



सवारी डिब्बा कारखाना  
**INTEGRAL COACH FACTORY**



सतर्कता बुलेटिन  
**VIGILANCE BULLETIN**

अक्टूबर / October 2010

अंक / ISSUE-11

## 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 में 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 संगठन को गौरवशाली बनायेंगे 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.**

सवारी डिब्बा कारखाना  
**INTEGRAL COACH FACTORY**



सतर्कता बुलेटिन  
**VIGILANCE BULLETIN**

अक्टूबर / **October 2010**

अंक / **ISSUE-11**

## **DISCLAIMER**

**This bulletin is purely for the purpose of providing guidelines and is intended for official use only and should not be quoted as authority in any official reference or produced in a court. A reference, wherever necessary, should always be made to the original orders on the subject.**

# **CONTENTS**

<b>1.</b>	<b>Anti-corruption by Shri L. Muthukrishnan, SVI/ICF.</b>
<b>2.</b>	<b>The Prevention of Corruption Act, 1988</b>
<b>3.</b>	<b>Do's and Don'ts</b>
<b>4.</b>	<b>Interesting cases detected</b>
<b>5.</b>	<b>Performance statistics</b>

Front cover : Kolkata Metro Formation  
Back cover : Kolkata Metro Interior

## MESSAGE



I am happy to note that the Vigilance Department is bringing out its 11<sup>th</sup> Vigilance bulletin on the occasion of Vigilance Awareness Period, 2010.

Vigilance Department plays a vital role as conscience keepers of the organization.

Corrupt practices damage our economy and slow down our development process, including investment from internal and external sources. These also adversely affect passengers' and rail users' confidence in the system. We, in the Railways, are hence unwaveringly committed to the war against corruption.

Vigilance is an attitude which must be integral to the way we work and it should not be construed in a narrow, negative or punitive connotation.

We need to integrate the system of vigilance – which is nothing but rationally and morally codified and formalized system – with our activities. Effective steps towards preventive vigilance are most essential.

The thrust of Vigilance is more on prevention by bringing transparency in working through leveraging of technology. Recently, an effort has been made to upload the details regarding offers passed over on Technical Grounds.

I hope that this Bulletin will help to promote vigilance awareness among Railway personnel and help them in discharging their duties efficiently and fearlessly.

A handwritten signature in black ink, appearing to read 'P. Babbar', written over a horizontal line.

(Pompa Babbar)  
General Manager

## FOREWORD



This is the 11<sup>th</sup> issue of the Vigilance Bulletin, brought out by the Vigilance department, for the information and education of the Railwaymen.

There is an impending need for spreading vigilance awareness amongst Railwaymen and to educate them on the known pitfalls, so that they could avoid. This vigilance bulletin contains an essay on Anti-Corruption, The Prevention of Corruption Act, 1988 and some typical case histories involving irregularities which were detected based on preventive checks / source information or complaints received. DO's and DON'Ts on important areas of working have also been incorporated.

We trust that this Bulletin would be helpful and would be welcomed with interest by all Railwaymen. Suggestions for improvement are welcome.

A handwritten signature in black ink, appearing to read 'P. Suresh', written in a cursive style.

(P.Suresh)  
Chief Vigilance Officer

# ANTI-CORRUPTION

By

Shri L. Muthukrishnan, SVI / ICF.

The term “Corruption” can be defined as “abuse/ misuse of official position for one’s personal gains”. Corruption lowers the name and fame of not only the individuals, who indulge in corruption, but also of the organization as a whole when a corrupt act is publicized. Further, corruption is an anti-poor, anti-social and anti-national act. It is, therefore, all the more necessary to eliminate or root out the corruption completely.

Anti-corruption measures have been devised by every government in the world, as corruption is found to be a common phenomenon; Degree of measures differs from nation to nation. In the UN Convention against Corruption, India is also a signatory as one among the 147 countries. The Convention details the methods to combat corruption at the global level.

Basically, anti-corruption measures can be at two stages – preventive and punitive, i.e., before and after the act of corruption. Also the measures can be from within the organization or from outside the organization or a blend of both. Let us discuss about the tools available for anti-corruption.

## **Preventive measures:**

It is by

1. conducting preventive checks;
2. organizing surprise checks;
3. studying the rules / regulations/ procedures/ processes and suggesting simplification of procedures;

4. making the processes transparent;
5. Identifying the bottlenecks/ pitfalls in the system of working; etc.

In the preventive measures, only samples are handled. If the sample proves to be fallible, it is not viewed as an isolated happening, but as a whole, as a loophole in the system itself. Therefore, if any lapse is found in the preventive check, it will have to be dealt with severely.

On the other hand, **punitive measures** list the following steps:

1. Establishing the guilt;
2. Establishing the guilty;
3. Establishing the nexus with other elements;
4. Awarding exemplary punishments to the guilty;
5. Finding the system failure and to suggest remedial courses to avoid recurrence.

One may wonder about the contradiction in regard to the ‘functioning of the system’ while describing preventive and punitive measures—in the preventive side, simplification of rules/ procedures / processes is one of the tools to avoid corruption, whereas, in the punitive side, suggesting remedial measure to avoid recurrence of system failure is a follow up action. Many may think that the latter will tighten up the system in contrast to the earlier preventive action. It is not so. Remedial measure is only to plug the loopholes and not to make the process complicated.

The UN Convention against Corruption, 2003, which was adopted by the General Assembly of the UN on 31.10.2003, suggests the following anti-corruption techniques:

1. Prevention;
2. International cooperation to assist the nations mutually;
3. Asset recovery.

Under “Prevention”, the Convention stresses for enhanced transparency, especially in judiciary and public procurement. It also suggests that once recruited, public servants should be subject to codes of conduct, requirements for financial and other disclosures and appropriate disciplinary measures.

As regards ‘International Cooperation’, the Convention says that data should be shared by needy nations to arrest the corrupt.

With regard to “Asset Recovery”, the Convention mentions that “In a major breakthrough”, countries agreed on asset recovery, which has also been stated as a fundamental principle of the Convention. No doubt, effective asset-recovery provisions will send a clear message to the corrupt officials that they will have no place to hide their ill-gotten wealth.

### Enhanced Transparency:

Transparency is the major solution to arrest the trend of corruption. Rules, procedures, processes etc., if kept as secrets, corruption will flourish forever in an unimaginable proportion. On the other hand, if the Rules etc. are transparent, exploitation will drastically come down.

