

**Section  
30  
VIGILANCE / O & M  
(Copies of CSIR OMs/Letters)**

**1**

*Copy of CSIR letter No.19410/79-O&M-II dated 18.11.1996*

**Sub:- Treatment of period of strike-Reg.**

I am directed to invite your attention to the CSIR endorsement No.331(11)/91-Gen. Dated 3.6.91 whereby a copy of the O.M. No.4106/1(S)/90-Estt.(B) dated 1<sup>st</sup> May,1991 issued by the DOPT on the above subject was circulated and to reproduce below an extract of the clarification, since received in the matter from Shri Harinder Singh, JS (Estt), DOPT vide DO No.33011/3(S)/96-Estt B dated 31.10.1996 for your information, guidance and compliance, wherever necessary:

“ A number of departments have been seeking clarification from time to time regarding the manner in which the period of strike is to be dealt with. In this connection your attention is invited to DOPT’s OM dated 1.5.1991(copy enclosed. Apart from the aforesaid instructions, Rule 7(ii) of CCS (Conduct) Rules and FR 17(i) and FR-17-A are also relevant”

**2**

*Copy of CSIR letter No.1(97)/96-Qr.II/Vig. Dated 912.1996*

**Sub:-Examination of the Works by the CTE Organisation-Raising of monetary limit for the reporting the works in progress.**

I am to invite your attention to this office letter of even number dated 6.8.96 on the above subject with which a copy of OM.No.7AA VGL 10 dated 22.7.96 from Chief Technical Examiner, (CVC) was enclosed.

In para 2 of the said enclosure, it has *inter-alia* been pointed out that in case monetary value of all such works in progress is less than the fresh raised limits, then two largest works in progress of each discipline i.e. Civil, Electrical and Horticulture have to be reported in the quarterly return.

It is, therefore, requested that prescribed details of at least two such largest works of less than the fresh monetary limits in progress may be furnished in the return as per proforma for the quarter ending December,1996 onwards. Nil information may, however, be sent only when no works are at hand.

**3**

*Copy of Letter No.16(41)/79-O&M dated 19.6.1998*

**Sub:- Acceptance of hospitality-Instructions-Reg.**

It has come to the notice that in some Labs./Instts. of CSIR, Private Vendors having official dealings with the Labs/Instts have been allowed to host parties in seminar/Symposium etc. organised by the Lab./Instt. and such hospitalities have been accepted by the officers and staff.

The existing instruction stipulate that it is essential to avoid familiarity arising out of private hospitality and the Govt. servants should be extremely careful and discreet while coming into contact with businessmen/ business firms to avoid situation which might cause

embarrassment to the Govt.(Council) or to the Govt.(Council) servant concerned while dealing with the matters relating to those private firms in their official capacity. Such act or conduct may open before the Council employee temptations for not discharging his/her official duties properly and thereby warranting disciplinary action for violation of conduct rules.

The above instructions should be brought to the notice of all employees for guidance and compliance.

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*Copy of Letter No. 6(83)/98-O&M dated 2<sup>nd</sup> February, 1999 addressed to the Directors/Heads of all the National Labs./Instts. from CVO, CSIR.*

**Sub: Improving Vigilance Administration.**

The undersigned is directed to state that the Central Vigilance Commissioner vide circular No. 8(1)(h)/98 (1) dated 18<sup>th</sup> November, 1998 has issued the following instructions in exercise of the powers conferred on the CVC by Section (8) (1) (h) of Central Vigilance Commission Ordinance, 1998 for compliance.

**Creating a culture of honesty.**

Many organisations have a reputation for corruption. The junior employees and officers who join the organisations hopefully may not be so corruption minded as those who have already been part of the corrupt system. In order to ensure that a culture of honesty is encouraged and the junior officers do not have the excuse that because their seniors are corrupt, that they have also to adopt the corrupt practices, it is decided with immediate effect that junior employees who initiate any proposal relating to vigilance matters which is likely to result in a reference to the CVC can send a copy directly to the CVC by name. This copy will be kept in the office of the CVC and data fed into the computer. If within a reasonable time of say three to six months, the reference does not come to the CVC, the CVC then can verify with the concerned authorities in the department as to what happened to the vigilance case initiated by the junior employee. If there is an attempt to protect the corrupt or dilute the charges, this will also become visible. Above all the junior officers will not have the excuse that they have to fall in line with the corrupt seniors. Incidentally, the seniors also cannot treat the references made directly to the CVC as an act of in-discipline because the junior officers will be complying with the instructions issued under Section 8(1) (h) of the CVC Ordinance 1998. However, if a junior officer makes a false or frivolous complaint it will be viewed adversely. It may be brought to the notice of all concerned that a copy of the proposal so sent to the CVC, should also be endorsed to CVO, CSIR Hqrs. for monitoring.

**Greater transparency in administration**

One major source of corruption arises because of lack of transparency. There is a scope of patronage and corruption. Especially in matters relating to tenders, cases where exercise of discretion relating to out of turn conferment of facilities/privileges and so on. Each lab./insttt. May indentify such items which provide scope for corruption and where greater transparency would be useful. There is a tendency to maintain secrecy even in matters where discretion has been exercised. But once the discretion has been exercised or as in matters of tenders, once the tender has been finalized there is no need for the secrecy. A practice, therefore, must be adopted with immediate effect by all the Lab./Instts. that they will publish on the notice board and in the organisation's regular publication the details of all such cases regarding tenders or out of turn allotment for discretion exercise in favour of an employee/party. The very process of publication of this information will provide an

automatic check for corruption induced decisions or undue favours which go against the principles of healthy vigilance administration.

A list of areas which are identified for giving publicity is enclosed (Annexure). This may please be implemented with immediate effect. The list is only illustrative and not exhaustive. Labs./Instts. may identify more areas for introduction of transparency and inform CVO, CSIR for adoption in CSIR as a whole. The CVC will in course of time take up each organisation and review to see whether any addition and alteration have to be made to the list of items which the organisations identify in the first instance for the monthly communication for publicity in the interest of greater transparency.

**Speedy inquiries departmental :**

One major source of corruption is that the guilty are not punished adequately and more important they are not punished promptly. This is because of the prolonged delays in the departmental inquiries procedure. One of the reasons for the departmental inquiries being delayed is that the Inquiry Officers have already got their regular burden of work and this inquiry is to be done in addition to their normal work. The same is true for the presenting officers also.

Each Lab./Instt. therefore, may immediately review all pending cases and the disciplinary authority may appoint Inquiry Officers from amongst retired honest employees for conduct the inquiries. The names of these officers may be got cleared by the CVC through CVO. The CVC will also separately issue an advertisement and start building a panel of names all over India who can supplement the Inquiry officers work in the Department. In fact, it will be a healthy practice to have all the inquiries to be done only through such retired employees it can then be ensured that the departmental inquiries can be completed in time. If any service departmental rules are in conflict with the above instructions, they must be modified with immediate effect.

In order to ensure that the departmental inquiries are completed in time, the following time limits are prescribed :-

- (i) In all cases which are pending for appointment of Inquiry Officer and Presenting Officer, such appointment should be made within one month. In all other cases, the Inquiry Officer and the Presenting Officer should be appointed, wherever necessary, immediately after the receipt of the Council servant's written statement of defence denying the charges.
- (ii) The Oral inquiry, including the submission of the Inquiry Officer's should be completed within a period of 6 months from the date of appointment of the Inquiry Officer. In the preliminary inquiry in the beginning requiring the first appearance of the charge officers and the Presenting Officer, the Inquiry Officer should lay down a definite time-bound programme for inspection of the listed documents, submission of the lists of defence documents and defence witnesses and inspection of defence documents before the regular hearing is taken up. The regular hearing, once started, should be conducted on day-to-day basis until completed and adjournment should not be granted on frivolous grounds.

