

**Compendium
of Circulars issued by
Central Vigilance Commission
from May 2019 to September 2023**



Mishra Dhatu Nigam Limited

**List of CVC Circulars
(From May 2019 to Sep 2023)**

Sl No.	Circular No.	Letter No.	Date	Subject	Page Nos
1.	03/05/2019	016/VGL/011	2-May-19	Guidelines for dealing with disagreement between DA and CVC in case of granting Sanction for Prosecution	1
2.	05/07/2020	000/DSP/001	20-Jul-20	Reporting cases of deviations by Appellate/Reviewing Authorities by Chief Vigilance Officers	5
3.	06/08/2020	008/VGL/027	6-Aug-20	Reference to the Commission for reconsideration of the advice	6
4.	07/08/2020	004/VGL/020(Pt.)	13-Aug-20	Action taken by Chief Vigilance Officers (CVOs) on complaints sent for necessary action (NA) and updation of status in Complaint Management System application by CVOs	8
5.	OO No. 08/08/2020	000/VGL/018	14-Aug-20	Adherence to time limits for investigation of complaints referred by the Commission to CVOs of Departments/ Organisations	9
6.	OO No. 10/09/20	008/VGL/027-459659	9-Sep-20	Reference to the Commission for reconsideration of its advice - Dispensing with reconsideration of second stage advice	11
7.	12/09/20	98/DSP/09/461535	24-Sep-20	Action on anonymous/ pseudonymous complaints	13
8.	13/10/20	019/VGL/026-462213	1-Oct-20	Expeditious disposal of cases involving public servants due to retire shortly	14
9.	OM	98-CVO-41/466827	19-Nov-20	Additional charge arrangements of CVOs of certain PSUs and appointment of Part-Time CVOs	15
10.	19/12/20	020/MSC/028	22-Dec-20	Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India	16
11.	01/03/21	021/VGL/014	5-Mar-21	Disposal of Old Pending Cases	18
12.	03/04/21	020-VGL-054-480017	5-Apr-21	Transfer of officers/officials working in Vigilance Unit of the organisation	20
13.	04/04/21	005/CRD/19/480241	6-Apr-21	Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis	23
14.	OM	021-AIS-1(2)	19-Apr-21	Expeditious disposal of complaints received against employees, having bearing on Vigilance Clearance - Suitable monitoring mechanism	25

Sl No.	Circular No.	Letter No.	Date	Subject	Page Nos
15.	05/05/21	021-VGL-032	6-May-21	Revised Standard Operating Procedure to deal with Intensive Examination carried out by Chief Technical Examiners' Organisation	29
16.	06/05/21	015/VGL/091-529971	3-Jun-21	Adoption of Integrity Pact-Revised Standard Operating Procedure	35
17.	07/05/21	21-VGL-024	3-Jun-21	Procedure for offering/ accepting post retirement contractual employments/ assignment or consultancy	46
18.	08/06/21	020-VGL-045	18-Jun-21	Procedure for handling references received from Lokpal of India	49
19.	10/06/21	021-VGL-036	23-Jun-21	Reporting of Cases of Deviations from Central Vigilance Commissions advice	50
20.	Circular	021-ACR-25	16-Jul-21	Submission of APARs	52
21.	13/08/21	018/VGL/019	23-Aug-21	Submission of online Quarterly Report by CVOs	54
22.	19/09/21	000/VGL/018	6-Oct-21	Timely finalization of Departmental Inquiry Proceedings-improving vigilance administration	55
23.	20/11/21	009/VGL/027	25-Nov-21	Time limit and procedure for seeking reconsideration of Central Vigilance Commission's First Stage Advice	57
24.	21/12/21	000/VGL/018	3-Dec-21	Timely finalisation of Departmental Inquiry Proceedings - improving vigilance administration	59
25.	22/12/21	000/VGL/018	8-Dec-21	Timely finalisation of Departmental Inquiry Proceedings - improving vigilance administration	61
26.	23/12/21	015/VGL/091/499545	20-Dec-21	Adherence to the provisions of Standard Operating Procedure (SOP) for implementation of Integrity Pact	64
27.	24/12/21	021/MSA/026	23-Dec-21	Management Audit of Vigilance Units (MAVU)	66
28.	25/12/21	021/VGL/051-500040	24-Dec-21	Comprehensive Guidelines on Complaint Handling Mechanism	80
29.	03/01/22	006/PRC/1	12-Jan-22	Obtaining Documents from CBI for the purpose of Departmental Inquiry Proceedings	107
30.	01/01/22	006/PRC/1/501490	12-Jan-22	Timely Completion of Departmental Inquiries- Procedure	109
31.	05/01/22	015/VGL/091	25-Jan-22	Adoption and Implementation of Integrity Pact-Revised Standard Operating Procedure	111

Sl No.	Circular No.	Letter No.	Date	Subject	Page Nos
32.	06/01/22	015/VGL/091	25-Jan-22	Adoption and Implementation of Integrity Pact-Revision of eligibility criteria and process of nomination of Independent External Monitors	122
33.	OM	021-AIS-1(2)	2-Feb-22	Revised Proforma for furnishing details of the officers while seeking vigilance clearance	124
34.	07/02/22	020-VGL-054/502950	3-Feb-22	Transfer/Posting of officers/officials working in Vigilance Unit of the Organisation	129
35.	01/02/2022	CVC/RTI/MISC/16/066	4-Feb-22	Clarification of CVC Circular No. 03/03/2017	132
36.	OM	021-AIS-1(2)/507570	16-Mar-22	Revised Proforma for furnishing details of officers by the Cadre Controlling Authorities while seeking vigilance clearance-modification of Point No. 13	135
37.	OM	021-AIS-6(7)	16-Mar-22	Confirmation on timely submission of Annual Immovable Property Return (AIPR) in the proposals seeking input of the Commission on vigilance status of officers for empanelment	139
38.	11/03/22	000/VGL-018/507722	21-Mar-22	Implementation of final penalty orders issued by the Competent Authority and submission of Compliance Report	141
39.	12/04/22	021-CVO-01	4-Apr-22	Updation of CVO Database	144
40.	13/04/22	000/VGL/018/510250	12-Apr-22	Time Extension for providing further information/clarification by the Chief Vigilance Officers, as sought by the Commission	145
41.	14/07/22	022/VGL/032	11-Jul-22	Updation of Manual on Procurement of Goods, Services, Works and Consultancy, etc.	147
42.	15/07/22	022/VGL/041-526101	29-Jul-22	Intimation to CVC & CBI in cases pending for sanction for prosecution	150
43.	17/08/22	021/MS/022/522528	29-Aug-22	Uploading of Commission's Circulars/Guidelines, subsequent to release of Vigilance Manual-2021	151
44.	18/09/22	022/VGL/045	1-Sep-22	Clarification regarding the enquiry/investigation to be conducted against officers on deputation	153
45.	21/09/22	022-CVO-09	26-Sep-22	Short-term arrangements in the Posts of CVO-Clarification	155

Sl No.	Circular No.	Letter No.	Date	Subject	Page Nos
46.	22/10/22	004/VGL/090/528696	25-Oct-22	Rotation of Officials Working in Sensitive Posts	156
47.	23/10/22	021/MSD/026	26-Oct-22	Management Audit of Vigilance Units (MAVU)	158
48.	24/11/22	021/VGL/051	3-Nov-22	Amendment to Comprehensive Guidelines for Complaint Handling Mechanism	171
49.	25/11/22	015/VGL/091-529971	11-Nov-22	Adoption and Implementation of Integrity Pact	173
50.	26/12/2022	022/VGL/067	1-Dec-22	Commission's Jurisdiction over Officers of Public Sector Insurance Companies and PSUs, Clarification	176
51.	27/12/2022	021/MSD/015	5-Dec-22	Grant of Honorarium to IOs/POs in Departmental Inquiries	179
52.	01/01/23	022/VGL/026	13-Jan-23	Engagement of retired officials to conduct investigation and perform other vigilance functions	185
53.	02/02/23	022/VGL/026	15-Feb-23	Appointment of retired officials to conduct Departmental Inquiries	187
54.	03/04/23	021/VGL/051	6-Apr-23	Handling of Complaints in the Commission-Seeking Factual Report	188
55.	04/06/23	015/VGL/091	16-Jun-23	Adoption and implementation of Integrity Pact-Revised Standard Operating Procedure	189
56.	05/06/23	023/VGL/052	26-Jun-23	Eligibility of facilities, perks, perquisites etc. to the Chief Vigilance Officers, holding additional charge	199
57.	09/09/2023	015/VGL/091/3153	05-Sep-23	Adherence to the provisions of Standard Operating Procedure (SOP) for implementation of Integrity Pact	201

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CENTRAL VIGILANCE COMMISSION



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सं./No.....016/VGL/011.....

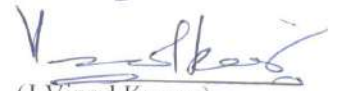
दिनांक / Dated....02.05.2019.....

Circular No.03/05/2019

Sub: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution – regarding.

DoP&T vide Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 has issued revised guidelines in supersession of earlier guidelines issued vide DoP&T's OM No.134/2/85-AVD-I dated 15/17-10-1986 for dealing with/processing cases/requests of granting Sanction for Prosecution.

2. A copy of DoP&T's Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 is enclosed herewith for strict compliance by all Administrative Authorities in the CPSUs/PSBs/PSICs/FIs and Autonomous Bodies etc. while dealing with cases of Sanction for Prosecution.


(J Vinod Kumar)
Director

Encl.: As above.

1. All Chief Executives of CPSUs/Public Sector Banks//PSICs/FIs and Autonomous Bodies etc.
2. All CVOs of CPSUs/Public Sector Banks//PSICs/FIs and Autonomous Bodies etc.
3. To be placed on website.

No. 372/6/2017-AVD-III
Government of India
Ministry of Personnel, Public Grievances and Pensions
Department of Personnel and Training

North Block, New Delhi
Dated 1st March, 2019

OFFICE MEMORANDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution - regarding

In supersession of this Department's OM No. 134/2/85-AVD-I dated 15/17-10-1986, the following guidelines are laid down for strict compliance while dealing with disagreement between the Disciplinary Authority (DA) and the Central Vigilance Commission (CVC) in cases of granting Sanction for Prosecution.

2. The work relating to according of Central Government's sanction for the prosecution of any person in a case investigated by the Central Bureau of Investigation (CBI) which was centralised in the Department of Personnel and Training, has since been decentralised and vested in the Ministry/Department concerned vide Cabinet Secretariat's Notification No. CD-826/86, dated the 30th September, 1986.

2.1 The CBI recommends prosecution of persons only in those cases in which they find sufficient justification for the same as a result of the investigation conducted by them. There are adequate internal controls within CBI to ensure that a recommendation to prosecute is taken only after a very careful examination of all the facts and circumstances of the case. Hence, any decision not to accord sanction for prosecution in such cases should, therefore, be for very valid reasons.

2.2 The following guidelines may be kept in view while dealing with cases of sanction of prosecution:

- (i) In cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/Department concerned and it would be for that Ministry/Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned;
- (ii) In cases in which an authority other than the President is competent to sanction prosecution, and that authority does not propose to accord such sanction, it is required to report the case to the CVC and take further action after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13th April, 1984;

Contd... 2/-

(2)

- (iii) In a case falling under (i) above, if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision.
- (iv) In a case falling under (i) above, if the CVC declines sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution, the case should be referred to this Department for a final decision.
- (v) In a case falling under (ii) above, if the CBI has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction, the case should be referred to this Department for final decision.
- (vi) Where two or more Government servants belonging to different Ministries/Departments, or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs. Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any, for final decision.

3. This issues with the approval of Competent Authority.


(Manmeet Kaur)

Under Secretary to the Govt. of India
Tel No. 2309 4541

To:

1. All Ministries/Departments of the Government of India as per standard list
2. Prime Minister's Office, South Block, New Delhi
3. NIC, DoPT for uploading on the website of this Department

Copy to:

1. Secretary, CVC, Satarkta Bhawan, New Delhi
2. Director, CBI, North Block, New Delhi
3. Other as per standard list.

No. 372/6/2017-AVD-III

Government of India

Ministry of Personnel, Public Grievances and Pensions

Department of Personnel and Training

North Block, New Delhi

Dated 18th July, 2019

CORRIGENDUM

Subject: Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution – regarding

Reference is invited to this Department's OM of even number dated 01.03.2019 on the subject mentioned above.

2. In Para 2.2(ii) of the aforementioned OM, the **phrase**, "...after considering the CVC's advice, vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13.4.1984" **may be read as** "...after considering the CVC's advice, in terms of the Section 8(1)(g) of CVC Act, 2003."


(Manmeet Kaur)

Under Secretary to the Govt. of India

Tel No. 2309 4541

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सं./No..... 000/DSP/001.....

दिनांक / Dated.....20.07.2020.....

Circular No.05/07/2020

Sub. Reporting cases of deviations by Appellate / Reviewing Authorities by Chief Vigilance Officers.

Ref: Commission's Circular Nos.000/DSP/1 dated 10.02.2003 and 05.03.2003.

In terms of the provisions laid down in para 7.38 of Chapter-VII of the Vigilance Manual, 2017 and above mentioned Circulars, in matters of appeal, the Appellate Authority is expected to keep in view the advice tendered by the Commission / penalty imposed by the Disciplinary Authority and decide the appeal. Further, in case the Appellate Authority / Reviewing Authority decides to deviate from the advice given by the Commission and final orders issued by the concerned Disciplinary Authority, the CVO is required to report such individual cases decided at appeal / review stage to the Commission which would thereafter take an appropriate view whether the deviation is serious enough to be included in its Annual Report.

2. Of late, it has been observed that such deviations at the stage of the Appellate Authorities are not being timely reported to the Commission by the Chief Vigilance Officers (CVOs) of the Organisations. In addition, such deviations are also to be reported in the Quarterly Performance Reports (QPRs) being submitted online by the CVOs every quarter under the head "Part 5.(D)- Appellate Authority (Deviation / Non-acceptance)".

3. The Commission while reiterating these instructions would advise all Chief Vigilance Officers to report to the Commission such individual case of deviation without any delay immediately after decision / orders issued at the Appellate / Review stage and also indicate in the relevant column in the QPRs filed by the Chief Vigilance Officers.


(J. Vinod Kumar)
Director

To: All Chief Vigilance Officers.

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सं./No.008/VGL/027

दिनांक / Dated... 6th August, 2020

Circular No.06/08/2020

Sub.: **Reference to the Commission for reconsideration of the advice – reg.**

- Ref.: (i) Commission's Circular No.000/DSP/1 dated 06.03.2000 &
(ii) Commission's Circular No.15/4/08 dated 24.04.2008

The Commission, vide its earlier Circulars referred above had prescribed that the Departments / Organisations are required to approach the Commission for advice wherein a lenient view or stricter view than that advised by the Commission is proposed to be taken by the Competent Administrative Authorities. Further, it was also prescribed that such reconsideration proposals should be sent within a period of two month from the date of receipt of the Commission's advice.

2. The Commission has observed that proposals for reconsideration of the Commission's first stage advice are not being received within the specified time line of two months and further, many a time, justification warranting reconsideration / new material facts are not presented meriting reconsideration in such proposals by the Departments / Organisations. Such references for reconsideration result in avoidable delay in processing vigilance cases and taking expeditious action on Commission's advice.

3. Considering the need for expeditious finalization of vigilance cases and to adhere to the time lines for its finalization, the Commission on review of the existing time lines, has decided that any proposal for reconsideration of its first stage advice should be made to the Commission with the approval of the concerned Disciplinary Authority / Head of the Department / Chief Executive of the Organisation concerned **within one month** of receipt of the Commission's first stage advice and that too only in those exceptional individual cases having additional/new material facts. The Commission would henceforth not entertain any reconsideration proposal / request of first stage advice received beyond the revised time line of one month.

4. The above instructions and time lines for sending reconsideration proposals of Commission's first stage advice may be strictly adhered to in future.


(J. Vinod Kumar)
Director

To:

- (i) All Secretaries of Ministries / Departments of GoI / Chief Executives / CEOs of CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.
- (ii) All Chief Vigilance Officers of Ministries / Departments/ CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.



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004/VGL/020(Pt.)

सं./No.....

दिनांक / Dated **13.08.2020**

Circular No.07/08/2020

Sub.: Action taken by Chief Vigilance Officers (CVOs) on complaints sent for necessary action (NA) and updation of status in Complaint Management System application by CVOs.

In terms of Complaint Handling Policy (CHP) of the Commission and Para 3.4.3 of Chapter-III of Vigilance Manual, 2017, complaints are sent to CVOs for necessary action through Complaint Monitoring System (CMS application). Though, no reply/report is required to be sent by the CVOs, however CVOs are required to examine and decide on such complaints within a period of one month from the date of receipt of complaint from the Commission, in terms of time limits prescribed by the Commission for various vigilance activities.

2. Further, it is also prescribed in Para 3.4.3 (c) of Vigilance Manual that, "Complaints referred to CVOs for necessary action must be referred back to the Commission for advice, if they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission. If any such complaints are taken up for inquiry/ investigation by the CVO, the time limit of 12 weeks for completion of investigation and submission of report would apply. *Otherwise, such complaints require no further reference to the Commission and are to be disposed of by the Departments / Organisations themselves after taking necessary action. CVO should update the status of complaints sent for necessary action on the Commission's website*" (in CMS application).

3. It has been observed that majority of such complaints sent for necessary action are not examined timely and not updated regularly. The Commission has noted this issue with concern and accordingly, **all CVOs are advised to promptly update the status of action taken on each complaint sent for necessary action on Commission's Portal (i.e., portal.cvc.gov.in).**

(J.Vinod Kumar)
Director

To,
All Chief Vigilance Officers of Ministries / Departments / CPSUs / Public Sector Banks/Insurance Companies / Autonomous Organisations / Societies, etc.



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सं./No.....000/VGL/018....

14th August, 2020

दिनांक / Dated.....

Office Order No.08/08/2020

Sub.: Adherence to time limits for investigation of complaints referred by the Commission to CVOs of Departments / Organisations - reg.

Ref. Commission's Office Order No.20/05/10 dated 19.05.2010.

In terms of the powers under Section 8(1) (d) of CVC Act, 2003, the Commission seeks reports from Chief Vigilance Officers (CVOs) of Departments/Organisations on complaints received by the Commission. The CVOs are required to furnish investigation reports on such complaints within three months from the date of receipt of references from the Commission. The Commission observes that the Departments/Organisations do not adhere to the laid down time limits, due to which such matters are inordinately delayed, whereby timely action on complaints is not possible. Many a time, no valid reasons or justification is provided by the CVOs for such avoidable delays in reporting to the Commission.

2. The Commission on review of the existing instructions would reiterate that the prescribed time lines of three months should be strictly followed by the CVOs of Departments/Organisations. The CVOs should personally review all such complaints pending for investigation in the Organisations in the first week of every month and take necessary steps towards expediting/finalisation of reports and its processing.

3. In case, if it is not possible to complete the investigations and refer the matter to the Commission within three months, the CVO should seek extension of time stating the specific reasons/constraints in each case, within 15 days of receipt of reference from the Commission. Such requests from the CVO should be with the approval of the Secretary/CMD/Chief Executive of the Department/Organisation concerned as the case may be.

4. All CVOs should strictly adhere to the above guidelines and any instance of violation would be viewed seriously by the Commission.

(J. Vinod Kumar)
Director

To: All Chief Vigilance Officers of Ministries / Departments/ CPSEs / PSBs / PSICs/ FIs / Autonomous Organisations / Local Bodies, etc.

Contd...2/-

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008/VGL/027-459659

सं./No.....

09/09/2020

दिनांक / Dated.....

Office Order No.10/09/20

Sub.: Reference to the Commission for reconsideration of its advice- Dispensing with reconsideration of second stage advice – reg.

**Ref.: (i) Commission's Letter No.000/DSP/1 dated 06/03/2000.
(ii) Commission's Circular No.15/4/08 dated 24/04/2008.
(iii) Commission's Circular No.06/08/2020 dated 06/08/2020.**

Para 1.6.4 of Chapter I, Paras 7.19.3 and 7.28.5 of Chapter VII of Vigilance Manual, 2017 and aforesaid Circulars provide for consultation with the Commission, if the administrative authorities do not agree with Commission's advice and propose to take either a "lenient view" or a "stricter view" than recommended by it, for reconsideration of its 1st stage or 2nd stage advice.


2. The Commission has analysed the cases received for reconsideration of its second stage advice tendered, and observes that second stage advice is tendered based on inputs received from Departments / Organisations which includes all material / information pertaining to the individual disciplinary case. Further, in most of the cases, Commission had reiterated its earlier advice tendered at second stage and in almost all such proposals, no new material / additional facts were brought out by the Departments / Organisations to justify any change. Also, in such cases of second stage advice, there is little scope for reconsideration. Such proposals also result in avoidable delays in finalization / issue of final orders by the Disciplinary Authority concerned.

3. The Commission, therefore, taking into consideration the above and the time lines to be adhered for finalisation of disciplinary cases, in supersession of its existing instructions / provisions in the Vigilance Manual, 2017 has decided to **dispense with consultation for reconsideration of its second stage advice**. Accordingly, no proposal for reconsideration of the Commission's second stage advice would be entertained in future. The provisions of the Vigilance Manual would stand amended to that extent.

:2:

4. However, the Commission would entertain references for reconsideration of its first stage advice within one month of receipt of the Commission's first stage advice only in those exceptional individual cases having additional/new material facts, as prescribed in its Circular No.06/08/2020 dated 06/08/2020.

5. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.



(J. Vinod Kumar)

Director

To:

1. All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/ Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.
2. All Chief Vigilance Officers of Ministries / Departments /CPSEs /PSBs /PSICs /FIs / Autonomous Organisations, etc.



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

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सं./No..... 98/DSP/09/461535

दिनांक / Dated 24th Sept., 2020

Circular No. 12/09/20

Sub: Action on anonymous/pseudonymous complaints.

**Ref. (i) DoPT's OM No.104/76/2011-AVD.I dated 18/10/2013 &
18/06/2014.**

(ii) Commission's Circular No.07/11/2014 dated 25/11/2014.

Attention is invited to the DoPT's OM and the Commission's Circular mentioned above wherein it was prescribed that 'no action would be taken on anonymous/pseudonymous complaints' by Ministries/Departments/Organisations and such complaints should be filed.

2. The Commission has observed instances wherein some Departments/Organisations are taking cognizance of anonymous complaints, despite strict guidelines issued by DoPT and the CVC. Such non-compliance/violation of guidelines by the concerned authorities would be viewed seriously.

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.

(J. Vinod Kumar)
Director

To:

All Secretaries of Ministries / Departments of GoI /CMDs/Chief Executives/Heads/CEOs of CPSEs / PSBs / PSICs / FIs / Autonomous Organisations, etc.

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सं./No.....019/VGL/026-462213

दिनांक / Dated.....01.10.2020

Office Order No.13/10/20

Subject: Expeditious disposal of cases involving public servants due to retire shortly.

- Reference: (i) Commission's Office Order No. 34/9/07 dated 27/09/2007
(ii) Commission's Circular No. 03/03/11 dated 11/03/2011
(iii) Commission's Office Order No. 04/7/19 dated 23/07/2019
(iv) Commission's Office Order No. 04/05/20 dated 12/05/2020

The Commission vide its OMs referred above had directed CVOs of all Ministries/Departments/Organisations to ensure expeditious finalization of disciplinary proceedings/action, particularly in respect of officials likely to retire shortly. The Commission had specifically impressed upon the vigilance functionaries as well as administrative authorities concerned about the need to prioritize their activities of conducting investigations and completion of disciplinary action well in advance so as to avoid such late references to the Commission. Further, it was also conveyed vide office order dated 12/05/2020 that all such retirement cases should be received in the Commission by 10th of every month by 5 PM.

2. In continuation of Commission's Office Order dated 12/05/2020, Commission now prescribes that all such retirement cases for advice should be received in the Commission, 30 days before the date of the retirement of the officer. For example, if the officer/official is retiring on 30th November, 2020, **the case should be received for advice before 31st Oct, 2020 in the Commission.**

3. All CVOs/Administrative Authorities should ensure strict compliance to the above instructions.

(J. Vinod Kumar)
Director

All Secretaries/Heads/CMDs of Ministries/Departments/CPSUs/PSBs/PSICs/FIs/
Autonomous Organisations etc.

All Chief Vigilance Officers of Ministries/Departments/CPSUs/PSBs/PSICs/FIs/ Autonomous
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सं./No.....98-CVO-41/466-827

दिनांक / Dated....19.11.2020.....

OFFICE MEMORANDUM

Sub.: - Additional charge arrangements of CVOs of certain PSUs and appointment of Part-Time CVO's regarding.

Commission has observed that proposals are being received in the Commission, for appointment of Part-Time CVO's and additional charge arrangements of CVOs of certain PSUs from various departments/ministries. However, when the proposal is being scrutinized at Commission, there is requirement of additional informations, which is currently being obtained orally/telephonically.

2. The Commission has desired for the following details:-

- (i) Tenure of the officer proposed as CVO (in his/her present capacity).
- (ii) Is he/she holding additional charge as CVO of any other organizations?
- (iii) Is the Head Quarter of current proposed organization same or different?
- (iv) Brief profile of the Organization (Number of employees, Number of cases handled in a year, status, Core activity, organization set up etc.).
- (v) Order of preference, if the proposed officer is from the respective ministries/departments. (provided, the proposed officer does not hold any charge which attracts conflict of interest to the proposed post of CVO), with brief profile.

