



सवारी डिब्बा कारखाना
INTEGRAL COACH FACTORY

सतर्कता बुलेटिन
VIGILANCE BULLETIN

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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

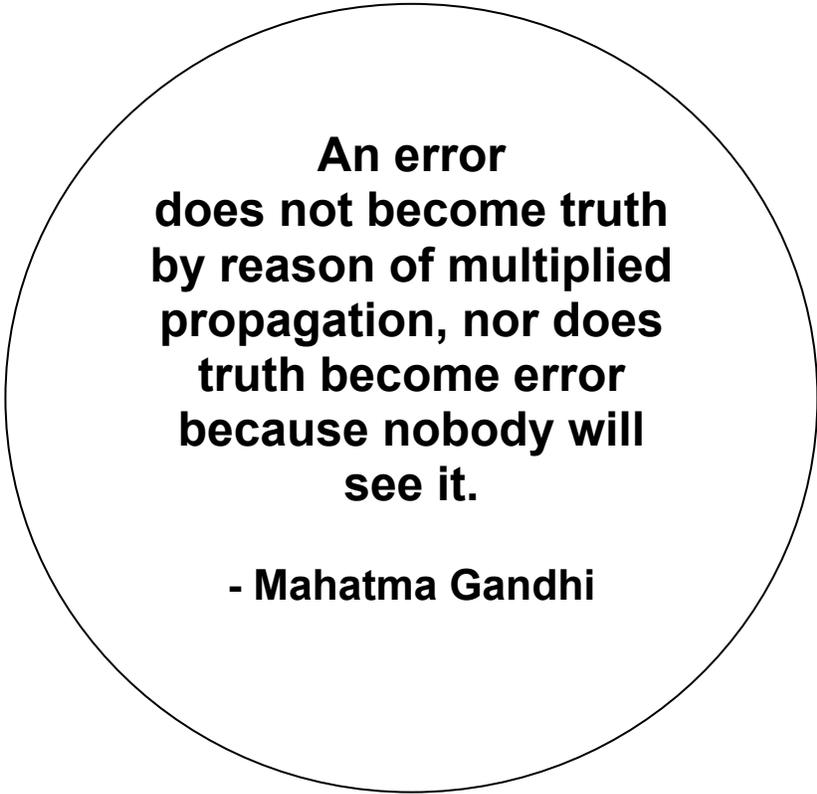
We, the public servants of India, do hereby solemnly pledge that we shall continuously strive to bring about integrity and transparency in all spheres of our activities. We also pledge that we shall work unstintingly for eradication of corruption in all spheres of life. We shall remain vigilant and work 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.

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.

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

- Mahatma Gandhi

Do not ignore the
Corrupt practices around you.
Try to do whatever little you can
to check them
or
Report them to the
Appropriate authorities

WHAT IS A VIGILANCE ANGLE?

Vigilance angle is obvious in the following acts: -

1 (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.

2(a) 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 wilful 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.

2(b) Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case.

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 bona fides 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.

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.

(Ref: CVC's Office Orders No. 004/VGL/18 dated 13.04.2004 and 21.12.2005).

NEED TO FIGHT CORRUPTION

Corruption is the abuse of the power entrusted with an official for his private gains. It affects everyone whose life, livelihood or happiness depends on the integrity of people in a position of authority.

Corruption has dire consequences globally, trapping millions in poverty and misery and breeding social, economic and political unrest. Corruption is both a cause of poverty and a barrier to overcome it. It is one of the most serious obstacles to reduce poverty. Poor people are denied the basic means of survival, forcing them to spend part of their income on bribes. Human rights are denied where corruption is widespread, because a fair trial comes with a hefty price tag where courts are corrupted. It undermines democracy and the rule of law. Corruption threatens the security at domestic and international levels and the sustainability of natural resources.

Corruption is the only one factor that is keeping India perpetually poor country and makes the life of common man miserable. A citizen faces corruption practically at every level and every sector of life, be it a corporation authority, education system, fair price shop, judiciary, police, utilities or politics.

Corruption is anti-national, anti-economic growth and anti poor. We have to make ourselves prepared to fight this menace or be ready to face the consequences.

Transparency International, a global civil society non-government organization, provides the following quantitative diagnostic tools on the levels of corruption both at the global and local levels:

1. Corruption Perception Index (CPI).
2. Bribe Payers' Index (BPI)
3. Global Corruption Barometer (GCB).

1. Corruption Perceptions Index:

Since 1995, Transparency International has been publishing an annual **Corruption Perceptions Index (CPI)** ordering the countries of the world according to "the degree to which corruption is perceived to exist among public officials and politicians". The organization defines corruption as "the abuse of entrusted power for private gain".

The 2003 poll covered 133 countries; the 2007 survey, 180. A higher score means less (perceived) corruption. The results show seven out of every ten countries (and nine out of every ten developing countries) with an index of less than 5 points out of 10.

The index in respect of India is given below:

Year	2008	2007	2006	2005	2004	2003	2002
Score	3.4	3.5	3.3	2.9	2.8	2.8	2.7

India, which was holding the position of 72 during 2007, has slipped to 85 during 2008 survey.

2. Bribe Payers' Index:

Bribe Payers' Index (BPI) is a measure of how willing a nation appears to comply with demands for corrupt business practices. The first BPI was published in 1999.

The BPI is a ranking of 30 of the leading exporting countries according to the propensity of firms with headquarters within their borders to bribe when operating abroad. It is based on the responses of 11,232 business executives from companies in 125 countries to two

questions about the business practices of foreign firms operating in their country, as part of the World Economic Forum's Executive Opinion Survey 2006. To assess the international supply-side of bribery, executives are asked about the propensity of foreign firms that do the most business in their country to pay bribes or to make undocumented extra payments. The survey is anonymous.

The questions on which the BPI is based first ask respondents to identify the country of origin of foreign-owned companies doing the most business in their country. Respondents are then asked:

"In your experience, to what extent do firms from the countries you have selected make undocumented extra payments or bribes?"