### Accountability:

The question “How should I do it?” is far better than “Why should I do it?”. The former partly relates to ignorance, but the latter exhibits lack of responsibility. In our country, a

trend prevails among bureaucrats, whereby, papers are either passed on 'upwards' for taking decisions or pushed 'downwards' without any clear-cut orders/ directions, so that for any wrongful implementation, the concerned would not be hauled up.

Each person in a supervisory position is expected to discharge his duty efficiently, if the schedule of powers empowers him to do so. Any failure on the part of any individual to discharge the assigned duties should be viewed seriously.

#### Cooperation to anti-corruption:

It is a common scene in any government organization to lament about the preventive checks conducted or to denounce the detection of misdeeds noticed. Like the stock verification schedules, preventive checks should also be viewed as routine checks. Once misconduct is detected, there is a tendency to underplay or to bring pressure to close the case. People do not realize that sample checks are vital to study the system of functioning in any office. Supervisors are to be educated about the need for preventive checks and that vigilance is inverse proportion to the internal audits.

#### Anti-corruption Laws:

In India, The Preventive of Corruption Act, 1988, serves as the tough law against the corrupt public servants. Even then, why the corruption is not brought down? It may, perhaps, be due to the fact that the finality is reached very late because of protracted proceedings, arguments-counter arguments etc. After delivery of the judgement, then starts the process of appeal, revision, review, mercy petition etc. one by one, which, undoubtedly, takes the case to a never-ending stage.

In the above process, the suspect dies and then the case is closed without any after-effects of the trial -- the 'dead' man attains purity and is relieved of all his misdeeds. There should be a change in the law to permit continuation of the proceedings with the available evidence even after the demise of the suspect/ witnesses etc. This may sound odd, as according to principles of justice, "*audi alteram partem*" (hear the other side) is the mantra often quoted for discharging any case. The Law should be suitably amended to include that in the event of the demise of the suspect, his lawyer or legal heirs could continue the arguments, if they wish and if the option is not exercised, law should take its own course, to decide the merits of the case based on the available evidence.

#### Sanction for prosecution:

Next comes, the 'sanction for prosecution' issue. If any public servant is to be taken up for prosecution by the investigating agency, there is a need to obtain sanction from the controlling authority. Often, it is delayed beyond reasonable period or it is sanctioned by an authority which is not competent to do so. As seen from the CVC website, as on 31<sup>st</sup> August 2010, as many as 45 cases involving 107 public servants, are pending for over 4 months for sanction for prosecution. The delay will, to some extent, end up in procedural wrangles. Law should be suitably amended to enable the investigating agency to proceed with the case without the need for sanction for prosecution.

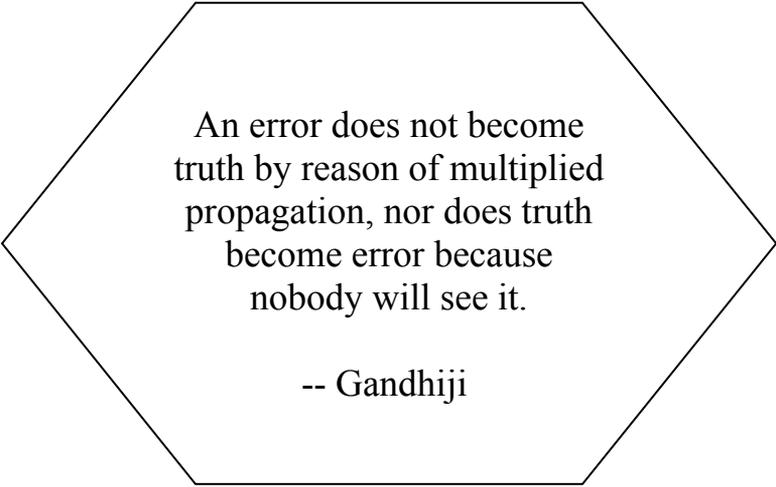
#### Forfeiture or freezing of assets:

At the end of the investigation process, if the corrupt act is proved, the assets should be taken by the Government. The family members, who enjoyed the lavish style with the ill-

gotten money, also have to suffer due to freezing of assets and there is nothing to complain about it.

Summing up, preventive and punitive measures do contribute much for containing the corruption; Internal and external regulations are also helpful in checking the corruption in any organization.

-- -- --



An error does not become  
truth by reason of multiplied  
propagation, nor does truth  
become error because  
nobody will see it.

-- Gandhiji

# **THE PREVENTION OF CORRUPTION ACT, 1988**

(Central Act No.49 of 1988)

(9<sup>th</sup> September 1988)

## **CHAPTER I**

### **Preliminary**

1. Short title and extent:-

- (1) This Act may be called the Prevention of Corruption Act , 1988.
- (2) It extends to the whole of India except the State of Jammu & Kashmir and it applies also to all Citizens of India outside India.

2. Definitions: -

In this Act, unless the context otherwise requires.-

- (a) “Election” means any election, by whatever means held under any law for the purpose of selecting members of Parliament or any Legislature, local authority or other public authority;
- (b) “Public Duty” means a duty in the discharge of which the State, the public or the community at large has an interest;

Explanation,- In this clause “State” includes a Corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);

- (c) “Public Servant “ means.-
- i) any person in the service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty;
  - (ii) any person in the service or pay of a local authority ;
  - (iii) any person in the service or pay of a Corporation established by or under a Central , provincial or State Act, or an authority or a body owned or controlled or aided by the Government or a Government Company as defined in Section 617 of the Companies Act , 1956 (1 of 1956)
  - (iv) any judge, including any person empowered by Law to discharge, whether by himself or as a member of anybody of persons, any adjudicatory functions;
  - (v) any person authorized by a court of justice to perform any duty, in connection with the administration of justice, including a liquidator, receiver or commissioner appointed by such court.
  - (vi) any arbitrator or other person to whom, any cause or matter has been referred for decision or report by a court of justice or by a competent public authority.
  - (vii) any person who holds an office by virtue of which he is empowered to prepare , publish , maintain or revise an electoral

roll or to conduct an election or part of an election;

- (viii) any person who holds an office by virtue of which he is authorised or required to perform any public duty;
- (ix) any person who is the president, Secretary or of other office bearer of a registered co-operative society engaged in agriculture, industry, trade or banking, receiving or having received any financial aid from the Central Government or a State Government or from any Corporation established by or under a Central, provincial or State Act, or any authority or body owned or controlled or aided by the Government or a Government Company as defined in Section 617 of the Companies Act, 1956 (1 of 1956);
- (x) any person who is a Chairman, member or employee of any Service Commission or Board, by whatever name called, or a member of any selection committee appointed by such Commission or Board for the conduct of any examination or making any selection on behalf of such Commission or Board;
- (xi) any person who is a Vice-Chancellor or member of any governing body, professor, reader, lecturer or any other teacher or employee, by whatever designation called, of any University and any person whose services have been availed of by a University or any other

public authority in connection with holding or conducting examinations;

- (xii) any person who is an office bearer or an employee of an educational, scientific, social, cultural or other institution, in whatever manner established, receiving or having received any financial assistance from the Central Government or any State Government or local or other public authority.