One of the causes for delay is repeated adjournments. Not more than two adjournments should be given in any case so that the time limit of six months for departmental inquiry can be observed.

The IO/PO, Disciplinary Authority, the Vigilance Officer of the Labs./Instts. will be accountable for the strict compliance of the above instructions in every case. Monthly progress of disposal of disciplinary proceedings shall be continued to be monitored at the level of DG, CSIR through the CVO as instituted vide letter No. 1/78/97-O&M-II dated 16.9.97. The CVC has directed that the CVO shall also be personally responsible for delay in disposal of disciplinary cases.

### **Tenders**

The tenders are generally a major source of corruption. In order to avoid corruption, amore transparent and effective system must be introduced. As post tender negotiations are the main source of corruption, the post tender negotiations are banned with immediate effect except in the case of negotiations with L.1.(lowest tenderer).

The above instructions are brought to the notice of all concerned for guidance, information and strict compliance.

**Annexure**

## **GENERAL ADMINISTRATION**

### **(a) RECRUITMENT**

- (i) Advertisement(s) for recruitment should be clear and transparent; tailor made/man specific advertisements should be avoided.
- (ii) Publication of (1)list of candidates applied for (2)criteria adopted by the screening committee for short-listing of candidates(3) the list of candidate so short-listed, specially marking the departmental candidates; and (4) details of relaxation, if any, provided to any candidate(s) with proper justification therefor.
- (iii) Publication of Panel (including wait list) in the order of merit with clear instructions as to how and when the wait list will be operated.
- (iv) Publication of list of staff members being considered for merit assessment (since kept in abeyance) and normal assessment well in advance.
- (v) Prompt communication of APAR Grading and disposal of representation thereon, if any.
- (vi) Publication of list of those appointed as Fellows under QRS, Research Associates and any other similar position once in every six months with details of their qualification and remuneration fixed.
- (vii) Publication of list of consultants appointed, immediately on their appointment.

### **(b) ESTABLISHMENT MATTERS**

#### **Publication of details of:**

- (i) Honorarium paid to different categories of employees, clearly bring out reasons for such payments and quantum paid.
- (ii) Out of turn allotment of staff quarters and Scientists Apartments.
- (iii) Sanction of conveyance advance under Director's discretionary quota.
- (iv) Any payment made as special case to any employee of the Lab./Instt.
- (v) Any other discretion exercised by the Competent authority in any service matter.

All efforts should be made for prompt disposal of grievances of employees, representations/petition of staff member with clear indication of reasons for rejection of their applications/petitions.

### **© PURCHASE & STORES**

**Publication of:**

- (i) List of vendors identified for each category of Stores/ Equipment.
- (ii) The details of firms, to whom inquiries were sent, the name of firms who have responded and reasons for rejection of quotations of any firm.
- (iii) Reasons for rejection of lowest tender , to be done in rarest of rare cases.
- (iv) Details of purchases made beyond the value of Rs.5 Lakh once in three months.
- (v) Details of Repeat orders placed with the firms who have bagged purchase orders from the lab/Instt. more than twice in a year for supply of same category of stores/ equipment.
- (vi) List of foreign purchases made once in six months.
- (vii) Stock position of commonly used items, like stationery etc.

**(d) TENDERS**

- (i) Publication of list of firms to whom tender papers were issued and tenderers responded.
- (ii) Publication of reasons for rejection of any of the firms/ tenderers.
- (iii) Publication of name of the firm to whom the work was awarded along-with awarded value of work.

**(e) FINANCE AND ACCOUNTS.**

- (i) Prompt disposal and payment of personal claims. If any, claim is rejected / reduced the employee should be communicated reasons therefor.
- (ii) Adoption of "fixed date payment scheme" for payment of GPF advance, OTA and medical claims etc.
- (iii) Prompt clearance of suppliers bills.

**5**

*Copy of Letter No.6(83)/98-O & M dated 16<sup>th</sup> February,, 1999 from CVO, CSIR addressed to all Sr/COA/Aos of all the National Labs.Instts by name.*

**Sub: Scheme for preparation, maintenance and custody of list of gazetted public servants of doubtful integrity.**

I am to invite your attention to this office secret letter No. 1(44)/72-Vig. Dated 10.11.1993 requesting COAs/Aos of their respective Lab./Instt., to furnish an annual list of Gazetted Officers of doubtful integrity by the last week of January of every year. It has been observed that such list is not being furnished by certain Labs./Instts. regularly.

In this context the undersigned is directed to state that the Central Vigilance Commission vide circular No. 98/VGL/33 dated 18.11.98 has observed that preparation of Agreed Lists of officers of doubtful integrity would help to fight corruption and provide a better and cleaner administration. In view of the above directives of the Central Vigilance Commission, requisite particulars of Officers in the Lab/Instt. for the year 1998, if any, found to be of doubtful integrity may be furnished, by 26.2.99, positively. In case there are no such persons, NIL report may be forwarded.

Subsequent annual return should reach CSIR by last week of January of every year, as non-compliance may be viewed seriously by the competent authority.

*Copy of letter No. 6(83)/98-O&M dated 16<sup>th</sup> February 1999, addressed to the Directors/Heads of all National Labs./Instts.*

**Sub: Improving Vigilance Administration-checking corruption.**

The undersigned is directed to state that the Central Vigilance Commission vide circular No. 98/VGL/33 dated 18<sup>th</sup> November 1998 has issued the following instructions for compliance :-

1. The Commission while considering various preventive measures in order to augment the effectiveness of the vigilance machinery, has observed that a better monitoring of the property returns filed by the officers would help to fight corruption and provide a better and cleaner administration.
2. It is , therefore, advised that the latest annual property returns due as on 31.12.98 may be obtained from all the employees of your Lab./Instt. from both gazetted as well as non-gazetted officers, may be computerized and a copy of the same may be sent to the undersigned on a floppy diskette along with a hard copy latest by 7<sup>th</sup> March 1999.
3. While computerising the Annual Property Return, the following few points may be taken into consideration :-
  - (i) First property return filed by the official immediately on his joining the service/have become due to file the return may invariably be entered.
  - (ii) In subsequent year if there were any deletion/addition, the same may be indicated along with the details thereof.
4. If the Vigilance Officer of the Lab./Instt. namely the COA/AO is of the opinion that any Council servant who has acquired assets which are disproportionate to his known sources of income, a one time statement by a special order seeking a full and complete details of movable and immovable property held or acquired by the individual himself or by any member of his family including sources of such acquisition, may be obtained by the Vigilance Officer of the Lab./Instt. under Rule 18(4) of CSS (Conduct )Rules, 1964.

The above cited instructions may be strictly complied with and the essential information may be sent to us without delay.

*Copy of CSIR letter No.6(83)/98-O & M dated 5<sup>th</sup> March, 1999 addressed to the Directors of the National Labs.Instts.*

**Sub: Improving Vigilance Administration – Compilation of Annual Property Returns.**

In continuation of this office circular of even number dated 16<sup>th</sup> February 1999, regarding computerization of annual property returns of the employees of your Labs./Instts; it is further advised that for easy monitoring and scrutiny of Annual Property Returns submitted by each employee from the date of his/her joining service/becoming eligible to file returns

should be placed together in one file and should not be kept together for all employees on year-wise/ category-wise basis. This file, together with a file containing details of transactions in movable/immovable property intimated by the concerned employee/notified by the competent authority should be kept along with the personal file/service book of each individual employee.

In the event of transfer of the individual to another lab./instt. as in the case of Common Cadre Officers, the files containing all the filled up Annual Property Returns proforma and details of transactions in movable/immovable property should accompany the service book/personal file of the officials to the new lab./Instt.

It is also clarified that Annual Property Returns should be obtained from employees of your Labs./Instts. in accordance with Rule 18(1) (ii) of CCS Conduct Rules, 1964.