Respondents are asked to answer on a scale of 1 (bribes are common) to 7 (bribes never occur). In calculating the BPI, the answers are converted to a score between 0 and 10, and the ranking reflects the average score. Higher scores reveal a lower propensity of companies from a country to offer bribes or undocumented extra payments when doing business abroad.

India, which ranks 30 in the order, has scored 4.62 in the scale.

3. Global Corruption Barometer:

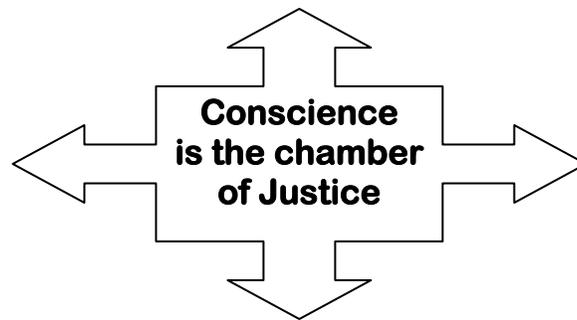
The survey, which covered the general public in 47 countries, found that three fourths of the people of the nations surveyed pointed out that political parties are the principal institutions from which citizens would most like to eliminate corruption. It is followed by the police and then the medical services and education.

The public awareness about corruption in India is more in the area of education.

India has achieved another first in this survey in that, the number of pessimists regarding the decline of corruption in the next three years or so. Taking the total of all those surveyed, 42.1 per cent felt that corruption would increase over time with 20.1 per cent expecting that it would rise substantially.

India is, therefore, perceived to be amongst the most corrupt countries, so it is not only a matter of devastating impact of corruption on everyone's life, but also is of the image of the country, which was known for its values and culture.

This is the right time for us to fight against bribery and contribute to the vitality of tomorrow's markets. In doing so, we will become part of the efforts to make corruption history. It is our priority to fight corruption and make India free from the clutches of corruption.



No.004/VGL/26
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 17th May, 2004

Office Order No. 33/5/2004

**Sub: Govt. of India Resolution on Public
Interest Disclosures & Protection of
Informer.**

The Government of India has authorised the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. A copy of the Public Notice issued by the Central Vigilance Commission with respect to the above mentioned Resolution is enclosed. All CVOs are further required to take the following actions with respect to the complaints forwarded by the Commission under this Resolution:

- (i) All the relevant papers/documents with respect to the matter raised in the complaint should be obtained by the CVO and investigation into the complaint should be commenced immediately. The investigation report should be submitted to the Commission within two weeks.
- (ii) The CVO is to ensure that no punitive action is taken by any concerned Administrative authority against any person on perceived reasons/suspicion of being "whistle blower."

- (iii) Subsequent to the receipt of Commission's directions to undertake any disciplinary action based on such complaints, the CVO has to follow up and confirm compliance of further action by the DA and keep the Commission informed of delay, if any.
- (iv) Contents of this order may be brought to the notice of Secy./CEO/CMD.

All CVOs may note the above directions for compliance.

Sd/-
(Sujit Banerjee)
Secretary

To
All Chief Vigilance Officers

Central Vigilance Commission

Press Release:

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

2. The jurisdiction of the Commission in this regard would be restricted to any employee of the Central Government or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government. **Personnel employed by the State Governments and activities of the State Governments or its Corporations etc. will not come under the purview of the Commission.**

3. In this regard, the Commission, which will accept such complaints, has the responsibility of keeping the identity of the complainant secret. **Hence, it is informed to the general public that any complaint, which is to be made under this resolution should comply with the following aspects.**

- i) The complaint should be in a closed / secured envelope.
- ii) The envelope should be addressed to Secretary, Central Vigilance Commission and should be superscribed "Complaint under The Public Interest Disclosure". If the envelope is not superscribed and closed, it will not be possible for the Commission to protect the complainant under the above resolution and the complaint will be dealt with as per the normal complaint policy of the Commission. The complainant should give his/ her name and address in the beginning or end of complaint or in an attached letter.
- iii) Commission will not entertain anonymous/ pseudonymous complaints.
- iv) The text of the complaint should be carefully drafted so as not to give any details or clue as to his/her identity. However, the details of the complaint should be specific and verifiable.
- v) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into

any further correspondence with the Commission in their own interest. The Commission assures that, subject to the facts of the case being verifiable, it will take the necessary action, as provided under the

Government of India Resolution mentioned above. If any further clarification is required, the Commission will get in touch with the complainant.

4. The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

5. A copy of detailed notification is available on the web-site of the Commission <http://www.cvc.nic.in>.

Public Notice

GOI Resolution on Public Interest Disclosure and Protection of Informer

The Government of India has authorized the Central Vigilance Commission (CVC) as the 'Designated Agency' to receive written complaints for disclosure on any allegation of corruption or misuse of office and recommend appropriate action.

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**Issued in Public Interest
by the Central Vigilance Commission,
INA, Satarkta Bhawan, New Delhi.**

**Sd/-
Secretary
Central Vigilance Commission**

TRANSPARENCY THROUGH TECHNOLOGY

CIRCULARS ISSUED BY **CENTRAL VIGILANCE COMMISSION**

No.98/ORD/1
CENTRAL VIGILANCE COMMISSION

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

Dated the 18th December, 2003

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

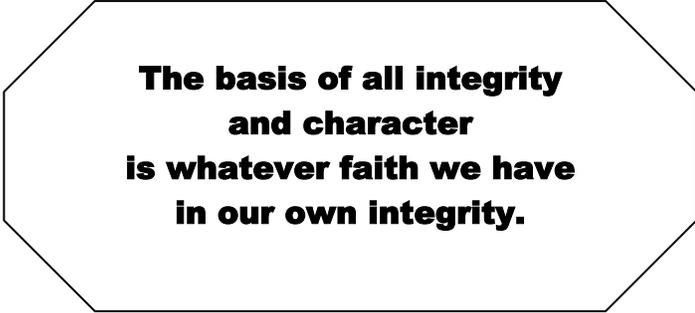
The Commission is of the opinion that in order to bring about greater transparency in the procurement and tendering processes there is need for widest possible publicity. There are many instances in which allegations have been made regarding inadequate or no publicity and procurement officials not making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