3. It is therefore, requested that above mentioned information/details may please be furnished to the Commission, as and when the proposals for additional charge arrangements of CVO and appointment of part-time CVO are sent.

Yours faithfully,


(M. Janaki)
Director

To,
All Ministries/Departments.

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सं./No. 020/MSC/028

दिनांक / Dated 22.12.2020

Circular No. 19/12/20

Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Supreme Court of India.

Ministry of Law and Justice, vide their Office Memorandum No. N-17/10/2018-NM dated 13.06.2018 have brought to notice, the judgement dated 28.03.2018 of the Hon'ble Supreme Court in the above cited Criminal Appeal. Copy of O.M. dated 13.06.18 of Ministry of Law and Justice is enclosed.

2. As pointed out by Ministry of Law and Justice, in the judgement dated 28.03.2018, Hon'ble Supreme Court had ordered for limiting the period of stay granted by a court of law to six months, except in exceptional circumstances. The Commission has desired that the orders dated 28.03.2018 may be kept in view, while handling/examining court matters in the organisations. In respect of those court cases, where stay was granted by a trial court more than six months ago and also in cases based on CBI's investigation, which have been kept in abeyance due to court's orders, the issues may be examined in the light of the aforementioned judgement of the Hon'ble Supreme Court. Appropriate and immediate steps may also be taken, in consultation with the organization's counsels/Legal Branch to ensure that the stay, if granted by a court of law, is vacated within six months' period and court proceedings are commenced.

3. The above position may also be brought to the notice of the Chief Executive and Legal Branches of the organisations concerned for keeping the Supreme Court's orders in view, while handling Legal/ Court matters.

4. Complete judgement of the Hon'ble Supreme Court may be accessed from the Supreme Court's website through the link https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf.

5. It may be noted for compliance with immediate effect.

(Rajiv Verma)
Officer on Special Duty

All Chief Vigilance Officers

Encls: As above.

File No N-17/10/2018-NM
Government of India
Ministry of Law and Justice
Department of Justice

Jaisalmer House
26, Mansingh Road, New Delhi-110011
Dated the 13th June, 2018

OFFICE MEMORANDUM


Subject: Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon`ble Supreme Court of India.

Sir,

This Department has received a copy of Judgement dated 28.03.2018 in Criminal Appeal No. 1375-1376 of 2013 passed by Hon`ble Supreme Court of India, through the Office of Hon`ble Prime Minister for forwarding to all concerned.

The implication of the aforesaid judgment is that where any action by a development agency or an enforcement agency, as the case may be, was stayed by a court of law, the same shall stand vacated automatically at the expiry of 6 months from the date of the order i.e. 28.03.2018, unless the same is extended by a speaking order. Further, the judgment casts a responsibility on the court granting stay that the speaking order must show that the case was of such exceptional nature that continuing the stay was more important than having the trial finalized. Also, in such cases where the stay is extended, the trial court has been directed to fix a date not beyond six months of the order of stay so that on expiry of period of stay, proceedings can commence.

The judgment of Hon`ble Supreme Court can be accessed at https://sci.gov.in/supremecourt/2011/27580/27580_Judgement_28-Mar-2018.pdf.


(Giridhar G Pai)
Director
Ph. 23072145

Secretary
Department of Atomic Energy
Anushakti Bhavan, Chatrapathi Shivaji
Maharaj Marg, Mumbai - 400001

Copy to: - Under Secretary (JI), Department of Justice for uploading on portal w.r.t PMO ID No 4827311/PMO/2018-Pol dated 24.04.2018.



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

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सं./No.....024/VGL/014.....

दिनांक / Dated 05.03.2021.....

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Circular No. 01/03/2021

To,

All Chief Vigilance Officers.

Subject:- Disposal of old pending cases.

Ref: (i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020
(viii) Commission's Circular No. 20/12/20	dated 30.12.2020

In order to ensure timely finalization of disciplinary matters, the Central Vigilance Commission has issued various guidelines at regular intervals, stressing upon the importance of adhering to the time schedule as prescribed by the Commission and Department of Personnel and Training (DoPT).

2. It was noted that despite issuance of guidelines prescribing the time schedule and reiterating the same, in some organizations, the disciplinary matters were pending for a considerably long time and had not been taken to logical conclusion. Accordingly, the Commission vide its Circular No. 18/12/20 dated 14.12.2020 had, in continuation of earlier guidelines dated 23.05.2009 and DoPT's OM dated 14.10.2013, specified the time frame within which the inquiry proceedings were to be concluded. Later on, the Commission vide its Circular No. 20/12/20 dated 30.12.2020 (available on Commission's website, i.e., www.cvc.gov.in), in public domain had asked the organizations to finalize action in old pending cases. It was directed "that in respect of those organizations where a few old cases are still pending, the Chief Executive and the Chief Vigilance Officer of the organization should ensure that the vigilance cases initiated between the period 01.01.2011 to 31.12.2018 must be finalized latest by 31.05.2021. The organizations may take all necessary steps and may follow up the pending cases with the authorities concerned, within the organization and outside too, if required, to ensure timely action in these cases".

Contd...2/-

3. The Commission has desired that in order to have a proper assessment of the pending cases, the Chief Vigilance Officers of the organizations covered under its advisory jurisdiction may provide the information regarding the old pending cases in the following format:-

Name of the organization

Sl. No.	Name of the officer	Commission's file/reference no.	Present status of the case	Likely date by which the case would be brought to logical conclusion	Remarks (please specify if the matter is sub-judice)
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4. Information may be provided separately for the following time period:-

- (i) 01.01.2001 to 31.12.2010
- (ii) 01.01.2011 to 31.12.2018
- (iii) 01.01.2019 to 31.12.2019
- (iv) 01.01.2020 to 31.12.2020

5. The above information may be forwarded to the Commission latest by **08.03.2021**.

6. It may be noted for strict compliance.



(Rajiv Verma)
Officer on Special Duty

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स./No. 020-VGL-054-५४००१७

दिनांक / Dated 05.04.2021

Circular No. 03/04/21

Subject:- Transfer of officers/officials working in Vigilance Unit of the organization-
reg.

Ref: (i) Commission's Circular No. 98/VGL/60	dated 15.04.1999
(ii) Commission's Circular No. 98/VGL/60	dated 02.11.2001
(iii) Commission's Circular No. 17/4/08	dated 01.05.2008
(iv) Commission's Circular No. 02/01/12	dated 04.01.2012
(v) Commission's Circular No. 03/09/13	dated 11.09.2013

Central Vigilance Commission, as part of its function of exercising supervision over vigilance administration of the organizations under its advisory jurisdiction, has issued guidelines, as referred to above, relating to transfer of officials working in Vigilance Units of the organizations. The Commission has already identified posting in Vigilance Units/departments as 'sensitive posting'. It has been observed that undue long stay of an official in such a sensitive post at one place, has the potential of developing vested interests, apart from giving rise to unnecessary complaints/allegations etc. In order to emphasize on the importance of the issue and to ensure transparency, objectivity, and uniformity in approach, the Commission has decided to modify its earlier guidelines. The Commission would now direct as under:-

- (i) The tenure of personnel in vigilance unit at one place including PS/PA and lower level functionaries, should be limited to 'three years' only. Such personnel who have completed three years in Vigilance Units can be given another tenure of three years in vigilance unit, in continuation of earlier tenure, but at a different place of posting. It would mean that the personnel can have two continuous postings in Vigilance Units, at two different places of posting, each running into a maximum of three years.
- (ii) In case of personnel presently working in Vigilance Units of the organizations concerned, who have worked for more than three years, the exercise of transferring them out of the present place of posting may be started in phases, with priority to be given to shift/transfer personnel who have served for the maximum period in Vigilance Unit. The personnel, who have completed more than five years in Vigilance Units at same place,

should be shifted on top priority basis. In first phase, atleast 10% of the persons (minimum of one person), who have worked beyond three years, should be shifted in sequential order, without exception, i.e., on the basis of first come first go principle. An illustrative example of the manner in which the exercise is to be conducted is given below: -

Name of the organization- 'X'

1	2	3	4	5
No. of officials posted in Vigilance Units	No. of officials working for >3 years	No. of officials to be posted out in first phase	Out of column (3), no. of officials working for >5 years	No. of officials working between four and half years to five years
86	41	4 (10% of column 2)	3 (to be posted out in first phase)	1 (to be posted out in first phase)

- (iii) In case, a personnel has served at one place in Vigilance Unit for more than three years, his tenure at the next place (if posted in Vigilance Unit) may be curtailed to ensure that the combined tenure at two places is limited to six years only.
- (iv) After transfer from Vigilance Unit, a compulsory cooling off period of three years should be observed before a person can be considered again for posting in Vigilance Unit of the organization concerned.
- (v) A person, after completion of three years in Vigilance Unit of an organization may be considered for transfer on deputation basis, in the Vigilance Unit of another organization, subject to the policy of the organizations and/or authorities concerned, on the subject.
- (vi) In case of transfer on deputation basis and/or transfer to another unit in the same organization, priority/preference should be given to those personnel who have sought transfer or applied for deputation on the basis of posting of their spouse.
- (vii) Induction training of preferably seven days should be given to the personnel, at the time of their posting in Vigilance Unit and further training at regular interval may be given, so as to enable them to function smoothly and efficiently. A hybrid model for the training may be developed, which may include online training.

2. The first phase of transfer/posting of minimum of 10% of the personnel [as indicated in para 1 (ii) above] may be completed by 31.05.2021. Further, it may be ensured that the exercise of transferring all the personnel who have worked for more than 3 years at one place is completed by 30.06.2022.

3. In the organizations where there is a vigilance cadre, the vigilance personnel may be transferred to other place/station in Vigilance unit after completion of tenure of three years at one place/station in the vigilance unit of the organisation concerned.
4. The details regarding transfer of personnel to and from Vigilance Units should be provided to the Commission by the CVOs concerned in para 9 of the Quarterly Performance Report being submitted by them to the Commission.
5. The guidelines for transfers/postings in view of COVID-19 pandemic to be kept in view while effecting transfers/postings.
6. The above instructions may be noted for strict compliance.



(Rajiv Varma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Gol
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of Gol/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

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सं./No.....005/CRD/19/480241

दिनांक / Dated.....06.04.2021.....

Circular No. 04/04/21

Subject: Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.

Reference:

- | | | |
|-------|---------------------------------------|------------------|
| (i) | Commission's Circular No.15/05/06 | dated 09.05.2006 |
| (ii) | Commission's Office Order No.23/07/07 | dated 05.07.2007 |
| (iii) | Commission's Office Order No.19/05/10 | dated 19.05.2010 |
| (iv) | Commission's Circular No.18/12/12 | dated 11.12.2012 |
| (v) | Commission's Circular No.06/07/18 | dated 11.07.2018 |

Central Vigilance Commission, as part of its drive to ensure transparency, to promote healthy competition and to provide fair and equitable treatment to all interested parties in matters of public procurement, has issued guidelines from time to time emphasizing on the need to adopt tendering process as a basic requirement, before award of contract to any party.

2. Tendering process or public auction is a basic requirement for award of contract by any Government agency. Any other method, especially award of contract on nomination basis would amount to a breach of Article 14 of the Constitution guaranteeing right to equality which implies right to equality to all interested parties. The award of contracts/projects/procurements on nomination basis without adequate justification amounts to restrictive practice eliminating competition, fairness and equity. Hence, award of contracts through open competitive bids should remain the most preferred mode of tendering.


3. However, in some exceptional and inevitable circumstances, the contracts may be awarded on nomination basis; for instance, during natural calamities and emergencies declared by the Government; where procurement is possible from a single source only; where the supplier or contractor has the exclusive rights in respect of the goods or services and no reasonable alternative or substitute exists; where the auction was held on several dates but there were no bidders or the bids offered were too low etc.[Ref: SPL(Civil)No. 10174 of 2006 in case of Nagar Nigam, Meerut Vs A1 Faheem Meat Export Pvt Ltd.].

4. But, it has been observed that in some cases, the guidelines issued by the Commission are not being adhered to by the organizations. Therefore, the Commission would reiterate its earlier guidelines and direct that:

- (i) All works/purchase/consultancy contracts awarded on nomination basis should be brought to the notice of following authorities for information:
 - a) the Secretary, in case of the ministries/departments;
 - b) the Board of Directors or equivalent managing body, in case of Public Sector Undertakings, Public Sector Banks, Insurance Companies, etc.;
 - c) the Chief Executive of the organization where such a managing body is not in existence.
- (ii) The report relating to such awards on nomination basis shall be submitted to the Secretary/Board/Chief Executive/equivalent managing body, every quarter.
- (iii) The audit committee or similar unit in the organization may be required to check at least 10% of such cases.

5. Details of all tenders awarded on nomination basis shall be posted on website of the organization concerned, in public domain, along with brief reasons for doing so.

6. The above guidelines may be noted for strict compliance.


(Rajiv Varma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector banks/ Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Most Immediate

**No 021-AIS-1(2)
Central Vigilance Commission**

Satarkta Bhavan
New Delhi
19th April, 2021

OFFICE MEMORANDUM

Subject: Expeditious disposal of complaints received against employees, having bearing on Vigilance Clearance - Suitable monitoring mechanism - Reg

With reference to the subject mentioned above, it has been observed from the proposals being received by the Commission for the purpose of vigilance clearance that complaints received against an employee gets registered/received and stays in the vigilance profile of the employee for a very long time.

Commission has noted with concern that the end result on these complaints is that there is a) no action for a long time or b) the action not being taken to its logical conclusion or c) the action taken not being updated in the records. This has led to a situation where the vigilance clearance is being delayed / denied for no fault of the employee.

2. In this context, attention is invited to Para (3) of DoP&T OM No 104/33/2005-AVD-I dated 29.10.2007 for members of All India Services and DoP&T OM No 11012/11/2007-Estt (A) dated 14.12.2007 for members of Central Civil Services/ Central civil posts, which is reproduced below for ready reference:

“In cases where complaints have been referred to the state / administrative authority concerned, and no substantive response has been received from such state / administrative authority concerned within three months from the date on which the reference was made, the Cadre Controlling Authority / Disciplinary Authority may provide a copy of the complaint to the officer concerned to seek his comments. If the comments are found to be prima facie satisfactory by the Competent Authority, vigilance clearance shall be accorded.”

3. Despite these provisions, vigilance clearance is being with-held because of delay in disposal of the complaints received against the employees. To streamline the process, it has been decided that the following procedure shall be adopted while handling the complaints received against an employee in an organization, including the complaints sent by CVC for 'necessary action':

- (i) All anonymous/ pseudonymous complaints must be filed in compliance of DoP&T OM no 104/76/2011-AVD-I dated 18.10.2013 and 18.06.2014 (https://documents.doptcirculars.nic.in/D2/D02ser/104_76_2011-AVD-I-31032015.pdf) and Commission's circular no. 07/11/2014 dated 25.11.2014 (<https://cvc.gov.in/sites/default/files/anps25112014.pdf>) and circular no. 12/09/20 dated 24.09.2020. (<https://cvc.gov.in/sites/default/files/98DSP009.pdf>), as amended from time to time.
- (ii) Action on the remaining complaints against the employees must be taken to the logical conclusion **within 3 months** of the date of receipt of the complaint. Logical conclusion here implies that the decision shall be taken by the organization to either (a) file the complaint or (b) register a vigilance case for further investigation or (c) register a non-vigilance/ administrative action case for further investigation. This is in partial modification of Commission's circular no 000/VGL/18 dated 23.05.2000. (<https://cvc.gov.in/sites/default/files/0000vgl18.pdf>).
- (iii) At the end of the third month from the date of receipt of complaint against the employee and after deciding on the course of action as mentioned in Para 3 (ii) (b) and 3 (ii) (c) above, a copy of the complaint shall be made available to the concerned employee, **within 15 days** through speed post, wherever the name of employee is mentioned in the complaint. In cases where the employee's name is not explicitly mentioned in the complaint, copy of the complaint shall be made available to the concerned employee at the stage of registration of vigilance/non-vigilance case against the said employee. The purpose is to inform the employee that the complaint is being examined by the organization. The employee shall also be informed that full opportunity would be given to him during examination. In case of decision to file the complaint as in Para 3 (ii) (a) above, no further action is required.
- (iv) Once a decision has been made to take up the matter as a vigilance case as in Para 3 (ii) (b) above, the organization shall send its inquiry report to the

Commission /CVO seeking First Stage Advice **within 3 months** of registration of such regular case. This timeline shall strictly be adhered to.

- (v) Once a decision has been made to take up the matter as a non-vigilance/ administrative action case as in Para 3 (ii) (c) above, the organization must follow the relevant guidelines/instructions issued by DoPT from time to time.
4. CVOs shall submit the following information in the QPRs being submitted online to the Commission:
- Number of complaints pending for more than prescribed time limit, yet to be made available to the employee concerned, as in Para 3 (iii) above;
 - Number of complaints pending for more than prescribed time limit, yet to be closed or registered as a vigilance/non-vigilance case, as in Para 3 (ii) above;
 - Number of cases pending for more than prescribed time limit, yet to be sent for FSA as in Para (iv) and (v) above;
 - Number of cases under process within the prescribed time limit.

Illustration

Complaints pending with an Organisation as on 31.12.2020			10
Anonymous Complaints filed immediately			2
Pseudonymous complaints filed after complainant verification			2
Remaining 06 complaints on which decision taken as per Para 3 (ii)	Filed	01	
	Vig case	03	
	Non Vig Case	02	
In 05 complaints, copy of complaint has to be shared with the concerned employee within 1 week of arriving at the decision as per Para 3(ii) (b) and (c)			
In Vig cases, inquiry report to be submitted to CVO/CVC for FSA within 3 months as per Para 3 (iv)			
Non Vig cases as per Para 3 (v) to be governed by relevant DOPT guidelines			

5. As a pilot to begin with, the backlog complaints received till 31.12.2020 shall be disposed off as per the guidelines issued in this circular and compliance reported by 31.05.2021.

6. All the Head of Ministries/ Departments/ Organisations and their CVOs to ensure strict compliance to the above-mentioned guidelines with respect to the disposal of complaints. The status of complaints received after 01.01.2021 shall be reported through the online QPRs with effect from the 3rd Quarter of 2021. Necessary modifications to the QPR format will be made in this regard.

7. These instructions/guidelines shall be applicable to the category of complaints which are taken cognizance by the organization while issuance of vigilance clearance of employees, for any purpose.



(Sudhir Kumar)
Additional Secretary

To

- (i) The Secretaries of all Ministries / Departments of GoI
- (ii) All Chief Executives of CPSUs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies etc.
- (iii) All CVOs of Ministries / Departments of GoI / CPSUs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies etc.
- (iv) Website of CVC

Copy to

The Chief Secretaries of all States and UTs for information and necessary action on the complaints pertaining to All India Service Officers.


(Sudhir Kumar)



सत्यमेव जयते



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

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सं./No.....021-VGL-032.....

दिनांक / Dated.....06.05.2021.....

Circular No. 05/05/21

Subject: Revised Standard Operating Procedure to deal with Intensive Examination carried out by Chief Technical Examiners' Organization.

Ref: Commission's guidelines on Intensive Examination of Procurement & Other Contracts 2014

Central Vigilance Commission has revised the Standard Operating Procedure (SOP) to deal with Intensive Examination carried out by Chief Technical Examiners' Organization. The revised Standard Operating Procedure is enclosed as **Annexure-I**.

2. The Commission has directed that the procedure and time limit as prescribed in the revised SOP should be strictly adhered to by the authorities in the organisations concerned. The CVOs may bring the above SOP to the notice of the competent authorities for strict compliance.

(Rajiv Varma)
Officer on Special Duty

Encls: As above.

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Revised Standard Operating Procedure to Deal With Intensive Examination Carried Out by Chief Technical Examiners' Organization

Central Vigilance Commission has considered and revised Standard Operating Procedure (SOP) to deal with Intensive Examinations carried out by Chief Technical Examiners' Organization (CTEO). The revised Standard Operating Procedure would constitute of the following:-

- (i) Proposal containing procurement contracts of various Organizations to be taken up for Intensive Examination will be put up by Chief Technical Examiners through the Secretary, CVC for approval of the Commission.
- (ii) On approval of the proposal by the Commission, intimation will be sent to the Chief Vigilance Officers (CVOs) of respective Organizations for submission of relevant documents/details/information to the CTEO for study, before taking up Intensive Examination. Dates of Intensive Examination will be communicated to CVOs of the Organization concerned, who will be responsible for ensuring availability of all concerned persons, documents, testing equipments etc. during Intensive Examination.
- (iii) All necessary documents/information will be collected by the CTEO's team carrying out the Intensive Examination during the period of Intensive Examination itself. CVO of the Organization concerned shall be responsible for making such documents/information available during intensive examination to the CTEO's team.
- (iv) Samples collected during Intensive Examination will be handed over to the CVO of the organization concerned or his/her representative during Intensive Examination exercise itself alongwith a letter for the Laboratory (National Test House). Other reputed laboratories should be considered for the tests, where NTH does not have testing facility.
- (v) CVO of the Organisation concerned will ensure expeditious payment to the Laboratory towards testing charges for the above said samples.
- (vi) Within 15 days of the completion of the Intensive Examination exercise, a draft report containing various observations /paras will be prepared by the CTEO.
- (vii) A presentation will be made by CTEO before the Secretary, CVC within 15 days of completion of the Intensive Examination exercise. The presentation will be attended by the Additional Secretary and the Branch Officer concerned, besides the CVO of the Organization concerned. CMD/CEO of the Organisation concerned may also be invited to the presentation, if felt necessary by the Secretary, CVC.
- (viii) The Commission, depending upon its convenience, may like to attend the above presentation.

- (ix) After the presentation and based on the discussions during the presentation, a tabular statement of the observations will be prepared by CTEO, wherein various observations will be categorized as under-
- (a) Observations having prima facie vigilance angle;
 - (b) Observations requiring recovery to be effected from the contractor;
 - (c) Observations requiring rectification of defects/quality compromises;
 - (d) Observations requiring systemic improvement(s); and
 - (e) Miscellaneous observations
- (x) In case of observations/paras having prima facie vigilance angle, proposal will be put by the Branch Officer concerned through the Additional Secretary concerned to the Secretary, CVC for Commission's approval within 7 days, before sending the case to the CVO of the Organization concerned for Investigation & Report. There may be some cases where instead of Investigation & Report, a factual report could be sought from the CVO, depending upon the gravity of the issues. While time for Investigation & Report will be 12 weeks, Factual Report will be required to be submitted by the CVOs within one month.
- (xi) Draft Intensive Examination Report containing all the observations including the observations prima facie having vigilance angle, along with above discussed tabular statement will be put up to the Secretary by the respective CTE for approval. The Intensive Examination Report will also contain observations/paras having prima facie vigilance angle, which will be distinctly marked as vigilance paras. The vigilance paras will be dealt separately on Branch file. While dealing with Investigation Report of the CVO on these para, comments of CTEO will also be obtained.
- (xii) On approval of the Intensive Examination Report, the same will be forwarded to the CVO of the Organization concerned for submitting Action Taken Report in respect of non-vigilance paras to the CTEO.
- (xiii) Copy of the Intensive Examination Report will also be forwarded to the CMD/CEO of the Organization concerned as well as to the Secretary of the Administrative Ministry/Department for necessary action at their end.
- (xiv) The Intensive Examination Report besides being sent in hard copy, will also be sent through the official email of the Technical Examiner concerned.
- (xv) CVOs will be required to submit the action taken report in respect of non-vigilance observations to the CTEO within one month from the date of issue of Intensive Examination Report. CVOs will be required to send their categorical and comprehensive recommendations on each observation/para without leaving any scope for further query from the CTEO.

- (xvi) CVO of the Organization concerned may take up any observation/para of the intensive examination report for vigilance investigation, with the approval of the Secretary, CVC through CTEO.
- (xvii) Notwithstanding the above, an observation can also be categorized as having vigilance angle on receipt of the action taken report/clarification from the CVOs. A call in this regard will be taken by the Secretary, CVC with the approval of the Commission.
- (xviii) Each non- vigilance observation/para will be concluded/closed with the approval of Secretary, CVC on the proposal of CTEO.
- (xix) Overall time limit for conclusion of the intensive examination case shall be six months from date of issue of Intensive Examination Report.
- (xx) Final closure of the Intensive Examination case will be with the approval of the Secretary, CVC. While putting the case for closure to the Secretary, CVC, CTEO will also put up updated tabular statement of observations highlighting the action taken in respect of each observation/para.
- (xxi) Timelines for various activities have been prescribed in the annexure to this SOP. Overall, one month bonus time will be available to deal with any eventuality in concluding the Intensive Examination cases.
- (xxii) If, any Intensive Examination case is not concluded within the prescribed time limit then such case will be put up to the Commission for review and further action as felt appropriate by the Commission.