Explanation 1- persons falling under any of the above sub-clauses or public servants whether appointed by the Government or not.

Explanation 2- Wherever the words “Public Servant” occur, they shall be understood of every person who is in actual possession of the situation of a public servant,

Whatever legal defect there may be in his right to hold that situation.

## **CHAPTER II**

### **Appointment of special judges**

3. Power to appoint Special Judges. –

(1) The Central Government or the State Government may, by Notification in the Official Gazette appoint as many special judges as may be necessary for such area or areas or for such a case or group of cases as may be specified in the notification to try the following offences, namely. –

- (a) any offence punishable under this Act, and
- (b) any conspiracy to commit or any attempt to commit or any abetment of any of the offences specified in clause(a).

(2) A person shall not be qualified for appointment as a Special Judge under this Act unless he is or has been a Sessions Judge or an additional Sessions Judge or an assistant Sessions Judge under the Code of Criminal Procedure, 1973(2 of 1974)

4. Cases triable by Special Judges.-

(1) Notwithstanding anything contained in the Code of Criminal Procedure 1973 (2 of 1974) or in any other Law for the time being in force, the offences specified in sub-section (1) of Section 3 shall be tried by the Special Judges only.

(2) Every offence specified in sub-section (1) of Section 3 shall be tried by the Special Judge for the area within which it was committed, or as the case may be, by the Special Judge appointed for the case, or where there are no special judges than one for such area, by such one of them as may be specified in this behalf by the Central Government.

(3) When trying any case, a Special Judge may also try an offence, other than an offence specified in Section 3, with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

(4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), a Special Judge shall, as far as practicable, hold the trial of an offence on day-to-day basis.

5. Procedure and powers of Special Judge:-

(1) A Special Judge may take cognizance of offences without the accused being committed to him for trial and, in trying the accused person, shall follow procedure prescribed by

the Code of Criminal Procedure, 1973(2 of 1974), for the trial of Warrant cases by the Magistrates.

- (2) A Special Judge may, with a view to obtaining the evidence of any person supposed to have been directly in indirectly concerned in , or privy to an offence, tender a pardon to such person on condition of his making a full and true disclosure of the whole circumstances within his knowledge relating to the offence and to every other person, concerned, whether as Principal or abettor, in the commission there of and any pardon so tendered shall , for the purposes of sub-sections (1) to (5) of Section 308 of the Code of Criminal Procedure,1973(2 of 1974), be deemed to have been tendered under Section 307 of that Code.
- (3) Save as provided in sub/section (1) or sub-section (2), the provisions of the Code of Criminal Procedure 1973(2 of 1974), shall, so far as they are not inconsistent with this Act applied to the proceedings before a Special Judge and for the purposes of the said provisions, the court of the Special Judge shall be deemed to be a Court of Sessions and the persons conducting a prosecution before Special Judge shall be deemed to be a public prosecutor.
- (4) In particular and without prejudice to the generality of the provisions contained in sub-section (3), the provisions of sections 326 and 475 of the Code of Criminal Procedure, 1973 (2 of 1974, shall so far as may be, applied to the proceeding before a special judge and for the purposes of the said provisions, a Special Judge shall be deemed to be a Magistrate.
- (5) A Special Judge may pass upon any person convicted by him any sentence authorized by law for the punishment of the offence of which such person is convicted.
- (6) A Special Judge, while trying an offence punishable under this Act, shall exercise all the powers and functions

exercisable by a District Judge under the Criminal Law Amendment Ordinance, 1944(Ordinance-38 of 1944).

6. Power to try Summarily.-

- (1) Where a Special Judge tries any offence specified in sub-section (1) of Section 3, alleged to have been committed by a Public Servant in relation to the contravention of any special order referred to in sub-section (1) of Section 12-A of the Essential Commodities Act 1955(10 of 1955), or of an order referred to in clause(a) of sub-section (2) of that Section, than, notwithstanding anything containing in sub-section (1) of Section –5 of this Act or Section 260 of the Code of Criminal Procedure, 1973(2 of 1974) the Special Judge shall tray the offence in a summary way , and the provisions of sections 262 to 265 (both inclusive) of the said Code shall as far as may be, apply to such trial.

Provided that, in the case of any conviction in a summary trial under this section, it shall be lawful for the Special Judge to pass a Sentence of imprisonment for a term not exceeding one year:

Provided further that when at the commencement of, or in the course of, a summary trial under this Section, it appears to the Special Judge that the nature of the case is such that a sentence of imprisonment for a term exceeding one year may have to be passed or that it is , for any other reason, undesirable to try the case summarily , the Special Judge shall, after hearing the parties , record an order to that effect and thereafter, recall any witnesses who may have been examined and proceed to hear or rehear the case in accordance with the procedure prescribed by the said Code for the trial of warrant cases by Magistrates.

- (2) Notwithstanding anything to the contrary contained in this Act or in the Code of Criminal Procedure, 1973 (2 of 1974), there shall be no appeal by a convicted person in any case tried summarily under this section in which the

Special Judge passes a sentence of imprisonment not exceeding one month, and of fine not exceeding two thousand rupees whether or not any order under Section 452 of the said Code is made in addition to such sentence, but as appeal shall lie where any sentence in excess of the aforesaid limits is passed by the Special Judge.

### **CHAPTER III** **Offences and Penalties**

7. Public Servant taking gratification other than legal remuneration in respect of an official act.-

Whoever, being , or expecting to be a public servant accepts or obtains or agrees, to accept or attempts to obtain from any person , for himself or for any other person, any gratification whatever, other than legal remuneration as a motive or reward for doing or forbearing to do any official act or for showing or forbearing to show, in the exercise of his official functions, favour or disfavour to any person or for rendering or attempting to render any service or dis-service to any person , with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government Company referred to in clause (c) of Section-2 , or with any public servant, whether named or otherwise, shall be punishable with imprisonment which shall be not less than 6 months but which may extend to 5 years and shall also be liable to fine.