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

- (i) In addition to the existing rules and practices regarding giving publicity of tenders through newspapers, trade journals and providing tender documents manually and through post etc. the complete bid documents along with application form shall be published on the web site of the organization. It shall be ensured by the concerned organization that the parties making use of this facility of web site are not asked to again obtain some other related documents from the department manually for purpose of participating in the tender process i.e. all documents upto date should remain available and shall be equally legally valid for participation in the tender process as manual documents obtained from the department through manual process.
 - (ii) The complete application form should be available on the web site for purposes of downloading and application made on such a form shall be considered valid for participating in the tender process.
 - (iii) The concerned organization must give its web site address in the advertisement/NIT published in the newspapers.
 - (iv) If the concerned organization wishes to charge for the application form downloaded from the computer then they may ask the bidding party to pay the amount by draft/cheques etc. at the time of submission of the application form and bid documents.
3. While the above directions must be fully complied with, efforts should be made by organizations to eventually switch over to the process of e-procurement/ e-sale wherever it is found to be feasible and practical.

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

Sd/-
(P. Shankar)
Central Vigilance Commissioner



**The basis of all integrity
and character
is whatever faith we have
in our own integrity.**

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

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 11th February 2004

Office Order No. 10/2/04

To

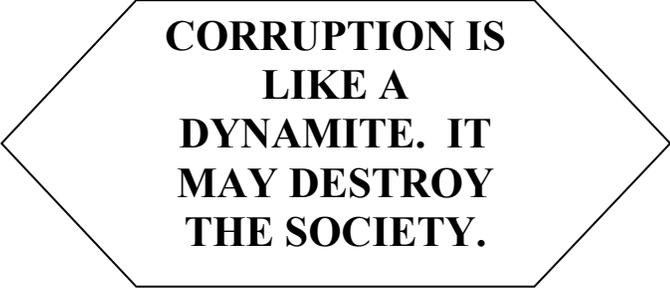
All Chief Vigilance Officers

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

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

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

Sd/-
(Balwinder Singh)
Additional Secretary



**CORRUPTION IS
LIKE A
DYNAMITE. IT
MAY DESTROY
THE SOCIETY.**

No.004/ORD/9
Government of India
Central Vigilance Commission

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

Dated the 10th December, 2004

Office Order No. 72/12/04

**Sub.: Transparency in tendering system-
Guidelines regarding.**

In order to maintain transparency and fairness, it would be appropriate that organisations should evolve a practice of finalizing the acceptability of the bidding firms in respect of the qualifying criteria before or during holding technical negotiations with him. Obtaining revised price bids from the firms, which do not meet the qualification criteria, would be incorrect. Therefore the exercise of shortlisting of the qualifying firms must be completed prior to seeking the revised price bids. Moreover, the intimation of rejection to the firms whose bids have been evaluated but found not to meet the qualification criteria, along with the return of the un-opened price bid, will enhance transparency and plug the loop-holes in the tendering system. All organisations/ departments are advised to frame a policy accordingly.

Sd/-
(Anjana Dube)
Deputy Secretary

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

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

Office Order No.13/3/05

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

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

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

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

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

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

Sd/-
(Anjana Dube)
Deputy Secretary



**CAUTION IS THE
ELDEST CHILD OF
WISDOM**

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

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

Dated the 28th July 2005

Office Order No.46/07/05

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

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

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

(Anjana Dube)
Deputy Secretary

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

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

Dated the 20th September 2005

Office Order No.57/9/05

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

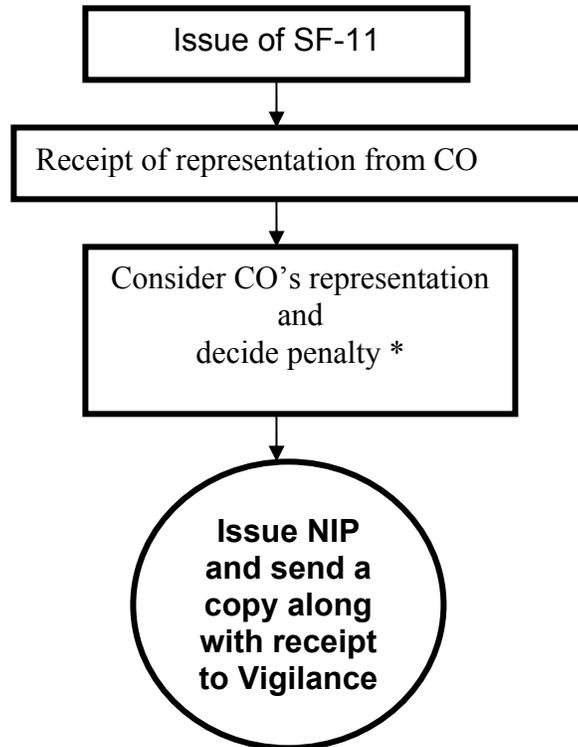
It has been observed that despite Commission's directions vide its circulars dated 16/3/05 and 28/7/05, a number of organisations are yet to give details of the tenders finalized on the website of their organisations. Some of the Organisations have informed that this is due to the delay in receipt of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

