Sub: Vigilance Administration - Role of CVO- regarding.

The CVC has issued a number of instructions on different aspects of vigilance administration and the CVO's role in the same. During the Annual Zonal Meetings and interactive sessions of the CVC with the CVOs, a number of issues have been raised on a number of subjects, on which, though instructions already exist, the CVC has felt the need to reiterate/clarify, and at the same time focus on some of the select issues raised in these meetings. Accordingly based on CVC’s circular No.25/7/06 dated 06.07.06, the following guidelines are laid down:-

i) Complaints.

(a) Meaningful and prompt investigation of complaints with desired follow up action is an important aspect of effective vigilance administration. Inordinate delay in investigation of the complaint sent by the CVC for investigation and report, reflects poorly on the performance of the CVO. Therefore, complaints need to be attended to promptly. Any anonymous complaint sent by the CVC for investigation, needs to be treated as source information and duly investigated, and report sent to the CVC following the laid down procedure.

(b) It is also seen that in many a case, the complainant is not able to clearly articulate his allegations. In such cases, the CVO should contact the complainant for such additional information/clarification that the complainant could provide so that investigation, if need be, could be undertaken on serious allegations, in a focused manner. Further, wherever the complainant is addressed either for verification or for additional information, in order to avoid delay, the CVO should simultaneously call for the records of the case, scrutinize the same in the light of the allegations made, and take necessary action.
(c) Prior approval of the CVC is necessary to take up any anonymous/pseudonymous complaint for investigation. Even though such complaints apparently contain verifiable information, the CVO is expected to conduct a preliminary enquiry and if it is considered that a detailed investigation is called for, then the CVC should be approached for seeking its approval following the laid down procedure.

(d) While complaints against Board level officials in the PSUs are within the purview of the administrative Ministry's CVO, if it is referred to the CVO of the organisation under the Ministry, he should gather all factual information and submit the same to the CVO of the Ministry. He is not required to make analysis or draw conclusions. A copy of his report, whenever called by the CVO of the Ministry should also be sent to the CVC for information. It is also reiterated that no vigilance complaint against any official under the CVC’s jurisdiction should be closed without the prior approval of the CVC.

(e) On receipt of any complaint containing allegations against any tender in process, the tender process need not be stopped. However, the allegations should be brought to the notice of the competent authority, including the purchase committee, tender committee, negotiation committee, etc. and the complaint should be taken up for investigation independently.

(f) It should be borne in mind that if a CVO fails to notice a serious irregularity or to take necessary follow up action, and if such an irregularity is unearthed on investigation of a complaint received by the CVC, it would reflect poorly on the performance of the CVO, and he would need to explain in this regard.

ii) Consultation with CVOs.

(a) The CVO has an important role in effective vigilance administration and functions as an extension of the CVC. While the CVC's jurisdiction is confined to Group 'A' officers and other officials of and above the level notified, and the CVC's advice is only to the Disciplinary Authority, there is no such restriction on the CVOs. They are required to be consulted by the Disciplinary Authority/Appellate Authority, irrespective of the level of officers involved. Wherever the Appellate Authority has disagreed with advice of the CVC, which was accepted by the Disciplinary Authority, the CVOs should scrutinise the matter carefully to take up the matter with the reviewing authority and also report such cases to the CVC. In respect of officials not under the jurisdiction of the CVC, where the Disciplinary Authority has disagreed with the CVO's advice, such cases should be specifically brought to the notice of the Board in case of PSUs and GMs in case of zonal Railways/PUs along with AM(Vigilance), Railway Board.

(b) While CVOs may be consulted by the management in formulating a policy, to provide for necessary checks and balances as a preventive vigilance measure, they should not get involved in decisions in individual cases like works/procurement, etc. having financial implications.
(c) CVC has directed that the CVO’s should not be given any operational duties. If any such duty with financial implication is assigned to him, the CVO should promptly bring it to the notice of CVC for its intervention following the laid down procedure.

iii) Review of Vigilance work by Board

The CVC’s instructions require that in the PSUs, the Board of Directors shall review the Vigilance work in the organization and the CVO should send a copy of such review to the CVC. It has been observed that in a number of PSUs, the CVOs are not invited to the Board Meeting. In the absence of the CVO, the review of the vigilance work by the Board would not be meaningful. The CVC has, therefore, decided that the CMDs/CEOs should ensure that the CVO of the organisation is invited and remains present at the time of the review of vigilance work by the Board.

iv) Monthly/Quarterly/Annual Report of the CVOs

(a) The CVOs should take utmost care in sending the monthly report, which enables the CVC to assess their performance. They can attach additional sheets if they want to bring any special vigilance related issue to the notice of the CVC. A statement should also be enclosed along with the monthly report giving details of complaints/vigilance cases relating to officials falling under the CVC’s jurisdiction, which are pending for more than a year, giving reasons for delay.

(b) The QPR shall contain details of all projects and progress relating thereto and the CVO will be responsible for its accuracy. As the annual reports of CVOs form the basis for certain incorporations in the Annual Report of the CVC, it should be ensured that Annual Reports are sent positively by 31st January of the year following the completed calendar year. In respect of zonal Railway, PUs and certain select PSUs other than RITES, IRCON, CONCOR and IRCTC, the consolidated report will be sent by Railway Board. Such units shall ensure that their Annual Reports reach Board’s office latest by 20th January so that it can be compiled and sent to CVC by 31st January.

v) Reference to the CVC

The CVC has issued detailed instructions regarding the manner of seeking the advice of the CVC. The CVOs should invariably ensure that the reference to the CVC for seeking first stage/second stage advice is made along with the views of the Disciplinary Authority, etc. However, in respect of such officials where the President is the Disciplinary Authority, the case could be referred to the CVC for seeking first stage advice with the views of the Secretary of the concerned administrative department (Board Member concerned, in the case of the Ministry of Railways).

vi) Disciplinary Cases

The CVOs should ensure that charge-sheets are carefully drafted covering all lapses. It is seen that in some CBI cases, there is delay in obtaining the documents. It should be ensured that the listed-documents are obtained from the CBI before issuing the charge-sheet and where parallel proceedings, are to be initiated, a set of listed documents duly certified, is obtained from the CBI.
vii) Irregularities in Recruitment

The CVC has been seriously concerned with certain instances of irregularities in recruitment. Every organisation is expected to have a recruitment policy and proper recruitment rules in keeping with the guidelines of the Government of India. The CVOs should monitor and take up for necessary action, any case of recruitment in violation of the laid down rules and procedures, and wherever necessary, report the matter to the CVC, following the laid down procedure.

DA/Nil

(Sanjay Goel)
Director Vigilance (M)
Railway Board

No.2006/V-1/VP/1/11 New Delhi, dated September , 2006

Copy to – The Secretary, Central Vigilance Commission (Attention : Shri V.Kannan, Director) Satarkata Bhawan, GPO Complex, Block – A, INA, New Delhi - for information w.r.t. their letter No.006/VGL/065 dated 06/07/2006 (Circular No.25/7/06).

(Sanjay Goel)
Director Vigilance (M)
Railway Board

Copy to:- All officers and the Branches of Vigilance Directorate.