It is requested that the above cited instructions may be strictly complied with and necessary action for the same may be initiated at the earliest.

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**8**

*Copy of CSIR letter No. 6(83)/98-O&M dated 6<sup>th</sup> April 1999 from CVO, addressed to the Directors of all National Labs./Instts.*

**Sub: Improving Vigilance Administration – Tenders.**

In continuation of CSIR circular of even number dated 2.2.1999, banning post tender negotiations except with the lowest tenderer (L1), the undersigned is directed to state that the Central Vigilance Commission vide circular No. 98/ORD/1 dated 8<sup>th</sup> March 1999 has issued the following clarifications for compliance :

- (i) The Govt. of India has a purchase preference policy so far as the public sector enterprises are concerned. It is clarified that the ban on the post tender negotiations does not mean that the policy of the Govt. of India for purchase preference for public sector should not be implemented.
- (ii) Incidentally some organisations have been using the public sector as a shield or a conduit for getting costly inputs or for improper purchases. This also should be avoided.
- (iii) Another issue that has been raised is that many a time the quantity to be ordered is much more than L1 alone can supply. In such cases the quantity order may be distributed in such a manner that the purchase is done in a fair transparent and equitable manner.

The above instructions are brought to the notice of all concerned for guidance, information and strict compliance.

**9**

*Copy of CSIR letter No.6(83)/98-O & M dated 29.2.2000*

**Sub:-Types of cases which may merit action for imposing one of the major penalty- amendment to para 11.4 Chapter X of Vigilance Manual Vol. I**

I am to state that various instructions on the above mentioned subject have been provided in Chapter X of the Vigilance Manual Vol. I 5<sup>th</sup> edition,1992

Para 11.4 of the chapter *ibid* illustrates certain types of vigilance cases in which it may be desirable to start proceedings for imposing a major penalty which are reproduced below for ready reference.

- (i) Cases in which there is a reasonable ground to believe that a penal offence has been committed by a Government servant but the evidence forthcoming is not sufficient for prosecution in court of law e.g.:
  - (a) possession of disproportionate assets;
  - (b) Obtaining or attempting to obtain illegal gratification;
  - (c) Misappropriation of Government property, money or stores;
  - (d) Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or for a consideration which is not adequate;
- (ii) Falsification of Government records;
- (iii) Gross irregularity or negligence in the discharge of official duties with a dishonest motive;
- (iv) Misuse of official position or power for personal gain;
- (v) Disclosure of secret or confidential information even though it does not fall strictly within the scope of Official Secret Act.;
- (vi) False claim on the Government like TA claims, re-imbusement claims etc.;

The CVC vide circular letter No.99/VGL/62 dated 29.11.99 have intimated that it has been observed by them that with reference to sub-para (III) of Para II(4), chapter X mentioned above, some of the disciplinary authorities did not initiate departmental proceedings for imposition of a major penalty in the cases involving gross negligence/flagrant violation of systems and procedures on the consideration that there was no material to prove the element of “dishonest motive”. The cases involving gross negligence/flagrant violation of systems and procedures do involve a vigilance angle and the involvement of “*malafides*” are to be inferred or presumed from the actions of the concerned employee depending upon the facts and circumstances of the case.

However with a view to remove ambiguity, the Commission has decided to amend Para 11.4 (III) *ibid* as under:-

“ The cases involving any lapses such as gross or willful negligence, recklessness, exercise of discretion without or in excess of powers/jurisdiction, causing undue loss to the organisation or a concomitant gain to an individual, and flagrant violation of systems and procedures”.

The above amendment to the Vigilance Manual is brought to the notice of all Disciplinary Authorities/ Vigilance Officers of the Labs./Instts. for information and compliance.

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*Copy of CSIR letter No. 6(83)98-O&M dated 10.3.2000*

**Sub: Follow up action on publication of the names of charged officers in the CVC website.**



I am directed to forward herewith copy of DO letter No. 000/VGL/20 dated 25.2.2000 addressed to Dr. RA Mashelkar, DG, CSIR from Shri N. Vittal, the Central Vigilance Commissioner for information and compliance of all the Disciplinary Authorities of Labs./Instts.

In order to facilitate this office to compile information on pending departmental action cases both after the first and second stage advice of the Commission, it is requested that details/status of such cases may be sent to the undersigned by the first week of every month so that the same can be sent to Central Vigilance Commission to monitor the progress.

To place the matter in its proper perspective the circumstances under which the first and second stage advice of the Central Vigilance Commission is sought, has been briefly elaborated below :

- i) The first stage advice indicates the nature of action to be taken against the Council servant whose conduct has been investigated and it is found that there is prima facie case against the person having potential vigilance angle. Such an individual should also fall within the jurisdiction of the Commission in terms of his basic pay i.e. his/her pay should be RS. 2825/- basic (pre-revised) or more. The disciplinary authority of Lab./Instt. must forward the report of the preliminary investigation; brief history of the case; draft charge sheet; biodata of the individual and his/her comments clearly indicating the proposed nature of action to the undersigned for its onward transmission to the Central Vigilance Commission for their first stage advice. The Commission may advise :-
  - a) Closure of the case,
  - b) Prosecution
  - c) Major or Minor penalty action under the CCS (CCA) Rules, 1965
  - d) Administrative Action
  - e) Suggest procedural improvements or review of existing rules, regulation and administrative instructions

Once the first stage advice is received by the undersigned from the CVC the same will be conveyed to the disciplinary authority of the Lab./Instt. for the purpose of the appointment of Inquiry Officer after the issuance of charge sheet to the delinquent officer.

The second stage consultation is necessary before a final decision is taken on the report of the Inquiring Authority. At the second stage advice the Commission consider the report of the inquiry officer and advises the disciplinary authority on the nature of penalty to be imposed. This advice will accordingly be communicated by the undersigned to the disciplinary authority of the Lab./Instt. Once the final order of penalty is imposed by the disciplinary authority a copy of the same should be endorsed to the undersigned for its onward communication to the Central Vigilance Commission.

*Enclosure*

*Copy of DO No. 000/VGL/20 dated 25.2.2000 from Sh. N. Vittal, Central Vigilance Commissioner, CVC, New Delhi to Dr. RA Mashelkar, Secretary, DSIR.*

**Sub: Follow up action on publication of the names of charged officers in the CVC website.**

The action of the CVC in publishing the names of the charged officers has brought the following benefits :-

- i) 93% of the people who responded to a poll of Hindustan Times welcomed the measure because it brought greater openness. It inculcates a sense of credibility that action will be taken against even high level public servants.
- ii) The action is perceived to be having a good deterrent effect. 83% of those who responded to the Economic Times poll agreed that the CVC's action in publishing the names of charged officers in the website will have a deterrent effect.
- iii) The fact that some of the charged officers have said that they have not received the charge sheet even though their names on the website has revealed an enormous loophole in our system for fighting corruption. This is the delay on the part of the disciplinary authorities in following up vigilance cases.

In our present system, after the CVC gives advice, either due to inefficiency or as a measure of giving protection to the charged officers may delay initiating action. The CVC has already issued instructions dated 18.11.98 that the inquiries must be completed within six months. It may be necessary to launch a drive to clear all the old departmental inquiries, if necessary by engaging retired honest people as the inquiry officers on paying them lump-sum fees as has been recommended by the CVC so that there is speedy disposal of vigilance cases.

Now that the names of the charged officers are on the website, there will be public pressure on both the CVC and the department for follow up action. The CVC can only give advice and also recommend action both at the first stage and at the second stage. The primary responsibility for follow up action is on the disciplinary authorities.

I shall be therefore be grateful if you can bring this to the notice of all disciplinary authorities under your control and also ensure that so far as your organisation itself is concerned an integrated and systematic approach is brought to bear on the issue of following up action on departmental inquiries so that there could be effective check on corruption.