Annexure

Time Schedule For Various Activities

Activity	Time Allowed
Period of Intensive Examination exercise	7 days
Preparation of Draft Report and Presentation before Secretary, CVC OR the Commission after completion Intensive Examination exercise	15 days
Finalization of the Intensive Examination Report including statement of observations/para after the above said presentation	7 days
Approval of the Intensive Examination Report by Secretary CVC	7 days
Issue of the final Intensive Examination Report	3 days
Processing of the case for approval of the Commission regarding vigilance para by the Branch Officer and issue of OM to the CVO of the Organization concerned by the Branch Officer after the presentation	7 days
Submission of Reply /Clarification /Action taken Report in respect of non-vigilance para by the CVO to the CTEO	One Month
Further query, if any, by CTEO on the Reply /Clarification /Action taken Report of the CVO with the approval of the Secretary, CVC.	One Month
Reply by the CVO to the CTEO on such query/queries raised by CTEO	One Month
Scrutiny of the final Reply/Clarification/Action Taken Report from the CVO by CTEO and submission of the case for approval of the Secretary, CVC	One Month

Submission of Investigation Report in respect of vigilance para by the CVO to the Secretary, CVC	Three Months
In case, decision is taken by Secretary, CVC to call for Factual Report from CVO of the Organization concerned, instead of Investigation & Report, on some observation(s)/para	One Month
If, vigilance angle is detected in some observation /para on scrutiny of the Reply /Clarification /Action taken Report received from the CVO, then with the approval of the Secretary, CVC, such observation(s)/para covering the issues comprehensively will be transferred to the Branch Officer concerned. Who, in turn, will put the same for Commission's approval through Additional Secretary concerned and Secretary, CVC. On approval of the same by the Commission, CVO will be required to submit Investigation Report on such observation(s)/para.	Three Months

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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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सं./No..... 015/VGL/091

दिनांक / Dated..... 03.06.2021

Circular No. 06/05/21

**Subject:- Adoption of Integrity Pact-Revised Standard Operating Procedure:-
regarding.**

The Commission has reviewed the Standard Operating Procedure (SOP) for adoption of Integrity Pact (IP) by all Government Organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous bodies etc. A copy of the revised SOP is enclosed, which would be applicable for adoption and implementation of the IP by the organizations concerned.

2. The present SOP would replace the earlier SOP issued vide Circular No. 02/01/2017 dated 13.01.2017.

(Rajiv Varma)
Officer on Special Duty

Encl.: As above.

To

- (i) All Secretaries of Ministries/Departments. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (ii) All CMDs/Head of CPSUs/Public Sector Banks/Organizations. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (iii) All CVOs of Ministries/Departments/CPSUs/Public Sector Banks/Organizations. **(The revised SOP may be brought to the notice of the Chief Executive of the organization concerned)**
- (iv) All Independent External Monitors.

STANDARD OPERATING PROCEDURE FOR ADOPTION OF INTEGRITY PACT

1.0 BACKGROUND

- 1.1 In order to ensure transparency, equity and competitiveness in public procurement, the Commission recommends adoption and implementation of the concept of Integrity Pact (IP) by Government organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous Bodies etc.
- 1.2 Vide Circular No. 02/1/2017 dated 13.01.2017, the Commission issued a Comprehensive Standard Operating Procedure (SOP) for adoption and implementation of Integrity Pact.

Further, vide Circular no. 15/10/20 dated 20.10.2020, the eligibility criteria for consideration for empanelment as Independent External Monitor (IEM) was reviewed and revised.

- 1.3 Deptt. of Expenditure vide OM dt. 19.7.2011, issued guidelines to all Ministries/ Departments/Organizations including their attached/subordinate offices and autonomous bodies for implementation of IP. Also, vide OM dated 20.7.2011 Deptt. of Expenditure requested Department of Public Enterprises for directions to Central Public Sector Enterprises for use of IP.
- 1.4 Further, in view of the increasing procurement activities of Public Sector Banks (PSBs), Insurance Companies (ICs) and Financial Institutions (FIs), the Commission vide Circular No. 02/02/2015 dated 25.02.2015 advised that all PSBs, PSICs and FIs shall also adopt and implement the Integrity Pact.

2.0 INTEGRITY PACT

2.1 The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer, committing the persons/officials of both sides, not to resort to any corrupt practices in any aspect/stage of the contract. Only those vendors/bidders, who commit themselves to such a Pact with the buyer, would be considered competent to participate in the bidding process. In other words, entering into this Pact would be a preliminary qualification. The essential ingredients of the Pact include:

- Promise on the part of the principal not to seek or accept any benefit, which is not legally available;
- Principal to treat all bidders with equity and reason;
- Promise on the part of bidders not to offer any benefit to the employees of the Principal not available legally;
- Bidders not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
- Bidders not to pass any information provided by Principal as part of business relationship to others and not to commit any offence under PC/IPC Act;
- Foreign bidders to disclose the name and address of agents and representatives in India and Indian Bidders to disclose their foreign principals or associates;
- Bidders to disclose the payments to be made by them to agents / brokers or any other intermediary;
- Bidders to disclose any transgressions with any other company that may impinge on the anti corruption principle.

Any violation of Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules/Guidelines etc. as may be applicable to the organization concerned.

- 2.2 Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties till the completion of contract. After award of work, the IEMs shall look into any issue relating to execution of contract, if specifically raised before them. As an illustrative example, if a contractor who has been awarded the contract, during the execution of contract, raises issue of delayed payment etc. before the IEMs, the same shall be examined by the panel of IEMs.

However, the IEMs may suggest systemic improvements to the management of the organization concerned, if considered necessary, to bring about transparency, equity and fairness in the system of procurement.

3.0 IMPLEMENTATION PROCEDURE

- 3.1 As stated in Department of Expenditure's O.M. dated 20.7.2011, Ministries/Departments may, in consultation with the respective Financial Adviser and with the approval of the Minister-in-charge, decide on and lay down the nature of procurements/contracts and the threshold value above which the Integrity Pact would be used in respect of procurement transactions/contracts concluded by them or their attached/sub-ordinate offices.

In case, any individual organization desires to lower the threshold value, they may do so with the approval of the competent authority of the organization.

Procurements/contracts would cover procurement of works, goods and services by the organization concerned.

- 3.2 The above provision is also applied for procurements/contracts made by autonomous bodies for which the Administrative Ministry/Department concerned should decide the type of procurement activities and the threshold value above which the Integrity Pact would be applicable.

The procurements/contracts would cover both purchases and works/services contracts being entered into by the organization concerned.

- 3.3 The provision for the Integrity Pact is to be included in all Requests for Proposal/Tender documents issued in future in respect of the procurements/contracts that meet the criteria decided in terms of para 3.1 and 3.2 above.
- 3.4 In all tenders covered under the Integrity Pact, particulars of all IEMs, including their email IDs, should be mentioned, instead of mentioning details of a single IEM.
- 3.5 The Purchase / procurement wing of the organization would be the focal point for the implementation of IP.
- 3.6 It has to be ensured, through an appropriate provision in the contract, that IP is deemed as part of the contract so that the parties concerned are bound by its provisions.
- 3.7 IP would be implemented through a panel of Independent External Monitors (IEMs), appointed by the organization. The IEM would review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact.
- 3.8 A clause should be included in the IP that a person signing IP shall not approach the Courts while representing the matters to IEMs and he / she will await their decision in the matter.
- 3.9 In case of a joint venture, all the partners of the joint venture should sign the Integrity Pact. In case of sub-contracting, the Principal contractor shall take the responsibility of the adoption of IP by the sub-contractor. It is to be ensured that all sub-contractors also sign the IP.
- 3.10 A summary of procurement/contract awarded, which are covered under the IP shall be compulsorily shared with the IEMs on quarterly basis, during the meeting. Based on the specific requirement of the organisations and the no. of tenders floated, the meetings may be held on monthly or bi-monthly basis, instead of quarterly periodicity.

3.11 The final responsibility for implementation of IP vests with the CMD/CEO of the organization.

4.0 ROLE AND DUTIES OF IEMs

- 4.1 The IEMs would be provided access to all documents/records pertaining to the contract for which a complaint or issue is raised before them, as and when warranted. However, the documents/records/information having National Security implications and those documents which have been classified as Secret/Top Secret are not to be disclosed.
- 4.2 It would be desirable to have structured meetings of the IEMs with the Chief Executive of the Organisation on a half yearly basis to discuss / review the information on tenders awarded during the preceding six months' period. Additional sittings, however, can be held as per requirement.
- 4.3 The IEMs would examine all complaints received by them and give their recommendations/views to the Chief Executive of the organization, at the earliest. They may also send their report directly to the CVO in case of suspicion of serious irregularities requiring legal/administrative action. Only in case of very serious issue having a specific, verifiable Vigilance angle, the matter should be reported directly to the Commission. IEMs are expected to tender their advice on the complaints, within 30 days.
- 4.4 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process or during execution of contract, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.
- 4.5 IEM should examine the process integrity, they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging malafide on the part of any officer of the organization should be looked into by the CVO of the concerned Organization.

- 4.6 The advisory role of IEMs is envisaged as that of a friend, philosopher and guide. The advice of IEM would not be legally binding and it is restricted to resolving issues raised by a bidder regarding any aspect of the tender which allegedly restricts competition or bias towards some bidders. At the same time, it must be understood that IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
- 4.7 Issues like warranty/guarantee etc. should be outside the purview of IEMs.
- 4.8 All IEMs should sign non-disclosure agreements with the organization in which they are appointed. They would also be required to sign a declaration of absence of conflict of interest.
- 4.9 A person acting as an IEM shall not be debarred from taking up other assignments such as consultancy with other organizations or agencies subject to his declaring that his / her additional assignment does not involve any conflict of interest with existing assignment. In case of any conflict of interest arising at a later date from an entity wherein he is or has been a consultant, the IEM should inform the CEO and recuse himself/herself from that case.
- 4.10 All organizations may provide secretarial assistance to IEMs for rendering his/her job as IEM.
- 4.11 In case of any misconduct by an IEM, the CMD/CEO should bring it to the notice of the Commission detailing the specific misconduct for appropriate action at the Commission's end.
- 4.12 The role of the CVO of the organization shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO in terms of the provisions of the CVC Act or Vigilance Manual, if a complaint is received by him/her or directed to him/her by the Commission.

- 4.13 All the deliberations during the IEMs' meetings should be minuted and in the next meeting, the IEMs should confirm the recorded minutes of the previous meeting.

5.0 APPOINTMENT OF IEMS

- 5.1 The IEMs appointed should be eminent personalities of high integrity and reputation. A periodical notice inviting applications from eligible persons will be published on the Commission's website. After due scrutiny and verification of the applications and accompanying documents, as may be deemed appropriate by the Commission, the name(s) would be included in the panel for consideration for nomination as IEM.

All applications received after due date of notice issued by the Commission, shall be considered alongwith applications received in response to the subsequent notice.

- 5.2 The zone of consideration of eminent persons for empanelment as IEMs would consists of:-
- (i) Officer who have held the post of Secretary to Govt. of India or were in equivalent pay scale, at the time of retirement.
 - (ii) Officer who have held the post of Chief Secretary of any state of Union of India or were equivalent pay scale, at the time of retirement.
 - (iii) Officers who have held the post of Director General of Police or were in apex pay scale, at the time of retirement.
 - (iv) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent to Additional Secretary to Govt. of India, at the time of retirement.
 - (v) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
 - (vi) Chief Executive Officer of an organization [other than listed above and were equivalent to Secretary to Govt. of India, at the time of retirement.

- (vii) Officers who were in the apex pay scale at the time of retirement in Central Government/State Government/Forest Service.
 - (viii) Officers in the apex pay scale in all three Armed Forces.
- 5.3 The Commission would not include a retired person in the panel being maintained by it for consideration for nomination as IEM, if that retired person had accepted a full time assignment, post retirement, either in government sector or private sector or elsewhere. All those empanelled persons have accepted full time employment elsewhere, would cease to remain on the panel, from the date on which they have accepted the said assignment.
- 5.4 The Commission would nominate IEMs for an organization, from the panel of IEMs maintained by it.
- 5.5 The Commission would not consider the name of a retired officer/ executive for nomination as IEM in a particular organisation, in case that person has retired from the same organization or has conflict of interest in any form.

However, in case the person being appointed as IEM in a particular organization has a conflict of interest, which may have gone unnoticed, despite best efforts, he/she should inform the Appointing Authority about the same at the time of offer of appointment being given to him/her and should not accept the offer for appointment as IEM in that particular organization.

- 5.6 Three IEMs shall be nominated for appointment in Maharatna and Navratna PSUs and two IEMs shall be nominated in all other organizations.
- 5.7 A person may be appointed as an IEM in a maximum of three organizations at a time.
- 5.8 An empanelled person cannot be appointed in one organization for a period of more than three years.

- 5.9 Age should not be more than 70 years at the time of appointment.
- 5.10 In any organization, the IEMs shall be paid per sitting a fees of Rs. 25,000/- or fees as payable to Independent Board Members, whichever is less. However, in case, in any organization, the fee payable to Independent Board Members is less than Rs. 25,000/-, the organization concerned may, after due deliberation increase the fees payable to IEM, subject to the ceiling of Rs. 25,000/- per sitting.

However, the maximum amount payable to IEMs in a calendar year shall not exceed Rs. 3,00,000/- with respect to sitting fees.

Expenses on travel and stay arrangement of IEMs shall be equal to that of Independent Board Member of that organization.

- 5.11 The terms and conditions of appointment, including the remuneration payable to the IEMs, should not be included in the Integrity Pact or the NIT. This may be communicated individually to the IEMs concerned.
- 5.12 At the time of appointment of an IEM, a copy of SOP should be made available to the person being appointed by the organizations concerned. A copy of Commission's guidelines on "Illustrative check points for various stages of public procurement", available on Commission's website, i.e., www.cvc.gov.in, under CTE's corner may also be provided to the IEMs at the time of their appointment, for guidance purpose.
- 5.13 In the event of any dispute between the management and the contractor relating to those contracts where Integrity Pact is applicable, in case, both the parties are agreeable, they may try to settle dispute through mediation before the panel of IEMs in a time bound manner. If required, the organizations may adopt any mediation rules for this purpose.

In case, the dispute remains unresolved even after mediation by the panel of IEMs, the organization may take further action as per the terms & conditions of the contract.

The fees for such meetings shall be same as fee payable to IEMs otherwise and in addition to the fees for the regular meeting of IEMs, to be held otherwise and over and above the ceiling of Rs. 3,00,000/- annually, to be calculated as per financial year. The travel and stay arrangement for such meetings shall be equal to that of Independent Board Member of the organization concerned. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties.

- 5.14 The names of all the IEMs of the organization should be available on the website of the organization concerned.

6.0 REVIEW SYSTEM

- 6.1 All organizations implementing IP would undertake a periodical review and assessment of implementation of IP and submit progress reports to the Commission. CVOs of all organizations would keep the Commission posted with the implementation status through their annual reports and special reports, wherever necessary.
- 6.2 All organizations are called upon to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and carry it to its effective implementation.



सत्यमेव जयते



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
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सं./No.....21-VGL-024.

दिनांक / Dated.....03.06.2021

Circular No. 07/05/21

Subject:- Procedure for offering/accepting post retirement contractual employments/assignment or consultancy etc.- reg.

It has been observed that sometimes, government organisations, in order to meet their functional requirement, use the expertise of retired government officials by hiring them on contractual basis, in the capacity of advisor/consultant etc. There is no defined procedure for seeking vigilance inputs before engaging retired government officials from the organisations where such retired officials were employed on full time basis, prior to their retirement.

2. Central Vigilance Commission has observed that the absence of a uniform defined procedure for obtaining vigilance clearance, before engaging retired officials by government organisations, sometimes lead to a situation where officials with tainted past or having cases pending against them are engaged by the government organisations. Such a situation not only leads to unnecessary complaints/allegations of favouritism, but is also against the tenets of fairness and probity which is the basic principle governing the functioning of government organisations.

3. The Commission has therefore decided to formulate a defined procedure before engaging a retired government official on contractual/consultancy basis by government organisations. The procedure to be adopted would include the following steps:-

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- (i) In respect of retired officers belonging to All India Services, Group 'A' officers of Central Govt. or their equivalent in other organizations owned or controlled by Central Govt., before offering employment to them on contractual/consultancy basis, vigilance clearance from the employer organisation, from which the Govt. Officer had retired, should be necessarily obtained.
- (ii) In case a retired officer had served in more than one organisation, vigilance clearance should be obtained from all organisations where the retired officer had served during a period of 10 years prior to his retirement.
- (iii) A communication seeking vigilance clearance may also be sent to Central Vigilance Commission, simultaneously.
- (iv) In case, no reply is received from the erstwhile employer(s) within 15 days of sending communication by Speed Post to them, a reminder may be sent to them for expediting vigilance clearance. However, in case no reply is received from the erstwhile employer within 21 days of sending initial communication to them, it may be considered as 'deemed vigilance clearance' for the person concerned. Later on, if it is found that the ex-employee was involved in any vigilance related matter or was not clear from vigilance point of view, the erstwhile employer organization would be responsible for all consequential actions.
- (v) The retired Govt. officer is to be considered for post retirement engagement only on receipt of vigilance clearance/vigilance inputs, subject to the conditions as given in sub para (i) to (iv) above.
- (vi) All communications regarding vigilance clearance should be sent by Registered Post/Speed Post, followed by emails on official mail ID of the organisation concerned.
- (vii) The procedure for engaging retired government officers should be transparent with equal opportunity to all those, who are willing to offer their services. The post to be filled up on contractual/consultancy basis should at least be advertised on the website of the organisation concerned at appropriate place and should be available in public domain.

4. Further, it has been observed that on some occasions, immediately after their retirement from government organisations, retired officials are taking up full time job/contractual assignments in private sector organisations. Quite often, cooling off period, as prescribed under the rules of organisations concerned, is not observed before taking up such offers. Post retirement acceptance of offer by retired government officials without observing cooling off period, constitutes a serious misconduct on their part.

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5. All government organisations may, therefore, formulate appropriate rules/guidelines for its employees to ensure that post retirement, cooling off period is mandatorily observed by them before accepting any offer from private sector entities. The rules/guidelines should incorporate procedure for seeking/obtaining permission before accepting offer from private sector entities during cooling off period if not in existence. The applicable service/conduct rules should also be revised/modified to ensure that, if required, appropriate action can also be initiated in case of violation of such rules by retired employees.

6. The above instructions may be noted for strict compliance.



(Rajiv Verma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



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सं./No..... No.020-VGL-045.....

दिनांक / Dated.....18.06.2021.....

Circular No. 08/06/21

Subject:- Procedure for handling references received from Lokpal of India.

Under the provisions contained in Lokpal and Lokayuktas Act, 2013, Lokpal of India has the mandate to inquire into allegations of corruption against certain public functionaries and for matters connected with them.

2. As per provisions contained under Section 20 (1) (b) of the Lokpal and Lokayuktas Act, 2013, complaints in respect of public servants belonging to Group A, B, C or D are referred by Lokpal to Central Vigilance Commission for preliminary inquiry. The Commission forwards such references to the Chief Vigilance Officers concerned for preliminary inquiry and report.

3. It may be noted that as per provisions contained under Section 20(2) of the Lokpal and Lokayuktas Act, 2013, a report is to be submitted within a period of sixty days and for reasons to be recorded in writing, within a further period of sixty days from the date of receipt of the complaint.

4. The Commission has directed that the Chief Vigilance Officers should ensure that the investigating officer, who is entrusted with preliminary inquiry of any Lokpal referred complaint, should have an uninterrupted tenure of minimum of 04 months in Vigilance Units/Organization concerned in order to ensure continuity and timely completion of such complaints.

5. The above instructions may be noted for strict compliance.

(Rajiv Verma)
Officer on Special Duty

To

- (i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (ii) Website of CVC

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सं./No.....021-VGL-036.....

दिनांक / Dated.....23.06.2021.....

Circular No. 10/06/21

Subject:- Reporting of cases of deviations from the Central Vigilance Commission's advice-reg.

Reference:- (i) DoPT's OM No. 118/2/78-AVD(I) dated 28.09.1978
(ii) DoPT's OM No. 119/2/2019-AVD-III dated 02.09.2019

Central Vigilance Commission, in accordance with the provisions contained under Section 8(1) (g) of CVC Act, 2003, tenders advice to the organisation concerned on matters referred to it.

2. In respect of those cases where Commission's advice has been obtained by the organizations concerned, the competent authority is required to proceed further in the matter, in accordance with the advice tendered by the Commission. However, there are occasions when the Disciplinary Authority concerned takes a view which is different from the advice tendered by the Commission in a particular case. All cases of disagreement/deviation from the Commission's advice are presently reported by the Chief Vigilance Officers concerned in Para 5(C) of Quarterly Performance Report (QPR) being submitted online by the CVOs, under the head "Non-Acceptance/Deviation of CVC advice".

3. Department of Personnel and Training (DoPT), vide their O.M. dated 29.09.1978, reiterated vide O.M. dated 02.09.2019 (as referred to above) has issued guidelines, providing for consultation with DoPT regarding those cases where the authorities concerned propose to disagree with the advice of the Commission, in respect of officers for whom the appointing authority is the President. No such procedure has been defined in respect of Non-Presidential Appointees.

4. In respect of officers belonging to Ministry of Railways/Railway Board, separate instructions have been issued by DoPT, vide their O.M. No. 119/16/2014-AVD-III (Pt.) dated 05.02.2016, defining procedure for handling cases of disagreement/deviation from

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Commission's advice. Later on, DoPT, vide their O.M. No. 23/34/2018-EO (ACC) dated 02.08.2019, constituted a committee to revisit the existing instructions relating to the settlement of cases of disagreement between Ministry of Railways/Railway Board and Central Vigilance Commission. The report of the committee is awaited. During the pendency of the report of the committee, a system of reporting of cases of disagreement/deviation from Commission's advice, to the Commission through the Chairman and CEO, Railway Board has been adopted by Ministry of Railways/Railway Board.

5. The Commission has directed that for the sake of uniformity, all such cases of disagreement/deviation from Commission's advice (in respect of Non-Presidential Appointees), which, presently are not being referred to DoPT by the authorities concerned, shall be reported by the CVOs of the Ministry/Department concerned to the Secretary of that Ministry/Department.

6. In respect of Central Public Sector Enterprises/Public Sector Banks/Insurance Companies/Financial Institutions and other organisations, such cases of disagreement/deviation from Commission's advice, in respect of Non-Presidential Appointees, shall be reported to the CVO of the administrative ministry/department concerned, through the Chief Executive of the organisation. The CVO of the administrative ministry shall put up all such cases to the Secretary of the administrative ministry/department concerned. A confirmation in this regard shall be sent to the Commission by the CVO of the administrative ministry/department.

7. All actions regarding reporting of cases of disagreement/deviation from Commission's advice in respect of Non-Presidential Appointees, to the Secretary of the administrative ministry/department should be completed within a period of two months from the date of issue of orders by the Disciplinary Authority concerned.

8. The above instructions may be noted for strict compliance.



(Rajiv Verma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC
- (v) The Secretary, DoPT, with reference to Para (4), to request to inform the status of the report of the Committee.



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सं./No.....

दिनांक / Dated..... **16.07.2021**

CIRCULAR

Subject:- Submission of APARs – reg.

The Commission is receiving APARs of CVOs for acceptance purpose from various Cadre Controlling Authorities to which the services of CVO belong. While scrutinizing such APARs, it has been observed in some case of some services that Reporting Officer and Reviewing Officer are writing the APARs through online mode on e-SPARROW. However, in case of acceptance of the APARs by the Central Vigilance Commissioner being the Accepting Authority, the same are being sent by the Cadre Controlling Authority through offline mode/hard copy.

2. The Commission has raised serious concern about this online/offline hybrid mode of APARs of CVOs being received from respective Cadre Controlling Authority. It is also not clear as to whether the remarks of Central Vigilance Commissioner as Accepting Authority is being uploaded on e-SPARROW.

3. The Commission is of the firm view that APARs processed through e-SPARROW should have space/column for Accepting Authority to record remarks through online mode. Thus, the APARs being sent to the Commission should be either through full-physical mode or full-online mode, instead of a hybrid mode.

4. In view of the above, the Commission has decided that APARs of CVOs for the period 2021-2022 and further should be sent to the Commission either through full-online mode or full-physical mode. On the APARs of CVOs for the period 2020-2021 received through physical mode wherein Reporting Officer and Reviewing Officer have written APARs through online mode will be processed with an undertaking from

the Cadre Controlling Authority that the remarks of Accepting Authority will be uploaded on e-SPARROW immediately on receipt of the same.

5. The above instructions may be noted for strict compliance.


(M. Janaki)
Director

To,

- (i) The Secretaries of all Ministries/Department of GoI
- (ii) All full-time CVOs of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) Website of CVC.



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सं./No..... 018/VGL/019

दिनांक / Dated... 23.08.2021

Circular No. 13/08/21

Subject: - Submission of online Quarterly Report by CVOs.

Central Vigilance Commission, vide Circular No. 01/01/2019 dated 25.01.2019 has prescribed for submission of Quarterly Reports by the Chief Vigilance Officers, through online mode, as part of superintendence over vigilance administration of organizations under its advisory jurisdiction. The online module of Quarterly Report is available on Commission's website, www.cvc.gov.in, under CVO's corner, to be accessed by the CVOs using their username/password.

