases recommended by the CBI for departmental action against such employees as do not come within the normal advisory jurisdiction of the Commission, the Commission will continue to resolve the difference of opinion, if any, between the

CBI and the competent administrative authorities as to the course of action to be taken.

- (e) ***Entrusting cases to CDIs:*** The Commission has the power to require that the oral inquiry in any departmental proceedings, except the petty cases, should be entrusted to one of the Commissioners for Departmental Inquiries borne on its strength; to examine the report of the CDI; and to forward it to the disciplinary authority with its advice as to further action.
- (f) ***Advising on procedural aspects:*** If it appears that the procedure or practice is such as affords scope or facilities for corruption or misconduct, the Commission may advise that such procedure or practice be appropriately changed, or changed in a particular manner.
- (g) ***Review of Procedure and Practices:*** The Commission may initiate at such intervals as it considers suitable review of procedures and practices of administration insofar as they relate to maintenance of integrity in administration.
- (h) ***Collecting information:*** The Commission may collect such statistics and other information as may be necessary, including information about action taken on its recommendations.
- (i) ***Action against persons making false complaints:*** The Commission may take initiative in prosecuting persons who are found to have made false complaints of corruption or lack of integrity against public servants.

3.1.2 ***Jurisdiction:*** Clause 8(1)(g) of the CVC Act requires the Commission to tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, said

Government companies, societies and local authorities owned or controlled by the Central Government or otherwise. Thus, the types of cases to be referred to the Commission for advice, and also the status of officers against whom the cases would be referred to the Commission, may require a notification by the Government in the rules to be framed under the Act or through administrative instructions on the recommendation made by the Commission. However, till such time the instructions are notified, the Commission would continue to advise on **vigilance cases** against following categories of employees:

- (a) Group 'A' officers of the Central Government;
- (b) (b) Members of All India Services if misconduct was committed while serving in connection with the Affairs of the Union; or if the State Govt. proposes to impose a penalty of dismissal, removal or compulsory retirement for the misconduct committed by him while serving in connection with the affairs of that State Government;
- (c) Executives holding top positions up to two levels below the Board-level in the public sector undertakings;
- (d) Officers in Scale-V and above in the public sector banks;
- (e) Officers of the rank of Assistant Manager and above in the insurance sector (covered by LIC and GIC); and
- (f) Officers drawing basic pay of Rs.8700 and above in autonomous bodies/local authorities/societies etc.

3.1.3 While delegating powers to the Ministries/Organisations to handle vigilance cases against certain categories of employees, 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; 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 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 recommended its review by the reviewing authority or may give such directions as it considers appropriate.

CTE organisation:

- 1.1 The Committee on Prevention of Corruption had recommended that the Chief Technical Examiner's Organisation [*hereinafter referred as CTEO*], which was created in 1957, in the Ministry of Works, Housing & Supply for the purpose of conducting a concurrent technical audit of works of the Central Public Works Department with a view to securing economy in expenditure and better technical and financial control, should be transferred to the Central Vigilance Commission so that its services may be easily available to the Central Bureau of Investigation or in inquiries made under the direction of the Central Vigilance Commission. The recommendation was accepted by the Government of India and the Chief Technical Examiner's Organisation now functions under the administrative control of the Central Vigilance Commission as its technical wing, carrying out inspection of civil, electrical and horticulture works of the Central Government departments, public sector undertakings/enterprises of the Government of India and central financial institutions/banks etc. The jurisdiction of the organisation is coextensive with that of the Commission. The works or contracts for intensive examination are selected from the details furnished by the CVO in the quarterly progress reports sent to the CTEO. The

intensive examination of works carried out by the organisations helps in detecting cases related to execution of work with substandard materials, avoidable and/or ostentatious expenditure, and undue favours or overpayment to contractors etc.

At present, information in respect of civil works in progress having the tender value exceeding Rupees One crore, electrical/mechanical/electronic works exceeding Rupee fifteen lacs, horticulture works more than Rupee two lacs and store purchase contracts valuing more than Rupee two crores are required to be sent by the CVOs of all organisations. However, the Chief Vigilance Officers are free to recommend other cases also, while submitting the returns for examination of a particular work, if they suspect any serious irregularities having been committed.