I have also instructed the Secretary, CVC to send you every month the list of the pending departmental action cases both after the first stage and second stage advice to you so that at your level you can monitor the progress in this important area.

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*Copy of CSIR letter No. 1(41)/79-O&M dated 15<sup>th</sup> March 2000.*

**Sub: Rule 14 of the CCS (Conduct) Rules – Acceptance of awards by Govt. servant.**

In continuation of CSIR circular of even number dated 26.11.1999, I am directed to forward herewith a copy of OM No. 11013/2/99-Estt. (A) dated 17.2.2000 from the Ministry of Personnel, Public Grievances & Pension (Department of Personnel & Training) for your information and guidance.

*Enclosure*

*Copy of OM No. 11013/2/99 – Estt. (A) dated 17.2.2000 from Ministry of  
Personnel, Public Grievances & Pension.*

**Sub: Rule 14 of the CCS (Conduct) Rules – Acceptance of awards by Govt. servant**

The undersigned is directed to refer to this Department's OM of even number dated 24.2.1999 on the subject mentioned above wherein detailed guidelines on the subject matter have been laid down.

2. These guidelines have further been reviewed and keeping in view the policy in the matter it has been decided that the Government servants should not be allowed to accept awards of monetary benefits instituted by private trusts/foundations etc.
3. All the Ministries/Departments are requested to bring this to the notice of all concerned for strict compliance.
4. In so far as the persons serving in the Indian Audit and Accounts Departments are concerned, these instructions issue after consultation with the Comptroller and Auditor General of India.

**12**

*Copy of CSIR letter No. 6(83)/98-O&M dated 15.3.2000*

**Sub: Reducing Delays in Departmental Inquiries.**

I am directed to forward herewith copy of the English version of circular No. 8(1)(g)/99(2) dated 19.2.1999 from Central Vigilance Commission for your information and guidance. The Hindi Version of the same was circulated vide this office letter of even number dated 24.12.1999.

*Enclosure*

*Copy of CVC letter No. 8(1)(g)/99 (2) dated 19.2.1999*

**Sub: Reducing Delays in Departmental Inquiries.**

One of the causes for delay in departmental inquiries is appointment of Presenting Officer. To avoid such delays, the Commission, in exercise of its powers conferred on it under Section 8(1)(g) of the CVC Ordinance 1999, directs all Departments/Organisations within its jurisdiction to indicate, henceforth, the names of the Presenting Officer to be appointed while referring the cases to the Commissioner for Ist Stage advice and where the Disciplinary Authority proposes to initiate major penalty action. After the Commission endorses the proposed action, the Departments/Organisations will ensure that the Inquiry Officer and Presenting Officer are appointed simultaneously after service of charge-sheet and immediately on denial of charges by the Charged Officer. The Departments/organisations should also indicate appropriate disciplinary authority in each case while referring the case to the Commission for first stage advice. The Commission in turn will communicate its advice to the Disciplinary Authority/Secretary of the Ministries with a copy to the CVO for follow up action.

*Copy of CSIR letter No. 1(41)/79-O&M dated 31<sup>st</sup> March 2000*

**Sub: Participation of Government servants in the activities of Moral Rearmament Movement – Review of instructions.**

I am directed to forward herewith copy of OM No. 11013/13/98-Estt. (A) dated 24.2.1999 from the Ministry of Personnel, Public Grievances & Pension (Department of Personnel & Training) for your information and guidance.

*Enclosure*

*Copy of letter No. 11013/13/98-Estt. (A) dated 24<sup>th</sup> February 2000 from Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training)*

**Sub: Participation of Government servants in the activities of Moral Rearmament Movement – Review of instructions.**

The undersigned is directed to refer to the Ministry of Home Affairs OM No. 25/10/64-Ests. (A) dated 4<sup>th</sup> July 1964 wherein some restrictions have been imposed on the Government servants associating themselves with the activities of Moral Rearmament Movement.

2. These instructions have been reviewed. After careful consideration, it has been decided to withdraw these instructions with immediate effect. It is, however, clarified that while associating with the activities of the Moral Rearmament Movement, the Central Government servants should ensure that they do not do anything which may be construed or easily misconstrued as participation in political activities, keeping in view the provisions of Rule 5 of the CCS (Conduct) Rules, 1964.

Sd/-  
Director

*Copy of CSIR letter No. 11/22/82-Vig. Dated 25.4.2000 to the Heads of National Labs./Instts.*

**Sub: Re. Consultation with CVC.**

I am to state that in a number of cases involving vigilance angle referred to this office from the Labs./Instt. the advice of the Central Vigilance Commission (CVC) has either not been sought at all or it was not sought at proper stage. Further, in some of the cases, the Labs./Instt. have imposed penalty on the Charged Officers after the first stage advice with the approval of Disciplinary Authority without obtaining the second stage advice of the CVC through CVO, CSIR Hqrs. In some cases CVC was approached for advice directly by the Lab./Instt. concerned without referring the matter to CVO, CSIR Hqrs. while in other cases, after CVC had tendered its advice and the same was complied with by the Lab./Instt., the compliance report has not been furnished to this office for submission of compliance to the CVC. Therefore, it is clarified that in all cases in which it is proposed to initiate regular disciplinary proceedings against an official who is in receipt of pay of RS. 2825/- (pre-revised) or above, having a potential vigilance angle, the facts and documents of the case, together with details of action proposed to be taken may be sent to this office for obtaining the first stage advice of CVC.

As a matter of act, the Central Vigilance Commission tenders advice at two stages, If upojn preliminary investigation, it is found that prima facie there is some substance in the allegations, the CVC is to be consulted as to the future course of action to be taken. To this end, the entire details of the case together with supporting documents and further action proposed may be sent in a comprehensive manner to the office of the CVO, CSIR Hqrs. for further scrutiny at our end and also for obtaining the advice of CVC. No case is to be sent directly to the CVC from the Labs./Instts. themselves. After the advice is received from the CVC the same will be communicated to the Lab./Instt. for compliance.

At the second stage, the advice of CVC is again to be sought before finalisation of disciplinary proceedings after a copy of the Inquiry Report has been made available to the charged officer(s) and their representation/submissions have been obtained within the stipulated time frame as per Rule 15 of the CCS (CCA) Rules, 1965. At this stage, the details/background of the case together with all the documents of the Regular Disciplinary Action (RDA), including the representation of the Charged Officer on the Inquiry Report are to be sent to CSIR Hdqrs. Along with the comments of the Disciplinary Authority on the Inquiry Report and the penalty or further course of action proposed to be taken. The same shall be duly forwarded to the CVC after scrutiny at CSIR Hqrs. for obtaining their second stage advice.

In the event of conclusion of disciplinary proceedings in a case, where advice of CVC was obtained, if the Disciplinary Authority is of the opinion that a fresh inquiry may be called for in view of the facts and circumstances prevailing, the documents of such proceedings are neither to be rejected outright nor any penalty imposed or persons exonerated straightaway. The entire set of documents of the case together with the views of the Disciplinary Authority thereon are to be forwarded to CSIR Hqrs. alongwith the detailed comments of the Disciplinary Authority regarding acceptance of the Inquiry Report or otherwise. If the need for holding a fresh inquiry is felt based on the evidence on record, the Commission is to be approached through CSIR Hqrs. alongwith a definite proposal based on

detailed reasons for their second stage advice as per instructions laid down in the vigilance manual and also issued on the subject from time to time.

Regarding cases where the Central Bureau of Investigation (CBI) has investigated into the alleged misconduct of an employee and requested the Disciplinary Authority of that individual to accord approval for his prosecution, if the Disciplinary Authority is in disagreement with the CBI, the advice of the CVC is to be sought irrespective of the status of the official, prior to further communication with the CBI. In cases where the CVC has forwarded a case for further investigation and/or inquiry, irrespective of the status of the official involved, the case is to be referred back to the Commission for advice, even if it is proposed to close after preliminary enquiry.