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

Sd/-
(Mitter Sain)
Deputy Secretary

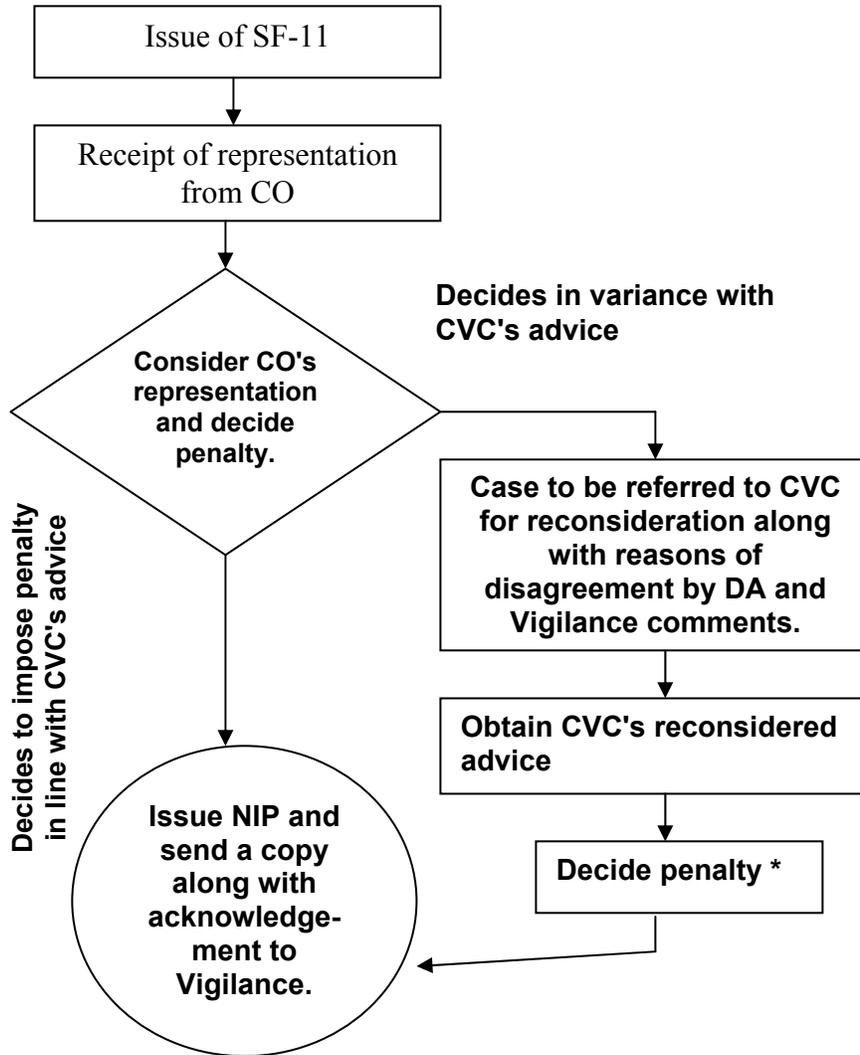
**DAR ACTION FLOW CHARTS FOR
CVC AND NON-CVC CASES**

**Minor Penalty cases
Non-gaz. Staff (non-CVC cases)**



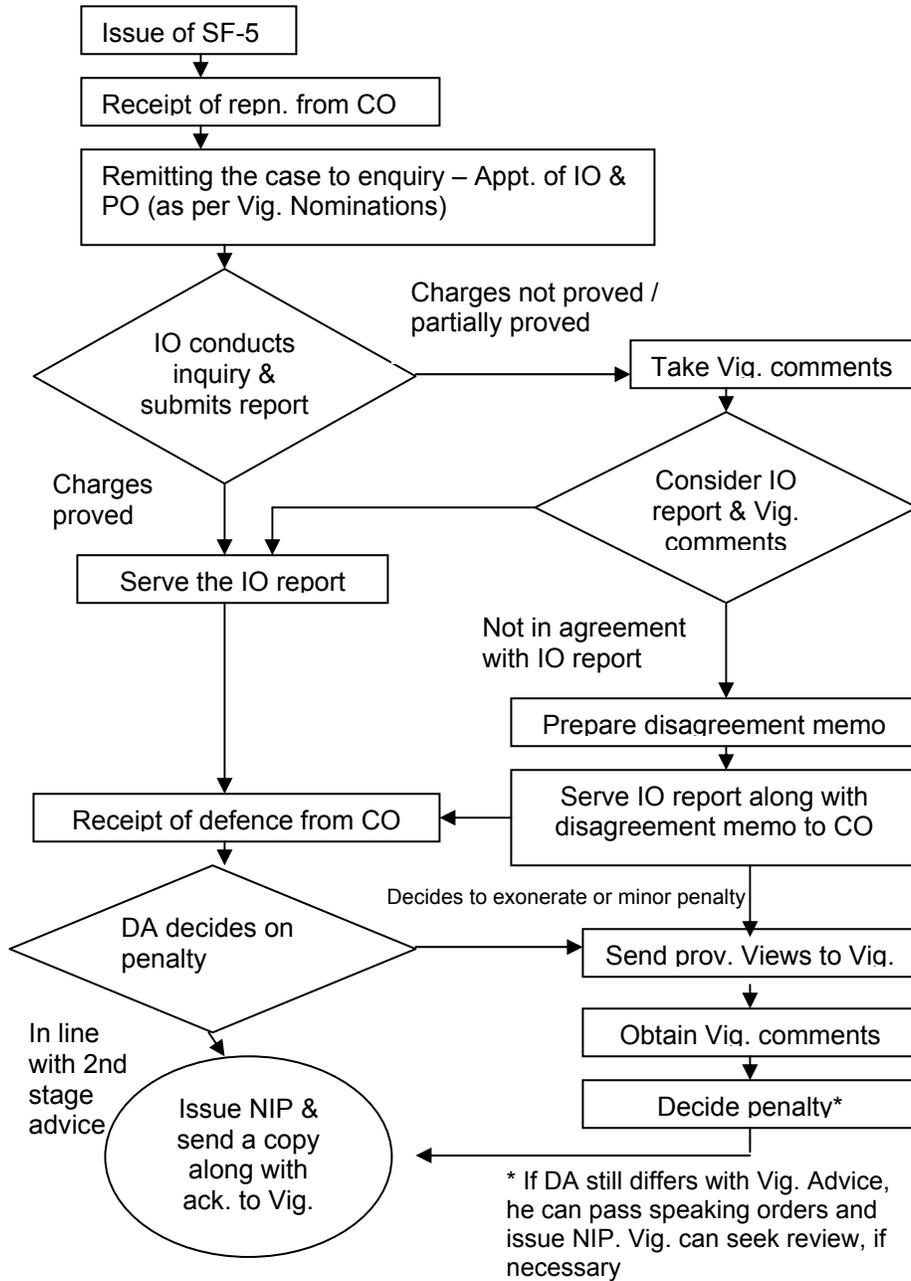
* Even if the Disc. Authority differs with Vigilance advice, he can pass speaking orders and issue NIP. No consultation with Vigilance is required. Vigilance can seek revision by referring the case to Revising Authority, if considered necessary.