2. Accordingly, quarterly report is being submitted by the CVOs concerned through online mode on Commission's portal. The same is to be submitted within 10 days of close of each quarterly period.
3. The Commission has desired that, immediately after submission of Quarterly Report to the Commission, the CVO concerned should take a printout of the report being submitted to the Commission and keep it in their record, after signing Quarterly Report by the CVO.
4. It may be noted for strict compliance in future.

(Rajiv Verma)
Officer on Special Duty

- To,
- (i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
 - (ii) Website of CVC



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सं./No.....000/VGL/018
06.10.2021

दिनांक / Dated.....

Circular No. 19/09/21

Subject:- Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

Reference: -

(i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020

The Central Vigilance Commission in order to bring about efficiency in vigilance administration and to ensure timely initiation and completion of the disciplinary proceedings, has issued guidelines from time to time, specifying the time limit for completion of inquiry proceedings, so that no undue delay takes place in disciplinary matters.

2. In this regard, Central Vigilance Commission, in continuation of its guidelines dated 23.05.2000 and DoPT's OM dated 14.10.2013, had issued Circular No. 18/12/20 dated 14.12.2020, prescribing the time limit for action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated. The time limit prescribed by the Commission is as under: -

Sl. No.	Stage of disciplinary action	Time Limit
1.	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the Inquiry officer (I.O.)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3.	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable/unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken, if required.

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3. The Commission has observed that in some cases, the above time limit is not being adhered to by the authorities concerned. The inordinate delay in completion of departmental proceedings on the part of the organization concerned has also attracted adverse comments from the Hon'ble Supreme Court of India in Civil Appeal No. 958 of 2010, Prem Nath Bali Vs. Registrar, High Court of Delhi & Anr in its judgment dated 16.12.2015. Hence, the above guidelines are reiterated and the Commission desires that the same should be adhered to strictly by the authorities in the organisations concerned.

4. Due to the situation arising out of severity of COVID-19 pandemic and related issues, Commission has given a special dispensation for completion of the pending inquiry proceedings with a fresh timeline. In those cases where initiation of Major Penalty Proceedings was advised by the Commission on or before 31.12.2020, inquiry proceedings by the Inquiry Officers should be completed latest by 31.03.2022. In respect of those cases where Commission's advice for initiation of Major Penalty Proceedings was tendered between 01.01.2021 to 30.09.2021, inquiry proceedings by the Inquiry Officers should be completed latest by 30.06.2022.

5. Since initiation and conduct of disciplinary proceedings is within the domain of the disciplinary authority concerned, the CVOs may bring the above guidelines of the Commission to the notice of the competent authorities for strict compliance.



(Rajiv Verma)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
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008/VGL/027
सं./No.....
दिनांक / Dated..... 25.11.2021

Circular No. 20/11/21

Subject: Time limit and procedure for seeking reconsideration of Central Vigilance Commission's First Stage Advice-reg.

Reference: (i) Commission's letter No. 000/DSP/1 dated 06.03.2000
(ii) Commission's Circular No. 15/4/08 dated 24.04.2008
(iii) Commission's Circular No. 06/08/2020 dated 06.08.2020

Attention is invited to Para 1.6.4 of Chapter I of Vigilance Manual, 2021 and also to the guidelines/circulars as referred to above, relating to the procedure and time limit for seeking reconsideration of Commission's First Stage Advice.

2. As per existing instructions, the organizations/authorities concerned are required to approach the Commission for reconsideration of its First Stage Advice, within a period of one month of the receipt of the Commission's advice, in case they propose to differ with the same.

3. The issue has been considered by the Commission in the light of references received from the authorities concerned, seeking reconsideration of Commission's First Stage Advice. It has been observed that on occasions, the proposal for reconsideration of Commission's First Stage Advice is received after the prescribed time limit of one month and the reasons for delay cited by the authorities concerned, are found to be logically acceptable. After considering the matter in detail and on review of the existing time limit, the Commission has decided that proposal for reconsideration of its First Stage Advice may be sent by the organizations/authorities concerned **within a period of two months** from the date of receipt of Commission's First Stage Advice. However, it may be noted that the proposal for reconsideration of

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Commission's First Stage Advice should be sent only in those rare cases where some additional/new material facts have come to light, which could not be considered earlier. The reasons for not examining/considering the facts earlier, should be specified while approaching the Commission for reconsideration of its First Stage Advice and the proposals should be sent with the approval of the Disciplinary Authority/Head of the Department/Chief Executive of the organizations concerned.

4. It may also be noted that the proposal for reconsideration of Commission's First Stage Advice would be entertained 'only once'. Such proposals, if not accompanied with new/additional facts and due examination of the same, are liable to be summarily rejected by the Commission.
5. The provisions of Para 1.6.4 of Vigilance Manual, 2021 would stand amended to the above extent.
6. All CVOs/Administrative Authorities are requested to ensure strict compliance to the above instructions.


(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/ Public Sector Financial Institutes/ Autonomous Bodies etc.
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सं./No.....000/VGL/018

दिनांक / Dated..... 03.12.2021

Circular No. 21/12/21

Subject:- Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

Reference: -

(i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020
(viii) Commission's Circular No. 19/09/21	dated 06.10.2021

The Central Vigilance Commission, as part of its functions of exercising superintendence over vigilance administration of the organizations covered under its advisory jurisdiction has, time and again, laid emphasis on timely completion of disciplinary proceedings.

2. However, it has been observed that in cases where Regular Departmental Action for Major Penalty has been initiated, one of the main reasons for delay in completion of disciplinary proceedings is due to the delay caused in the inquiry proceedings being conducted by the Inquiry Officers. The Commission, vide its Circular dated 03.03.1999 had prescribed the model time limit for the Inquiry Officers for conducting departmental inquiries. The same was reiterated vide circular dated 18.01.2016. The Model time limit is again reproduced below:-

Stage of Departmental Inquiry	Time limit prescribed
• Fixing date of Preliminary Hearing and inspection of listed documents, submission of Defence Documents/witnesses and nomination of a Defence Assistant (DA) (if not already nominated)	Within four weeks from the date of appointment of Inquiry Officer.

<ul style="list-style-type: none"> • Inspection of relied upon documents/submission of list of Defence Witnesses/Defence Documents/Examination of relevancy of Defence Documents/ Defence Witnesses, procuring of additional documents and submission of certificates confirming inspection of additional documents by CO/DA • Issue of summons to the witnesses, fixing the date of Regular Hearing and arrangement for participation of witnesses in the Regular Hearing • Regular Hearing on Day to Day basis 	3 months
<ul style="list-style-type: none"> • Submission of Writing Brief by PO to CO and IO 	15 days
<ul style="list-style-type: none"> • Submission of Written Brief by CO to IO 	15 days
<ul style="list-style-type: none"> • Submission of Inquiry Report from the date of receipt of Written Brief by PO/CO 	30 days

3. The Commission has directed that the above time schedule should be brought to the notice of all Inquiry Officers (already appointed/to be appointed in future) for strict compliance.

4. The Commission has further directed that all the Inquiry Officers be asked to submit a monthly report to the Disciplinary Authority concerned, indicating the present status/progress of the inquiry proceedings being conducted by them. A copy of the monthly report should also be endorsed to the CVO of the organizations concerned, by the Inquiry Officer. In case, it is found that the inquiry proceedings are getting delayed beyond the prescribed time limit, the CVO concerned should immediately take up the matter with the Inquiry Officer and Disciplinary Authority concerned to ensure timely action.

5. The above instructions may be noted for strict compliance and may also be brought to the notice of all the Disciplinary Authorities and Inquiry Officers.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
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सं./No.....000/VGL/018

दिनांक / Dated.....08.12.2021

Circular No. 22/12/21

Subject:- Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration.

Reference: - (i) Commission's Circular No. 8(1)(g)/99(2)	dated 19.02.1999
(ii) Commission's Circular No. 8(1)(g)/99(3)	dated 03.03.1999
(iii) Commission's Circular No. 3(v)/99(7)	dated 06.09.1999
(iv) Commission's Circular No. 000/VGL/18	dated 23.05.2000
(v) Commission's Office Order No. 51/08/2004	dated 10.08.2004
(vi) Commission's Circular No. 02/01/2016	dated 18.01.2016
(vii) Commission's Circular No. 18/12/20	dated 14.12.2020
(viii) Commission's Circular No. 19/09/21	dated 06.10.2021
(ix) Commission's Circular No. 21/12/21	dated 03.12.2021

Attention is invited to Commission's Circular No. 21/12/21 dated 03.12.2021, vide which it was directed that Inquiry Officers, appointed by the organizations to conduct departmental inquiries, are required to submit a monthly report indicating present status/progress of the inquiries being conducted by them.

2. The Commission has desired that for the sake of uniformity and clarity, the information regarding the status of inquiry proceedings may be obtained from the Inquiry Officers, in the format as enclosed as **Annexure-I**, to this circular. The monthly report may be submitted by the Inquiry Officers, latest by 10th day of the succeeding month.

3. It may be noted that information should be obtained from the Inquiry Officers in respect of ongoing inquiries and also in respect of departmental inquiries, that may be instituted in future.

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4. The CVOs may bring the enclosed format to the notice of all the Disciplinary Authorities and Inquiry Officers for compliance of Commission's guidelines, issued vide Circular No. 21/12/21 dated 03.12.2021.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Name of Organization _____

Annexure-I

Name of Inquiry Officer _____

Report for the month of _____

S. No.	Name and Designation of CO	Date of appointment of IO	Date of Preliminary Hearing	Whether Brief Hearing required. If Yes, date of Brief Hearing	No. of Regular Hearings held till the end of the month	Dates of Regular Hearing	Date of submission of PO's Brief	Date of submission of Defence Brief	Date of submission of IO's report	Time taken since appointment as IO (upto the stage inquiry has progressed so far)	Whether time limit given in Commissioner's Circular No. 21/12/21 dated 03.12.2021 is being adhered to. If not, reasons thereof
1	2	3	4	5	6	7	8	9	10	11	12

Signature of Inquiry Officer

To,
Disciplinary Authority

Copy to:- Chief Vigilance Officer

Note:- Report to be submitted by IO by 10th day of every month to DA with copy to CVO.



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

015/VGL/091/499545

सं./No.....

दिनांक / Dated..... 20.12.2021

Circular No. 23/12/21

Subject:- Adherence to the provisions of Standard Operating Procedure (SOP) for implementation of Integrity Pact-regarding.

Central Vigilance Commission, vide its Circular No. 06/05/21 dated 03.06.2021 has issued revised Standard Operating Procedure (SOP) for implementation of Integrity Pact by the organizations, who have adopted IP for procurement activities.

2. As per provisions of SOP, Independent External Monitors (IEMs) are to be appointed by the respective organizations to oversee implementation of Integrity Pact. In Para 3.10 of the SOP dated 03.06.2021, it has been provided that meetings of IEMs in each organization are to be held on quarterly basis and if need be, on monthly or bimonthly basis. Similarly, as per Para 4.2 of the SOP dated 03.06.2021, it is desirable to have structured meetings of IEMs with the Chief Executive of the respective organizations, on half yearly basis.

3. However, it has been observed that in many organizations, meetings of IEMs are not being scheduled/held at periodic intervals, as provided in the SOP dated 03.06.2021. It can result in reducing the effectiveness of Integrity Pact as a tool for Preventive Vigilance.

Contd...2...

4. The Commission has therefore, desired that the organizations may ensure that meetings of IEMs in the respective organizations are scheduled as per the periodicity indicated in Paras 3.10 and 4.2 of Commission's Circular No. 06/05/21 dated 03.06.2021.
5. It may be noted for compliance by the organizations concerned



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
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021/MSC/026
सं./No.....
दिनांक / Dated.....

Circular No. 24/12/21

Subject: Management Audit of Vigilance Unit (MAVU)

In accordance with the provisions contained under Section 8(1)(h) of the CVC Act, 2003, the Central Vigilance Commission exercises superintendence over the vigilance administration of Ministries/Departments/Organizations, covered under its advisory jurisdiction.

2. In order to exercise effective supervision, it is necessary to have a deeper insight into the functioning of Vigilance Units of the various organizations. Hence, for a better appreciation of the work being done by the Vigilance Units and as a tool of effective supervision, the Commission has decided to conduct 'Management Audit of Vigilance Unit (MAVU)' at periodical intervals, of the organisations covered under the Commission's advisory jurisdiction.

3. Initially, MAVU would be taken up for (i) Central Board of Direct Taxes (CBDT); (ii) Central Board of Indirect Taxes and Customs (CBIC); (iii) National Highway Authority of India (NHAI); and (iv) Punjab National Bank (PNB) as a pilot project, which is expected to be completed by 31.01.2022. Based on the experience gained and inputs/feedback received during the conduct of MAVU of these four organizations, the scheme of conducting audit of Vigilance Units would be extended to other major organizations (as may be decided by the Commission) from 01.04.2022 onwards. The schedule for the same would be shared with the organizations concerned, separately.

Contd...2...

4. The Management Audit of Vigilance Units would be conducted by a team of officers from the Commission. In order to ensure smooth conduct of MAVU, a format will be shared with the CVOs of the respective organizations for providing statistical data and other relevant information, that may be required for the purpose of conducting Vigilance Audit. It would be expected of the respective CVOs to provide the information within 15 days of receipt of the communication from the Commission. Thereafter, the team of officers from the Commission would visit the Vigilance Units of the organizations concerned and conduct audit over a period of 2-3 days. As per requirement, an exit meeting of the CVO and Chief Executive of the respective organization may be held with the Secretary or Additional Secretary from the Commission. The finding of MAVU shall be shared with the authorities (including the CVO) concerned of the respective organizations.

5. The format, in which the information is to be provided by the CVOs is enclosed as **Annexure-‘A’** to this circular.

6. Further communication with individual organization shall be made separately.



(Rajiv Verma)
Director

Encl.: Annexure-‘A’.

To

- (i) The Secretaries of all Ministries/Departments of GoI.
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC.

**PROFORMA FOR SUBMITTING DETAILS BY CVO FOR
MANAGEMENT AUDIT OF VIGILANCE UNIT (MAVU) OF
(NAME OF THE ORGANISATION)
FOR THE CALENDER YEAR _____**

PART- I

ORGANISATIONAL PROFILE

- 1. Name of the Ministry/ Department/Organization:**
- 2. No. of Employees**
 - (i) Covered under Commission's jurisdiction :
 - (ii) Others :
- 3. Brief Descriptions including nature of business/activities carried out by the Ministry/ Department/Organization**
- 4. Whether the Organization has extensive Public Dealing: YES/NO**
- 5. (i) Vigilance Set Up of organization :**
 - (a) Whether the CVO is full time or part time :
 - (b) No. of gazetted /executive level officers in the Vigilance Wing :
 - (c) No. of other officials in the Vigilance Wing :

(ii) Name and No. of attached /subordinate/subsidiary organizations:
(Details to be given)

(iii) out of (ii) above, Names and No. of attached/subordinate/subsidiary organizations where the post of CVO exists:
(Details to be given)
- 6. (i) Whether structured meeting being held by the Management with the CVO:**
 - (ii) No. of such meetings held during the calendar year :**

7. **Whether the Internal Advisory Committee of GMs, as per the instructions of the Commission constituted:** YES/NO
(wherever applicable).

(i) **If yes–**

(a) No. of complaints / cases referred to the Committee

(b) No. of cases [out of (a)] in which vigilance angle was determined by the Committee

(ii) **If Internal Advisory Committee has not been constituted, the reasons therefore may be clearly spelt out.**

8. **Whether the Ministry/ Department/Organization has appointed Independent External Monitor (IEM)?**
(wherever applicable)

If yes, no of meetings of IEMs held during the calendar year :

PART-II

9. **COMPLAINTS:**

Source	Opening Balance (as on 01.01. __)	Received during the year	Total	Disposal during the year (filed/sent for NA and registered as Vigilance for investigation by CVO)	Balance Pending	Age wise pendency (Months)		
						<1	1-3	>3
CVC								
Others								
Total								

10. PIDPI

(A) Complaints:

Source	Opening Balance (as on 01.01. __)	Received during the year	Total	Reports submitted to CVC/CVO, Admin. Ministry during the year	Balance Pending	Age wise pendency for investigation by CVO (Months)			Reason for delay beyond 3 months
						< 3	3-6	>6	
CVC									
Designated Authority									
Total									

(B) Advice and Action taken on PIDPI Investigation Reports:

Agency	Advice of CVC/Designated Authority pending for implementation at the start of calendar year (as on 1.1.)	Reports sent during the year by CVO	Reports in which Advice received during the year	Total of Column (1) to (3)	Action Taken during the year (Nos. of advice)	Balance Pending for Action by Management/Organization (Months)			
						< 3	3-6	6-12	12
	(1)	(2)	(3)						
CVC									
Designated Authority									
TOTAL									

(C) Action taken report on complaints sent by CVC for 'Necessary Action' under PIDPI resolution

Opening Balance (as on 01.01.)	Received During the year	Total	Filed/Closed without taking any action	Taken up for further investigation	Complaints resulting in administrative action	Complaints resulting in initiation of major/minor penalty proceedings	Total complaints disposed of during the year	Pending at the end of the year

11. Scrutiny of Audit Reports:

I. (a) Total No. of CAG Audit paras received during the year :

(b) Total no of Statutory Audit Reports during the year:

II.

Type of Audit	No. of reports/paras examined during the year	No. of paras in which vigilance angle observed and identified for examination	No. of paras in which investigation completed	No. of paras pending for investigation
CAG				
Statutory				
Concurrent (*wherever applicable)				
Internal (*wherever applicable)				
Others				
Total				

12. Action on CVC Advice:

(a)

Stage	Type	Opening Balance (as on 01.01. __)	Received during the year	Action taken FSA Major-IO appointed FSA Minor-FO issued SSA-FO issued	Closing Balance (pending for months)			
					<1	1-3	3-6	> 6
FSA	Major							
	Minor							
SSA	Major							
	Minor							

(b) Systemic Improvement advised by the Commission and action thereon:

Specific Systemic Improvement	Actions taken by the organization	Remarks

13. Vigilance cases where officers were under Commission's jurisdiction but advice were not sought before issue of Charge sheet.

Names of officer(s)	Actions taken by the Competent Authority	Remarks

14. Cases where comments/clarifications awaited from the organization:

Category	Opening Balance	Received during the year	Disposal	Closing Balance (pending for months)			Reasons for pendency
				1-3	3-6	>6	
Further information (FI)							
Comments Awaited (CA)							

VIGILANCE INVESTIGATION

15. Complaints, Audit reports, Inspection Reports of works/procurement etc. taken up for investigation

Agency	Opening Balance (as on 01.01. __)	Taken up for investigation during the year	Total	Reports received from Investigating Officer	Balance pending	Age wise Pendency (Months)			
						<3	3-6	6-12	>12
CVC									
CVO									
TOTAL									

16. Vigilance investigation pending where officers under CVC jurisdiction are due for retirement in next one year (cases referable to CVC)

Opening Balance (as on 01.01. __)	Taken up for investigation during the year	Total	Reports received from IO	Balance pending	Age wise Pendency (Months)		
					<3	3-6	6-12

17. Action Taken on CTE Report (If Any):

Names of work	No. of paras referred to CVO for Action	No. of paras in which action taken by CVOs	Paras settled by CTE	Paras pending for disposal	Recovery proposed by CTE	Recoveries affected by Deptt.

18.

(i) Requests for Prosecution sanctions received and disposed

Category	Opening Balance(as on 01.01. __)	Received during the period of review	Total	Sanction Granted	Sanction refused	Balance Pending	Age wise Pendency (Months)	
							3-6	>6
Group C								
Group B								
Group A up to DS/Direct or Level								
JS and above								
Total								

(ii) Requests pending for approval under Section 17 A of PC Act,1988

Category	Opening Balance(as on 01.01. __)	Received during the period of review	Total	Granted	refused	Balance Pending	Age wise Pendency (Months)	
							3-6	>6
Group C								
Group B								
Group A up to DS/Director Level								
JS and above								
Total								

19. Nature of Vigilance Activity:

1		2		3	
Total No. of departmental inquiries initiated		No. of inquiries pertaining to core Activities** of the organization out of Col.1		No. of inquiries pertaining to personnel matters* out of Col.1	
Major	Minor	Major	Minor	Major	Minor

Note: *Allegations pertaining to personnel matters mean false claims of TA, DA, medical, LTC, submission of false caste, educational certificates etc.

**Allegations with regard to core activities means allegations pertaining to tenders, procurement, release of credit facilities by banks, undue favours in assessment by revenue officials etc. The list is only illustrative and would depend on the core activities of each organization.

20. Time Taken to conclude Departmental Inquiries

Type		< 3 months	3 – 6 months	6 months – 1yr	1yr. – 2 yr.	> 2 yrs.
CVC cases	Major					
	Minor					
Non-CVC cases	Major					
	Minor					

21. Departmental Proceedings (Outstanding)

(A) Major Penalty cases pending with IOs/IAs

Category	Opening Balance (as on 01.01. __)	Inquiries assigned to IO during the year	Total	Reports received from IOs	Inquiries pending with IOs	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

(B) Minor Penalty cases pending with IOs/IAs

Category	Opening Balance (as on 01.01. __)	Inquiries assigned to IO during the year	Total	Reports received from IOs	Inquiries pending with IOs	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

(c) Whether IO/IA is submitting monthly progress reports to DA/CVO (Commission's circular no. 21/12/21 dt 03.12.21 refers in this regard)

22. Cases pending with Disciplinary Authority

(A) Major Penalty cases pending with Disciplinary Authorities

Category	Opening Balance (as on 01.01. __)	IO Report received during the year	Total	Cases in which final orders issued by DAs	Balance Pending	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

(B) Minor Penalty cases pending with Disciplinary Authorities

Category	Opening Balance (as on 01.01. __)	No. of chargesheet issued during the year	Total	Cases in which final orders issued by DA	Balance Pending	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

PART-III

23. Preventive Vigilance

Type	During the year	No. of cases resulting in Vigilance Investigation	No. of cases resulting in Systemic Improvements	Remarks (Recovery effected, if any, may also be indicated)
Major works/Procurement-CTE Type Inspection				
Periodic Inspection				
Surprise Inspection				
Scrutiny of Property Return				
Scrutiny of IT based systems				

24. Date of preparation of following lists

- I. (a) Agreed List :
(b) Officers of doubtful integrity :

II. Whether the employees figuring on ODI List have been transferred to non-sensitive position

- 25. (a)** Whether sensitive posts have been identified. If no, give details.
(b) Whether timely rotation of officials on sensitive posts have been done. If no, give details.

26. Whether Preventive Vigilance Committees formed at all branches / administrative offices (wherever applicable): YES/NO

- (I) If yes, then
(a) No. of meetings held :
(b) No. of meetings in which vigilance functionaries participated
(II) If no, give reasons.

27. Number of seminar/workshops program held on Preventive vigilance:

- (a) Creating Awareness on Whistleblower/PIDPI:
- (b) Initiatives on capacity building:(Details on Induction, Mid-career, and Specialized training)
- (c) Training/workshop on Ethics and Values etc.

SYSTEM CENTRIC

- 28. Whether Complaints Register is being maintained and updated regularly – YES/NO
- 29. Whether QPRs are being sent regularly as per the instructions of the Commission : YES/NO
- 30. Whether all the works (above prescribed limit) undertaken are being reflected in the returns being sent to CTE : YES/NO

a. Inspections/examinations

	During the year	Number resulting in Vigilance Cases	Recovery effected (in Rs.)
Periodic			
Surprise			
Major Works			

b. Inspection of Contracts & Major Purchases (wherever applicable)

	During the year	Number resulting in Vigilance Cases	Recovery effected (in Rs.)
Periodic			
Surprise			
Major Works			

31. Vigilance Clearance

Opening Balance as on 1.1. __	Number of references received during the year	Number of references disposed off	Pending at the end of the year		
			>1 month	1-3 Month	> 3 months

32. Whether review of Vigilance functionary of attached /subordinate/subsidiary organizations done : - YES/NO

PART-IV

33. Has computerized file tracking system been introduced, to identify officials delaying files?:

34. No. of cases in which departmental action initiated/ punishment awarded for causing delays, if any. :

35. Steps taken to increase transparency in dealing with public/ other stakeholders:

36. Systemic improvements undertaken to reduce opportunities for corruption :

37. No. of inspections / investigations undertaken in the event of slipping of audit rating of a branch on account of fraud / serious irregularities (*wherever applicable*) :

38. Average time taken to finalise / conclude vigilance 'F' cases (*wherever applicable*) :

39. No. of reviews (of the vigilance work) undertaken in the year by the top management committees:

PART-V

40. CVO is requested to prepare a brief containing their special comments, constraints and other issues pertaining to vigilance administration and attach along with this format.

(CVO's Signature)



सत्यमेव जयते

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सं./No.....

दिनांक / Dated... 24.12.2021.....

Circular No. 25/12/21

Subject: - Comprehensive guidelines on Complaint Handling Mechanism.

The Central Vigilance Commission receives a large number of complaints from various sources on continuous basis, containing different type of allegations against different levels of officials of Ministries/Departments/Organizations of Govt. of India.

2. In order to streamline the process of lodging of complaints by the citizens and to devise a proper mechanism for handling of complaints, the Commission has issued numerous guidelines from time to time. For the benefit of all stake holders, Comprehensive Guidelines on Complaint Handling Mechanism have been compiled, which are enclosed for guidance and reference.