- 1.2 Out of the returns furnished by the Chief Vigilance Officer, the Chief Technical Examiners select certain works for intensive examination and intimate these to the CVOs concerned. The CVO is expected to make available all relevant documents and such other records as may be necessary, to the CTE's team examining the works. After intensive examination of a work is carried out by the CTE's Organisation, an inspection report is sent to the CVO. The CVO should obtain comments of various officers at the site of work or in the office at the appropriate level, and furnish these comments to the CTE with his own comments. In case the CTE recommends investigation of any matter from a vigilance angle, such a communication should be treated as a complaint and dealt with appropriately. The investigation report in such cases should be referred to the Commission for advice even if no vigilance angle emerges on investigation.
- 1.3 **CDIs Unit:** To assist the disciplinary authorities in the expeditious disposal of oral inquiries, the Ministry of Home Affairs appointed Officers on Special Duty [later redesignated as Commissioners for Departmental Inquiries] on the strength of the Administrative Vigilance Division. On

the recommendation of the Committee on Prevention of Corruption, the Commissioners for Departmental Inquiries were transferred to work under the control of the Central Vigilance Commission.

- 1.4 **Annual Report:** The Commission is required to present annual report to the President as to the work done by it within six months of the close of the year under report. The report would contain a separate part on the superintendence by the Commission on the functioning of Delhi Special Police Establishment. The President shall cause the same to be laid before each House of Parliament.

3. Central Bureau of Investigation

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

such cases and will render necessary assistance to the SPE during investigation;

- (b) Cases, which substantially and essentially involve State Government employees or relate to the affairs of a State Government, even though involving certain Central Government employees, are investigated by the State Police. The SPE is informed of such cases and it extends assistance to the State Police during investigation, if necessary. When the investigation made by the State Police authorities in such cases involves a Central Government employee, the requests for sanction for prosecution of the competent authority of the Central Government will be routed through the SPE.

3.3 The Special Police Establishment, which forms a Division of the Central Bureau of Investigation, has two Divisions, viz. (i) Anticorruption Division and (ii) Special Crimes Division. Anticorruption Division investigates all cases registered under the Prevention of Corruption Act, 1988. If an offence under any other section of IPC or any other law is committed along with offences of bribery and corruption, it will also be investigated by the Anticorruption Division. The Anticorruption Division will also investigate cases pertaining to serious irregularities allegedly committed by public servants. It will also investigate cases against public servants belonging to State Governments, if entrusted to the CBI. On the other hand, the Special Crime Division investigates all cases of Economic offences and all cases of conventional crimes; such as offences relating to internal security, espionage, sabotage, narcotics and psychotropic substances, antiquities, murders, dacoities/robberies, cheating, criminal breach of trust, forgeries, dowry deaths, suspicious deaths and other offences under IPC and other laws notified under Section 3 of the DSPE Act.

3.4 The superintendence of the Delhi Special Police Establishment insofar as it relates of investigation of offence

alleged to have been committed under the Prevention of Corruption Act, 1988 [i.e. Anti-Corruption Division] vests in the Commission. The superintendence of DSPE in all other matters vests in the Central Government.

- 3.5 The administration of DSPE vests in the Director of the CBI, who is appointed on the recommendations of a committee headed by the Central Vigilance Commissioner. He holds office for a period of not less than two years from the date on which he resumed office. The Director CBI shall exercise in respect of DSPE such of the powers exercisable by an Inspector General of Police in respect of police force in a State as the Central Government may specify in that behalf
- 3.6 The Delhi Special Police Establishment shall not conduct any inquiry or investigation into any offence alleged to have been committed under the Prevention of Corruption Act, 1988 except with the previous approval of the Central Government where such allegation relates to-
- (a) the employees of the Central Government of the level of Joint Secretary and above: and
 - (b) such officers as are appointed by the Central Government in corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government.
- 3.7 Notwithstanding anything contained in para 1.5.6, no such approval shall be necessary for cases involving arrest of a person on the spot on the charge of accepting or attempting to accept any gratification other than legal remuneration referred to in clause (c) of the Explanation to section 7 of the Prevention of Corruption Act, 1988.

4. Vigilance Directorate, Railway Board

Constitution and Jurisdiction : The Vigilance Directorate is headed by Advisor (Vigilance). It's jurisdiction extends to all

vigilance activities in Indian Railways. It investigates all complaints in respect of Board level appointees & conducts periodical review of vigilance cases of PSUs under the Ministry of Railways.