**Minor Penalty cases –
Non-gaz. Staff (CVC/ composite cases)**

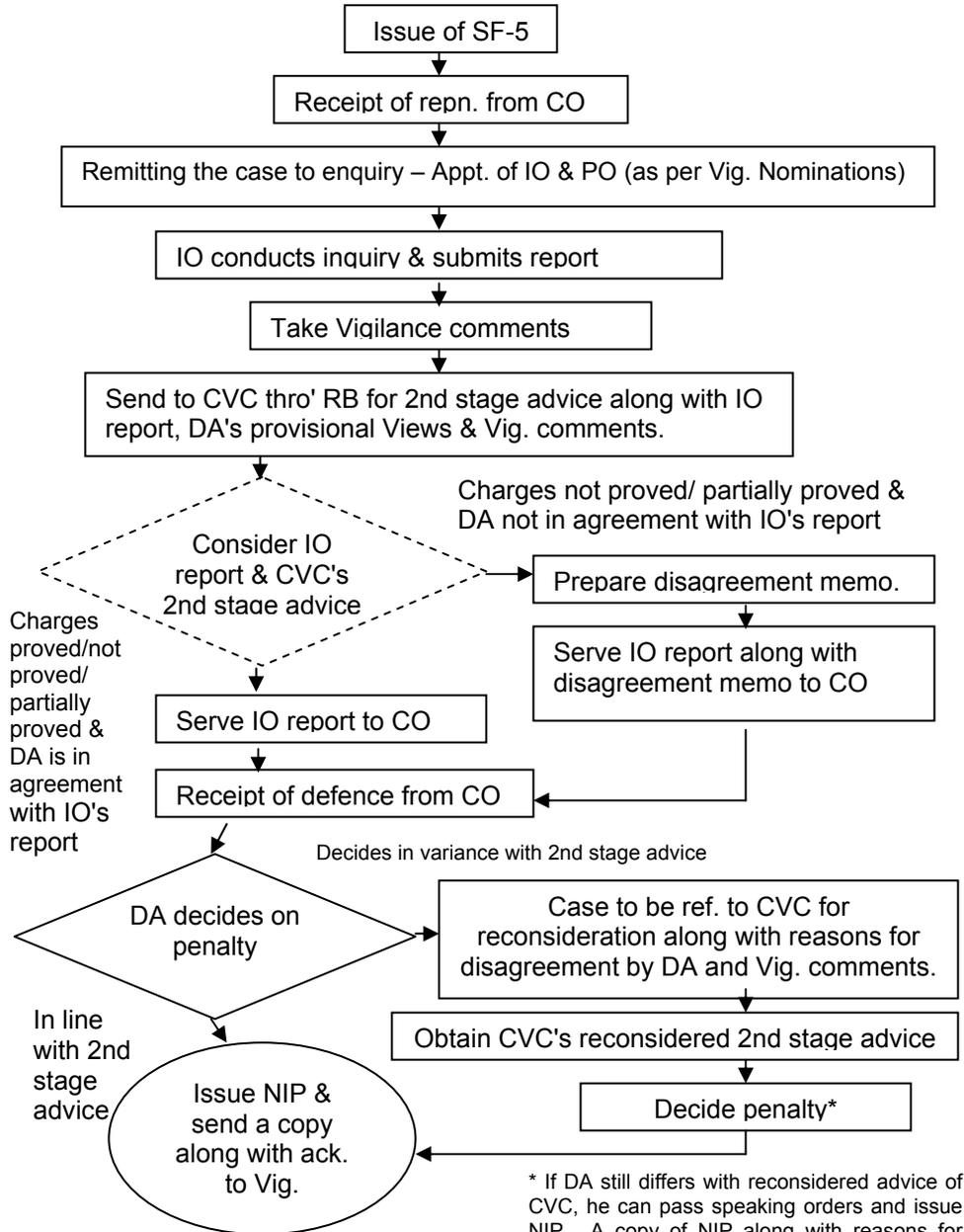


*** If DA still differs with reconsidered advice of CVC, he can pass speaking orders and issue NIP. A copy of NIP along with remarks of disagreement to be sent to Vigilance for sending to CVC.**

Major penalty cases - Non-Gaz. Staff (non-CVC cases)



Major penalty cases Non-Gaz. Staff (CVC / Composite cases)



* If DA still differs with reconsidered advice of CVC, he can pass speaking orders and issue NIP. A copy of NIP along with reasons for disagreement to be sent to Vigilance for forwarding to CVC.

**Extracts from Railway Board's letter
No. 2006/V-1/Meet/6/1 dated 19.6.2006.**

**Procedure for CVC/ Non-CVC Vigilance cases
pertaining to Group "C" and Group "D" employees.**

- 1.0 It has been decided that, in supersession of all previous instructions, on the subject, the procedure given below will henceforth be followed for dealing with DAR cases and Vigilance clearance of Group "C" and Group "D" staff:-
 - 1.1 Cases involving Group "C" and Group "D" staff only (i.e. not involving any Gazetted officer). In these cases, CVC advice is not required. These cases which are also known as non-CVC cases shall be dealt as under:
 - 1.1.1 In minor penalty cases, no consultation is necessary with Vigilance even if Disciplinary Authority (D.A.) differs with the first stage advice of Vigilance organization and penalty imposed is at variance with Vigilance advice or D.A. exonerates the charged official. D.A. is only required to send a copy of NIP/ exonerated advice along with its speaking order and reasons for disagreement to Vigilance promptly, say within a week. In the case of deviation, Vigilance can seek a revision by referring the case to Revising Authority (R.A) if considered necessary.
 - 1.1.2 For major penalty cases, no consultation with Vigilance is necessary, where D.A. intends to impose penalty in accordance with first stage advice of Vigilance Organization. However, where punishment is not considered adequate, the Vigilance organization can later seek a revision by referring the case to R.A. as per extant procedure.