15

*Copy of CSIR letter No. 6(83)/98-O&M(Vol.II) dated 12<sup>th</sup> May 2000 (Serial Circular No. 20)*

**Sub: References to the Commission for reconsideration of its advice – Prescribing time limits.**

Sir,

I am forward herewith copy of circular No. 000/DSP/1 dated 6.3.2000 issued by Central Vigilance Commission for your information, guidance and necessary action.

Sd/-(Ajay Kumar)  
JS(Admn) & CVO

#### **Enclosure**

*No. 000/DSP/1 dated 6<sup>th</sup> March 2000 from Central Vigilance Commission, GPO Complex, INA, New Delhi to all the Chief Vigilance Officers of the Ministries/Departments/autonomous organisations etc.*

**Sub: References to the Commission for reconsideration of its advice – Prescribing time limits.**

Sir,

Para 5.16, Chapter 1 of the Vigilance Manual Volume I provides for consultation with the Commission if the administrative authorities do not agree with the Commission's advice and propose to take either "lenient view" or a "stricter view" than recommended by it. Such references, however may be made only once and that too with the prior approval of the authorities indicated in para 5.13(b), Chapter I *ibid*. Similar provisions also exist in para 11 and 19 respectively of the Special Chapters on Vigilance Management in Public Sector Banks and Public Sector Enterprises.

2. Delay in disposal of disciplinary cases has been a matter of serious concern to the Commission. Such delays, while affecting the morale of the concerned employees, also lose the deterrent effect for the dishonest employees. The Commission has, therefore, laid down a schedule of time limits for conducting investigations and departmental inquiries in para 41 of the Special Chapters on Vigilance Management in Public Sector Enterprises. It has, however, been observed that references to the Commission for reconsideration of its advice are being made in a number of cases after the lapse of a considerable time after it tendered its advice. This could be in

order to cover up the delays in finalization of the proceedings or with an intention to prolong the proceedings. Thus, in order to prompt the administrative authorities to accord priority to the disciplinary cases, the Commission has decided that the administrative authorities, if they so desire, may make references to the Commission for reconsideration of its advice within a period of two months from the date of receipt of its advice, failing which the Commission may decline to entertain such references.

16

*Copy of CSIR letter No. 6(83)/98-O&M(Vol.II) dated 12<sup>th</sup> May 2000 to all the Directors/heads of National Labs./Instts.*

**Sub: Procedure for consultation with the Commission**

I am to forward herewith copy of circular No. NZ/PRC/1 dated 16.3.2000 issued by the Central Vigilance Commission for your information, guidance and necessary action.

**Enclosure**

*No. NZ/PRC/1 dated 16.3.2000 from Central Vigilance Commission to all Chief Vigilance Officers.*

**Sub: Procedure for consultation with the Commission**

Sir,

Please refer to the Commission's letter of even number dated 24.11.1997, reiterating the Commission's instructions dated 7.12.1995, on the procedures for making references to the Commission.

2. It has been observed that many organisations have not been sending bio-data of the officers involved in the case to the Commission, while making a reference to it for its advice. You may be aware that the Commission has decided to put the names of the officers, against whom it recommends initiation of criminal proceedings or imposition of a major penalty, on the Commission's web site. Therefore, the bio-data of the officers involved in the case is essential, particularly the service, the batch and the cadre, for proper identification of the officers involved. It is, therefore, requested that the bio-data of the officers in the prescribed format (copy enclosed) may invariably be furnished to the Commission in all cases referred to it for its advice.
3. The Commission has also observed that the issuance of charge sheets by the administrative authorities are unduly delayed on the pretext that either the relevant documents are not readily available or the drafting of the charge sheets, and the vetting thereof, takes considerably time due to administrative reasons. In order to obviate delays on these accounts, the Chief Vigilance Officers are requested to certify, while making references to the Commission for its advice on the tentative recommendations for major/minor penalty action, that the draft charge sheets and the relevant documents are ready and that the charge sheets would be issued within a period of 15 days from the date of receipt of the Commission's advice. The draft charge-sheets, however need not be sent to the Commission as the Commission would not undertake the vetting of the draft charge sheets.

*Form 1*

**Particulars relating to the Complaint/CBI case against Sh./Smt./Miss.**

1. Name of the Officer : Sh/Smt./Miss
2. Father's Name/Husband's Name :
3. Service to which belongs : (Also mention the cadre and year of allotment in case Of officers of All India Services)
4. Date of Birth :
5. Date of Superannuation :
6. Date of suspension (in case of officers under suspension only)
7. Post held :
  - (a) Designation
  - (b) Level in the organisational hierarchy :
  - (c) Scale of Pay :
  - (d) Present Pay :
  - (e) Date from which pay shown against (d) is drawn :
8. Date of next increment :
9. Date of joining present service :
10. Whether borrowed from State Govt. or any other authority :
11. Which disciplinary rules are applicable to him/her.
12. Previous complaint (s) if any against the officer and the results of inquiries into them.
13. Remarks about integrity in CR.
14. (a) Brief particulars of similar cases, if any, in the Ministry/Organisations, in which  
the same or other officer (s) may have indulged in similar practices.  
  
(b) If so, steps taken to prevent recurrence of such malpractices.

Signature of CVO

Date :

Telephone No. :



**17**

*Copy of CSIR letter No. 6(83)/98-O&M(Vol.II) dated 19<sup>th</sup> May 2000 to all the Directors/heads of National Labs./Instts.*

**Sub: Improving vigilance administration – sensitising the public about corruption.**  
Ref: CSIR letter of even No. dated 20<sup>th</sup> April 1999

I am to state that the Central Vigilance Commission vide circular No. 99/VGL/16 dated 7<sup>th</sup> March 2000 has instructed that in addition to its earlier instructions contained in Circular No. 8(1)(g)/99(4) dated 12.3.1999 wherein all Departmental/Organisations under its purview display standard notice at the reception of their office in English as well as in vernacular languages, to say “Don’t Pay Bribes”, has now requested that such a notice may also be displayed in Hindi.

**18**

*copy of CSIR circular letter No.6(83)/98-O&M (Vol. II)dated 16.6.2000  
(Serial circular No.25)*

**Sub:-Schedule of time limits in conducting investigations and departmental inquiries.**

I am directed to forward herewith a copy of circular No.000/VGL/18 dated 23<sup>rd</sup> May, 2000 for your information, guidance and necessary action.

**Enclosure:**

*copy of circular No.000/VGL/18 dated 23<sup>rd</sup> May, 2000, Govt. of India, Central Vigilance Commission, New Delhi.*

**Sub:-Schedule of time limits in conducting investigations and departmental inquiries.**

Delays in disposal of disciplinary cases are a matter of serious concern to the Commission. Such delays also affect the morale of the suspected/charged employees and others in the organisation. The Commission has issued instructions vide its communication No.8(1)(g)/99(3) dated 3.3.1999 that departmental inquiries should be completed within a period of six months from the date of appointment of Inquiry Officers. Regarding other stages of investigation/ inquiry, the time schedule, as under, has been laid down in the special Chapters on Vigilance management in Public Sector Banks/Enterprises, which are applicable to the employees of public Sector Banks/enterprises. The Commission desires that these time limits should also be adhered to by the Ministries/ Departments of Govt. of India, Autonomous organisations and other cooperative societies, in respect of their employees, so as to ensure that the disciplinary cases are disposed of quickly.