जागरूक बने कॉनकॉर का हर कर्मचारी ।
रहेंगे प्रयासरत सतत, नर हो या नारी ॥

अनैतिक आय का लालच ।
छीन लेगा तन मन का चैन ॥

अनैतिक कमाई का लिया सहारा ।
नाम और प्रतिष्ठा ने किया किनारा ॥

भ्रष्टाचार-मुक्त है कॉनकॉर ।
जागरूक, सजग है कॉनकॉर ॥

सत्यनिष्ठा एवं अनुकरणीय आचार-विचार ।
कठिन परिश्रम, सादा जीवन, उच्च-विचार ॥

CHAPTER – III

1. Vigilance set up in CONCOR

Constitution and Jurisdiction: The Nucleus set up of Vigilance in CONCOR controls its activities from Corporate Office, New Delhi. The Vigilance Division is headed by the Chief Vigilance Officer who directly reports to the Managing Director. Vigilance division is comprised of three wings namely, Preventive / anti-corruption / investigation wing. Disciplinary proceeding wing and Technical wing. A team of GGM(Vigilance), SGM/Vigilance, DGM/Vigilance and Dy. Manager/Vigilance assist the CVO in day to day functioning.

2. Chief Vigilance Officer's Organisation

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

While “surveillance” and “punitive action” for commission of misconduct and other malpractices is certainly important, the 'preventive measure’ to be taken by the CVO are

comparatively more important as these are likely to reduce the number of vigilance cases considerably. Thus, the role of CVO should be predominantly preventive.

PREVENTIVE VIGILANCE

Santhanam Committee, while outlining the preventive measures, that should be taken to significantly reduce corruption, had identified four major causes of corruption, viz. (i) administrative delays; (ii) Government taking upon themselves more than what they can manage by way of regulatory functions; (iii) scope for personal discretion in the exercise of powers vested in different categories of government servants; and (iv) cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs. The CVO is thus expected to take following measures on preventive vigilance side:

- (i) To undertake a study of existing procedure and practices prevailing in his organisation with a view to modifying those procedures or procedures or practices which provide a scope for corruption, and also to find out the causes of delay, the points at which delay occurs and device suitable steps to minimize delays at different stages;
- (ii) To undertake a review of the regulatory functions with a view to see whether all of them are strictly necessary and whether the manner of discharge of those functions and exercise of powers of control are capable of improvement;
- (iii) To device adequate methods of control over exercise of discretion so as to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner;
- (iv) To educate the citizens about the procedures of dealing with various matters and also to simplify the cumbersome procedures as far as possible;
- (v) To identify the areas in his organisation which are prone to corruption and to ensure that the officers of proven integrity only are posted in those areas;

- (vi) To prepare a list of officers of doubtful integrity-The list would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as
 - (a) officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving Moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances;
 - (b) awarded departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of government although corrupt motive may not be capable of proof;
 - (c) against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude; and
 - (d) who was prosecuted but acquitted on technical grounds as there remained a reasonable suspicion about his integrity;
- (vii) To prepare the “agreed list” in consultation with the CBI- This list will include the names of officers against whose honesty or integrity there are complaints, doubts or suspicions;
- (viii) To ensure that the officers appearing on the list of officers of doubtful integrity and the agreed list are not posted in the identified sensitive/corruption prone areas;
- (ix) To ensure periodical rotations of staff; and
- (x) To ensure that the organisation has prepared manuals on important subjects such as purchases, contracts, etc. and that these manuals are updated from time to time and conform to the guidelines issued by the Commission.

PUNITIVE VIGILANCE

The CVO is expected to scrutinize reports of Parliamentary Committees such as Estimates Committee, Public Accounts Committee and the Committee on public undertakings; audit reports; proceedings of both Houses of Parliament; and complaints and allegations appearing in the press; and to take appropriate action thereon. Predominantly, the CVO is expected to take following action on the punitive vigilance aspects:

- (i) To receive complaints from all sources and scrutinize them with a view to finding out if the allegations involve a vigilance angle. When in doubt, the CVO may refer the matter to his administrative head;
- (ii) To investigate or cause an investigation to be made into such specific and verifiable allegations as involved a vigilance angle;
- (iii) To investigate or cause an investigation to be made into the allegations forwarded to him by the Commission or by the CBI;
- (iv) To process the investigation reports expeditiously for obtaining orders of the competent authorities about further course of action to be taken and also obtaining Commission's advice on the investigation reports where necessary;
- (v) To ensure that the charge sheets to the concerned employees are drafted properly and issued expeditiously;
- (vi) To ensure that there is no delay in appointing the inquiring authorities where necessary;
- (vii) To examine the inquiry officer's report, keeping in view the evidence adduced by the prosecution and the defence during the course of inquiry, and obtaining orders of the competent authority about further course of action to be taken and also obtaining the Commission's second stage advice and UPSC's advice, where necessary;