- 1.1.3 For major penalty cases, where D.A. proposes to exonerate or impose a minor penalty, consultation with Vigilance would be necessary. In such cases, D.A. has to first record his provisional views and consult Vigilance organization once giving reasons for disagreement with Vigilance advice. Vigilance Organization should examine and furnish their comments to D.A. on such references. Vigilance organization should furnish their comments to D.A. within two weeks of receipt of such references. Even if after this consultation, D.A. is not in agreement with views of Vigilance, then D.A. is free to proceed and pass speaking order for exoneration/ imposition of penalty. Copy of the NIP/ exoneration advice is required to be promptly sent by D.A. to Vigilance along with its speaking order and reasons of disagreement within a week of passing such orders. Vigilance organization may seek a revision by referring the case to R.A., if considered necessary.
- 1.1.4 The procedure for consultation with Vigilance once as described in Para 1.1.3 would also be applicable in major penalty cases when appellate/ revising authority proposes to exonerate or impose a minor penalty.
- 1.1.5 Procedure as prescribed in Para 1.1.1 to 1.1.4 above would also be applicable for the cases investigated by Board Vigilance, however, in cases of disagreement by Disciplinary Authority / Appellate Authority/ Revising Authority, Zonal Railway Vigilance has to send case to Board Vigilance along with their comments for consultation.
- 1.1.6 SDGM/CVO may put up details of cases where penalty imposed by DA/AA/RA is either at variance with vigilance advice or considered inadequate to

General Manager, once every quarter, for his information, endorsing a copy to AM (Vigilance), Railway Board.

1.2. Composite cases involving Group “C” and “D” staff along with Group “A” officer(s) or Group “B” officer(s) working in senior scale (also called CVC composite cases).

1.2.1 In minor penalty cases, no consultation with Vigilance/ CVC is necessary if punishment proposed to be imposed by DA is in line with CVC advice. However, in cases of deviation, case is required to be sent to CVC for reconsideration along with provisional views of D.A. and vigilance comments thereon. Vigilance Units should promptly (say within two weeks) send the cases to Board Vigilance for seeking CVC’s reconsidered advice. D.A. is, however, free to pass speaking order and issue NIP if he is still not in agreement with CVC’s reconsidered advice. Copy of this NIP along with reasons for his disagreement should be promptly sent to Vigilance for onward transmission to CVC. CVC can include this case in its Annual Report that is submitted to Parliament and can be discussed by Hon’ble MPs.

1.2.2 In major penalty cases, all cases are required to be referred to CVC for second stage advice after completion of inquiry along with IO’s report, provisional views of D.A. and Vigilance comments. Vigilance case is closed once D.A. imposes penalty in accordance with CVC’s second stage advice and furnishes a copy of NIP to Vigilance for onward submission to CVC.

However, if D.A. differs with CVC’s second stage advice, case is again required to be referred to CVC for reconsideration along with reasons for

disagreement by D.A. and vigilance comments. If D.A. still differs with CVC's reconsidered second stage advice, he can pass speaking orders and issue NIP. A copy of NIP along with reasons of disagreement is required to be sent to Board Vigilance for onward submission to CVC. CVC can include this case in its Annual Report that is submitted to Parliament and can be discussed by Hon'ble MPs.

- 1.2.3 The procedure for consultation with CVC once as described in Paras 1.2.1 and 1.2.2 would be applicable when appellate/ revisionary authority proposes to deviate from CVC's advice.
- 1.3 **Composite cases involving Group "C" and "D" staff along with Group "B" officer(s).**
 - 1.3.1 Same procedure as prescribed for CVC composite cases, as detailed in Para 1.2 above would be applicable except that the case would be decided at the level of AM (Vig.) and would not be referred to CVC.
- 2.0 In the light of above instructions, there should not be any difficulty in dealing with DAR cases expeditiously.

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Dos and Don'ts

CONDUCT RULES

(Based on Railway Services (Conduct) Rules, 1966)

DO's

- ✓ Maintain absolute integrity
- ✓ Maintain devotion to duty.
- ✓ Ensure that the staff working under your control and authority are maintaining integrity and devotion to duty.
- ✓ Always give directions in writing and if oral instructions have been given, confirm the same in writing immediately thereafter.
- ✓ Wherever oral orders have been received, obtain written confirmation.
- ✓ Ensure to act in accordance with the Government's policies regarding age of marriage, preservation of environment, protection of wild life and cultural heritage.
- ✓ Ensure to observe Government's policies regarding prevention of crime against women.
- ✓ Intimate acceptance of employment by a member of your family in any company or firm in which you have/ had any official dealings.
- ✓ Ensure that no member of your family takes part, subscribes in aid of or assists in any manner, any movement or activity, directly or indirectly to be subversive of the Government.

- ✓ Make a report to the Government if the value of the gift exceeds the prescribed limit during weddings, anniversaries etc.
- ✓ Ensure to report to the Government if any member of family is engaged in a trade or business or owns or manages an insurance agency or commission agency.
- ✓ Ensure to manage private affairs so as to avoid habitual indebtedness or insolvency.
- ✓ Ensure to acquire or dispose of any immovable property by lease, mortgage, purchase, sale, gift or otherwise either in your own name or in the name of any member of your family only with the previous knowledge of the Government.
- ✓ Ensure to obtain previous sanction of the Government if any immovable property transaction is with a person having official dealings.
- ✓ Ensure to report about the transaction beyond the prescribed value (Rs.20,000 for Group "A" and "B" and Rs.15,000 for Group "C" and "D" employees), entered in respect of a movable property either in your name or in the name of a member of your family within one month.
- ✓ Ensure to obtain previous sanction of the Government if the movable property transaction is with a person having official dealings.
- ✓ Ensure to obtain previous sanction of the government before entering into any immovable property transaction situated outside India.