<b>S. No.</b>	<b>State of Investigation or Inquiry</b>	<b>Time limit.</b>
1	Decision as to whether the complaint involves a vigilance angle.	One month from the date of receipt of complaint.
2	Decision on complaint, whether to be filed or to be entrusted to CBI or to be taken up for investigation by departmental agency or to be sent to the concerned administrative	-do-

3	authority for necessary action Conducting investigation and submission of report	Three months.
4	Department's comments on the CBI Report in cases requiring Commission's advice.	One month from the date of receipt of CBI's report by the CVO/ Disciplinary Authority.
5	Referring departmental investigation reports to the Commission for advice.	One month from the date of receipt of investigation report.
6	Reconsideration of the Commission's advice, if required.	One month from the date of receipt of Commission's advice.
7	Issue of charge sheet, if required.	(i) One month from the date of receipt of Commission's advice. (ii) Two months from the date of receipt of investigation report.
8	Time for submission of defence statement.	Ordinarily ten days or as specified in CDA Rules.
9	Consideration of defence statement.	15(Fifteen) days.
10	Issue of final orders in minor penalty cases	Two months from the date of receipt of defence statement.
11	Appointment of IO/PO in major penalty cases.	Immediately after receipt and consideration of defence statement.
12	Conducting of departmental inquiry and submission of report.	Six months from the date of appointment of IO/PO.
13	Sending a copy of IO's report to the Charged Officer for his representation.	(i) Within 15 days of receipt of IO's report if any of the articles of charge has been held as proved. (ii) 15 days, if all charges held as not proved. Reasons for disagreement with IO's finding should be communicated.
14	Consideration of CO's representation and forwarding IO's report to the Commission for second stage advice.	One month from the date of receipt of representation.
15	Issue of orders on the Inquiry Report.	(i) One month from the date of. Commission's advice. (ii) Two months from the date of receipt of IO's report, if Commission's advice was not required.

*Copy of Csir Circular letter No.6(83)/98-O & M Vol.II(Serial Circular No. 26) dated 1.8.2000*

**Sub:- Benami Black Money Scheme.**

**I am** to forward herewith a copy of circular No. 000/VGL/74 dated 12.7.2000 issued by Central Vigilance Commission for your information, guidance and wide circulation.

**Sd/-  
P. Ananthkrishnan  
CVO**

Enclosure :

**GOVERNMENT OF INDIA,  
CENTRAL VIGILANCE COMMISSION  
Satarkata Bhavan, Block A  
GPO Complex, INA,  
New Delhi-110 023**

**No./ 000/VGL/74**

**Dated 12.7.2000**

**BENAMI BLACK MONEY SCHEME**

**Corruption is the use of public office for private profit. India is recognised as one of the most corrupt countries in the world.** In the corruption perception index of Transparency International for the year 1999, India is ranked 73 out of 99 countries.

2. Corruption flourishes in our country because of secrecy and delay. The secrecy element to some extent has been tackled by the CVC putting on web site the names of charged officers who are facing either prosecution or departmental action. There is enormous delay in the departments taking action even after the departmental inquiry is over. This is being systematically followed up with the departments by CVC.
3. Corruption in our country is also encouraged by the presence of black money or the parallel economy. The extent of black money is placed at 40% of the GDP. Black money is the oxygen for corruption. Corruption is the oxygen for black money.
4. When it comes to prosecution of cases in courts, there are enormous delays. What is worse, the conviction is hardly 6% in criminal cases. This may be due to the poor homework done by the prosecution authorities. The corrupt take advantage of the loopholes in the law and escape.
5. Corruption flourishes because it is perceived to be a low risk high profit business. One approach to check corruption therefore is to increase the risk element for the corrupt whose ill gotten wealth ultimately gets reflected in the form of black money, foreign accounts, benami bank accounts, jewellery and other valuables, benami bank accounts, jewellery and other valuables, benami property, etc.
6. Occasionally there are reports of the CBI or the Income Tax Department raiding corrupt public servants and seizing enormous amount of cash and

property. This is happening at present in a hit and miss fashion. For every person raided, at least 100 escape. At the same time, in the society, public at large know who is a corrupt public servant who is having black money, benami property etc.

7. At present there is no systematic method by which this information can be brought to the notice of either the CBI or the Income Tax department. The CVC has been entrusted with the task of enforcement of the Prevention of Corruption Act so far as public servants of the Government of India are concerned. The CBI's work relating to corruption cases is also monitored by CVC.
8. In order to discharge its function effectively therefore, the CVC has decided to introduce the following scheme, which can be called the Benami Black Money Scheme, with immediate effect.
9. The Central Vigilance Commission, being an apex anti-corruption agency, has the jurisdiction and powers in respect of matters to which the executive powers of Union extends to undertake an inquiry into any transaction in which a public servant is suspected or alleged to have acted in a corrupt manner. It has also been empowered vide para 3(v) of the Govt. of India's Resolution No. 371/20/99-AVD.III dated 4<sup>th</sup> April, 1999, to exercise superintendence over the vigilance administration of various Ministries of the Central Government or Corporations established by or under any Central Act, Government Companies, Societies and local authorities, owned or controlled by that Government.
10. The Commission proposes to launch a systematic campaign against corruption by involving all members of civil society in fighting this social evil. It , therefore, invites the members of public to report the matter to the Commission if they have information against a public servant about possession of black money or assets, which are believed to be disproportionate to this known source of income. The Commission would scrutinise the information so received and if the information is considered sufficient for carrying out detailed investigations, the CBI, or the Income Tax authorities would be advised accordingly. In suitable cases, the Commission may also advise the concerned authorities to move applications under the Criminal Law Amendment Ordinance, 1944 for confiscation of ill-gotten money. It is, however, clarified that :
  - (i) The Commission does not entertain anonymous or pseudonymous complaints. Therefore, the members of the public, making such complaints, should given their full name and address on the complaints and to confirm having made such a complaint if a reference is received by them in that regard. They are, however, assured that if they so desire, their identity would not be disclosed.
  - (ii) It is neither feasible nor desirable to make the preliminary verifications on the basis of vague information. The information made available to the Commission should, therefore, carry sufficient details about the properties owned by the concerned public servant in his own name or in the name or in the name of his family members/near relatives.
  - (iii) Section 182 IPC makes it a criminal offence if a person gives to any public servant any information, which he knows or believes to be false.

11. The CBI and the Income Tax Department have schemes under which those who give information leading to successful unearthing of black money and benami properties are suitably rewarded. The informants who provide information under this notification will be also eligible to the rewards directly from CBI/Income Tax Department accordingly.
12. This notification is available on the CVC's site <http;cvc.nic,in>.

**20**

*Copy of CSIR letter No. 6(83)/98-O&M (Vol.II) dated August 2000 (Serial circular No.33)*

Please find enclosed herewith a copy of Central Vigilance Commission's Circular No. 3(v)/99/11 dated 23.6.2000 relating to "**Vigilance Awareness Week**".

I shall be grateful if you kindly devote a few hours of your valuable time to ensure that your Institute observes the Vigilance Awareness Week in a befitting manner. I shall be glad to be of any help in this regard.

**Annexure**

*Copy of letter No. 3(v)/99/11 dated 23<sup>rd</sup> June 2000 from Central Vigilance Commission, New Delhi-110023.*

**Sub: Vigilance Awareness Week – Observance thereof.**

Corruption is anti national, anti poor and anti economic development. According to the UNDP Report on Human Development 1999 on South Asia, if the corruption level in India goes down to that of Scandinavian Countries, the GDP will grow by 1.5% and Foreign Direct Investment will go up by 12%. Corruption is anti poor because nearly 30% of the food grains and sugar meant for the public distribution system disappear in the black market. Corruption literally takes away the food from the mouths of the poor people for whom food security by way of the public distribution systems is devised by the Govt. Corruption is anti national as revealed by the Bombay blasts of 1993 when the customs officials who were bribed permitted the smuggling of the RDX which resulted in the death of 300 people.