- (viii) To ensure that the disciplinary authority concerned, issued a speaking order, while imposing a punishment on the delinquent employee. The order to be issued by the disciplinary authority should show that the disciplinary authority had applied its mind and exercised its independent judgment;
- (ix) To ensure that rules with regard to disciplinary proceedings are scrupulously followed at all stages by all concerned as any violation of rules would render the entire proceedings void;
- (x) To ensure that the time limits prescribed for processing the vigilance cases at various stages, as under, are strictly adhered to:

3. Chief Vigilance Officer : Appointment, Role, Duties and Responsibility of the CVO :

BACKGROUND

- (a) Primary responsibility for maintenance of purity, integrity and efficiency in the organisation vests in the Secretary of the Ministry, or the head of the Department, or the Chief Executive of the Public Sector Enterprises. Such authority, however, is assisted by an officer called the Chief Vigilance Officer(CVO) in the discharge of vigilance functions. The CVO acts as a special assistant/advisor to the chief executive and reports directly to him in all matters relating to vigilance. He heads the Vigilance Division of the organisation concerned and provides a link between is organisation and the Central Vigilance Commissioner and his organisation and the Central Bureau of Investigation.
- (b) It has been provided that big departments / organizations should have a full-time CVO, i.e. he should not be burdened with other responsibility. If it is considered that the CVO does not have full-time vigilance work, he may be entrusted with such

functions that serve as input to vigilance activity, e.g. audit and inspections. The work relating to security and vigilance, however, should not be entrusted to the CVO as, in that case, the CVO would find very little time for effective performance of vigilance functions. Furthermore, in order to be effective, he should normally be an outsider appointed for a fixed tenure on deputation terms and should not be allowed to get absorbed in the organisation either during the currency of deputation period or on its expiry.

PROCEDURE FOR APPOINTMENT

- (a) The Chief Vigilance Officers in all departments / organisations are appointed after prior consultation with the Central Vigilance Commission and no person whose appointment in that capacity is objected to by the Commission may be so appointed.

Appointment of CVOs in Public Sector Undertakings

- (a) The CVO in a public sector undertaking (PSU), as far as practicable, should not belong to the organisation to which he is appointed, and having worked as CVO in an organisation, should not go back to the same organisation as CVO. The thrust behind this policy is to ensure that the officer appointed as CVO is able to inspire confidence that he would not be hampered by past association with the organisation in deciding vigilance cases.
- (b) The following guidelines have been prescribed for filling up full-time posts of CVOs in the PSUs:
 - (i) The posts shall be filled as per the procedure followed for posts in the Central Government under the Central Staffing Scheme;
 - (ii) The DOPT would request the cadre controlling authorities of various organized services, as well as PSUs, to offer officers of proven integrity for these

posts. The names, so received, would be forwarded, along with bio-data of the officers concerned and their ACR Dossiers, to the Central Vigilance Commission for approval;

- (iii) The DOPT would maintain a panel of names approved by the Commission and would request the cadre authorities, as well as the officers on the officer list, to indicate choice of location;
- (iv) The DOPT would offer the names to the Ministries / Departments concerned for the posts of CVOs in the PSUs under their respective charges;
- (v) The offer list would be operative for a period of one calendar year;
- (vi) The DOPT, or the administrative Ministry / Department concerned, would obtain specific approval in favor of an officer in the proposal is to appoint that officer as a CVO in any of 100 select organisations.

4. Role and functions of Chief Vigilance Officer

Even though detection and punishment of corrupt and other malpractices are certainly important, what is more important is taking preventive measures instead of hunting for the guilty in the post corruption stage. Therefore, the role and functions of CVOs has been broadly divided in to two parts, which are (1) Preventive and (II) Punitive.

On the preventive side

The CVO undertakes various measures, which include:

- (a) To examine in detail the existing Rules and procedures of the Organization with a view to eliminate or minimize the scope for corruption of malpractices;

- (b) To identify the sensitive / corruption prone spots in the Organization and keep an eye on personnel posted in such areas;
- (c) To maintain proper surveillance on Officers of doubtful integrity; and to ensure prompt observance of Conduct Rules relating to integrity of the officers.