Explanations.-

- (a) “Expecting to be a public servant”. If a person not expecting to be in office obtains a gratification by deceiving others into a belief that he is about to be in office and that he will then serve them, he may be guilty of cheating, but he is not guilty of the offence defined in this section.

- (b) “Gratification”. The word “gratification” is not restricted to pecuniary gratifications or to gratifications estimable in money.
- (c) “Legal remuneration “. The words “Legal remuneration” are not restricted to remuneration which a public servant can lawfully demand, but include all remuneration which he is permitted by the Government or the Organization, which he serves, to accept.
- (d) "A motive or reward for doing". A person who receives a gratification as a motive or reward for doing what he does not intend or he is not in a position to do, or has not done, comes within this expression.
- (e) Where a Public Servant induces a person erroneously to believe that his influence with the Government has obtained a title for that person and thus induces that person to give the public servant, money or any other gratification as a reward for this service, the public servant has committed an offence under this section.

8. Taking gratification, in order, by corrupt or illegal means, to influence public servant.-

Whoever accepts or obtains , or agrees to accept , or attempts to obtain, from any person, for himself or for any other person, any gratification whatever as a motive or reward for inducing , by corrupt or illegal means, any public servant, whether named or otherwise, to do or forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person , or to render or attempt to render any service or dis-service to any person with the Central Government or any State Government or Parliament or the

Legislature of any State or with any local authority , corporation or Government , Company referred to in clause (c) of Section-2, or with any public servant, whether named or otherwise , shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

9. Taking gratification, for exercise of personal influence with public servant.-

Whoever accepts or obtains, or agrees to accept, or attempts to obtain from any person, for himself or for any other person, any gratification whatever, as a motive or reward for inducing, by the exercise of personal influence, any public servant whether named or otherwise to do or to forbear to do any official act, or in the exercise of the official functions of such public servant to show favour or disfavour to any person, or to render or attempt to render any service or disservice to any person with the Central Government or any State Government or Parliament or the Legislature of any State or with any local authority, corporation or Government company referred to in clause (c) of Section2, or with any public servant, whether named or otherwise, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

10. Punishment for abetment by public servant of offences defined in Section 8 or 9.-

Whoever, being a public servant, in respect of whom, either of the offences defined in Section 8 or Section 9 is committed, abets the offence, whether or not that offence is committed in consequence of that abetment shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

11. Public servant obtaining valuable thing without consideration from person concerned in proceeding or business transacted by such public servant.-

Whoever, being a public servant, accepts or obtains or agrees to accept or attempts to obtain for himself, or for any other person, any valuable thing without consideration, or for a consideration which he knows to be inadequate, from any person whom he knows to have been or to be , or to be likely to be concerned in any proceeding or business transacted, or about to be transacted by such public servant, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned , shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

12. Punishment for abetment of offences defined in Section 7 or 11.-

Whoever abets any offence punishable under Section 7 or Section 11 whether or not that offence is committed in consequence of that abetment, shall be punishable with imprisonment for a term which shall be not less than six months but which may extend to five years and shall also be liable to fine.

13. Criminal misconduct by a public servant.-

- (1) A public servant is said to commit the offence of criminal misconduct.-

- (a) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person any gratification other than legal remuneration as a motive or reward such as is mentioned in Section 7; or

- (b) if he habitually accepts or obtains or agrees to accept or attempts to obtain from any person for himself or for any other person, any valuable thing without consideration or for a consideration which he knows to be inadequate from any person whom he knows to have been, or to be , or to be likely to be concerned in any proceeding or business transacted or about to be transacted by him, or having any connection with the official functions of himself or of any public servant to whom he is subordinate, or from any person whom he knows to be interested in or related to the person so concerned; or
- (c) if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person so to do; or
- (d) if he .-
  - (i) by corrupt or illegal means, obtains for himself or for any other person any valuable thing or pecuniary advantage ; or
  - (ii) by abusing his position as a public servant, obtains for himself or for any other person any valuable thing or pecuniary advantage; or
  - (iii) while holding office as a public servant obtains for any person any valuable thing or pecuniary advantage without any public interest ; or
- (e) if he or any person on his behalf , is in possession or has , at any time during the period of his office,

been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income.

Explanation:-

(1) For the purposes of this section , “known sources of income” means income received from any lawful source and such receipt has been intimated in accordance with the provisions of any law , rules or orders for the time being applicable to a public servant.

(2) Any public servant, who commits criminal misconduct shall be punishable with imprisonment for a term which shall be not less than one year but which may extend to 7 years and shall also be liable to fine.

14. Habitual committing of offence under Section 8, 9 and 12.- whoever habitually commits.-

(a) an offence punishable under Section 8 or Section 9 ; or

(b) an offence punishable under Section 12

shall be punishable with imprisonment for a term which shall be not less than two years but which may extend to 7 years and shall also be liable to fine.

15. Punishment for attempt.-

Whoever attempts to commit an offence referred to in clause (c) or clause (d) of sub-section (1) of Section-13 shall be punishable with imprisonment for a term which may extend to 3 years and with fine.

16. Matters to be taken into consideration for fixing fine.-

Where a sentence of fine is imposed under sub-section (2) of Section 13 or Section 14, the Court in fixing the amount

of the fine shall take into consideration the amount or the value of the property , if any, which the accused person has obtained by committing the offence or where the conviction is for an offence referred to in clause (e) of sub-section (1) of Section-13 , the pecuniary resources or property referred to in that clause for which the accused person is unable to account satisfactorily.

#### **CHAPTER IV**

##### **Investigation into cases under the Act**

17. Persons authorized to investigate.-

Notwithstanding anything contained in the Code of Criminal Procedure , 1973(2 of 1974), no Police Officer below the rank:-

- (a) in the case of the Delhi Special Police Establishment, of an Inspector of Police,
- (b) in the Metropolitan areas of Bombay, Calcutta , Madras and Ahmedbad and in any other Metropolitan area notified as such under sub-section (1) of Section-8 of the Code of Criminal Procedure 1973 (2 of 1974) of an Assistant Commissioner of Police.-
- (c) Elsewhere, of a Deputy Superintendent of Police, or a Police Officer of equivalent rank,

shall investigate any offence punishable under this Act without the order of a Metropolitan Magistrate or a Magistrate of the First Class, as the case may be, or make any arrest therefor, without a warrant:

Provided that if a Police Officer not below the rank of an Inspector of Police is authorized by the State Government in this behalf by the general or special order, he may also investigate any such offence without the order of a Metropolitan Magistrate or a Magistrate of the First class

as the case may be, or make arrest therefor without a warrant.