2. M/s Transparency International, a Berlin based non-government organisation has ranked India 73 out of 99 countries in the Corruption Perception Index. This refers to the perception of the degree of corruption as seen by business people, risk analysts and the general public. It ranges from 10 (highly clean) to zero (highly corrupt). Denmark appears at the top of the list with a score of 10 and India figures at 73 with a score of 2.9.
3. War, it is said, is too dangerous to be left to the Generals. Fighting corruption is too important an activity to be left only to the Central Vigilance Commission. The Commission, therefore, proposes to launch a systematic campaign against corruption by involving all members of the civil society in fighting this social evil. The first step in this campaign is to educate the people about the dangers of corruption and sensitize them about the evil consequences of corruption.

4. The CVC which has a special responsibility under para 3(v) of Govt. of India Resolution No. 371/20/99/AVD-III dated 4.4.1999, declares that the week beginning from 31<sup>st</sup> October every year should be observed as the Vigilance Awareness Week. The significance of 31<sup>st</sup> October is that it is the birthday of the Bismarck of India, Sardar Vallabh Bhai Patel. He represents the best values in the Indian tradition so far as governance is concerned. He integrated the country and also was a shining example of probity in public life.
5. The Vigilance Awareness Week can be observed keeping in view the spirit of the eminent leaders like Sardar Patel and the need for fighting the social evil of corruption. The measures that could be considered for celebrating the Week may include the following :
  - a) It should be a five-day programme beginning from 31<sup>st</sup> Oct. to 4<sup>th</sup> Nov.
  - b) The Central Vigilance Commission would request the President and the Prime Minister for their messages to the Nation on this occasion. Such messages received would be given wide publicity through the media and also through the CVC web-site <http://cvc.nic.in>
  - c) The messages from the President, Prime Minister, the Central Vigilance Commissioner and the Vigilance Commissioner would also be sent in advance to all Chief Executives and Chief Vigilance Officers.
  - d) The Vigilance Awareness Programme would begin in all the offices of the Central Government its subordinate and attached offices, public sector undertakings and banks, autonomous bodies and institutions under the Central Government at 11 00 hours with a pledge which would be sent separately. The pledge would be taken by all public servants irrespective of their status and would be administered by the head of the department or the senior most officer available on the occasion.
  - e) After the pledge, the message from the President, Prime Minister, CVC and VC would be read out to the audience.
  - f) The Chief Vigilance Officer may be advised to consider taking following steps depending upon the financial resources –
    - to display banners, posters etc. at prime locations in their office at the corporate centre, regional centre, zonal offices, factories/works etc.
    - to organize seminars at different location on the occasion and to invite prominent faculty from the area to address the participants. The CVC/VC will also address the participants in some of the seminar
    - to organize competitive debates/lectures on anti corruption topics amongst the employees and to distribute prizes
    - to organize competitive lectures/debate on anti corruption methods at the student levels in the colleges/schools in the city and to award prizes to the best participation
    - to issue special journals during the week; and
    - to request the non government organisation, institutions and service associations in the local area to also participate in the vigilance awareness campaign.

*Copy of CSIR Office letter No. 6(83)/98--O&M( Vol .II) (Serial circular No. 35)  
dated 19<sup>th</sup> September, 2000*

**Sub: Improving Vigilance Administration - Tenders.**

In continuation of CSIR Circular of even number dated 02.02.1999 on the above cited subject, further instructions have been forwarded by the Central Vigilance Commission vide their circular number 98/ORD/1 dated 24.08.2000 a copy of which is being enclosed herewith for your Information, guidance and wide circulation..

**Annexure**

*Copy of letter No. 98/ORD/1 dated. 24.8.2000 from Central Vigilance Commission,  
New Delhi 110023.*

**Sub: Improving Vigilance Administration – Tenders.**

Please refer to the instructions issued by Commission vide its communication No. 8(1) (h)/98(1) dated 18.1.98, banning post tender negotiations except with L-1.

The Commission has been getting a number of queries on how to handle the matter if the quantity to be ordered is more than L-1 can supply or about placement of orders on Public Sector Undertakings. It is requested that such matters may be dealt with in accordance with the clarifications issued by the Commission vide its letter of even number dated 15.3.1999 (copy enclosed).

Some of the organisations have sought clarification as to whether they can consider the L-2 offer or negotiate with that firm if L-1 withdraws his offer before the work order is placed, or before the supply or execution of work order takes place. In this regard, it is clarified that such a situation may be avoided if a two-bid system is followed (techno-commercial) so that proper assessment of the offers is made before the award of work order. Therefore, if L-1 party backs out, there should be rendering in a transparent and fair manner. The authority may in such a situation call for limited or short notice tender if so justified in the interest of work and take a decision on the basis of lowest tender.

The Commission has also been getting references for its advice on the procedures being followed in individual cases of tenders. The Commission would not involve itself in the decision making process of individual organisations. It, however, would expect the organisations to implement its instructions dated 18.11.98, in its spirit and to ensure that the decisions of administrative authorities are transparent.

**Annexure**

*Copy of letter No. 98/ORD/1 dated 15.3.1999 from the Central Vigilance Commission, New Delhi*

**Sub: Improving vigilance administration – Tenders.**

Please refer to CVC's instructions issued under letter No. 8(1)(h)/98(I) dated 18.11.98 banning post tender negotiations except with L-1 i.e. the lowest tenderer. Some of the organisations have sought clarifications from the Commission as they are facing problems in implementing these instructions. The following clarifications are, therefore, issued with the approval of Central Vigilance Commissioner.

- (i) The Govt. of India has a purchase preference policy so far as the public sector enterprises are concerned. It is clarified that the ban on the post tender negotiations does not mean that the policy of the Govt. of India for purchase preference for public sector should not be implemented.
- (ii) Incidentally, some organisations have been using the public sector as a shield or a conduit for getting costly inputs or for improper purchases. This also should be avoided.
- (iii) Another issue that has been raised is that many a time the quantity to be ordered is much more than L1 alone can supply. In such cases the quantity order may be distributed in such a manner that the purchase is done in a fair transparent and equitable manner.

**23**

*Copy of CSIR letter No. 6(83)/98-O&M (Vol.II)( Serial Circular No. 37) dated 19.9.2000*

**Sub: Observance of Vigilance Awareness Week.**

In continuation of CSIR DO letter of even number dated 25.08.2000 on the above cited subject, following instructions/materials have been forwarded by the Central Vigilance Commission vide their circular number 000/VGL/55 dated 4.09.2000 a copy of which is being enclosed herewith for your information, guidance and wide circulation :-

- i) Hindi version of CVC circular No. 3(v)/99/11 dated 23.6.2000
- ii) A copy of the PLEDGE, both in Hindi and in English as referred in para 5(d) of the circular cited at (i) above.

**Enclosure**

*Copy of Central Vigilance Commission circular number 000/VGL/55 dated 4.09.2000*

**Sub: Observance of Vigilance Awareness Week**

The undersigned has been directed to refer to the Commission's instructions No.3(V/99/11 dated 23.6.200, on the above subject, and to forward the following material:-



- i) Hindi version of the instruction No.3(v)/99/11 dated 23.6.2000;
- ii) A copy of PLEDGE as referred in para 5(d) of the above mentioned instruction { English and Hindi Version.

Sd.  
KL Ahuj  
Officer on Special duty

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**PLEDGE**

*(Reference para 5(d) of CVC's letter No.3(v)/99/11 dated 23.6.2000*

**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 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.**

Copy of CSIR letter No. 1(60)/81-Vig. O&M (Vol.II) Serial Circular No. 38. dated 28.9.2000

**Sub: CCS (CCA) Rules, 1965- Amendment thereof.**

I am to forward herewith a copy of Notification No.11012/20/1998-Estt(A) dated 21.8.2000 on the above subject from MoPPG &P (DoPT) for information & necessary action.