(Rajiv Verma)
Director

Encl.: As above.

To

- (i) The Secretaries of all Ministries/Departments of Govt.
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of Govt./CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

Comprehensive Guidelines on Complaint Handling Mechanism

	Table of Contents	Page No.
	Introduction	1
Chapter-I	1.1 Short Title & Commencement	2
	1.2 Purpose	2
	1.3 Applicability	2
Chapter-II	2.1 Guidelines for the Complainant	4
	2.2 Lodging of Complaints	5
Chapter-III	3.1 Source of Complaints	6
	3.2 Audit Reports	6
	3.3 Complaint Handling Policy of Commission	7
Chapter-IV	4.1 Action taken of Complaints in the Commission	8
	4.2 Action on complaints where Investigation & Report (I & R) sought by the Commission	8
	4.3 Complaint forwarded for Necessary Action (N.A.) or closed without any action	9
	4.3.1 complaints forwarded to CVOs for Necessary Action	9
	4.3.2 Compliant closed without any action	9
	4.4 Procedure for handling Complaints received against Secretaries to GOI, Chief Executives/ CMDs and Functional Directors of PSEs, PSBs and FIs	10
Chapter-V	5.1 Action on Complaints received by Ministries/ Departments/Organisation	11
	5.1.1. Initial action on Complaints received by Ministries/ Departments/ Organisations	11
	5.1.2 Scrutiny of Complaints	11
	5.1.3 Disposal of Complaints	12
	5.2 Action on complaints received by CPSE, PSB, PSIC, etc	12
	5.3 Handling of complaints against Board level Officials	13
	5.4 Handling of complaints against CVO, VO, etc	14
	5.5 Action on complaints received from Members of Parliament and dignitaries	14
	5.6 Action on Anonymous / Pseudonymous Complaints	14
Chapter-VI	6.1. PIDPI Complaints -Provision of PIDPI Resolution	16
	6.2 Amendments to PIDPI Resolution	17
	6.3 Guidelines for the PIDPI Complainant	17
	6.4 Procedure adopted by Central Vigilance Commission on PIDPI Complaint	18
	6.5 Protection of Whistleblowers	19
	6.6 Supervision and Monitoring of designated Authority	20
Chapter-VII	7.1 Systemic Improvement	21
	7.2 Reporting and Review of Complaints	21
	7.3 Various timelines related to complaints	21
	7.4 Withdrawal of Complaints by Complainant	22
	7.5 Action against persons making false complaints	22
	7.6 Commission's powers to call for investigation/inquiry	22
Annexure I	Proforma for CVO Register I of complaints	23
Annexure II	Central Secretariat Manual of Office Procedure on complaints received from Members of Parliament and dignitaries	24-25

Comprehensive guidelines on Complaint Handling Mechanism

INTRODUCTION

Over the last few years, globalization and liberalization have led to rapid increase in the economic activities and the emergence of more dynamic and complex economic environment worldwide. India has emerged as a progressive and vibrant economy, showing rapid and sustained growth across all sectors of the economy. With huge investment being made in the country's infrastructures, constructions, manufacturing and other sectors, India, being an emerging economic power and with its growing importance in international trade and commerce, is being viewed with special focus internationally. Hence, there is a greater need for the country to be viewed as more transparent and committed to elimination of corruption from public life.

All these factors have raised expectations from the Central Vigilance Commission as an agency which can contribute significantly in eradicating corruption and shortcomings from the system of administration. Combating corruption requires a multipronged strategy which calls for involvement of all the stakeholders in the society in a participatory manner. As the public has become more aware and vocal about expressing its dissatisfaction about the inadequacy in service delivery mechanism or any other shortcomings in the system of administration, increased participation of the common man in the system of governance at the various levels would help in elimination of irregular/corrupt activities from the governance mechanism. It would ensure greater transparency and simultaneous decrease in the scope of corrupt/inappropriate activities. Citizen of the country can also draw the attention of appropriate agency towards the acts of corruption by making a formal complaint regarding any such activity in writing or through other specified means. Complaint redressal mechanism, whistle blower mechanism and public service legislation are some of the means that may be used by the citizen to report corrupt/inappropriate activity of a public servant. These guidelines are aimed to provide information about the Complaint Mechanism, which can be used by citizen to lodge complaints.

CHAPTER-I

1.1 Short Title & Commencement

These guidelines will be deemed as Comprehensive Guidelines on Complaint Handling Mechanism and shall come into effect from the date of issue of the same.

1.2 Purpose

Central Vigilance Commission has issued guidelines from time to time regarding the process of lodging complaints with the Commission, Commission's jurisdiction and further action on the same. All these guidelines have been given in detail in Chapter III & IV of Vigilance Manual 2021 and also in Complaint Handling Policy of the Commission issued vide Circular No. 004/VGL/020 (pt). dated 01.07.2019. These guidelines are aimed to create awareness among the public so that they are able to become active participants in the process of eliminating corrupt and irregular activities from public life. These guidelines are also aimed to provide framework to organisations, under the advisory jurisdiction of Commission to enable them to implement the complaint handling process efficiently and uniformly.

1.3 Applicability

- (a) These guidelines shall apply to the complaints made against the following categories of officials, who are covered under the jurisdictions of the Commission: -

S. No.	Department/Organisation	Category of Officers
(i)	Members of All India Services	Serving in connection with the affairs of the Union.
(ii)	Central Govt. Ministries/ Departments	Group 'A' Officers.
(iii)	Central Public Sector Undertakings: (a) Schedule "A" and "B" (b) Schedule "C" and "D"	(a) Chief Executives and Executives on the Board and other officers of E-8 and above (b) Chief Executives and Executives on the Board and other officers of E-7 and above
(iv)	Public Sector Banks	Scale V and above.
(v)	General Insurance Companies	Manager and above.
(vi)	Life Insurance Corporation	Senior Divisional Manager and above
(vii)	RBI/NABARD and SIDBI	Officers in Grade D and above
(viii)	Societies and other local Authorities etc.	Officers drawing salary of Rs.8700/- and above on Central Govt. DA pattern (as may be revised from time to time)

(ix)	Port Trusts/Dock Labour Board	Officers who are in pay of Rs.10,750/- and above (Rs. 3,750/- and above pre- revised)
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- (b) It may be noted that the Commission's jurisdiction does not extend to private individuals, organisations of the State Governments, members of parliament and state legislatives (including representatives of other elective bodies), members of judiciary and official of private organisations.

CHAPTER-II

COMPLAINTS BY PUBLIC AGAINST PUBLIC SERVANTS – ROLE OF COMPLAINANT

Combating corruption is not just a matter of making laws and creating institutions, but is deeply rooted in human values and morals of individuals and the fight against corruption cannot be won without citizens' support, participation and active vigilance by all concerned. Public participation is, therefore, essential in promoting good governance, integrity and controlling corruption. The complainants can play an extremely important role in scrutinizing actions of government agencies & public servants and detection/reporting of unethical, inappropriate conduct by them.

In order to ensure that the complaints have the desired effect and end in prompt and effective resolution of the issues involved, it is important that complaints are lodged with the Commission after taking care of certain aspects. For the guidance of public, the following points are highlighted which may result in prompt action on the complaints:

2.1 Guidelines for the Complainant

- (a) The complaint should be pertaining to Ministries/ Departments/ Organisations falling within the jurisdiction of the Commission.
- (b) Complaints sent through written communication/letter should contain name and personal details, complete postal address (mobile/telephone number, if any) of the sender with specific details/information of the matter. Complaint should be signed by the Complainant.
- (c) Complaints lodged with the Commission should be genuine and not malicious, vexatious or frivolous and should be based on verifiable facts.
- (d) A complaint should preferably be lodged in typed or written form in English or Hindi language for facilitating early action thereon.
- (e) The complaint should not be anonymous or pseudonymous.
- (f) Complaint should be specific with adequate evidence.
- (g) The complaint should not be biased or based on any personal grievances.
- (h) Complaints sent on any e-mail ID of officers of the Commission will not be entertained or taken cognizance of by the Commission.
- (i) The complainant should address the complaint directly to the Commission.
- (j) Normally one specific issue should be raised in one complaint. However, if more than one specific issues are there, it is better to raise the same in separate complaint. Further, Complainants, while forwarding their complaints to the Commission, should mention details one by one in a coherent manner so that the same can be understood unambiguously.
- (k) All types of complaints, even if printed or photocopied, should be clearly legible.
- (l) The complainants should lodge complaints only regarding issues having vigilance angle and which are not part of any litigation in any courts, tribunals, etc., i.e. the matter should not be sub-judice.
- (m) Complainants who want to keep their identity confidential should file complaint under the provisions of PIDPI resolution. The complainants who want to make whistle blower complaint under PIDPI Resolution should familiarize themselves with the proper procedure of PIDPI Resolution. Details of PIDPI Resolution are mentioned in Chapter-VI of these guidelines.

- (n) In the matter of complaint related to tenders, while the Commission may get the matter investigated, it would not generally interfere in the tendering process.

2.2 Lodging of Complaints

Complaints can be lodged with the Commission by addressing a written communication/letter directly to The Secretary, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, INA, New Delhi- 110023, complaints can also be lodged online on Commission's portal www.portal.cvc.gov.in or through the Commission's website www.cvc.gov.in under the link "Lodge Complaint" which is available on home page.

CHAPTER-III

Central Vigilance Commission, in Chapter III of Vigilance Manual 2021, has clarified that Complaint is a piece of statement or information containing details about offences alleged to have been committed under the PC Act, 1988, or malpractice/misconducts under Conduct Rules governing specified categories of public servants.

3.1 Source of Complaints

3.1.1 Information about fraud, corruption, malpractice or misconduct on the part of public servants may flow to the agencies concerned, in the form of a complaint from any of the following or other sources: -

- (a) Complaints received from employee(s) of the organisation or from the public.
- (b) Departmental inspection reports, stock verification reports and reports of irregularities in accounts detected during routine Audits of accounts.
- (c) Scrutiny of annual property returns.
- (d) Scrutiny of transactions reported under the Conduct Rules applicable.
- (e) Audit reports on Government accounts and on the accounts of Central public undertaking and other corporate bodies, etc.
- (f) Reports of Parliamentary Committees like the Estimate Committee, Public Accounts Committee and the Committee on Public Undertakings.
- (g) Proceedings of the Houses of Parliament.
- (h) Complaints and allegations appearing in the print and electronic media.
- (i) Information shared by agencies like CBI, ACB, Lokayukts, etc.

(Vigilance Manual 2021, Chapter-III, Para 3.1.1)

3.1.2 Information about corruption, malpractices & misconduct may also be gathered by the CVOs by adopting appropriate methods keeping in view the nature of work of the respective organisation.

(Vigilance Manual 2021 Chapter-III, Para-3.1.2)

3.1.3 Information about corruption and malpractices on the part of Public Servants may also be received from their subordinates or from other public servants, in the form of complaints.

(Vigilance Manual 2021 Chapter-III, Para-3.1.3)

3.2 The audit reports (internal, statutory or by Comptroller & Auditor General) are also authentic sources which reveal not only instances of inappropriate activities but also point out towards specific and serious violation of rules / procedures etc. involving suspected acts of corruption. These reports should be scrutinized by the CVOs and other authorities concerned to look for any possible misconduct. In case, any vigilance angle is perceived, the same has to be brought to the notice of the Commission for further appropriate action, as per Commission's mandate and relevant rules etc.

(Vigilance Manual 2021, Chapter-III, Para 3.2 read with Commission's Circular No. 3(v)/99/14 dated 16.05.2001)

3.3 Complaint Handling Policy of Commission

A detailed Complaint Handling Policy has been laid down by the Commission vide its Circular No. 004/VGL/020(pt.) dated 01.07.2019. The Commission on receipt of a complaint against officials covered under its jurisdiction may inquire or cause an inquiry or investigation to be made into the same, wherein it is alleged that the official concerned has committed an offence under the Prevention of Corruption Act, 1988 (as modified in 2018) and an offence with which he may, under the Code of Criminal Procedure, 1973, be charged at the same trial. The salient features of the Complaint Handling Policy are given below:-

- (a) Commission deals with complaints in the matters of corruption and irregular acts having vigilance angle. Redressal of grievances should not be the focus of complaints to the Commission.
- (b) Anonymous or Pseudonymous complaints are not entertained.
- (c) As already informed in Para 2.2, complaints can be lodged either through written communication or through Commission's portal and Commission's website.
- (d) No fee shall be chargeable for lodging complaints with the Commission.
- (e) The procedure for dealing with complaints in the Commission has been defined under Regulation 3 of CVC (Procedure for Dealing with Complaints and Procedure of Inquiry) Regulations, 2021.
- (f) A mechanism has been put in place through Public Interest Disclosure and Protection of Informer (PIDPI) Resolution 2004, under which "Whistle-Blowers" can lodge complaints and their identity is not revealed to any source. This is an effective substitute for anonymous/ pseudonymous complaints. Central Vigilance Commission has been authorised as the "Designated Agency" to receive complaints from "whistle-blowers" and act on them, on merit. The CVOs of "Ministries/ Departments" of Government of India have also been authorised as the "Designated Authorities" for receiving and acting on complaints from whistle-blowers. Detailed provisions of PIDPI Resolution are given in Chapter-VI of these guidelines.

CHAPTER-IV

Action taken on Complaints received in the Commission

4.1 On receipt of complaints in the Commission and after initial scrutiny of the contents, the Commission may take any of the following actions: -

- (i) get an investigation done through CBI or any other investigating agency into allegations levelled in the complaints. It may get the investigation done through the CVO of the organisation concerned or any other CVO or an officer of the Commission and call for investigation report (I&R); or
- (ii) send the complaint for Factual Report (FR) or Discreet Verification and obtain report; or
- (iii) send the complaint to the respective CVO for necessary action (NA); or
- (iv) file or close the complaint, without further action.

In case a view is taken to call for investigation and report (I&R) on a complaint, the Commission seeks confirmation from the complainant for owning or disowning the complaint. This step is necessary because, as per policy, the Commission does not take cognizance of anonymous or pseudonymous complaints. The complainant is also required to provide a copy of his/her identity proof. A communication in this regard is sent to the complainant, and he/she is required to respond within 15 days of the receipt of the communication from the Commission. However, in case of non-receipt of response within 15 days from the complainant, a reminder is also sent to him/her, giving another opportunity. In case of no response after 15 days of reminder, the complaint would be filed treating it as a pseudonymous complaint.

In case of action as stated in para 4.1 (ii) to (iv), a confirmation by the Commission from the complainant is not required.

4.2 Action on complaints where Investigation & Report (I&R) is sought by the Commission:

- (a) Once the Commission decides that a complaint is required to be investigated and report is to be submitted to the Commission, a unique complaint number (case sensitive) is provided to the complainant for such complaints. The Complainant can use this complaint number to know the status of action on his/her complaint by clicking on the 'Complaint Status' displayed on the Commission's website - www.cvc.gov.in.
- (b) Once a complaint has been registered in the Commission, further correspondence in the matter is generally not required. However, the Commission ensures that such complaints are investigated and action taken to its logical conclusion.
- (c) The CVOs or the agencies concerned are required to furnish investigation reports on such complaints within three months from the date of receipt of references from the Commission or within such time as specified by the Commission. In case more time is required to finalise the investigation and send a report to the Commission in the prescribed format, the CVO should seek extension of time, within 15 days of the receipt of reference from the Commission, giving specific reasons. Any such request by the CVO concerned should be sent to the Commission, alongwith the approval of the Chief Executive of the organisation concerned.

(Commission's Office Order No. 08/08/2020 dated 14.08.2020)

- (d) After receipt of investigation report, the Commission may tender its advice or seek further information/ clarification from the CVO. Such information/ clarification from the CVO should reach the Commission within six weeks of the receipt of communication by him. In case of any delay, the CVO concerned should seek extension of time from the Commission, alongwith valid reasons.

(Vigilance Manual 2021, para 3.4.2. (f))

4.3 Complaints forwarded for Necessary Action (N.A.) or closed without any action:

4.3.1 Complaints forwarded to CVOs for Necessary Action:

- (i) In respect of those complaints which are forwarded to CVOs of respective organisations for Necessary Action (N.A.); the CVO is required to scrutinize the complaints thoroughly and decide action on such complaints within a period of one month from the date of receipt of complaint from the Commission.
- (ii) Before initiating action on complaints forwarded for Necessary Action (N.A.), CVO should seek confirmation from the complainant for owning or disowning the complaint, as the case may be, together with copy of his identity proof, as the Commission does not seek confirmation from the complainant, on such complaints.
- (iii) In respect of the complaints referred by the Commission to CVOs for necessary action, in case they have been investigated and a vigilance angle has come to notice against an officer falling under the jurisdiction of the Commission, the case must be referred back to the Commission for obtaining its First Stage Advice. In such complaints, the timeline of three months for completion of investigation and submission of report would apply. Otherwise, such complaints require no further reference to the Commission and are to be disposed off by the Organisations concerned themselves after taking required action.
- (iv) CVO should update the status of complaints sent for necessary action on the Commission's website at www.portal.cvc.gov.in (*Commission's Circular No. 004/VGL/020 (Pt.) dated 13.08.2020*).
- (v) At the time of forwarding the complaint to the CVO concerned for necessary action, an acknowledgement is also sent to the complainant. Further status in this regard would be available with the CVO only and hence, it would be appropriate for the complainant to approach the CVO/ organisation concerned for obtaining information about the same, if he so desires.

4.3.2 Complaint closed without any action:

The following categories of complaints would ordinarily be closed without taking any further action on the same: -

- (i) Complaints containing allegations of administrative nature such as transfer, posting, promotion, leave etc.
- (ii) Complaints not directly addressed to the Commission and/or endorsed to multiple authorities;
- (iii) Complaints which are anonymous/ pseudonymous or contain vague, frivolous, non-specific allegations;

- (iv) Complaints about sub-judice matter;
- (v) Complaints against private persons, State Government officials, members of Parliament or State Legislature, elected representatives of other bodies, members of judiciary officials or private organisations etc. which are not covered within the Commission's jurisdiction;
- (vi) Complaints which are illegible.

4.4 Procedure for handling Complaints received against Secretaries to GOI, Chief Executives/ CMDs and Functional Directors of PSEs, PSBs and FIs:

- (a) Complaints against Secretaries to the Government of India, received by the authorities other than the Commission will be referred to the Cabinet Secretariat for placing the same before the Group of Secretaries headed by the Cabinet Secretary. Similarly, complaints against the Chief Executives and Functional Directors of Public Sector Undertakings and the CMDs and Functional Directors of Public Sector Banks and Financial Institutions received by authorities other than the Commission will be placed before a group of officers headed by Secretary (Coordination) in Cabinet Secretariat. The detailed procedure for the same is laid down in DoPT's OM No. 104/100/2009-AVD.I dated 14.01.2010 as amended by Corrigendum of the same no. dated 08.03.2010 and in DPE's OM No. 15(1)/2010/DPE (GM), dated 11.03.2010 as amended by OM of the same no. dated 12.04.2010 and dated 11.05.2011.
- (b) In respect of complaints received in the Commission against Secretaries to Government of India, where an investigation report is to be sought by the Commission, the same would be sought through Secretary, DoPT.
- (c) The complaints received in the Commission against Chairman/ CMDs/ MDs/ CEOs/ Functional Directors of CPSEs/PSB, etc. would be forwarded to the CVO of the Administrative Ministry for obtaining Investigation Report or for Necessary Action.
- (d) Complaints referred by the Commission to the Ministries/Departments against categories of officials as mentioned in para 4.4 (b) and (c) above, are to be dealt/ inquired into and report be submitted to the Commission by the respective authorities to whom the complaints are sent. Such complaints or reports thereon should not be forwarded to the group of Secretaries or Group of Officers for consideration.
(Commission's Circular No. 010/VGL/008 dated 27.07.2010 and 14.03.2011).

CHAPTER-V

5.1 Action on Complaints received by Ministries/ Departments/Organization:-

Complaints received by the Ministries / Departments/ Organisation in respect of the employees under their administrative control are to be dealt with by the organisation concerned.

5.1.1 Initial action on complaints received by Ministries/Departments/Organizations:-

- (a) Every Vigilance Section/Unit will maintain a vigilance complaints register in Form CVO-1, in two separate parts for category 'A' and category 'B' employees. A Specimen of Form CVO-1 is annexed as Annexure-I to these guidelines. Category 'A' includes such employees who are covered under the jurisdiction of the Commission, whereas category 'B' includes other employees. If a complaint involves both categories of employees, it should be shown against the higher category i.e. Category 'A'.
- (b) Every complaint, irrespective of its source, would be entered in the prescribed format in the complaints register chronologically. A complaint containing allegations against several officers may be treated as one complaint for statistical purpose.
- (c) Entries of only those complaints in which there is an allegation of corruption or improper motive; or if the alleged facts prima facie indicate an element or potentiality of vigilance angle, should be made in the register. Complaints of purely administrative matters or technical lapses should not be entered in the register and should be dealt with separately under "non-vigilance complaints".
- (d) Complaint against an employee of a Public Sector Enterprise or an Autonomous Organisation received by the administrative ministry concerned and also in the Commission, will normally be sent for inquiry to the organisation where he is employed. Such complaints should be entered in the vigilance complaints register of that organisation only and not in the vigilance complaints register of the administrative ministry in order to avoid duplication and inflation of statistics, except in cases in which, for any special reason, it is proposed to deal with the matter in the Ministry itself without consulting the employer organisation.

5.1.2 Scrutiny of complaints

Each complaint will be examined by the Chief Vigilance Officer and following actions should be taken:

- (a) If the allegations are vague, general and prima facie unverifiable, complaint may be dropped and filed by CVO. Wherever considered necessary, Head of Department may also be consulted.
- (b) A further check, a preliminary inquiry/investigation may be made to verify the allegations to decide whether or not, the public servant concerned should be proceeded against departmentally or in a court of law or both, if complaints gives definite information to do so. Detailed guidelines about the nature of investigation and the agency, which should be entrusted with it, are given in *Chapter-V of Vigilance Manual 2021*. The information passed on by the CBI to the Ministry/ Department regarding the conduct of any of its officers should also be treated in the same way.

5.1.3 Disposal of complaints

- (a) A complaint which is registered can be dealt with as follows: (i) file it (close it) without or after investigation; or (ii) forward it to the CBI for investigation / appropriate action; or (iii) forward it to the authority concerned for appropriate action if no vigilance angle is involved; or (iv) to take up for detailed investigation by the vigilance wing of the organisation. An entry to that effect would be made in columns 6 and 7 of the Vigilance Complaint Register (Form CVO-1) with regard to “action taken” and “date of action” respectively. A complaint is to be treated as disposed off in Quarterly Performance Report (QPR) either on issue of charge-sheet or on final decision for closing or dropping the complaint. If a complaint is taken up for investigation by the vigilance wing or in cases in which it is decided to initiate departmental proceedings or criminal prosecution, further progress would be monitored through other relevant registers. If there were previous cases/complaints against the same officer, it should be indicated in the remarks column i.e. Column 8.
- (b) Complaints received from the Commission under the provisions of *PIDPI Resolution* are not required to be verified for genuineness by the organisations, as the process of verification/confirmation is completed in the Commission prior to referring it for investigation or further necessary action. Therefore, such complaints should be taken up for investigation by the organisations immediately receipt of the same from the Commission. Such complaints shall, in other words, be treated as registered, immediately on receipt. The authorities concerned are required to send the report to the Commission within three months from the date of receipt of the reference.
- (c) Complaints received by the Department where the Commission has called for Investigation Report, shall be treated as a signed complaint (not required to be verified for genuineness) and taken up for investigation.

(Commission's Circular No. 01/01/2015 dated 23.01.2015)

5.2 Action on Complaints received by CPSE, PSB, PSIC, etc.

In addition to the guidelines as defined in para 4.3 & sub-para 4.3.1 of these guidelines, the following aspects may also be taken care of by the CVOs of the above-mentioned organisations:

- (a) Initially, the decision about the existence of vigilance angle in a complaint may be taken by the CVO. The Disciplinary Authority (DA) may differ with the CVO within a period of 15 days, giving valid reasons. However, in case of difference of opinion between the CVO and the Disciplinary Authority (DA) regarding the existence of vigilance angle, the matter alongwith the investigation report on complaint would continue to be referred to the Commission for its first stage advice.
- (Commission's Circular No. 07/04/15 (015-MS-016) dated 27.04.2015)*
- (b) In exercise of its functions and powers, the Commission can call for a report in respect of any complaint having vigilance angle relating to an organisation covered under the Commission's jurisdiction. Wherever the Commission calls for ‘investigation and report’ on a complaint, the report of the investigation should normally be sent to the Commission. However, after investigation, if it is found that the officials involved in the case are not covered under Commission's jurisdiction, the matter may be dealt with by the CVO of the organisation concerned himself. However, action taken by the CVO may be intimated to

the Commission in order to monitor compliance. Further, it is clarified that in so far as PIDPI complaints are concerned, the Commission has jurisdiction over all officials (irrespective of their level) of the organisation covered under the Commission's jurisdiction. Therefore, in respect of PIDPI Complaints, investigation report is to be sent to the Commission, for all categories of officials.