Provided further that an offence referred to in clause (e) of Sub-section (1) of Section-13 shall not be investigated without the order of a Police Officer not below the rank of a Superintendent of Police.

**CHAPTER V**  
**Sanction for Prosecution and**  
**other Miscellaneous Provisions**

19. Previous sanction necessary for prosecution:-
- (1) No Court shall take cognizance of an offence punishable under Sections 7, 10, 11, 13 and 15 alleged to have been committed by a Public Servant except with the previous sanction.-
- (a) in the case of a person who is employed in connection with the affairs of the Union and is not removable from his office save by or with the sanction of the Central Government , of that Government;
- (b) In the case of a person who is employed in connection with the affairs of a State and is not removable from his office save by or with the sanction of the State Government, of that Government;
- (c) In the case of any other person, of the authority competent to remove him from his office.
- (2) Where for any reason whatsoever any doubt arises as to whether the previous sanction as required under sub-section (1) should be given by the Central Government or the State Government or any other authority, such sanction shall be given by that Government or authority

which would have been competent to remove the public servant from his office at the time when the offence was alleged to have been committed.

- (3) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974).-
  - (a) no finding, sentence or order passed by a Special Judge shall be reversed or altered by a Court in appeal , confirmation or revision on the ground of the absence of , or any error, omissions or irregularity in , the sanction required under sub-section (1), unless, in the opinion of that Court, a failure of Justice has in fact been occasioned thereby .
  - (b) no court shall stay the proceedings under this Act on the ground of any error , omission or irregularity in the sanction granted by the authority, unless it is satisfied that such error , omission, or irregularity has resulted in a failure of justice;
  - (c) no Court shall stay the proceedings under this Act on any other ground and no Court shall exercise the powers of revision in relation to any interlocutory order passed in any inquiry, trial , appeal or other proceedings.
- (4) In determining under sub-section (3) whether the absence of , or any error, omission or irregularity in , such sanction as occasioned or resulted in a failure of justice the Court shall have regard to the fact whether the objections could and should have been raised at any earlier stage in the proceedings.

Explanation.-

For the purposes of this section.-

- (a) error includes competency of the authority to grant sanction;
- (b) a sanction required for prosecution includes reference to any requirement that the prosecution shall be at the instance of a specified authority or with the sanction of a specified person or any requirement of a similar nature.

20. Presumption where public servant accepts gratification other than legal remuneration.-

- (1) Where, in any trial of an offence punishable under Section 7 or Section 11 or clause (a) or clause (b) of sub-section (1) of Section-13 it is proved that an accused person has accepted or obtained or has agreed to accept or attempted to obtain for himself , or for any other person, any gratification (other than legal remuneration) or any valuable thing from any person, it shall be presumed, unless the contrary is proved, that he accepted or obtained or agreed to accept or attempted to obtain that gratification or that valuable thing, as the case may be , as a motive or reward such as is mentioned in section 7 or , as the case may be , without consideration or for a consideration which he knows to be inadequate.
- (2) Where in any trial of an offence punishable under Section 12 or under clause (b) of Section –14 , it is proved that any gratification (other than legal remuneration) or any valuable thing has been given or offered to be given or attempted to be given by an accused person, it shall be presumed, unless the contrary is proved, that he gave or offered to give or attempted to give that gratification or that valuable thing, as the case may be , as a motive or reward such as is mentioned in section 7, or, as the case

may be, without consideration or for a consideration which he knows to be inadequate.

- (3) Notwithstanding anything contained in sub-sections (1) and (2) , the Court may decline to draw the presumption referred to in either of the said sub-section, if the gratification or thing aforesaid is , in its opinion so trivial that no inference of corruption may fairly be drawn.

21. Accused person to be a competent witness.-

Any person charged with an offence punishable under this Act, shall be a competent witness for the defence and may give evidence on oath in disproof of the charges made against him or any person charged together with him at the same trial:

Provided that.-

- (a) he shall not be called as a witness except at his own request;
- (b) his failure to give evidence shall not be made the subject of any comment by the prosecution or give rise to any presumption against himself or any person charged together with him at the same trial;
- (c) he shall not be asked, and if asked shall not be required to answer, any question tending to show that he has committed or been convicted of any offence other than the offence with which he is charged , or if of bad character, unless.—
- (i) the proof that he has committed or been convicted of such offence is admissible evidence to show that he is guilty of the offence with which he is charged, or

- (ii) he has personally or by his pleader asked any question of any witness for the prosecution with a view to establish his own good character, or has given evidence of his good character, or the nature or conduct of the defence is such as to involve imputations on the character of the prosecutor or of any witness for the prosecution, or
- (iii) he has given evidence against any other person charged with the same offence.

22. The Code of Criminal Procedure, 1973 to apply subject to certain modifications.—

The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall in their application to any proceeding in relation to an offence punishable under this Act have effect as if.—

- (a) in sub-section (1) Section 243, for the words “The accused shall then be called upon”, the words “The accused shall then be required to give in writing at once or within such time as the Court may allow, a list of persons(if any) whom he proposes to examine as his witnesses and of the documents (if any) on which he proposes to rely and he shall then be called upon” had been substituted;
- (b) in sub-section (2)of Section 309, after the third proviso the following proviso had been inserted, namely:-

“Provided also that the proceeding shall not be adjourned or postponed merely on the ground that an application under Section 397 has been made by a party to the proceeding.”

- (c) after sub-section (2) of Section 317, the following sub-section had been inserted , namely.-

“(3) Notwithstanding anything contained in sub-section (1) or sub-section (2), the Judge may if he thinks fit and for reasons to be recorded by him, proceed with inquiry or trial in the absence of the accused or his pleader and record the evidence of any witness subject to the right of the accused to recall the witness for cross-examination.”

- (d) in sub-section (1) of Section 397, before the Explanation, the following proviso had been inserted, namely.—

“Provided that where the powers under this section are exercised by a Court on an application made by a party to such proceedings, the Court shall not ordinarily call for the record of the proceedings.—

- (a) without giving the other party an opportunity of showing cause why the record should not be called for; or
- (b) if it is satisfied that an examination of the record of the proceedings may be made from the certified copies.”