Enclosure

copy of GOI Notification No.11012/20/1998-Estt(A) dated 21.8.2000 on the above subject from MoPPG &P (DoPT,) New Delhi

**(TO BE PUBLISHED IN PAT. II, SECTION 3, SUB-SECTION (I) OF THE GAZETTE OF INDIA)**

**Govt. of India,**

**Ministry of Personnel, Public Grievances and Pensions**

**(Department of Personnel & Trg.)**

New Delhi, Dated 21.8.2000

**NOTIFICATION**

GSR.....In exercise of the powers conferred by the proviso to article 309 and clause (5) of article 348 of the Constitution and after consulting the Comptroller and Auditor General of India in relation to persons serving in the Indian Audit and Accounts Department, the President hereby makes the following rules further to amend the Central Civil Services (Classification, Control and Appeal ) Rules, 1965, namely:-

1. (1) These rules may be called CCS(CC&A) Amendment Rules, 2000
  - (2) They shall come into force on the date of their publication in the Official Gazette.
2. In the CCS (CCA) Rules, 1965, in rule 15, sub-rule (1-A), (1-B) and (2), the following sub-rule (2) and (2A) shall be substituted, namely:-
  - “ (2) **The disciplinary authority shall forward or cause to be forwarded a copy of the report of inquiry, if any, held by the disciplinary authority or where the disciplinary is not the inquiring authority, a copy of the report of the inquiring authority together with its own tentative reasons for disagreement, if any, with the finding of inquiring authority on any article of charge to the Government servant who shall be required to submit, if he so desires, his written representation or submission to the disciplinary authority within fifteen days, irrespective of whether the report is favourable or not to the Government servant.**
  - (2A) **The disciplinary authority shall consider the representation, if any, submitted by the Government servant and record its finding before proceeding further in the matter as specified in sub-rule (3) and (4)”**

*Copy of CSIR letter No. 6(83)/98-O&M(Vol.II) (Serial Circular No.40) dated 20.10.2000 addressed to all Directors/heads of National labs./Instts.*

**Sub: Observance of Vigilance Awareness Week-Message of CVC and Vig. Commissioner.**

In continuation of CSIR DO letter of even number dated 25.8.2000 and letter dated 19.9.2000 on the above cited subject, a copy of the messages of the Central Vigilance Commissioner and the Vigilance Commissioner have been forwarded by the Central Vigilance Commission vide their circular number 000/VGL/55 dated 13.1.2000 which is being enclosed herewith for your information, guidance and further necessary action.

**Enclosures**

*Copy of letter No. 000/VGL/55 from Central Vigilance Commission, New Delhi.*

**Sub: Observance of Vigilance Awareness Week.**

The undersigned has been directed to refer to the Commission's instructions No. 3 (v)/99/11 dated 23.6.2000 and Commission's letter of even number dated 4.09.2000, on the above subject.

The messages of the Central Vigilance Commissioner and, the Vigilance Commissioner are enclosed. The messages from President and Prime Minister would be sent as soon as it is received from them.

#### **MESSAGE**

**Corruption is anti-national, anti-poor and anti-economic development. It is necessary to mobilize all efforts to ensure that India emerges as a corruption free country and is able to fully utilize its human potential to become an economic superpower.**

**It is said that war begins in the minds of the people. Corruption also ultimately has its origin in the mindset of the people. It is also said that war is too dangerous to be left to the Generals. Fighting corruption also is too important to be left only to organisations like the Central Vigilance Commission, Central Bureau of Investigation, Anti-Corruption Bureaux etc.**

**In order to increase the awareness about the dangers of corruption and the need for vigilance the Central Vigilance Commission has decided that from this year for a week beginning 31<sup>st</sup> October throughout the country will be celebrated a Vigilance Awareness Week. 31<sup>st</sup> October is the birthday of Sardar Vallabhbhai Patel who is synonymous with integrity. He ensured the physical integrity of India by uniting nearly 600 native states and principalities which were left at the time when India became independent and British quit India. Sardar Patel also represented the highest ideals of integrity in public service and public governance. He was a statesman who will be a**

source of inspiration for all Indians who cherish the physical integrity of India and the intellectual, moral and financial integrity at the level of individuals.

India today is considered as one of the most corrupt countries in the world. If only India's corruption level can come down to that of Scandinavian countries, according to the 1999 Human Development Report of UNDP, India's GDP will grow by 1.5% and the foreign direct investment will go up by 12%. Today India ranks 73 out of 99 countries, according to the Corruption Perception Index published by the Transparency International in 1999. Our objective must be to see that not only the Central Vigilance Commission, vigilance organisations and the organisations designated to fight corruption but every sector of society including students, businessmen, social leaders and other leaders in every walk of life are able to reflect and contribute to initiating steps for bringing down the level of corruption in public governance in India.

I am sure inspired by the memory of Sardar Vallabhbhai Patel, all of us will be able to contribute in building a corruption free India which could emerge as an economic superpower.

Sd/- (N. Vittal)

#### Message of Vigilance Commissioner

It has been said that "Corruption undermines the rule of law, strangles economic growth and hurts the poor most severely." We all know that the biggest problems in our country are illiteracy and poverty. It can be safely said that to fight these major problems, the only strategy is to begin with the commitment to have an economy with systems which are open, transparent and accountable. This ultimately means fighting corruption because no matter how much investment is made, economic stability and consequent prosperity can never develop in an environment subverted by corruption.

2. The fight against corruption has to be thought of as a cleansing operation which when successful, would encourage effective economic and social activity within and outside the government. This fight obviously cannot be fought only by individual agencies like the CVC or the CBI; corruption has to be struck through out society at all levels, and all countrymen have to join in this effort to make our nation more prosperous and strong, and free of corruption.
3. That is why the Central Vigilance Commission has exhorted, the various Government agencies/Ministries and Chief Vigilance Officers to organize seminars/functions to unravel the immense harm that can be caused by corruption, into focus, during the Vigilance Awareness Week.
3. Significantly, the Vigilance Awareness Week is to begin on the 31<sup>st</sup> October, the birthday of Sardar Vallabh Bhai Patel, whose integrity, commitment to duty, courage and strong resolve are qualities which shine like a beacon before us as a guiding point. We in the Commission sincerely hope that the Vigilance Awareness Week shall be a great success.

SD/-

Vigilance Commissioner

6. The NGOs and all other participants in the programme can also select specific procedures or offices and study them and make suggestions about how corruption can be checked by simplification or improvement of procedure by bringing in greater transparency and speed in the disposal of work.
7. It the State Vigilance Commissioners and Directors of State Anti Corruption Bureaux held on 19<sup>th</sup> June 2000, it was agreed that the vigilance organisations in the state government will also organise vigilance awareness week in their respective states.
8. Awareness is the first step towards action. The Vigilance Awareness Week, it is hoped will help in catalysing action to fight corruption.
9. This notification is also available on the CVC's website <http://cvc.nic.in>

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*Copy of CSIR Office Memorandum No. 1(81)/2000-O&M dated 7<sup>th</sup> September, 2000*

In accordance with the provisions of Bye-law 13 of CSIR, the Director-General, CSIR has been pleased to accord approval to the following :

- (i) All the Orders made in the name of the President, Vice-President, Director-General and others of the Society under the CCS (CCA) Rules, shall be authenticated under the signature of the Chief Vigilance Officer, CSIR;
- (ii) When the Chief Vigilance Officer is unavailable, all such orders shall be authenticated under the signature of the Joint Secretary (Admn), CSIR.
- (iii) Under circumstances when both the above cited Officers are not available, all such Orders shall be authenticated by Deputy Secretary (Lab. Admn).

The Powers to authenticate the Orders passed by the President, Vice-President and Director-General etc. shall rest in one individual officer at a time.