[Vigilance Manual 2021 Chapter-III, Para 3.6(d)]

5.3 Handling of Complaints against Board level officials

(a) A complaint involving a Board-level appointee, whether figuring alone or in association with others, is to be forwarded by the CVO of the CPSE, PSIC, PSB or PSFI etc, to the CVO of the administrative ministry. Under no circumstances, CVO of an organization should initiate action against the Board-level appointee of his organization. The CVO of the administrative ministry would initiate action on such complaints in accordance with the instructions given in *Vigilance Manual 2021, Chapter-III, Para 3.5*

(b) In cases where the Commission calls for investigation and report against a Board level appointee, the CVO of the administrative ministry shall initiate investigation and furnish report to the Commission in the prescribed format.

(Commission's Circular No. 06/03/11 dated 14.03.2011)

(c) If the CVO of an administrative ministry asks for a factual report against a Board level appointee from the CVO of the organisation concerned, the latter will send the same to the CVO of the Ministry/ Department, after endorsing a copy of the report to the CMD. The CVO of the Ministry/ Department may make a reference to the Commission after collecting all the relevant facts and following the prescribed procedure.

[Vigilance Manual 2021 Chapter-III, Para 3.7(c)]

(d) If a complaint against a Board level appointee is directly received by the CPSEs/PSBs/PSICs/PSFI etc., the CVO shall forward the same to the CVO of the administrative ministry for consideration.

[Vigilance Manual 2021 Chapter-III, Para 3.7(d)]

(e) In the case of PSEs and PSBs, sometimes, it is found that there is a spate of complains against individuals whose names are being considered/ finalized for Board Level appointments. Similarly, when an official is due for promotion, sometimes old complaints are taken cognizance of and investigation is started against the official. In order to avoid unnecessary harassment to the officials, against whom frivolous complaints are received at the time of their promotion, selection or empanelment, the Commission has decided that for the purpose of giving vigilance clearance in such cases: -

i. As a rule, complaints /cases which are more than 5 years old and against which no action has been taken till then, should not be taken into cognizance. However, the limit of 5 years will not apply to cases of fraud and other criminal offences; and

ii. No cognizance should be taken of any complaint which is received up to 6 months prior to the initiation of selection process for Board level officials.

(Commission's Office Order No. 57/8/04 dated 31.08.2004)

5.4 Handling of Complaints against CVO, VO, etc.

Any complaints against the CVO should be immediately referred to the Commission and the Commission would decide the further course of action thereon. However, the complaints against the other vigilance functionaries shall be looked into by the CVO personally and further action would be taken as per prescribed procedure.

5.5 Action on Complaints received from Members of Parliament and dignitaries:

References received from Members of Parliament and Dignitaries are to be dealt as per procedure laid down in Central Secretariat Manual of Office Procedure brought out by the Department of Administrative Reforms and Public Grievances. A confirmation about lodging the complaint shall be sought from the dignitary. On receipt of confirmation, the complaint shall be dealt with on priority.

(Refer to Annexure-II of these guidelines)

5.6 Action on Anonymous/Pseudonymous Complaints

5.6.1 DoPT's OM No. 104/76/2011-AVD.I dated 18.10.2013 and Commission's Circular No. 07/11/2014 dated 25.11.2014 provide that no action is required to be taken on anonymous complaints irrespective of the nature of the allegations and such complaints need to be filed.

5.6.2 The Commission has furnished clarification vide Circular No. 03/03/16 dated 07.03.2016 regarding action to be taken on anonymous/ pseudonymous complaints which were acted upon and were at different stages of process (including disciplinary proceedings) before issuance of Commission's Circular No. 07/11/2014 dated 25.11.2014. The following actions are to be taken in such matters:-

- (a) No action should be taken on anonymous/ pseudonymous complaints in line with Commission's Circular No. 07/11/2014 dated 25.11.2014, and such complaints should be filed.
- (b) However, where the action was initiated on anonymous/pseudonymous complaints prior to the issuance of Commission's Circular No. 3(v)/99/2 dated 29.06.1999; it can be pursued further and be taken to its logical end.
- (c) Where action was initiated on anonymous/pseudonymous complaints between the period 11.10.2002 and 25.11.2014 with prior concurrence of the Commission but the same has not been concluded, further action is permissible on such complaints.
- (d) Material/evidence gathered during the investigation/verification of anonymous complaints when the action was prohibited on such complaints (i.e. between 29.06.1999 & 11.10.2002), or where such inquiry was initiated without the approval of the Commission, can be utilized for further initiation of disciplinary proceedings on misconducts noticed in such verification/inquiry.

5.6.3 It may be noted that the procedure for handling anonymous / pseudonymous complaints has been modified in view of the fact that complainants who desire to protect their identity now have the protection of the Public Interest Disclosure & Protection of Informers

Resolution- 2004 (PIDPIR). Relevant instructions on this have been issued vide DoPT's OM No. 104/76/2011-AVD.I dated 18.10.2013.

CHAPTER-VI

PIDPI COMPLAINTS

Introduction

The Hon'ble Supreme Court of India, while hearing the Writ Petition (C) no. 539/2003 relating to the murder of Sh. Satyendra Dubey, directed the Government of India to set up a suitable mechanism for receipt and enactment of complaints from "Whistle-Blowers". Accordingly, Department of Personnel and Training issued Resolution No. 89 dated 21st April, 2004, commonly known as Public Interest Disclosure and Protection of Informers Resolution, 2004, resolving to set up a mechanism by which a complainant can lodge a complaint in the prescribed manner and also seek protection against his victimisation for doing so. (Such complainants, called Whistle Blowers, are entitled to non-disclosures of their identity publically, unless, they themselves do so). The Central Vigilance Commission has been authorised under the PIDPI Resolution, as the Designated Agency to receive complaints from whistle blowers.

6.1 Provisions of PIDPI Resolution

The Government of India vide Gazette Notification No. 371/12/2002-AVD-III dated 21.04.2004 r/w Corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004, wherein the following provisions relating to the complaints being lodged by Whistle-Blowers have been made:-

- (a) The Central Vigilance Commission is authorised as the "Designated Agency" to receive written complaints or disclosure on any allegation of corruption or of misuse of office by 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.
- (b) Any public servant or a person including an NGO can make written disclosure to the designated agency except those referred in clauses (a) to (d) of Article 33 of Constitution.
- (c) The designated agency may call for further information or particulars from the persons making the disclosure.
- (d) Anonymous complaints shall not be acted upon.
- (e) The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity.
- (f) The Head of the Department/Organisation to keep the identity of informant secret if he comes to know about it.
- (g) The designated agency may call the comments/explanations of the Head of Department/Organisation on the disclosure made.
- (h) The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received.

- (i) The designated agency on finding the allegation of misuse of office or corruption substantive, shall recommend appropriate action to the Department or Organisation concerned.
- (j) If the informant feels that he is being victimised, he may make an application before the designated agency seeking redressal in the matter. The designated agency may give suitable directions to the public servant or the public authority concerned.
- (k) If on an application or on the basis of information gathered, the designated agency is of the opinion that the complainant or the witness need protection, it shall issue appropriate directions to the Government authorities concerned; and
- (l) In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.2 Amendments to PIDPI Resolution:

The DoPT vide Notification No. 371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution, 2004. The amended provisions are as under: -

- (a) The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the "Designated Authority" to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.
- (b) Either on receipt of application from the complainant, or on the basis of the information gathered otherwise, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.
- (c) The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

6.3 Guidelines for the PIDPI Complainant

In furtherance of the PIDPI Resolution, 2004, Central Vigilance Commission vide Office Order No. 33/5/2004 dated 17.05.2004 issued guidelines and Public Notice regarding the procedure to be followed for filing whistle-blower complaints under the PIDPI Resolution, 2004, to ensure that the identity of complainant is kept secret. The following procedure has been prescribed in the public notice: -

- (a) The complaint should be in a closed / secured envelope.
 - (b) The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed "**Complaint under the Public Interest Disclosure**". The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.
- (Para 4.2(b) of Vigilance Manual 2021)*
- (c) Commission will not entertain anonymous / pseudonymous complaints.

- (d) The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable.
- (e) 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. If any further clarification is required, the Commission will get in touch with the complainant.

(Para 4.2(b) of Vigilance Manual 2021)

- (f) On the advice of the Commission, in order to maintain confidentiality about the complainant's identity, the Department of Posts vide Circular No. 31-01/2021-PO dated 03.03.2021 has directed all post offices not to insist on the name and address of the complainant. It is mandatory for all post offices. The directions are reproduced as below:-

“Any article, addressed to the CVC as well as CVOs posted with the superannuation “Complaint under the Public Interest Disclosure” or “PIDPI Complaint” on the outside of the envelope of the article, can be accepted for posting registration and speed post service, without the name and complete address including mobile number & email address of the sender”.

- (g) The Commission can also take action against complainants making motivated/vexatious complaints under this Resolution.

6.4 Procedure adopted by Central Vigilance Commission on PIDPI Complaint

- (a) Complaints received under PIDPI Resolution are opened in a separate section, specially created for dealing with complaints from Whistle-Blowers. The section is called ‘Confidential Section’ and parallel files (separate file for each complaint) are created after concealing the name and address of the complainant.
- (b) Pseudonymous/ Anonymous PIDPI complaints will be filed and no action will be taken. The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution and are forwarded by the Confidential Section to the Vigilance Section concerned of the Commission for taking necessary action under Complaint Handling Policy of the Commission.
- (c) In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain (a) confirmation as to whether he / she has made the complaint or not and (b) a certificate that that he / she has not made similar / identical allegation of corruption / misuse of office to any other authorities to qualify as a Whistle Blower Complainant. Prescribed time limit for receiving the confirmation and the certificate from the Complainant is 30 days from the date of receipt of Commission's letter by the complainant. In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate, to the Commission. If there is still no response from the complainant, the complaint is sent to the Branch concerned of the Commission for necessary action under Complaint Handling Policy of the Commission.
- (d) The Commission has decided to discontinue the practice of obtaining NOC from the Whistle Blower/complainant.

(Commission's Public Notice dated 30.07.2021)

- (e) After receiving necessary confirmation from the complainant, the complaint is placed before the Screening Committee for decision.
- (f) The Screening Committee is headed by the Secretary and the Additional Secretaries of the Commission are members. The Screening Committee examines all complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.
- (g) When a complaint is put up to the Screening Committee, if it is found that there are certain shortcomings due to which it does not fulfil the eligibility criteria, it will be returned to the complainant, clearly enumerating the reasons for not fulfilling the eligibility criteria. The complaint will then be closed in the Commission. Thereafter, the complainant has the option of either sending a fresh regular complaint to the Central Vigilance Commission under its Complaint Handling Policy or may again lodge a fresh complaint if desired under PIDPI Resolution after removal of the deficiencies.
(Commission's Public Notice dated 30.07.2021)
- (h) The complaints, where necessary action has been recommended by the Screening Committee, are referred to the Vigilance Branch concerned for further action. Complaints recommended for investigation and report is sent to the Vigilance Branch concerned of the Commission for further action after approval of the Commission. The Commission has prescribed a period of 12 weeks from the date of receipt of reference from the Commission, for the organizations to submit investigation report.
(Commission's Circular No. 12/09/18 dated 28.09.2018)
- (i) The complaints/ disclosures already categorized as Non-Public Interest Disclosure and Protection of Informers (Non-PIDPI) complaints/ cases where No Objection Certificate was received from the complainant before issuance of Public Notice dated 30.07.2021 will continue to be processed as per *Commission's Public Notice dated 24.04.2019*.

6.5 Protection for Whistleblowers

6.5.1 The PIDPI Resolution dated 21.04.2004 provides for the following provisions for protection of Whistle Blowers: -

- (a) Clause 6 - If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency i.e. CVC, seeking redressal in the matter, who shall take such action as deemed fit. The designated agency may give suitable directions to the public servant or the public authority concerned as the case may be.
- (b) Clause 7 - Either on the application of the complainant, or on the basis of the information gathered, if the designated agency is of the opinion that either the complainant or the witnesses need protection, the designated agency shall issue appropriate directions to the Government authorities concerned.
- (c) Clause 11 – In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.5.2 The Commission, after receipt of representation (s) from Whistle Blowers about threat to their life, takes up the matter with the Ministry of Home Affairs, the Nodal Agency, to undertake the responsibility of providing security cover to the genuine Whistle Blowers. On the advice of the Ministry of Home Affairs, State Government/UTs have appointed

Nodal Officers and details of such officers nominated by State Governments are furnished to the Commission from time to time by the Ministry of Home Affairs.

- 6.5.3** As regards protection against victimisation or harassment within the organisation, the Commission forwards such complaints of Whistle Blowers to the CVO of the organization concerned for appropriate action.

6.6 Supervision and Monitoring of Designated Authority

Clause 11A of PIDPI Resolution dated 14.08.2013 (amendments) provides that the Central Vigilance Commission shall supervise and monitor the complaints received by the Designated Authorities. A report on PIDPI complaints received by Designated Authorities, including cases of alleged harassment/victimisation received, are required to be sent to the Commission by the CVOs of the respective Ministries/ Departments.

CHAPTER-VII

Miscellaneous

7.1 Systemic Improvement

It should be ensured by the organisations concerned that each and every complaint and the resultant investigation report is scrutinized thoroughly to find out the possibility of systemic lacunae, that may have resulted in irregular acts being committed by the suspected officials. The outcome of such a scrutiny should be utilized to devise and implement systemic improvements to stop recurrence of such irregular acts. The organisation should prepare case-studies giving details of modus-operandi alongwith corrective measures and the same should be circulated in the organisation for educating/ alerting the officials/authorities. In case, it is felt that the systemic loopholes that have come to notice may have effect across the industry or among other organisations also, the permissible details may be shared with the administrative Ministry/ Department, the regulatory authorities concerned and also with the Commission, for issuing appropriate guidelines, as may be deemed fit.

7.2 Reporting and Review of complaints

It is the responsibility of the CVO to review all complaints pending for investigation in the Organisations at regular intervals, preferably in the first week of every month and take necessary steps for ensuring expeditious finalization of reports and further necessary action, as may be required in individual cases.

(Detailed guidelines may be seen in Para 4.2(c) of these guidelines).

7.3 Various timelines related to complaints

The Commission has been laying emphasis on timely/ prompt action on complaints in order to ensure that irregularities, if committed, are surfaced at the earliest possible and all preventive/ punitive measures can be taken expeditiously. For this purpose, the Commission has issued guidelines on various occasions, specifying the time limit for dealing with complaints. The same as summaries in the following table: -

Sr. No.	Description	Timeline
1	Timeline for seeking confirmation from complainant before initiating Investigation process.	15 days
2	If confirmation not received within 15 days reminder to be sent to complainant. (If no response received even after reminder, complaint may be filed treating as pseudonymous complaints.)	15 days
3	Timeline for submission of Investigation Report to the Commission on Complaints referred by it to the CVOs concerned for investigation.	3 months (or as may be specified by the Commission, in individual matter)
4	In case, it is felt that it would not be possible to complete the investigation within the specified period, time limit	15 days

	for approaching the Commission for seeking extension of time, with the approval of the competent authority.	
5	Timeline for submission of investigation report in PIDPI complaints, referred by the Commission.	12 weeks
6	Timeline for submitting response by CVOs to the Commission in respect of references made by it to CBI/ Ministries for clarification/comments in the matter of complaints.	6 weeks
7	Timeline for CVOs to scrutinize and decide about action to be taken on the complaints sent by the Commission for necessary action to the CVOs concerned.	1 month
8	Timeline for giving opinion by the Disciplinary Authority, about existence of vigilance angle in complaint, in case of difference of opinion with CVO	15 ays

7.4 Withdrawal of Complaints by Complainant

It is to be noted that once a complainant confirms the complaint and investigation has been initiated by the Commission/ Organisation, it is not permissible to withdraw/ stop the investigation, even if the complainant requests for withdrawal or for stopping the investigation. The allegations contained in the complaint have to be taken to their logical conclusion, once investigation has started.

7.5 Action against persons making false complaints

There are specific provisions in law to deal with false, frivolous, and motivated complaints. The same are not evoked ordinarily for the sake of genuine complainants. However, in cases where it can be established that the complaints were lodged with a malafide/ulterior motive to harass or harm an innocent Government servant, necessary action could be taken against such complainants as per law.

The following actions may be taken against persons making false complaints:-

- (a) Under *Section 182 of the Indian Penal Code, 1860*, a person making false complaint can be prosecuted.
- (b) Under section 195(1)(a) of *Code of Criminal Procedure, 1973* a person making a false complaint can be prosecuted on the basis of a complaint lodged with a court of competent jurisdiction by the public servant to whom the false Complaint was made or by some other public servant to whom he is subordinate.
- (c) If the person making a false complaint is a public servant, departmental action may also be considered against him as an alternative to prosecution.

7.6 The Commission is responsible for advising Ministries/Departments in the matters related to integrity in administration as also to exercise a general check and supervision for overall effective Vigilance Administration. For this purpose, Commission has powers to call for reports, returns and statements. The Commission may, if deemed necessary, conduct inquiry/ investigation, of its own, as per its functions and powers.

(Section 8(1)(c), 8(1)(d) and Section 11 of CVC Act)

Annexure-I

PROFORMA

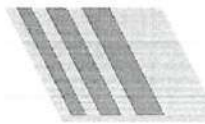
CVO-1

C.V.O. Register 1 of complaints to be maintained in separate columns for category A and Category B employees.

A. No.	Source of Complaint (See N.B.1)	Date of receipt	Name and designation of officers(s) complained against	Reference to file No.	Action taken (See N.B.2)	Date of action	Remarks (See N.B.3)
1	2	3	4	5	6	7	8

N.B:

1. A Complaint includes all types of information containing allegations of misconduct against public servants, including petitions from aggrieved parties, information passed on to the CVO by CVC, and CBI, press reports, findings in inspection reports, audit paras, PAC reports, etc. In the case of petitions the name and address of the complainants should be mentioned in Col. 2 and 1 and in other cases, the sources as clarified above should be mentioned.
2. Action taken will be of the following types: (a) filed without enquiry (b) Filed after enquiry (c) Passed on to other sections as having no vigilance angle (c) Taken up for investigation by Departmental vigilance agency.
3. Remarks Column should mention (a) and (b).
 - (a) If there were previous cases / complaints against the same officer, the facts should be mentioned in the "Remarks" column.
 - (b) Date of charge-sheet issued, wherever necessary.



(Extracts from CENTRAL SECRETARIAT MANUAL OF OFFICE PROCEDURE,
14th Edition, May 2015)

CHAPTER-V

37. Correspondence with Members of Parliament and VIPs—

- (i) Communications received from Members of Parliament and VIPs should be attended to promptly.
- (ii) Where a communication is addressed to a Minister, it shall, as far as possible, be replied to by the Minister himself. In other cases, a reply should normally be signed by an officer of the rank of Secretary only.
- (iii) Where, however, a communication is addressed to the head of an attached or subordinate office, Public Sector Undertakings, Financial Institutions (including Nationalised Banks, Division / Branch In charge in a Ministry / Department / Organisation, shall be replied to by the addressee himself. In routine matters, he may send an appropriate reply on his own. In policy matters, however, the officer should have prior consultation with higher authorities before sending a reply. It should, however, be ensured that the minimum level at which such replies are sent to Members of Parliament and VIPs is that of Under Secretary and that also in letter form only.
- (iv) Normally information sought by a Member / VIP should be supplied unless it is of such a nature that it would have been denied to him even if asked for on the floor of the Houses of Parliament.
- (v) In case, a reference from an ex-Member of Parliament is addressed to a Minister or Secretary, reply to such reference may be sent by a Joint Secretary level officer after obtaining approval of the Secretary of the Ministry / Department. In case the reference is addressed to a lower-level officer, reply to such reference could be sent by the officer on his own in non-policy cases and after obtaining approval of the higher authorities in policy cases. However, the minimum level at which reply could be sent should be that of an Under Secretary and that too in a polite letter form only.
- (vi) Each communication received from a Member of Parliament / VIP, shall be acknowledged within 15 days, followed by a reply within the next 15 days of acknowledgement sent.
- (vii) Appropriate record shall be maintained in respect of communications received from Members of Parliament and VIPs and monitored by all concerned. A similar procedure may also be followed for judicial / quasi-judicial matters.

CHAPTER XI

CHECKS ON DELAYS

60. Timely Disposal of receipts and monitoring of Parliamentary Assurances, Parliament Questions, Applications under RTI Act, 2005, MP / VIP References, CAT / Court Cases, etc. –

Time Limits will be fixed for disposal of as many types of cases as possible handled in the Department through Departmental instructions. As a general rule, no official shall keep a case pending for more than 7 working days unless higher limits have been prescribed for specific types of cases through Departmental instructions. In case of a case remaining with an official for more than the stipulated time limit, an explanation for keeping it pending shall be recorded on the note portion by him. The system of exception reporting will be introduced to monitor the disposal of receipts. For timely disposal and monitoring of Parliament Assurances, Parliament Questions, Applications under RTI Act, 2005, MP / VIP References, Judicial / quasi-judicial, etc. each Department shall maintain separate records of such cases.

E-Governance methods, suiting to the requirements, should also be adopted for monitoring and tracking of Government work.



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No.....006/PRC/1

दिनांक / Dated.....12.01.2022

Circular No. 03/01/22

Subject: Obtaining documents from CBI for the purpose of departmental inquiry proceedings- regarding

Reference: -

- (i) Commission's Circular No. NZ/PRC/1 dated 26.2.2004
- (ii) Commission's Circular No. 25/7/06 dated 06.07.2006
- (ii) Commission's Circular No. 18/12/20 dated 14.12.2020
- (vi) Commission's Circular No. 22/12/21 dated 08.12.2021

Central Vigilance Commission, as part of effective vigilance administration, gives due importance to timely finalization of inquiry proceedings.

2. However, it has come to notice that there have been occasions, when departmental inquiries are held up or slowed down due to non-availability of listed documents or delay in procuring/producing the same during the course of inquiry. One of the reasons stated for delay in producing documents during inquiry proceedings, is that in cases investigated by CBI, the original documents remain in the custody of CBI. In this regard attention is invited to Para (vi) of Commission's Circular No. 25/7/06 dated 06.07.2006, vide which it was directed that *"It should be ensured that the listed documents are obtained from the CBI before issuing the chargesheet and, where parallel proceedings are to be initiated, a set of listed documents, dully certified, is obtained from*

Contd...2...

the CBI". Further, in Para 6.9 (d) of Vigilance Manual 2021, it has been clarified that in respect of documents, which are taken in custody by CBI, "*the departmental authorities may keep attested copies of the records for meeting urgent departmental needs or for disposing of any action that may be pending on the part of the Department*". Moreover, in para 6.9 (n) and 6.9 (o) of Vigilance Manual 2021, the procedure for obtaining documents from CBI, for the purpose of initiating departmental action has been clearly defined and enlisted. The Commission has directed that the above guidelines should be kept in mind for obtaining required documents from CBI, so that the inquiry proceedings do not suffer delay on this account.

3. The above guidelines may also be brought to the notice of all authorities concerned by the respective Chief Vigilance Officers.
4. It may be noted for strict compliance.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



सत्यमेव जयते

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CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
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सं./No..... 006/PRC/1
12.01.2022
दिनांक / Dated.....

Circular No. 01/01/22

Subject: Timely completion of Departmental Inquiries-procedure regarding

Reference: -

- (i) Commission's Circular No. NZ/PRC/1 dated 26.2.2004
- (ii) Commission's Circular No. 21/08/09 dated 06.08.2009
- (iii) Commission's Circular No. 09/12/2014 dated 11.12.2014
- (iv) Commission's Circular No. 18/12/20 dated 14.12.2020
- (v) Commission's Circular No. 22/12/21 dated 08.12.2021

Central Vigilance Commission has issued various guidelines, emphasising on timely finalization of inquiry proceedings. Recently, the Commission, vide its Circular No. 22/12/21 dated 08.12.2021 has also asked the organizations to seek a monthly progress report from the Inquiry Officers, regarding the departmental inquiries being conducted by them.

2. It has been noticed that many a times, the inquiry proceedings are held up due to non-availability of required documents or delay in making available the listed documents for inspection by the Charged Officer and/or for taking on record by the Inquiry Officer. Such delay in production of documents during the course of departmental inquiry or non-availability of documents not only slows down the inquiry proceedings but may also sometime result in exoneration of the Charged Officer, despite being guilty of misconduct.

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3. The Commission has therefore directed that in order to ensure timely progress of inquiry proceedings, the authorities concerned must establish a proper mechanism for safe custody of the documents required during the inquiry proceedings against any Charged Officer. It should also be ensured that the documents/certified copies of the same (wherever required) are made available to the Presenting Officers, immediately after his appointment, so that the same can be produced during the course of departmental inquiry, as and when required.
4. The above guidelines may be brought to the notice of all authorities concerned in the organizations, by the respective Chief Vigilance Officers.
5. It may be noted for strict compliance.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of Gol
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of Gol/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



सत्यमेव जयते

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CENTRAL VIGILANCE COMMISSION



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सं./No..... 015/VGL/091

दिनांक / Dated..... 25.01.2022

Circular No. 05/01/22

Subject:- Adoption and implementation of Integrity Pact-Revised Standard Operating Procedure:- regarding.