On the punitive side

- (i) To ensure speedy processing of vigilance cases at all stages. In regard to cases requiring consultation with the Central Vigilance Commission, a decision as to whether the case had a vigilance angle shall in every case be taken by the CVO who, when in doubt, may refer the matter to his administrative head of organizations;
- (ii) To ensure that Charge – Sheet, statement imputations, lists of witness and documents etc. are carefully prepared and copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority are supplied whenever possible to the accused officer along with the charge-sheet;
- (iii) To ensure that the processing of Inquiry Officer's Reports for final orders of the Disciplinary Authority is done properly and quickly;
- (iv) To scrutinize final orders passed by the Disciplinary Authorities subordinate to the Ministry / Department with a view to see whether a case for review is made out or not;
- (v) To see that the proper assistance is given to the C.B.I in the investigation of case entrusted to them or started by them on their own source of information;
- (vi) To take proper and adequate action with regard to writ petitions filed by accused officers;

- (vii) To ensure that the Central Vigilance Commission is consulted at all stages where it is to be consulted and that as far as possible, the time limits prescribed in the Vigilance Manual of various stage are adhered to;
- (viii) To ensure prompt submission of returns of the CVC;
- (ix) To review from time to time the existing arrangements for vigilance work in the Department and to see if there is adequate subordinate staff to ensure expeditious and effective disposal of vigilance work;
- (x) To ensure that the competent disciplinary authorities do not adopt a dilatory or low attitude in processing vigilance case, thus knowingly otherwise helping the subject public servants, particularly in case of officers due to retire;
- (xi) To time-limit for reasons such as misplacement of files etc. and that the orders passed in the cases of retiring officers are implemented in time; and
- (xii) To ensure that the period from the date of serving a charge-sheet in a disciplinary case to the submission of the report of the Inquiry Officer, should, ordinarily, not exceed six months.

CHAPTER – IV

1. Aspects of Vigilance

Preventive Vigilance : To take steps to ensure that no offense/misconduct is committed may be termed as preventive vigilance, as the saying goes prevention is better than cure. Following steps are part of preventive vigilance activities :

Analysis of rules and regulations and other administrative orders of the organization.

Identifying procedures and systems which need to be simplified / made more transparent.

Identification of sensitive areas and corrupt practices.

Organising Vigilance Awareness Programmes.

Rotation of Officials in sensitive posts.

Regular/surprise checks and inspections.

Detective Vigilance : When some offense / misconduct has already been committed its detection through investigation may be termed as detective vigilance. Following steps are involved in detective vigilance:

Examination of complaints, inspection reports, audit reports, progress reports and other information including source information.

Detection of corrupt practice, malpractice, negligence, misconducts etc.

Close watch on public contact points and sensitive posts and persons of doubtful integrity.

Scrutiny of decisions by Officials having discretionary powers.

Organising traps / raids with the help of police/CBI

Punitive Vigilance : When a misconduct/offence committed by an employee is detected and prima-facie, it appears that the misconduct needs thorough enquiry then the following steps are taken :

Investigation and collection of evidence and speedy departmental inquiries.

Swift & deterrent action against actual culprits.

2. Complaints and Investigations

Anonymous : When the complaint does not bear the identity of the complainant, i.e., name and complete address, the complaint is treated as anonymous complaint.

Pseudonymous : When the complaint bears the complete name and address of the complainant but on verification either the name or address is found fictitious, the complaint is treated as pseudonymous complaint.

Synonymous : When the complaint bears complete name and address of the complainant and on verification, complainant comes forward to extend any help during investigation, the complaint is treated as synonymous complaint.

Investigation of Complaint : As per latest instructions from CVC, no action shall be initiated on anonymous and pseudonymous complaints. If these complaints have verifiable facts, the same shall be sent to CVC for permission to take up the complaint for investigation. In case of synonymous complaints, the complaints will be taken for investigation after verification of authenticity of the complaint.

On receipt of the complaint, CVO will decide to conduct a fact-finding enquiry by appointing a designated investigating officer. Its purpose is to ascertain whether there is any substance in the allegation to find out the persons involved

and to collect all documentary and oral evidences that would be necessary for proceeding against the guilty person departmentally or in a court of law.