23. Particulars in a charge in relation to an offence under Section 13(1)(c).—

Notwithstanding anything contained in the Code of Criminal Procedure, 1973(2 of 1974), when an accused is charged with an offence under clause (c) of sub-section (1) of Section 13, it shall be sufficient to describe in the charge the property in respect of which the offence is alleged to have been committed and the dates between

which the offence is alleged to have been committed, without specifying particular items or exact dates, and the charge so framed shall be deemed to be a charge of one offence within the meaning of Section 219 of the said Code:

Provided that the time included between the first and last of such dates shall not exceed one year.

24. Statement by bribe giver not to subject him to prosecution.

—

Notwithstanding anything contained in any law for the time being in force, a statement made by a person in any proceeding against a public servant for an offence under Sections 7 to 11 under Section 13 or Section 15, that he offered or agreed to offer any gratification (other than legal remuneration) or any valuable thing to the public servant, shall not subject such person to a prosecution under Section 12.

25. Military, Naval and Air Force or other law not to be affected.—

(1) Nothing in this Act shall affect the jurisdiction exercisable by, or the procedure applicable, to, any Court or other authority under the Army Act, 1950 (45 of 1950) the Air Force Act, 1950 (46 of 1950), the Navy Act, 1957 (62 of 1957), the Border Security Force Act, 1968 (47 of 1968), the Coast Guard Act, 1978 (30 of 1978), and the National Security Guard Act, 1986 (47 of 1986).

(2) For the removal of doubts, it is hereby declared that for the purposes of any such law as is referred to in sub-section (1), the Court of a Special Judge shall be deemed to be a Court of ordinary criminal justice.

26. Special Judges appointed under Act 46 of 1952 to be Special Judges appointed under this Act.—

Every Special Judge appointed under the Criminal Law Amendment Act, 1952, for any area or areas and is holding office on the commencement of this Act shall be deemed to be a Special Judge appointed under Section 3 of this Act for that area or areas and, accordingly, on and from such commencement, every such Judge shall continue to deal with all the proceedings pending before him on such commencement in accordance with the provisions of this Act.

27. Appeal and revision.—

Subject to the provisions of this Act, the High Court may exercise, so far as they may be applicable, all the powers of appeal and revision conferred by the Code of Criminal Procedure, 1973 (2 of 1974) on a High Court as if the Court of the Special Judge were a Court of Session trying cases within the local limits of the High Court.

28. Act to be in addition to any other law.—

The provisions of this Act shall be in addition to, and not in derogation of any other law for the time being in force, and nothing contained herein shall exempt any public servant from any proceeding which might, apart from this Act, be instituted against him.

29. Amendment of the Ordinance 38 of 1944.—

In the Criminal Law Amendment Ordinance, 1944.—

- (a) in sub-section (1) of Section 3, sub-section (1) of Section 9, clause (a) of Section 10, sub-section (1) of Section 11 and sub-section (1) of Section 13, for the words "State Government", wherever they occur, the words "State Government or, as the case may be, the Central Government" shall be substituted;

- (b) in Section 10, in clause (a) , for the words “three months”, the words “ one year “ shall be substituted;
- (c) in the Schedule.—
  - (I) paragraph 1 shall be omitted;
  - (ii) in paragraphs 2 and 4,—
    - (a) after the words “ a local authority”, the words and figures “ or a corporation established by or under a Central Provincial or State Act, or an authority or a body owned or controlled or aided by Government or a Government Company as defined in Section 617 of the Companies Act, 1956 (1 of 1956), or a society aided by such corporation , authority, body or Government company” shall be inserted;
    - (b) after the words “or authority”, the words “or corporation or body or Government company or society” shall be inserted;
    - (iii) for paragraph 4-A, the following paragraph shall be substituted, namely.—

“4-A. An offence punishable under the Prevention of Corruption Act, 1988.”
    - (iv) in paragraph 5, for the words and figures “items 2,3 and 4”, the words, figures and letter “items 2,3,4 and 4-A” shall be substituted.

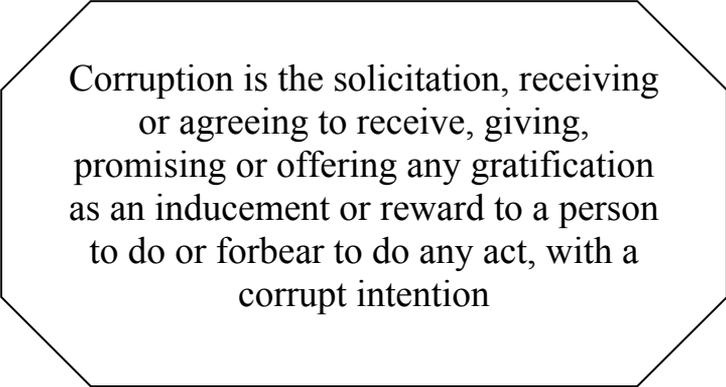
30. Repeal and saving.—

- (1) The Prevention of Corruption Act, 1947, (2 of 1947) and the Criminal Law Amendment Act, 1952 (46 of 1952) are hereby repealed.
- (2) Notwithstanding such repeal, but without prejudice to the application of Section 6 of the General Clauses Act, 1897 (10 of 1897), anything done or any action taken or purported to have been done or taken under or in pursuance of the Acts so repealed shall, in so far as it is not inconsistent with the provisions of this Act, be deemed to have been done or taken under or in pursuance of the corresponding provision of this Act.

31. Omission of certain sections of Act 45 of 1860.—

Sections 161 to 165-A (both inclusive ) of the Indian Penal Code shall be omitted, and Section 6 of the General Clauses Act, 1897(10 of 1897), shall apply to such omission as if the said sections had been repealed by a Central Act.

-- -- --



Corruption is the solicitation, receiving or agreeing to receive, giving, promising or offering any gratification as an inducement or reward to a person to do or forbear to do any act, with a corrupt intention

## **DOs and DON'Ts**

### **ENGINEERING**

#### **DOs**

1. Ensure that all Tender notices and documents are put on the nominated website in time.
2. Evaluate the tender strictly as per the conditions specified in the Tender.
3. Authenticate all important certificates and documents submitted by the contract agency while evaluating the tender and during the course of execution of contract.
4. Mention Railway approved laboratories in the tender documents to get proper qualitative tests of the material used in the works.
5. Ensure prompt submission of Performance Guarantee by the contractor before entering into the agreement.
6. Assess the penalties and other charges stipulated in the agreement properly and effect prompt recoveries. Ensure consistency in incorporation of penalty clauses in different agreements.
7. Do read the specifications in conjunction with the relevant IS Codes and follow scrupulously. Ensure that steel manufactured in BIS certified firms is only used in the work.
8. Confirm that specified laboratory tests of materials have been carried out and results are in conformity within laid down tolerances before allowing the

material in the work and before recording measurements for payment to the contractor.