The Commission has reviewed the Standard Operating Procedure (SOP) for adoption of Integrity Pact (IP) by all Government Organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous bodies etc. A copy of the revised SOP is enclosed, which would be applicable for adoption and implementation of the IP by the organizations concerned.

2. The present SOP would replace the earlier SOP issued vide Circular No. 06/05/21 dated 03.06.2021.

(Rajiv Varma)
Director

Encl.: As above.

To

- (i) All Secretaries of Ministries/Departments. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (ii) All CMDs/Head of CPSUs/Public Sector Banks/Organizations. **(The revised SOP may also be shared with the existing IEMs in the organizations concerned)**
- (iii) All CVOs of Ministries/Departments/CPSUs/Public Sector Banks/Organizations. **(The revised SOP may be brought to the notice of the Chief Executive of the organization concerned)**
- (iv) All Independent External Monitors.

STANDARD OPERATING PROCEDURE FOR ADOPTION OF INTEGRITY PACT

1.0 BACKGROUND

- 1.1 In order to ensure transparency, equity and competitiveness in public procurement, the Commission recommends adoption and implementation of the concept of Integrity Pact (IP) by Government organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous Bodies etc.
- 1.2 Vide Circular No. 06/05/21 dated 03.06.2021, the Commission issued a Comprehensive Standard Operating Procedure (SOP) for adoption and implementation of Integrity Pact.
- 1.3 Deptt. of Expenditure vide OM dt. 19.7.2011, issued guidelines to all Ministries / Departments / Organizations including their attached/subordinate offices and autonomous bodies for implementation of IP. Also, vide OM dated 20.7.2011 Deptt. of Expenditure requested Department of Public Enterprises for directions to Central Public Sector Enterprises for use of IP.
- 1.4 Further, in view of the increasing procurement activities of Public Sector Banks (PSBs), Insurance Companies (ICs) and Financial Institutions (FIs), the Commission vide Circular No. 02/02/2015 dated 25.02.2015 advised that all PSBs, PSICs and FIs shall also adopt and implement the Integrity Pact.

2.0 INTEGRITY PACT

2.1 The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer, committing the persons/officials of both sides, not to resort to any corrupt practices in any aspect/stage of the contract. Only those vendors/bidders, who commit themselves to such a Pact with the buyer, would be considered competent to participate in the bidding process. In other words, entering into this Pact would be a preliminary qualification. The essential ingredients of the Pact include:

- Promise on the part of the principal not to seek or accept any benefit, which is not legally available;
- Principal to treat all bidders with equity and reason;
- Promise on the part of bidders not to offer any benefit to the employees of the Principal not available legally;
- Bidders not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
- Bidders not to pass any information provided by Principal as part of business relationship to others and not to commit any offence under PC/IPC Act;
- Foreign bidders to disclose the name and address of agents and representatives in India and Indian Bidders to disclose their foreign principals or associates;
- Bidders to disclose the payments to be made by them to agents / brokers or any other intermediary;
- Bidders to disclose any transgressions with any other company that may impinge on the anti corruption principle.

Any violation of Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules/Guidelines etc. as may be applicable to the organization concerned.

- 2.2 Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties till the completion of contract. After award of work, the IEMs shall look into any issue relating to execution of contract, if specifically raised before them. As an illustrative example, if a contractor who has been awarded the contract, during the execution of contract, raises issue of delayed payment etc. before the IEMs, the same shall be examined by the panel of IEMs.

However, the IEMs may suggest systemic improvements to the management of the organization concerned, if considered necessary, to bring about transparency, equity and fairness in the system of procurement.

3.0 IMPLEMENTATION PROCEDURE

- 3.1 As stated in Department of Expenditure's O.M. dated 20.7.2011, Ministries/Departments may, in consultation with the respective Financial Adviser and with the approval of the Minister-in-charge, decide on and lay down the nature of procurements/contracts and the threshold value above which the Integrity Pact would be used in respect of procurement transactions/contracts concluded by them or their attached/sub-ordinate offices.

In case, any individual organization desires to lower the threshold value, they may do so with the approval of the competent authority of the organization.

Procurements/contracts would cover procurement of works, goods and services by the organization concerned.

- 3.2 The above provision is also applied for procurements/contracts made by autonomous bodies for which the Administrative Ministry/Department concerned should decide the type of procurement activities and the threshold value above which the Integrity Pact would be applicable.

The procurements/contracts would cover both purchases and works/services contracts being entered into by the organization concerned.

- 3.3 The provision for the Integrity Pact is to be included in all Requests for Proposal/Tender documents issued in future in respect of the procurements/contracts that meet the criteria decided in terms of para 3.1 and 3.2 above.
- 3.4 In all tenders covered under the Integrity Pact, particulars of all IEMs, including their email IDs, should be mentioned, instead of mentioning details of a single IEM.
- 3.5 The Purchase / procurement wing of the organization would be the focal point for the implementation of IP.
- 3.6 It has to be ensured, through an appropriate provision in the contract, that IP is deemed as part of the contract so that the parties concerned are bound by its provisions.
- 3.7 IP would be implemented through a panel of Independent External Monitors (IEMs), appointed by the organization. The IEM would review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact.
- 3.8 A clause should be included in the IP that a person signing IP shall not approach the Courts while representing the matters to IEMs and he / she will await their decision in the matter.
- 3.9 In case of a joint venture, all the partners of the joint venture should sign the Integrity Pact. In case of sub-contracting, the Principal contractor shall take the responsibility of the adoption of IP by the sub-contractor. It is to be ensured that all sub-contractors also sign the IP.
- 3.10 A summary of procurement/contract awarded, which are covered under the IP shall be compulsorily shared with the IEMs on quarterly basis, during the meeting. Based on the specific requirement of the organisations and the no. of tenders floated, the meetings may be held on monthly or bi-monthly basis, instead of quarterly periodicity.

3.11 The final responsibility for implementation of IP vests with the CMD/CEO of the organization.

4.0 ROLE AND DUTIES OF IEMs

4.1 The IEMs would be provided access to all documents/records pertaining to the contract for which a complaint or issue is raised before them, as and when warranted. However, the documents/records/information having National Security implications and those documents which have been classified as Secret/Top Secret are not to be disclosed.

4.2 It would be desirable to have structured meetings of the IEMs with the Chief Executive of the Organisation on a half yearly basis to discuss / review the information on tenders awarded during the preceding six months' period. Additional sittings, however, can be held as per requirement.

4.3 The IEMs would examine all complaints received by them and give their recommendations/views to the Chief Executive of the organization, at the earliest. They may also send their report directly to the CVO in case of suspicion of serious irregularities requiring legal/administrative action. Only in case of very serious issue having a specific, verifiable Vigilance angle, the matter should be reported directly to the Commission. IEMs are expected to tender their advice on the complaints, within 30 days.

4.4 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process or during execution of contract, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an investigation, and submit their joint recommendations to the Management.

4.5 IEM should examine the process integrity, they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging malafide on the part of any officer of the organization should be looked into by the CVO of the concerned Organization.

- 4.6 The advisory role of IEMs is envisaged as that of a friend, philosopher and guide. The advice of IEM would not be legally binding and it is restricted to resolving issues raised by a bidder regarding any aspect of the tender which allegedly restricts competition or bias towards some bidders. At the same time, it must be understood that IEMs are not consultants to the Management. Their role is independent in nature and the advice once tendered would not be subject to review at the request of the organization.
- 4.7 Issues like warranty/guarantee etc. should be outside the purview of IEMs.
- 4.8 All IEMs should sign non-disclosure agreements with the organization in which they are appointed. They would also be required to sign a declaration of absence of conflict of interest.
- 4.9 A person acting as an IEM shall not be debarred from taking up other assignments such as consultancy with other organizations or agencies subject to his declaring that his / her additional assignment does not involve any conflict of interest with existing assignment. In case of any conflict of interest arising at a later date from an entity wherein he is or has been a consultant, the IEM should inform the CEO and recuse himself/herself from that case.
- 4.10 All organizations may provide secretarial assistance to IEMs for rendering his/her job as IEM.
- 4.11 In case of any misconduct by an IEM, the CMD/CEO should bring it to the notice of the Commission detailing the specific misconduct for appropriate action at the Commission's end.
- 4.12 The role of the CVO of the organization shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO in terms of the provisions of the CVC Act or Vigilance Manual, if a complaint is received by him/her or directed to him/her by the Commission.

4.13 All the deliberations during the IEMs' meetings should be minuted and in the next meeting, the IEMs should confirm the recorded minutes of the previous meeting.

5.0 APPOINTMENT OF IEMs

5.1 The IEMs appointed should be eminent personalities of high integrity and reputation. A periodical notice inviting applications from eligible persons will be published on the Commission's website. After due scrutiny and verification of the applications and accompanying documents, as may be deemed appropriate by the Commission, the name(s) would be included in the panel for consideration for nomination as IEM.

All applications received after due date of notice issued by the Commission, shall be considered alongwith applications received in response to the subsequent notice.

5.2 The zone of consideration of eminent persons for empanelment as IEMs would consists of:-

- (i) Officer who have held the post of Additional Secretary to Govt. of India or were in equivalent or higher pay scale, at the time of retirement (whether serving with Govt. of India or any State Govt.).
- (ii) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent to Additional Secretary to Govt. of India, at the time of retirement.
- (iii) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
- (iv) Chief Executive Officer of an organisation (other than listed above and were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement).
- (v) Officers of Armed Forces, who were in the pay scale of equivalent or higher to Additional Secretaries to Govt. of India, at the time of retirement.

- 5.3 The Commission would not include a retired person in the panel being maintained by it for consideration for nomination as IEM, if that retired person had accepted a full time assignment, post retirement, either in government sector or private sector or elsewhere. All those empanelled persons have accepted full time employment elsewhere, would cease to remain on the panel, from the date on which they have accepted the said assignment.
- 5.4 The Commission would nominate IEMs for an organization, from the panel of IEMs maintained by it. The proposal for nomination of IEMs in the respective organizations should be sent by the concerned department responsible for ensuring implementation of Integrity Pact in the organization, after taking approval of the competent authority. The proposal for nomination of IEMs should preferably be sent 3 months prior to the completion of tenure of the existing IEMs, failing which the Commission would nominate IEM(s) on its own from the panel, maintained by it.
- 5.5 The Commission would not consider the name of a retired officer/ executive for nomination as IEM in a particular organisation, in case that person has retired from the same organization or has conflict of interest in any form.

However, in case the person being appointed as IEM in a particular organization has a conflict of interest, which may have gone unnoticed, despite best efforts, he/she should inform the Appointing Authority about the same at the time of offer of appointment being given to him/her and should not accept the offer for appointment as IEM in that particular organization.

- 5.6 Three IEMs shall be nominated for appointment in Maharatna and Navratna PSUs and two IEMs shall be nominated in all other organizations.
- 5.7 A person may be appointed as an IEM in a maximum of three organizations at a time.

- 5.8 An empanelled person cannot be appointed in one organization for a period of more than three years.
- 5.9 Age should not be more than 70 years at the time of appointment.
- 5.10 In any organization, the IEMs shall be paid per sitting a fees of Rs. 25,000/- or fees as payable to Independent Board Members, whichever is less. However, in case, in any organization, the fee payable to Independent Board Members is less than Rs. 25,000/-, the organization concerned may, after due deliberation increase the fees payable to IEM, subject to the ceiling of Rs. 25,000/- per sitting.

However, the maximum amount payable to IEMs in a calendar year shall not exceed Rs. 3,00,000/- with respect to sitting fees.

Expenses on travel and stay arrangement of IEMs shall be equal to that of Independent Board Member of that organization.

- 5.11 The terms and conditions of appointment, including the remuneration payable to the IEMs, should not be included in the Integrity Pact or the NIT. This may be communicated individually to the IEMs concerned.
- 5.12 At the time of appointment of an IEM, a copy of SOP should be made available to the person being appointed by the organizations concerned. A copy of Commission's guidelines on "Illustrative check points for various stages of public procurement", available on Commission's website, i.e., www.cvc.gov.in, under CTE's corner may also be provided to the IEMs at the time of their appointment, for guidance purpose.
- 5.13 In the event of any dispute between the management and the contractor relating to those contracts where Integrity Pact is applicable, in case, both the parties are agreeable, they may try to settle dispute through mediation before the panel of IEMs in a time bound manner. If required, the organizations may adopt any mediation rules for this purpose.

In case, the dispute remains unresolved even after mediation by the panel of IEMs, the organization may take further action as per the terms & conditions of the contract.

The fees for such meetings shall be same as fee payable to IEMs otherwise and in addition to the fees for the regular meeting of IEMs, to be held otherwise and over and above the ceiling of Rs. 3,00,000/- annually, to be calculated as per calendar year. The travel and stay arrangement for such meetings shall be equal to that of Independent Board Member of the organization concerned. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties.

- 5.14 The names of all the IEMs of the organization should be available on the website of the organization concerned.

6.0 REVIEW SYSTEM

- 6.1 All organizations implementing IP would undertake a periodical review and assessment of implementation of IP and submit progress reports to the Commission. CVOs of all organizations would keep the Commission posted with the implementation status through their annual reports and special reports, wherever necessary.
- 6.2 All organizations are called upon to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and carry it to its effective implementation.



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No..... 015/VGL/091

दिनांक / Dated..... 25.01.2022

Circular No. 06/01/22

Subject:- Adoption and implementation of Integrity Pact – revision of eligibility criteria and process of nomination of Independent External Monitors-regarding.

- Reference:- (i) Commission's Circular No. 06/05/21 dated 03.06.2021
(ii) Commission's Circular No. 17/09/21 dated 14.09.2021
(iii) Commission's Circular No. 23/12/21 dated 20.12.2021
(iv) Commission's Circular No. 05/01/22 dated 25.01.2022

The Commission, vide Para 5.2 of SOP dated 03.06.2021 (for adoption and implementation of Integrity Pact) had specified the eligibility criteria for empanelment of eminent persons for nomination as Independent External Monitors (IEMs). Subsequently, the Commission has received feedback and suggestions from Chief Vigilance Officers and other individuals, regarding the eligibility criteria. On consideration and analysis of the same, the Commission has decided to modify the eligibility criteria. The zone of consideration of eminent persons for empanelment as IEMs to oversee implementation of Integrity Pact would now consist of –

- (i) Officer who have held the post of Additional Secretary to Govt. of India or were in equivalent or higher pay scale, at the time of retirement (whether serving with Govt. of India or any State Govt.).
- (ii) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement.

Contd...2...

- (iii) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
- (iv) Chief Executive Officer of an organisation (other than listed above), who were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement.
- (v) Officers of Armed Forces, who were in the pay scale of equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement.

2. Further the Commission has decided that the proposal for nomination of IEMs in the respective organizations should be sent by the concerned department responsible for ensuring implementation of Integrity Pact in the organization after taking approval from the competent authority. The proposal for nomination of IEMs should preferably be sent 3 months prior to the completion of tenure of the existing IEMs, failing which the Commission would nominate IEM(s) on its own, from the panel, being maintained by it.

3. A revised SOP for implementation of Integrity Pact has been issued vide Circular No. 05/01/22 dated 25.01.2022.



(Rajiv Varma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI / CPSUs / Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



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CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi-10023

सं./No..... 021-AIS-1(2)

दिनांक / Dated..... 02.02.2022

OFFICE MEMORANDUM

Subject:-Revised Proforma for furnishing details of the officers while seeking vigilance clearance – reg.

Reference Commission's OM No 021-AIS-1(2) dated 03.09.2021.

The vigilance profile of an officer contains crucial departmental inputs on his/her vigilance status, and therefore, forms the basis for further processing of proposal in the Commission. It is, therefore, required that vigilance profile should contain all relevant information about the officer, and it be submitted under the signature of CVO/HOD.

2. The Commission vide OM No. 021-AIS-1(2) dated 03.09.2021 (copy enclosed) has revised the profile-format, from '12-point' to '13-point' for departmental inputs. The additional point at Sl No 13 of the revised format reads as follows: **"Whether any complaint is pending against the officer [if so, details to be furnished]"**.

3. It has been observed that some Ministries/Departments are still submitting departmental inputs in the pre-revised format (containing 12 points) while soliciting 'vigilance status' of officers. The Commission has expressed concern in this regard.

4. All Ministries/Departments are, therefore, requested to ensure that proposals seeking vigilance status should contain vigilance profiles of concerned officers, in the **'revised 13-Point format'** only.

5. The above guideline may be noted for strict compliance.


(Vivek Kumar)
Director

To,

- (i) The Secretaries of all Ministries/Department of Gol
- (ii) All CVOs as per Portal (through NIC).

✓ Copy forwarded to Sr. TD, NIC, CVC - with a request to upload it on the Commission's website and notifying CVOs through the portal.



(Vivek Kumar)
Director



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Block A, INA, New Delhi-10023

सं./No.....021:AIS-1(2).....

दिनांक / Dated.....03.09.2021.....

OFFICE MEMORANDUM

Subject:-Revised Proforma for furnishing details of the officers by the Cadre Controlling Authorities while seeking vigilance clearance - reg.

Please find enclosed revised proforma, approved by the Commission, for furnishing details of the officers by the Cadre Controlling Authorities while seeking vigilance clearance from the Commission.

2. All the Cadre Controlling Authorities are requested to furnish the same in the revised proforma (S. No. 1 to 13 in two separate sheets) to enable processing from Commission's side in a smooth manner.

Anirban Biswas
(Anirban Biswas)
Under Secretary

Encl. As above.

All Cadre Controlling Authorities of Ministries/Departments.

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE COMMENTS/CLEARANCE BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :
2. Father's Name :
3. Date of Birth :
4. Date of Retirement :
5. Date of Entry into Service :
6. Service to which the officer belongs :
including batch/year cadre-etc
wherever applicable
7. Positions held :
(during the ten preceding years)

S.No	Organization (Name in full)	Designation & Place of posting	Administrative/nodal Ministry/Deptt. concerned (in case of officers of PSUs etc.)	From	To

DATE:

(NAME AND SIGNATURE)

VIGILANCE PROFILE OF OFFICERS FOR WHOM VIGILANCE COMMENTS/CLEARANCE BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

8. Whether the officer has been placed :
on the "Agreed List" or "List of Officers
of Doubtful Integrity".
(If yes, details to be given)

9. Whether any allegation of misconduct :
involving vigilance angle was examined
against the officer during the last 10
years and if so with what result (*)

10. Whether any punishment was awarded :
to the officer during the last 10 years
and if so, the date of imposition and
details of the penalty (*)

11. Is any disciplinary/criminal proceedings :
or charge sheet pending against the
officers, as on date. [if so, details to be
furnished – including reference no., if
any, of the Commission]

12. Is any action contemplated against :
the officer as on date [If so, details to
be furnished] (*)

13. Whether any complaint is pending :
against the officer [If so, details to be
furnished].

DATE:

(NAME AND SIGNATURE)

(*) If vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter.



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CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi-10023

सं./No..... 020-VGL-054/502950

दिनांक / Dated..... 03.02.2022

Circular No. 07/02/22

Subject:- Transfer/Posting of officers/officials working in Vigilance Unit of the organization- reg.

Reference:-

(i) Commission's Circular No. 98/VGL/60	dated 15.04.1999
(ii) Commission's Circular No. 98/VGL/60	dated 02.11.2001
(iii) Commission's Circular No. 17/4/08	dated 01.05.2008
(iv) Commission's Circular No. 02/01/12	dated 04.01.2012
(v) Commission's Circular No. 03/09/13	dated 11.09.2013
(vi) Commission's Circular No. 03/04/21	dated 05.04.2021

Central Vigilance Commission, as part of its functions relating to exercising supervision over vigilance administration of the organizations under its advisory jurisdiction, has issued guidelines relating to transfer of officers/officials working in Vigilance Units of the respective organizations. Based on the inputs/requests received from various organizations and in view of DoPT's Office Memorandum No. 372/7/2016-AVD-III dated 28.04.2017 relating to appointment and tenure of Chief Vigilance Officers, the Commission has reconsidered the matter relating to posting/transfer of officers/officials working in Vigilance Units of the respective organizations.

2. The Commission has directed that initial posting of an officer/official in Vigilance Unit of an organization should be for a period of three years only. If considered necessary, the tenure of the vigilance functionary may be extended for a minimum period of three months and a maximum of two years, only after review, which shall be based on his efficiency, integrity and requirement for completion of work on hand, etc. The continuation of an officer/official in Vigilance Unit beyond three years, shall be subject to concurrence of the Chief Vigilance Officer concerned. In case, CVO's position is vacant, concurrence of the Head of Vigilance Unit shall be required for granting extension of tenure beyond three years.

3. After transfer of an officer/official from Vigilance Unit, irrespective of the period for which he has served there, he should undergo a cooling off period of at least two years, before being considered for posting in Vigilance Unit again, if necessary.
4. The Commission has further directed that an exercise may be conducted and completed latest by 31.03.2022, by the respective organizations, to identify those officers/officials, who have completed the tenure of three years/five years (as on 31.03.2022) in Vigilance Unit. In case, services of an officer/official are required beyond the period of three years, such officers/officials may be identified and the process for their retention in Vigilance Unit (for a minimum period of three months and a maximum period upto two years) should be completed by 31.03.2022. Those officers/officials, who have completed three years as on 31.03.2022 and are not being considered for further extension, should be transferred latest by 30.06.2022. Further, in respect of those officers/officials, who have completed the tenure of five years as on 31.03.2022, the exercise of their transfer and relieving out of Vigilance Unit should also be completed by 30.06.2022. A compliance report regarding retention/transfer of all such vigilance personnel, may be reported/uploaded under Para (9) of the Quarterly Performance Reports, beginning from June, 2022.
5. It may be noted that the above guidelines are to be adhered to strictly and it may be ensured that:-
 - (a) None of the officers/officials in Vigilance Unit is retained beyond the period of three years, without the concurrence of CVO and approval of the Competent Authority.
 - (b) None of the officers/officials should continue in Vigilance Unit beyond the period for which extension has been granted, after initial tenure of three years (the extended period may be for a minimum of three months and a maximum upto two years).
 - (c) In case of non-performance of the vigilance functionary or due to any other sensitive issue, the Competent Authority may transfer the vigilance officer/official, any time during his posting in Vigilance Unit, with concurrence of the Chief Vigilance Officer.
6. In case of disagreement between the CVO and the Competent Authority regarding retention/transfer of any officer/official, which is not finally resolved, the matter may be placed before the Chief Executive of the organization concerned for a final decision. In case, the Competent Authority is the Chief Executive of the organisation, the matter may be placed before the Board of Directors/Governing body of the organisation or Secretary of the administrative ministry, for resolving the difference.
7. In order to ensure proper manpower strength in Vigilance Units, adequate number of suitable officers/officials should be provided. It should also be ensured that proper

replacement is provided at the time of transfer of officers/officials, so that proper manpower strength is maintained in the Vigilance Units.

8. The above instructions may be noted for strict compliance.



(Rajiv Varma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



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Block A, INA, New Delhi-10023

सं./No.....CVC/RTI/MISC/16/006

दिनांक / Dated.....04.02.2022

Circular No. 01/02/2022

Sub.: Clarification in respect of CVC Circular No. 03/03/2017 dated 10.03.2017 (Letter No. CVC/RTI/MISC/16/006) with regard to Order No. CIC/AD/A/2013/001326SA dated 25.06.2014 in the matter of Mr. Ramesh Chandra Jain Vs. Delhi Transport Corporation regarding misuse of RTI Act.

Attention is invited to Central Vigilance Commission's Circular No. 03/03/2017 dated 10.03.2017 relating to "Seeking similar information through repeated RTI Applications – Central Information Commission's decision - regarding".

2. It is clarified that the aforementioned circular was only to inform the organisations about CIC's Order No. CIC/AD/A/2013/001326SA dated 25.06.2014 in the matter of Mr. Ramesh Chandra Jain Vs. Delhi Transport Corporation which contained a number of observations regarding misuse of provisions of RTI Act.
3. The CPIOs/FAAs of the organisations are required to take a considered decision of their own, based on the provisions of RTI Act 2005.
4. All the CVOs are therefore advised that they may bring to the notice of all the CPIOs/Appellate Authorities of their organisations to furnish information to the RTI applicants as per the existing provisions of RTI Act, 2005.


(Bani Brata Roy)
Director

To,

All Chief Vigilance Officers

23



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सं./No. CVC/RTI/MISC/16/006.....

दिनांक / Dated..... 10.03.2017.....

Circular No. 03/03/2017

Subject: Seeking similar information through repeated RTI Applications-Central Information Commission's decision- regarding.

The attention of the CVOs concerned is drawn to the Central Information Commission's decision dated 25.06.2014 in case No. CIC/AD/A/2013/001326-SA in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi, in which the issue of seeking information by the RTI Applicants through repetitive Applications on similar issues/subject has been considered and decided by the Central Information Commission.

2. The Central Information Commission, in its decision, had observed that:-

"The Commission noticed that several applicants seek some information from one wing of the public authority, and based on the responses file a bunch of RTI questions from the same or other wings of same public authority, or from other authority. This will have a continuous harassing effect on the public authority. As the PIOs go on answering, more and more questions are generated out of the same and in the same proportion the number of repeated first appeals and second appeals will be growing."