The departmental officer conducting preliminary enquiry should :

- i) Collect all evidences that may be needed for taking disciplinary action against the government servant involved.
- ii) Record statements of all the persons interrogated by him; and
- iii) Take all documents in his possession, wherever necessary

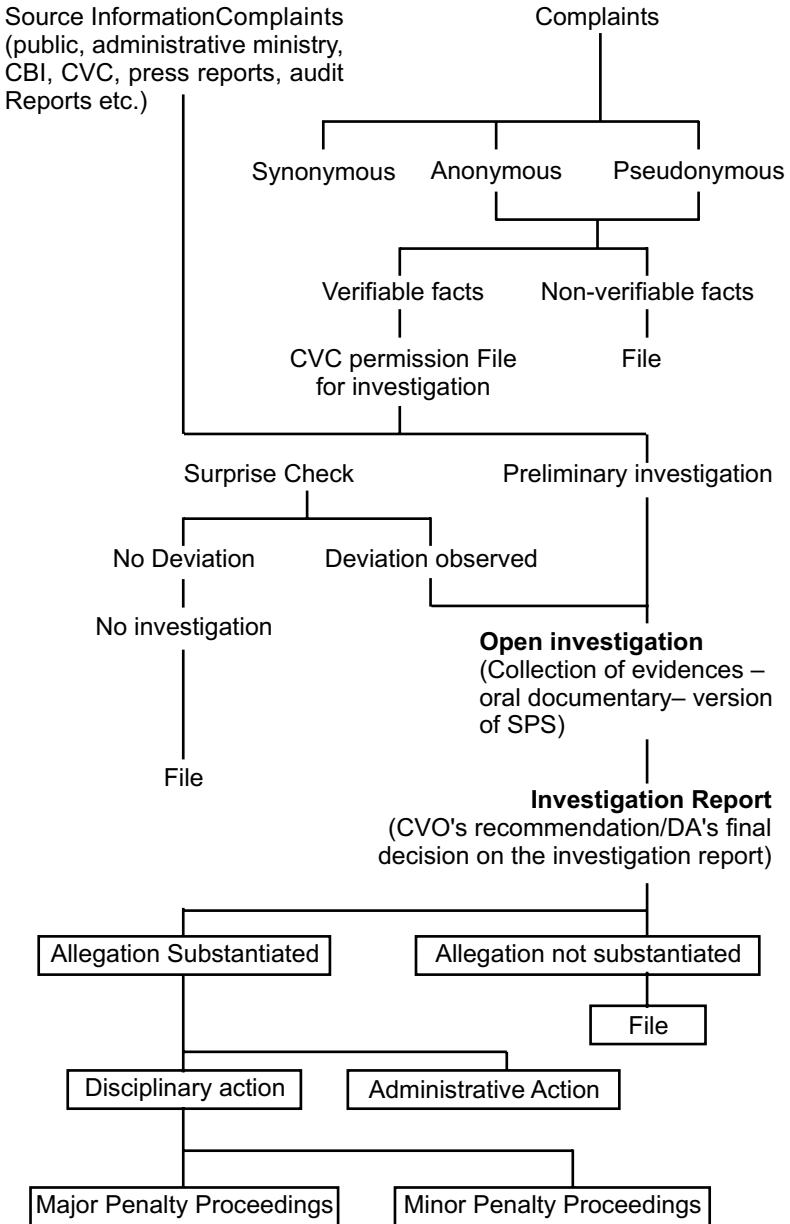
Action on investigation report : Any of the following actions can be taken by the Competent Authority on receipt of the investigation report.

- i) The complaint may be dropped if the allegations are not substantiated.
- ii) A warning may be issued to the erring official.
- iii) The erring official concerned may be prosecuted in a court of law or
- iv) Disciplinary proceedings may be instituted for imposing a minor or major penalty depending upon the gravity of the misconduct/misbehaviour.