9. Obtain permission of the competent authority for making payment for earth work through Railways borrow pit measurements if cross sectional measurements are to be dispensed with.
10. Perform stipulated sieve analysis of coarse and fine aggregate used in the works and record the results in a register.
11. Ensure 1% deduction calculated on the total value of the SSR items of the work for the water supplied by Railways to the contractor.
12. Ensure that alterations made to the buildings have been entered in the Standard Measurement Book and test checked by ADEN.
13. Take inventory of material in all abandoned sidings before offering for disposal on as is where is basis.
14. Send copies of the DMTRs monthly to the division office.
15. Use standard RE9B forms for material transactions in the Engineering Department.
16. Keep the representative sample used for assessment of scrap lot separately for verification later.
17. Record the levels only in numbered level book.
18. Ensure the chosen Benchmark should remain safe till finalization / completion of the earth work.

19. Maintain separate registers for cement consumption, steel consumption, materials passing, site order, labour and technical data for individual works.
20. Prepare latest rate analysis on realistic basis for each N.S. items at the time of calling tender quotations.
21. Keep the approved samples of building materials in safe custody till completion of the contract.
22. The on account payment should only be made for the works which have been actually executed at the site of work.

### **Brick Works**

23. Ensure the brick used in Brick work are well burnt, red cherry or copper colour and give clear ringing sound when struck and regular in size.
24. Ensure the brick do not absorb water more than 20% of its dry weight after 24 hours immersion in cold water and have desired compressive strength.
25. Ensure the sand used in cement mortar have the finess, modulus is 1.0 for ordinary and 2.5 for coarse sand and silt contains is not more than 8%.
26. Ensure the ratio of cement mortar used in brick work is same as prescribed / required in schedule of items.
27. Ensure all the material used in brick work are same as passed by Engineer / Officer in charge of the work.

## **Earth Work**

28. Ensure the measurement of the bottom of foundation is equal on both side from center line.
29. Ensure the levels of earth before excavation or filling of earth have been taken in level book for final calculation.
30. Ensure the earth is consolidated by watering and ramming in layers of 15 cms while filling of earth.
31. Ensure final levels have been taken after excavation of foundation and before laying of base concrete.
32. Ensure all the levels in earth work have been taken and test checked by Engineer in-charge of the work as per the provision made in Engineering code.

## **Concrete work (CC & RCC work)**

33. Ensure form work is leak proof, has the correct shape and size as required.
34. Ensure the aggregate sand and cement used in concrete are as per specification and passed by Engineer in-charge of he work.

## **Execution of Works**

1. Keep proper accountal of cement and other Railway materials issued to contractors at the site of work.
2. Keep proper accountal and classification of released materials.

3. Issue materials to the contractors only through authorized agents and control the issues commensurate with progress of work.
4. Ensure quality test for controlled concrete such as testing of the aggregates, cement and concrete.
5. Maintain site order book at every work site.

### **Measurement**

1. Record levels on machine numbered level books only.
2. Carry out prescribed test checks of measurements paying particular attention to the hidden measurements.
3. Ensure inspection of correct thickness of items payable on 'area measurements' such as slabs, flooring, premixed road carpet, wood work etc. Test check must cover this aspect also.
4. Ensure test check of 100% longitudinal levels and not less than 20% of cross levels in an earth work contract.
5. Ensure recovery at penal rates for excess consumption of cement and steel as per terms of contract.

### **DON'Ts – Engineering**

1. Do not incorporate items in the schedule that are contradictory to GCC and Special conditions.

2. Do not propose NS items where standard SSR items are available.
3. Do not allow the agency to execute the work without proper Letter of Acceptance and without copy of the schedule / agreement showing items to be executed and the special conditions.
4. Do not allow execution of works without valid extension of currency.
5. Do not reschedule the quantities of ballast supply without approvals of the competent authority.
6. Do not allow further collection of ballast until ground clearance certificate has been issued by ADEN and 3 days have passed from the date of this certificate.
7. Do not operate more than one contract in a Ballast Depot without specific approval.
8. Do not make payments for excess excavation done by the contractor, more than the specified depth or profile.
9. Do not make payment for the excavated earth utilized in filling.
10. Do not use volumetric batching in concrete where design mix is specified.
11. Do not record measurements for new items without taking approval of the competent authority.

12. Do not use departmental labour along with contractor's labour.
13. Do not give departmental tools and plant to the contractor unless permitted by the contract conditions with necessary hire charges.
14. Do not hand over Railway material to the contractor's representative unless he is nominated by the contractor in writing.
15. Do not accept substandard fittings / accessories from contractor.
16. Do not make item as N.S. which is covered under SOR items.
17. Do not allow the contractor to use building materials without being approved by the competent authority.
18. Do not made any payment to the contractor for damages due to natural calamities during the construction.
19. Do not execute the work without proper specification even during emergencies.
20. Do not accept the tender without examining the reasonability of quoted rates.
21. Do not release on account / final bill without making prescribed deductions.
22. Do not adjust excess use of cement in a running bill against less use in earlier bills.

23. Do not accept inferior material, old cement in concreting / PSC works.
24. Do not make payments to the contractor if site laboratory is not established as per the contract conditions.
25. Do not show false test checks for the sake of passing the bills.
26. Do not accept a single tender received in response to a call of limited tender unless it is very urgent and permission from competent authority is obtained.

## **ESTABLISHMENT**

### **Drawal of Salary**

#### **DOs**

1. Books of sanction of each pay Bill Unit be kept updated.
2. Draw the salary of staff strictly as per the Books of Sanction of each Pay Bill Unit.
3. While drawing salary, reduce it to the extent of LWP/ LHAP availed.
4. Recover all the Railway dues regularly leaving no scope for recovery at later stage.
5. Draw HRA and Transport allowances after obtaining declaration from employees.

6. LPC is to be forwarded immediately after the transfer of the employees.

### **DON'Ts**

1. Do not draw the salary of staff without checking the Books of sanction of each Pay Bill Unit.
2. Do not give credit of LAP without verifying previous years LWP.
3. Do not draw HRA, Transport allowance without a declaration from employees.

