No.2005/V-1/CVC/1/8                  New Delhi, dated May 12, 2006

(I) General Manager (Vigilance)
CR, ER, ECR, ECoR, NR, NCR, NER, NFR, NWR,
SR, SCR, SER, SECR, SWR, WR, and WCR.

(II) Chief Vigilance Officer (CVO)
CLW, DLMW, DLW, ICF, RCF, RWF, CORE, METRO, RDSO,
IRCON, RITES, IRFC, CONCOR, KRCL, IRCTC, RAILTEL,
MRVC and RVNL

Sub: Protection against victimization of
Vigilance officials.

Please refer to Board’s letter of even number dated 24/06/2005
(RBV No.12/2005), laying down parameters for protection of the Vigilance
officials/ ex-Vigilance officials.

2. The Commission has viewed seriously certain instances of
harassment and attempts of victimization of vigilance officials of certain
organizations. The need to allow the vigilance officials to work independently
and freely without any fear, which is the foundation for effective vigilance
administration in any organization, has been recognized since long. In fact, the
Committee on Prevention of Corruption (Santhanam Committee) had
recommended that “those posted to the Vigilance Organisations should not have
the fear of returning to their parent cadre with the possibility of facing the anger
and displeasure of those against whom they made inquiries”. The Committee
had also recommended that “those working in vigilance Organisation should
have an assurance that good and efficient work in the Vigilance Organisation
will enhance their opportunities for promotion and not become a sort of
disqualification”.

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

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

(i) All personnel in vigilance Units will be posted only in consultation with and the concurrence of the CVOs. Any premature reversion before the expiry of their tenure will only be with the concurrence of the CVO. The CVO shall bring to the notice of the Commission any deviation from the above.

(ii) The ACR of personnel working in the Vigilance Department will be written by the CVO and reviewed by appropriate authority prescribed under the relevant conduct rules. The remarks in review shall be perused by the CVO and in case he has reservations about the comments made under the review, he shall take it up with the Chief Executive/HOD to resolve the issue. In case he is unable to do this, he shall report the matter to the Commission who will intercede in the matter suitably.

(iii) Since the problem of victimization occurs, if at all, after the reversion of the personnel to their normal line departments, the Commission would reiterate the following:

(a) On such reversion the vigilance personnel shall not be posted to work under an officer against whom, while working in the vigilance department, he had undertaken verification of complaints or detailed investigation thereafter. Needless to say his ACR shall not be written by such officer(s).
(b) All such Vigilance personnel will be deemed to be under the Commission’s purview for purposes of consultation in disciplinary matters. This is irrespective of their grade. This cover will be extended to a period of not less than five years from the date of reversion from the vigilance department.

(c) All Vigilance personnel on reversion shall be entitled to represent through the CVO and chief executive of the organization to the Commission if they perceive any victimization as a consequence of their working in the Vigilance department. This would include transfers, denial of promotion or any administrative action not considered routine or normal. This protection will be extended for a period not less than five years after the reversion of such personnel from the Vigilance department.

5. The above instructions may be noted for strict compliance. The CVO should report promptly to the Commission, the details of any real or perceived victimization of any official who is working in the vigilance unit. Similarly, he should also report such instances pertaining to the former officials of the Vigilance Units, up to a period of five years after they had completed their tenure in the Vigilance Unit. He should also report where such deserving officials are ignored/superseded in matters of promotion.

(Sanjay Goel)
Director Vigilance (M)
Railway Board