- ✓ Abide by the law relating to intoxicating drinks or drugs during the course of duties.

Don'ts:

- ❖ Do not do anything which is unbecoming of a Railway or Government servant.
- ❖ Do not act in a discourteous manner in the performance of official duties.
- ❖ Do not adopt dilatory tactics or willfully cause delays in disposal of the work assigned.
- ❖ Do not indulge in any act of sexual harassment of any woman at her work place.
- ❖ Do not use position or influence directly or indirectly to secure employment for any member of family in any company or firm.
- ❖ Do not deal with any matter or give or sanction any contract to any company or firm or any other person if any member of family is employed in that company or firm.
- ❖ Do not be a member of or be associated with any political party.
- ❖ Do not canvass or otherwise interfere with or use his influence in connection with or take part in an election to any legislature or local authority.
- ❖ Do not join or continue to be a member of an association or union, whose objectives/ activities are prejudicial to the interests of the country.

- ❖ Do not engage or participate in any demonstration, which aims at prejudicing the interests of the country.
- ❖ Do not conduct or participate in the editing or management of any newspaper or other periodical publication or electronic media.
- ❖ Do not criticize the policies of Government through radio/ television/ publication either in your name or anonymously.
- ❖ Do not communicate directly or indirectly any official document or information to any Government or Railway servant or to any other person without proper authorization.
- ❖ Do not ask for or accept contributions in cash or in kind for any objective without previous sanction of the Government.
- ❖ Do not accept any gift yourself or permit any person to receive gifts on your behalf.
- ❖ Do not accept any gift from any foreign firm.
- ❖ Do not give or take or abet the giving or taking of dowry. Also do not demand, directly or indirectly, any dowry.
- ❖ Do not engage directly or indirectly in any trade or business without previous sanction of the Government.
- ❖ Do not undertake any other employment.
- ❖ Do not canvass for insurance/ commission agency owned or managed by any member of the family.

- ❖ Do not participate or associate yourself in any manner in the making of a sponsored media or a Govt. media produced by a private agency without previous sanction of the Government.
- ❖ Do not accept any fee for any work done for any private or public body without the sanction of the prescribed authority.
- ❖ Do not sublet, lease or otherwise allow occupation of any other person of Govt. accommodation which has been allotted to you.
- ❖ Do not speculate in any stock, share or other investment.
- ❖ Do not bring or attempt to bring any political or other influence in matters pertaining to service.
- ❖ Do not enter into, or contract, a marriage with a person having a spouse living. Do not enter into, or contract a marriage with any person if you are having a spouse living.
- ❖ Do not appear in a public place in a state of intoxication.

Non-Stock Indents

Do's:

- ✓ Ensure that the detailed and unambiguous description with specification and drawing number, wherever required is mentioned.
- ✓ Ensure that the requirement is genuine.
- ✓ Ensure to indicate quantity, both in figures and in words.
- ✓ Ensure that the quantity indented commensurate with requirement and is as per approval of the approving authority.
- ✓ Specify a reasonable delivery period. Avoid terms like 'immediate' and 'urgent'. Specify about the date by which the materials are required.
- ✓ Verify the rate indicated as the estimated rate or last purchase rate before signing the indent. Furnish the basis for arriving at the rate also.
- ✓ Club the requirements while preparing indent for purchase.
- ✓ Likely sources, if indicated, their genuineness should be verified.

Don'ts:

- ❖ Do not split the quantities to avoid Finance concurrence.

- ❖ Do not split the quantities to bring within powers of purchase of a specific authority.
- ❖ Do not inflate or reduce the approximate cost of the material to be procured, so as to get the sanction from a particular authority.
- ❖ Do not fail to describe the item correctly and unambiguously in the indent.
- ❖ Do not indent in excess of the requirement.
- ❖ Do not call for suppliers to samples as far as possible.
- ❖ Do not exceed powers for signing of indents.
- ❖ Do not submit PAC when not warranted.
- ❖ Do not furnish specifications tailor made for only one or two firms.
- ❖ Do not send indent to Purchase Office without certification of Non-stock.
- ❖ Do not include favourite's firms/ dummy firms in the list of likely sources.
- ❖ Do not force Limited Tender in the name of urgency.
- ❖ Do not furnish high estimated rate enabling higher rates of acceptance.

WORKS CONTRACT

DOs

- ✓ Ensure that estimate has been sanctioned by competent authority before calling for tenders.
- ✓ Specify eligibility criteria very clearly in tender document, define works of similar nature with the approval of PHOD/CHOD.
- ✓ Ensure that all special conditions having financial implications are evaluated correctly to arrive at inter se positions.
- ✓ Make available tender documents at the time mentioned in the tender notice.
- ✓ Identify sister concerns to detect ring formation, especially in limited tenders.
- ✓ Ensure tender and agreement are signed by authorized persons only.
- ✓ Ensure all corrections and over-writings in tender offers are initialized by tender opening officials.
- ✓ Place credential certificates on tender file.
- ✓ Verify credentials issued by other departments.
- ✓ Record detailed reasons for overlooking any offer.
- ✓ Finalize the tenders within validity period.
- ✓ Place copy of newspaper cuttings and Notice Inviting Tenders generated from the website in tender file.

- ✓ Examine the capacity of tenderer by assessing existing workload.
- ✓ Deliberate in details about free items, unworkable items and unusually high rated items in the Tender Committee minutes.
- ✓ Allow normal period of 30 days for responding to the tender.