### **Maintenance of Muster Rolls**

#### **DOs**

1. Muster Rolls of each section should be kept in the custody of Supervisor. Attendance of employee be attested by Supervisor and Gazetted Officer daily. The absence of employees should be clearly crossed. If the employees are on sanctioned leave, the LAP, LHAP, CL, C.OFF as the case may be, be clearly marked leaving no scope for alteration at later stage.
2. Late attendance not more than two may be condoned by Gazetted Officer at his discretion.
3. While marking compensatory off of any employee on a particular date in lieu of which days attendance C/off availed may be clearly shown in the Muster Roll.

#### **Passes**

#### **DOs**

1. Count the page of the Numbered Pass Book and keep it in safe custody.

2. Ensure proper routing of the Pass.
3. Check and ensure limitation of persons, when dependent are included in the Pass.
4. Obtain bonafide certificate before issuing a pass to schooling sons aged 21 years and above.
5. Passes and PTOs to family members and dependents be issued only after obtaining a declaration form employees about the details of family members and dependants. The details be recorded in the Pass Register of individual employees.
6. All Indian Railway Duty Card Passes for below JA Grade officers be issued only with the personal approval of GM.
7. The used passes and unused passes be returned to the office from where passes are issued.
8. Students pass be issued on production of bonafide certificate from Educational Institution.
9. The serving employees Pass applications be forwarded supervisor of controlling departments.

### **DON'Ts**

1. Do not issue Passes, PTOs to family members and dependent of employee without a declaration of such members by the employees.

-- -- --

## **Important case studies**

Preventive check was conducted on the physical availability of a scrap item and a shortage was detected. Detailed investigation also revealed that there were discrepancies in the fixing of Reserve Price. Clarification from the officials and officers involved have been taken.

--- ---

A preventive check was done in the Electrical department in the 'works tender file' relating to "Mounting of 25kW Alternators on Bogies and its movement from stores to site". It came to light during investigation that the contractor had not executed the contract in full. The movement of Alternators from stores to site was done by ICF which is actually in the scope of the contractor. Statements of officials / officers involved in the contract have been taken and a detailed investigation is underway.

--- ---

During a preventive check, three cases of subletting were noticed. In one case, an employee was found to have sublet his Type-II quarters to an outsider. In another case, a supervisory official, who was allotted a Type-IV quarters, had allowed his quarters to be occupied by the family of his blood-relatives and was residing in a Type-I quarters, allotted to another employee. The employee, in whose quarters, the supervisory official was residing, has also been taken up under DAR proceedings along with other two employees for subletting. Apart from cancellation of quarters, recovery of penal rent and debarring from quarters allotment have been recommended.

--- ---

A check was conducted on the utilization of ICF Kalyana Mandapam. An employee had booked the Kalyana Mandapam for performing self-marriage with his sister's daughter and he was allotted the Kalyana Mandapam on priority basis. Conducting self-marriage was the priority No.1 among other categories. Source information was received that the employee was not performing self-marriage in the Mandapam and a check was hence conducted. It was found that the Marriage Reception of the employee's sister's daughter with an outsider was being organized. When enquired, the employee stated that though he had booked for conducting self-marriage with the same girl, due to unforeseen circumstances, the marriage function could not be conducted as planned. The action of the employee in allowing a function which was not the reason for which the Mandapam was booked, had deprived other eligible employees and therefore, Major disciplinary proceedings have been recommended against the employee.

--- ---

A preventive check was conducted in the quality of Rolling Shutter (Pre-inspected by RITES). It was found that the thickness of guide channel LH & RH was not as per the requirements laid down in the specification. A Joint Inspection was called for. Samples drawn in the presence of firm, consignee & RITES and inspected, revealed that the item did not conform to specification. Detailed report was sent to RITES/Vigilance. The Inspection Engineer has since been taken up under Major DAR by RITES.

--- ---

Based on source information that a supervisor was indulging in promoting a multi level marketing business during working hours, a preventive check was conducted. It was noticed that three outsiders were discussing with the

supervisor regarding the products. The supervisor has been transferred to an area where restriction on visitors is applicable. Detailed investigation is in progress.

--- ---

Based on a source information that a Ministerial employee working in the Mechanical department has attended the court in connection with a private criminal case even while he was on duty, details were collected. It was found that out of 6 days reported, the employee has attended the court on 5 days. Further investigation is in progress.

--- ---

A preventive check was conducted on the quality of PVC Flooring Sheet to RDSO specification RDSO/2006/CG-12. Samples were drawn from the accepted lot and sent to two Govt approved labs. Samples sent to both the labs failed to meet the requirements of the specification with regard to Dimensional stability and Limiting Oxygen Index. A quantity of 153Sets was available in the lot. The firm made a complaint to CVC alleging that ICF rejected 153rolls, despite the fact that the lot was accepted after joint inspection. The firm also alleged that ICF deliberately sent the samples to local Chennai labs (M/s.NTH and M/s.CIPET) which reflects the deliberate intentions of getting the material rejected.

As per the instruction of CVC / Railway Board, samples were taken in the presence of the firm, consignee and the inspecting agency. The samples were taken to CIPET/Mysore for testing. As per the test report of CIPET/Mysore, the samples failed to meet the requirements of RDSO specification. The detailed report along with the test report of CIPET/Mysore was sent to Railway Board.

Meanwhile the firm accused that CIPET/Mysore does not have the facility to test Limiting Oxygen Index as per IS-13501. CIPET/Mysore was again referred and a detailed reply was given by CIPET/Mysore that CIPET/Mysore does have the facility to test LOI as per IS-13501. Railway Board Vigilance have communicated that the case has been examined in consultation with CVC and the commission have advised “closure of case” and hence the rejection of 153Sets stands good. The firm has now sought permission to take back the 153 sets. It is to point out here that the all inclusive rate was Rs.9,670.57 per set. The latest purchase for the same item was made at Rs.7,881.50 per set. The net decrease in the price of each roll works out to Rs.1,789.07 per set .

--- ---

### **PERFORMANCE STATISTICS**

**From 01.01.2010 to 30.09.2010**

1.	No. of Preventive checks conducted: From 1.1.2010 to 30.9.2010	94
2.	No. resulted in Administrative action:	03
3.	No. of investigation reports submitted:	09
4.	No. of DAR cases initiated	10

--- ---