काँनकॉर के कर्मचारी का जीवन-दर्शन ।
भ्रष्टाचार रहित हो अपना जीवन यापन ॥

लालच की अति मीठी वाणी
लालच के अति मीठे बोल ।
एक वार जो फंसे जाल में
सुनो सदा दुर्दशा के ढोल ॥

Investigation



Do's & Don't's for Works Tenders

DO's

1. Prefer open tendering as far as possible.
2. Ensure adequate time for submission of offers, as per guidelines between date of NIT publication and date of opening.
3. Ensure adequate and wide publicity.
4. Upload NIT and tender documents on website even in case of limited tenders.
5. Notify complete address of place of submission.
6. Ensure timely supply of approved plans.
7. Ensure that the tender documents are available for sale of at least 15 days before opening of the tenders including on website in downloadable form.
8. Clearly define similar nature of work for the eligibility criteria in the tender document so that no ambiguity arises during tender committee meeting.
9. Open the bids in presence of bidders.
10. Attest and account for corrections, omissions, insertions, overwriting.
11. Prepare “on the spot summary” in tender opening register.
12. Offers accompanied by requisite valid earnest money are only considered and no subsequent modifications / substitutions or submission of EMD is allowed.
13. Ensure that comparative note has been prepared and duly signed by the concerned officials on each page.
14. Ensure that ranking of the offers is done properly after evaluating the special conditions and vetted by finance.
15. Ensure that the tender committee is duly constituted of competent level of officers specified as per Delegation of Powers.

16. (a) Ensure consideration of reasonableness of rates in the tender committee minutes.
- (b) Deliberate on all the conditions made by the tenderer along with tender offer and specific recommendation in respect of those conditions must be recorded in the TC minutes.
- (c) Consider all the relevant information available about similar items in the same or similar/adjoining areas for arriving at reasonableness of the rates in respect of individual items as well as total cost.
17. Ensure that L1 is not ignored on flimsy grounds.
18. Conduct negotiations only in exceptional cases and not as a matter of routine.
19. Negotiate with L1 only, i.e., lowest valid eligible and technically acceptable tenderer who would have been otherwise considered for award of contract directly if the rates were not unreasonably high.
20. Ensure that the tender committee minutes contain the relevant information as the date, venue of the meeting and dated signatures of the members on each page.
21. TAA to record detailed reasons for disagreement on dissenting notes, if any.
22. Conduct pre-bid meeting (i) to bring clarity regarding spirit of various provision & (ii) to bring necessary modification, if required.
23. The TC must hold meeting to deliberate upon offers and arrive at their recommendation.

Don't's

1. Do not split the works and call separate tenders to keep the value at a particular level so as to fall within the powers of a particular executive.

2. Do not send tender enquiries to only a few selected firms ignoring other firms/contractors borne on the approved list in case of limited tenders.
3. Do not frame tender conditions suiting a particular tenderer/contractor.
4. Do not reject the offer/tenders on account of poor performance in a particular case while allotting the work to the same tenderer in case of other work.
5. Do not participate in the tender if any one has personal interest in companies/agencies participating in tender.
6. Do not alter the eligibility criteria laid down while calling tender during consideration of the offers received.
7. Do not change the tender committee members once constituted without prior approval of competent authority.
8. Do not allow anomalies in evaluation of special conditions to affect the acceptance of the offer recommend.
9. Do not accept a single tender received in response to a call for limited tender unless the work is very urgent and permission from competent Authority has been obtained.
10. Do not discharge the tender on flimsy grounds for favouring a particular tenderer.
11. Do not unduly keep the tender file for decision making after the TC has given recommendation.
12. Do not exercise the powers of the accepting authority in case you have been a member of the tender committee.
13. Do not accept modified offers, not considered by the tender committee.

मन में सत्य निष्ठा बढ़ाने से भरता है भ्रष्ट विचार ।
नैतिकता के चिराग़ जलाने से ख़त्म होता है भ्रष्टाचार ॥

**HONESTY BRINGS CHEERS
CORRUPTION BRINGS TEARS**

सच्चाई का दीप जलाए रखना

क्यों ऐसा सोचते हो
कि केवल सीवीसी मिटाएगा भ्रष्टाचार।
सुधारिए अपना कार्य व्यवहार
और बदलिए, पुरातन विचार ॥

उठिए, जागिए
भ्रष्टाचार मिटाने की
एक कोशिश तो कीजिए।
आपके प्रयासों से बदलेगी फिजां जरूर
अपना खून शब्दों को पिलाकर तो देखिए ॥

आपका प्रत्येक कार्य होना चाहिए
आपके समग्र व्यक्तित्व का आईना।
उसे पारदर्शिता से सजा-संवार कर
कागज पर टीपने की कोशिश तो कीजिए ॥

रूको, कागज पर न टपकने पाए ऑसू
थामें दिल, मर्यादा बनाए रखना।
न आसूओं में कलम डूबोकर लिखना
बस, सच्चाई का दीप जलाए रखना ॥

जगभूषण शर्मा
हिंदी अनुवादक



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