DON'Ts

- ❖ Do not split work to call separate tenders to keep the value of the work within the powers of a particular executive.
- ❖ 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.
- ❖ Do not draft tender conditions suiting a particular tenderer/ contractor.
- ❖ Do not recommend placement of orders at higher rates on flimsy technical grounds, shorter completion period or citing discount.
- ❖ Do not alter the eligibility criteria laid down while calling tender during consideration of the offers received.
- ❖ Do not accept modified offers, not considered by the Tender Committee.
- ❖ Do not allow subsequent revision of the minutes, unless the reconsidered minutes are put up in addition.

- ❖ Do not forget to explain time delays in tender committee minutes.
- ❖ Do not accept open quotations from the contractors during negotiations.
- ❖ Do not advise the Tender Committee prior to their deliberations on the suitability or otherwise of any particular offer.
- ❖ Do not treat the Tender Committee's recommendations with dissenting notes from one or more members of the Tender Committee, as a unanimous recommendation.
- ❖ Do not exercise the powers of the accepting authority if you have been a member of the Tender Committee.
- ❖ Do not change the location of the work to the advantage/ disadvantage to the contractor.

The dimension of Vigilance is inversely proportional to the degree of internal departmental supervision and inspection.

Execution of Works

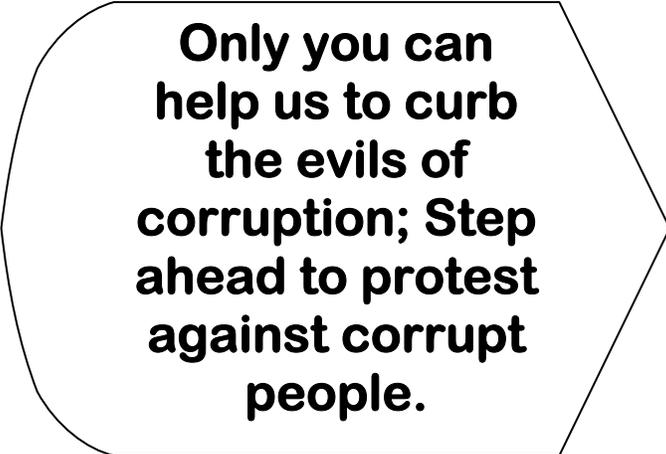
DO's

- ✓ Ensure good workmanship by proper supervision.
- ✓ Keep proper accountal of Railway materials issued to the contractors at the site of work.
- ✓ Keep proper accountal and classification of released materials.
- ✓ Issue materials to the contractors only through authorized agents and control the issues commensurate with progress of work.
- ✓ Ensure inspection and proper passing of materials supplied by contractors or through rate contracts before these are used in work. Maintain proper records.
- ✓ Ensure recovery of cost of materials supplied by Railway, hire charges for tools and plants etc. from the contractors' running bills immediately after their use.

DON'Ts

- ❖ Do not allow execution of work without proper sanctioned work order.
- ❖ Do not allow the contractor to first execute only those items considered more profitable by him at his discretion, so that contractor's interests in completing the whole works remain.

- ❖ Do not allow execution of partly left over work by another agency before taking final measurements of earlier contract and getting them accepted by both the old and the new contractors.
- ❖ Do not permit to use substandard materials.



**Only you can
help us to curb
the evils of
corruption; Step
ahead to protest
against corrupt
people.**

Interesting cases detected in ICF

1.0 Improper accountal of 2 mm. CR steel sheets.

It was noticed that about 7 tons of 2mm CR Steel Sheets, which were available in the stock register, were physically not available. Detailed investigation revealed that accounting of the sheets was not done properly and two Stores staff have been taken up under DAR.

2.0 Subletting of quarters.

24 employees were not residing in the quarters allotted to them. They have been directed to vacate the quarters. Penal recovery has been effected from them apart from recommending for DAR action wherever documentary evidence was available.

This includes one case of leasing out the quarters to an outsider by executing a lease agreement for an amount of Rs.1,00,000/-. The occupant was a stunt actor in cine field and many persons used to visit him at odd hours. The Vigilance team could obtain a copy of the lease agreement from the occupant tactfully.

3.0 Mixing of scrap.

During one of the deliveries of scrap materials, it was noticed that materials, which were not part of the Delivery Order, were found to have been loaded in the lorry. All the three witnessing officials have been taken up under major DAR action.

4.0 **Mixing of fresh arisals in the scrap yard.**

It was noticed that fresh arisals of scrap were dumped in the sold lot. Officials responsible for the above have been taken up under Major DAR action.

5.0 **Unauthorized occupation of quarters by contractors.**

It came to the notice of Vigilance that one contractor was occupying a quarters without proper allotment order. The contractor was directed to vacate the quarters to arrest loss of revenue to the Admn.

6.0 **Fraudulent replacement of original tyres with retreaded ones.**

A case of fraudulent replacement of original tyres with retreaded ones came to light. The employee had taken a lorry outside the Factory premises without any authority and returned after about five hours. It was noticed that all the four rear wheel original tyres had been replaced with retreaded ones and of different make/ size. The erred employee has been taken up under major penalty disciplinary proceedings.

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CORRUPTION

- C** Commission of a fraudulent act
- O** Omission of essentials in neglect
- R** Recurrence of serious mistakes
- R** Repetition of lame excuses.
- U** Upholding incorrect meanings
- P** Protection to wrong doers
- T** Temptation to kinds and coins
- I** Indifference to rightful things
- O** Opportunistic lapses, sheer laziness
- N** Negligence of rules and system.

“..... Just as with fish moving under water it cannot possibly be discerned whether they are drinking water or not, so it is impossible to detect government servants employed on official duties when helping themselves to money. It is possible to mark the movements of birds flying high up in the sky; but it is not possible to ascertain the secret movements of government servants”

The Kautilya Arthashastra



SEVEN SINS

Wealth without work
Pleasure without conscience
Knowledge without character
Commerce without morality
Science without humility
Worship without sacrifice
Politics without principle

-- Mahatma Gandhi