3. The Commission after considering various aspects of the issue and the provisions of acts of similar nature in other countries, and also the decisions of earlier Information Commissioners has concluded that:-

"(i) Even a single repetition of RTI application would demand the valuable time of the public authority, first appellate authority and if it also reaches second appeal, that of the Commission, which time could have been spent to hear another appeal or answer another application or perform other public duty."

Contd...2...

(ii) *Every repetition of RTI application which was earlier responded will be an obstruction to flow of information and defeats the purpose of the RTI Act."*

4. The Central Information Commission, vide its decision No. CIC/AD/A/2013/001326-SA dated 25.06.2014 has thus, decided that:-

- "(i) No scope of repeating under RTI Act.*
- (ii) Citizen has no Right to Repeat.*
- (iii) Repetition shall be ground of refusal.*
- (iv) Appeals can be rejected."*

5. The CVOs may bring the above quoted decision of Central Information Commission to the notice of all the CPIOs/Appellate Authorities of their organizations, who may consider the Central Information Commission's decision, while deciding about the RTI Applications seeking similar information through repeated RTI Applications. The complete decision of Central Information Commission, in case No. CIC/AD/A/2013/001326-SA, in the case of Shri Ramesh Chand Jain Vs. Delhi Transport Corporation, GNCTD, Delhi is available on its website, www.cic.gov.in, in downloadable form and can be access from there.



(Rajiv Verma)
Under Secretary & Nodal CPIO

To,

All Chief Vigilance Officers

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सं./No.....021-AIS-1(2) 1507570

दिनांक / Dated 16.03.2022

OFFICE MEMORANDUM

Subject:- Revised Proforma for furnishing details of officers by the Cadre Controlling Authorities while seeking vigilance clearance-modification of Point No. 13- reg.

Kind attention is invited to the Central Vigilance Commission's OM of even number dated 03.09.2021 vide which 13-point proforma for capturing departmental inputs on antecedence of concerned officer has been circulated. The revised proforma has two distinct parts (Part-I & II) which are to be submitted separately, under the signature of CVO/HOD. Prior to this, the departmental inputs were captured in 12-point proforma. The additional point (Point No 13) of the revised proforma captures information on complaint(s) pending against the concerned officer, along with its relevant details (i.e. age/status/gist etc).

2. The Central Vigilance Commission discharges its functions and duties, as mandated under the CVC Act, 2003, amended from time to time. Para 3.3 (a) of the comprehensive guidelines issued by the Central Vigilance Commission vide its circular No. 25/12/21 dated 24.12.2021 (F. No. 021/VGL/051) on complaint handling mechanism reads as under:

"Central Vigilance Commission deals with complaints in the matters of corruption and irregular acts having vigilance angle."

Similarly, Para 1.4.9 of Chapter-I of Vigilance Manual (updated 2021) also stipulates that administrative misconduct would be dealt by the disciplinary authority in an appropriate manner. If lapse is without vigilance angle, the disciplinary authority would be within its rights to initiate appropriate penalty proceedings against erring employees.

3. Keeping in view the above, the Commission has decided to modify Point 13 of proforma, as under:

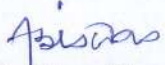
Present Provision

“13. Whether any complaint is pending against the officer [if so, details to be furnished]”

Revised Provision

“13. Whether any complaint **with vigilance angle** is pending against the officer [if so, details to be furnished]”

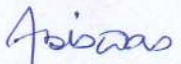
4. The 13-point proforma with above modification may be used for departmental input on antecedence of officers. A copy of the prescribed proforma, along with ibid modification, is enclosed herewith for information, and use by administrative ministries/department/organisations.
5. This issues with approval of the Commission.


(Anirban Biswas)
Under Secretary

To,

- (i) The Secretaries of all Ministries / Departments of Gol
- (ii) All CVOs as per Portal (through NIC)

Copy forwarded to Sr. TD, NIC, CVC-with a request to upload it on the Commission's website and notifying CVOs through the portal.


(Anirban Biswas)
Under Secretary

PARTICULARS OF THE OFFICERS FOR WHOM VIGILANCE COMMENTS /
CLEARANCE BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

1. Name of the Officer (in full) :
2. Father's name :
3. Date of Birth :
4. Date of Retirement :
5. Date of Entry into Service :
6. Service to which the officer belongs including batch / year cadre-etc wherever applicable :
7. Positions held (During the ten preceding years) :

S.No.	Organization (Name in full)	Designation & Place of posting	Administrative / nodal Ministry / Deptt. Concerned (in case of officers of PSUs etc.)	From	To
-------	-----------------------------	--------------------------------	---	------	----

DATE:

(NAME AND SIGNATURE)

VIGILANCE PROFILE OF OFFICERS FOR WHOM VIGILANCE COMMENTS /
CLEARANCE BEING SOUGHT

(To be furnished and signed by the CVO or HOD)

Name of the Officer :

8. Whether the officer has been placed on the "Agreed List" or "List of Officers of Doubtful Integrity". (If yes, details to be given) :

9. Whether any allegation of misconduct involving vigilance angle was examined against the officer during the last 10 years and if so with what result (*) :

10. Whether any punishment was awarded to the officer during the last 10 years and if so, the date of imposition and details of the penalty (*) :

11. Is any disciplinary / criminal proceedings or charge sheet pending against the officers, as on date. [If so, details to be furnished – including reference no., if any, of the Commission] :

12. Is any action contemplated against the officer as on date [If so, details to be furnished (*)] :

13. Whether any complaint **with vigilance angle** is pending against the officer [If so, details to be furnished]. :

DATE:

(NAME AND SIGNATURE)

(*) If vigilance clearance had been obtained from the Commission in the past, the information may be provided for the period thereafter.

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सं./No..... No. 021-AIS-6(7)

दिनांक / Dated..16:03:2022.....

OFFICE MEMORANDUM

Subject:- Confirmation on timely submission of Annual Immovable Property Return (AIPR) in the proposals seeking input of the Commission on vigilance status of officers for empanelment- reg.

Department of Personnel & Training's OM No. 11012/11/2007-Estt.A dated 27.09.2011 (copy enclosed) conveys the decision of the Govt of India that members of Central Civil Services/Posts who fail to submit Annual Immovable Property Returns of the relevant year within the prescribed time limit, would be denied vigilance clearance and they will not be considered for empanelment for senior level posts in Government of India. It has inserted sub-para 2(f) which reads as under, in the Department of Personnel & Trainings earlier OM No. 11012/11/2007-Estt.A dated 14.12.2007:

"(f) Vigilance clearance shall be denied to an officer if he fails to submit his annual immovable property return of the previous year by 31st January of the following year, as required under Government of India decision under Rule 18 of the Central Civil Services (Conduct) Rule, 1964."

2. Similarly, as per Rule 16(2) of AIS (Conduct) Rules, 1968, officers are required to submit property return latest by 31st January of each year, and Department of Personnel & Trainings has clarified that those who fail to submit the return on time will be denied vigilance clearance.

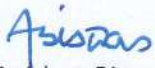
3. It is thus, evident that filing of AIPR on time is a mandatory pre-condition for grant of vigilance clearance. So far, the Commission has not been collecting information on AIPR filing while considering proposals for vigilance clearance, and screening to this effect is left to the concerned Ministry/Department/Organization. However, some proposals received by the Commission do contain information on AIPR filing by the concerned officers, and the same is taken in account while finalising input on their vigilance status.

As

Contd.

4. As timely filing of AIPR is a mandatory pre-condition for vigilance clearance, all Ministries/Departments/Organizations are requested to ensure that all officers, for whom vigilance input is solicited from the Commission, have filed AIPR within the stipulated time limit. In future, confirmation on timely filing of property return by concerned officer(s), or deviation in this regard, may also be recorded on the covering letter of proposals seeking vigilance clearance from the Commission, to avoid delay in processing of the cases.


5. The above guidelines may be noted for strict compliance.


(Anirban Biswas)
Under Secretary

To,

- (i) The Secretaries of all Ministries/Departments of Gol.
- (ii) All CVOs as per Portal (through NIC).

Copy forwarded to Sr. TD, NIC, CVC-with a request to upload it on the Commission's website and notifying CVOs through the portal.


(Anirban Biswas)
Under Secretary



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....000/VGL/018/507722

दिनांक / Dated...21.03.2022.....

Circular No.11/03/22

Sub:- Implementation of final penalty orders issued by the Competent Authority and submission of compliance report – reg.

As per the mandate given in Section 8(1) of the CVC Act, 2003, the Central Vigilance Commission tenders advice in vigilance matters to the Organizations concerned, in respect of the officers covered under Commission's jurisdiction.

2. After completion of Departmental Proceedings, final orders are issued against the Charged Officer(CO) by the Competent Authority, imposing an appropriate penalty on him, if the charges against the CO are found to be proved. The Commission and the CVO are also informed about issuance of final orders. However, it has come to the notice of the Commission that there have been instances where even after issuance of the final orders imposing the penalty, the orders are **not** implemented in reality, thus making the whole process of disciplinary proceeding infructuous.

3. The Commission has, therefore, decided that in order to ensure end to end action, the Chief Vigilance Officers of the organisations concerned should confirm about implementation of the final Penalty Orders issued in respect of each Charged Officer, who were found guilty, against whom advice for departmental action was tendered by the Commission.

4. A compliance report in this regard, for the calendar years 2020 and 2021, should be forwarded to the Commission latest by 30.06.2022. In continuation, the Chief Vigilance Officers of respective organisations should also submit an Annual Compliance Report about implementation of final Penalty Orders in respect of each such charged officer, latest by 30th June of every year, for the previous calendar year.

Contd....2...

5. A draft format of the report/statement (to be duly signed by the CVO concerned) is also enclosed as Annexure I.
6. It may be noted for strict compliance in future.



(Rajiv Verma)
Director

To

- (i) All Secretaries of Ministries/Departments of GOI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs
- (iv) Website of CVC

Name of Organisation: _____

Period: _____

This is to certify that penalty imposed on the Charged Officers during the aforementioned period, on the basis of advice tendered by the Central Vigilance Commission, has been implemented by the authorities concerned.

Signature and Name of CVO.



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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....**021-CVO-01**.....

दिनांक / Dated **4th April 2022**...

CIRCULAR No. 12/04/22

Sub:- Updation of CVO data-base – reg.

The Commission has created a digital database of Chief Vigilance Officers, after obtaining data from concerned Ministries/Departments/ Organisations. This database generates real-time reports about CVOs in position/vacant, their tenure, service composition, location etc. regarding both the full-time and part-time CVOs.

2. The Commission intends to share the data-base with all concerned organisation as it exists in the database. This will require movement of data from our intranet to internet. Till such time, a PDF file of the data has been created which may kindly be perused.

3. The utility of the data-base is dependent on its regular updation for which information such as name of Organisation, CVO name, Service/Batch, Tenure, contact details etc. are required as and when there are any changes in the CVO incumbency. For this purpose, an exclusive mail-ID (**cvo.iem-cvc@gov.in**) has been created for the concerned organisations to share the information.

4. In view of the above, all Ministries/Departments/Organisations are requested to go through the enclosed PDF version of CVO data-base both full-time & part-time and furnish the following information to the mail ID so as to enable the Commission to update the data-base:

- i. In case of any discrepancy noticed, the same may be reported.
- ii. In case any Organisation under the Ministry/Department to be added/deleted, the same may be reported.
- iii. In case of joining of new CVO (or) extension of tenure of a CVO, the same may be reported regularly.


(M. Janaki)
Director

Encl : PDF version of CVO data-base (full-time & part-time)

To
All Ministries/Departments/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc; - through mail.

Copy to:
IT Cell, CVC – for uploading the circular in website.



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....000/VGL/018/516250

दिनांक / Dated.....12.04.2022

Circular No. 13/04/22

Subject: Time Extension for providing further information/clarification by the Chief Vigilance Officer, as sought by the Commission - reg.

Reference: Commission's Office Order No. 11/09/20 dated 10.09.2020

Central Vigilance Commission in accordance with the provisions contained under Section 8(1)(g) of CVC Act 2003, tenders advice on Vigilance related matters to the organisations covered under its advisory jurisdiction.

2. During the course of examination of cases/records received from the authorities, on a few occasions, it is observed that either the information/records forwarded to the Commission are incomplete or lack clarity, so that the Commission is able to arrive at a logical conclusion.

3. In order to ensure timely action, the Chief Vigilance Officers/Authorities concerned are required to provide the information/clarification, whenever sought, within 30 days of the receipt of the communication from the Commission. It has been observed on some occasions that the information/clarification is not received from the authorities concerned within the 30 days' time limit. Neither the authorities concerned inform the Commission that they would require more time to submit the information/clarification as sought by the Commission.

Contd...2...

4. The Commission has therefore desired that in those cases, where further information/clarification has been sought from the authorities concerned and for some reasons, it is not possible to provide the desired information/clarification within the 30 days' time period, the Chief Vigilance Officer/authority concerned in the respective organisation must seek extension of time from the Commission for providing the required information. The reasons for the delay/seeking extra time for providing information/clarification and the time period within which the information/clarification would be submitted to the Commission, should also be specifically mentioned in the communication being sent to the Commission for this purpose.

5. It may be noted for strict compliance in future.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/ Public Sector Financial Institutes/ Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Public Sector Financial Institutes/Autonomous Bodies etc.
- (iv) Website of CVC



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केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....022/VGL/032

दिनांक / Dated.....11.07.2022

Circular No. 14/07/22

Subject: Updation of Manual on Procurement of Goods, Services, Works and Consultancy, etc.

Central Vigilance Commission and D/o Expenditure have issued guidelines on public procurement from time to time.

2. After due deliberations, it was decided that for the sake of uniformity and to avoid multiplicity of authorities for issuance of guidelines on procurement related issues, updated Manuals may be issued by D/o Expenditure only, after taking into consideration the guidelines issued by the Commission. Accordingly, D/o Expenditure have updated and released i) *Manual on Procurement of Goods*; ii) *Manual on Procurement of Works*; and iii) *Manual on Procurement of Consultancy & Other Services*, wherein the guidelines issued by the Commission on public procurement has also been assimilated. The same are available on Commission's website i.e. www.cvc.gov.in under the head "Guidelines" and sub-head "Tender Guidelines".

3. The Commission has desired that all the Chief Vigilance Officers may take note of the updated Manuals and bring the same to the notice of Chief Executive/Management of their organisation, along with other authorities concerned, for strict compliance henceforth. An introductory note relating to updated Manuals, as quoted above, is enclosed for guidance and reference purpose.

(Rajiv Verma)
Director

Encl: As above



To,

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/ Public Sector Financial Institutes/ Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Public Sector Financial Institutes/Autonomous Bodies etc.
- (iv) Website of CVC

Seva



Central Vigilance Commission

Central Vigilance Commission (CVC) has been issuing various guidelines on Public Procurement from time to time. So far, in all 72 number of circulars containing issue specific guidelines were issued and were also hosted on Commission's website.

2. Apart from the guidelines issued by CVC, Department of Expenditure (DoE), Government of India has also been issuing guidelines on public procurement including manuals on procurement of goods, works and consultancy & other services.
3. On other occasions, various other Organisations like NITI Aayog, D/o Promotion of Industry & Internal Trade have also issued guidelines on public procurement. CVC after deliberations with DoE and within the Organisations has come to logical conclusion that it would only be appropriate if public procurement guidelines are issued from D/o Expenditure. Due to multiple organizations issuing guidelines, procurement executives were facing problems in having a single authoritative source of reference.
4. DoE in collaboration with CVC has now updated (i) Manual on Procurement of Goods, (ii) Manual on Procurement of Works (iii) Manual on Procurement of Consultancy & Other Services, wherein all the CVC guidelines on public procurement have been merged.
5. These updated Manuals have been released by Cabinet Secretary in the office of Central Vigilance Commission on 1st July, 2022 in presence of CVC and Finance Secretary. Secretaries of various Ministries/Departments, Heads of PSUs/PSBs, officials of CVC, officials of DoE etc. were also present.
6. These updated Manuals of D/o Expenditure have been uploaded on the website of CVC and all the earlier guidelines of CVC on public procurement have been withdrawn. All the Organisations are required to update/align their procurement guidelines/manuals in line with the above Manuals of D/o Expenditure and upload them on their website at the earliest for easy access of their officials and other stakeholders.

Seva



Telegraphic Address :
“SATARKTA: New Delhi

E-Mail Address
cenvigil@nic.in

Website
www.cvc.nic.in

EPABX
011-24600200

फैक्स / Fax :
011-24651186



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No. 022/VGL/041-520101

दिनांक / Dated. 29.07.2022

Circular No. 15/07/22

Sub:- Intimation to CVC & CBI in cases pending for sanction for prosecution – reg.

The Central Vigilance Commission, as the apex integrity institution, is mandated to fight corruption and to ensure integrity in administration. Section 8(1)(f) of CVC Act, 2003, mandates the Central Vigilance Commission to review the progress of the applications pending with the Competent Authorities for sanction of prosecution under the PC Act, 1988.

2. In terms of the directions of the Hon'ble Supreme Court in the case of Shri Vineet Narain, guidelines prescribed by the Department of Personnel & Training and the Commission, as well as the amendments made to Section 19 of the Prevention of Corruption Act, 1988, the competent authorities are required to take a decision on the requests for grant of sanction for prosecution within a period of three months. In respect of cases where any legal consultation is required, such period may, for reasons to be recorded in writing, be extended by a further period of one month.

3. It has been noticed that after the advice of the Commission, the Competent Authority concerned sometimes send the matter either to their Administrative Ministry or DoPT for final decision, without intimation to CVC or CBI. In order to keep the CVC and CBI informed of the stage in which the case is pending, all the Competent Authorities are required to mark a copy to CVC and CBI of their communications with DoPT/CVC/CBI/ Administrative Ministry on such cases.

4. All the Chief Vigilance Officers may bring this to the notice of the competent authorities concerned of their respective organisations accordingly.

(Vivek Kumar)
Director

- (i) Secretary, D/o Personnel & Training
- (ii) Director, CBI
- (iii) All the Chief Vigilance Officers of Ministries/Department of GoI/CPSEs/PSBs/ PSICs/ FIs and Autonomous Bodies etc.
- (iv) Website of CVC



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Block A, INA, New Delhi-10023

सं./No.....021/MSC/022/
522528
दिनांक / Dated.....29:08:2022.....

Circular No. 17/08/22

Subject: Uploading of Commission's Circulars/Guidelines, subsequent to release of Vigilance Manual-2021 – Reg.

Central Vigilance Commission brought out updated Vigilance Manual – 2021, comprising of all the instructions, guidelines, circulars, etc. relating to various aspects of Vigilance Administration, as issued from time to time.

2. Subsequent to the release of Vigilance Manual – 2021, the Commission has issued certain guidelines/circulars, as and when required, covering different aspects of Vigilance Administration. In order to facilitate easy access and reference to these guidelines, the same have been uploaded on the Commission's website i.e. www.cvc.gov.in under the head "Manuals" and sub-head 'Vigilance Manual – Amendments' so that all the guidelines/circulars (Issued subsequent to release of Vigilance Manual – 2021) are available at a common place. The link for the "Vigilance Manual – Amendments" is <https://cvc.gov.in/?q=guidelines/vigilance-manual>. All subsequent guidelines to be issued in future would also be available on Commission's website, under the sub-head 'Vigilance Manual – Amendments'.

3. All concerned are requested to take note of the same for use/reference, as and when required.

(Rajiv Verma)
Director

To,

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/ Public Sector Financial Institutes/ Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Public Sector Financial Institutes/Autonomous Bodies etc.
- (iv) Website of CVC





सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Block A, INA, New Delhi-10023
022/VGL/045

सं. / No.....
01.09.2022

दिनांक / Dated.....

Circular No. 18/09/22

Subject: Clarification regarding the enquiry/investigation to be conducted against officers on deputation.

Central Vigilance Commission, vide Para 5.6 of Chapter-V of Vigilance Manual – 2021 has prescribed the procedure for handling complaints/allegations against officers on deputation to other organizations.

2. As per procedure laid down in Para 5.6, in case of allegation of misconduct in the borrowing organisation, against an officer who was on deputation to that organisation and has since repatriated to his parent organisation, the same is to be enquired into by the CVO of the borrowing organisation.

3. However, it has come to the notice of the Commission that some organisations are under the impression that in case the borrowed officer has gone back to his parent organisation, then the allegation of misconduct is to be forwarded to the parent organisation for enquiry by the CVO of the parent organisation.

4. It is clarified that in case of receipt of any complaint/allegation of misconduct against an officer borrowed from another organisation (and since repatriated to the parent organisation), the same should be enquired into by the CVO of the borrowing organisation and after the enquiry, the facts should be brought to the notice of the parent organisation.

5. In order to bring clarity, the part of Para 5.6 "If a misconduct is detected in the borrowing Department/Organization on the part of an officer after his repatriation to his parent Department/Organization, the then borrowing Department/Organization should bring the fact of the matter to the notice of the parent Department/Organization which will decide the further course of action" stands modified to the above extent and may be read as under:

"If a misconduct is detected in the borrowing Department/Organization on the part of an officer after his repatriation to his parent Department/Organization, then **the** borrowing Department/Organization should bring the fact of the matter, **after due enquiry by the CVO**, to the notice of the parent Department/Organization which will decide the further course of action".

6. Other part of Para 5.6 of Chapter-V of Vigilance Manual - 2021 remains unchanged.

It may be noted for future compliance.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
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- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Public Sector Financial Institutes/Autonomous Bodies etc.
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023
No. 022-CVO-09

सं./No.....

Dated: 26/09/2022

दिनांक / Dated.....

Circular No. – 21/09/22

Sub: Short-term arrangements in the Posts of CVO- Clarification reg.

In order to ensure that vigilance administration is not adversely affected by unforeseen situations of vacancy in the posts of CVO, the relaxation from consultation with the Commission for 'short-term arrangements' has been restored in Para 2.8.1 of the Vigilance Manual (updated 2021) vide Commission's OM of even number dated 24.03.2022 (**copy enclosed**). The ibid OM specifically clarifies that the relaxation would be applicable for such posts of CVO which are **not filled by the DOPT**.

2. Notwithstanding the above-said clarification, instances have been reported regarding use of the ibid relaxation for short-term arrangements against DOPT-appointed CVO posts, in deviation from the DOPT OM dated 28.04.2017. Keeping this in view, the Commission has decided to incorporate clarification to this effect in the 'restored' **Para 2.8.1** of the Vigilance Manual (updated 2021), and thereby modify it as under:

"Suitable arrangements in vacancies for not more than three months may be made by the appropriate authority concerned, for such posts of CVO which are not filled by DOPT, without prior approval of the Commission. The nature and duration of vacancy and the name of the officer who is entrusted with the duties of CVO should, however, be reported to the Commission. As regards posts filled by DOPT, the guidelines laid down in its OM No. 372/7/2016-AVD-III dated 28.04.2017 will prevail."

3. It may be noted that under normal circumstances the administrative Departments/Ministries will complete the process of consultation with the Commission, well in advance of occurrence of vacancies in CVO posts, and the 'relaxation' for 'short-term arrangements' would be used only under unforeseen circumstances. Further, whenever the relaxation is used, the concerned administrative Departments/Ministries will be responsible for submitting formal proposals, complete in all respect, to the Commission for regular arrangements positively **within 06 weeks** of occurrence of such vacancies.


(Vivek Kumar)
Director

To

The Secretaries of all Ministries/ Departments of Govt. of India.

All CVOs as per Portal (through NIC)



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CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi-10023
No. 004/VGL/090/528696

सं./No.....

दिनांक / Dated..... 25.10.2022

Circular No. 22 /10/22

Subject: - Rotation of officials working in sensitive posts-Reg.

Reference :

- (i) Commission's Circular No. 98/VGL/60 dated 15.04.1999
- (ii) Commission's Circular No. 17/4/08 dated 01.05.2008
- (iii) Commission's Circular No. 03/09/13 dated 11.09.2013

Central Vigilance Commission, as part of superintendence over vigilance administration of the organisations covered under its advisory jurisdiction has been emphasizing on the importance of Preventive Vigilance Mechanism. Identification of sensitive posts and rotational transfer of officials holding sensitive posts is one of the tools for effective implementation of Preventive Vigilance Mechanism. Periodical rotation of officials holding sensitive posts would be helpful in eliminating the scope of developing vested interest by the officials and would also reduce the scope of indulging in corrupt activities.

2. The Commission has, therefore, keeping in view the above objective, issued guidelines from time to time directing all the organisations covered under its advisory jurisdiction to identify sensitive posts and ensure periodical rotational transfer of officials working on such sensitive posts.

3. In view of the everchanging scenario and increasing use of technology in the functioning of organisations, it is important that the list of sensitive posts is reviewed and updated at regular intervals. However, it has been observed that the guidelines issued by the Commission pertaining to identification of sensitive posts are not being followed in letter and spirit by many of the organisations and the exercise to review of the existing lists of sensitive posts and to identify new areas/posts as sensitive, has not been undertaken for a long time.

4. The Commission has, therefore, desired that the CVOs, in consultation with the Chief Executive/Management of the respective organisations, should immediately undertake an exercise to identify sensitive posts in their organisations. In future, an exercise to review and identify sensitive posts may be conducted after interval of every three years. Further, it may also be ensured that the officials holding sensitive posts are transferred/posted out from such posts as per the time limits prescribed by the Commission & DoPT from time to time, without exception.
5. Compliance of the above guidelines should be intimated to the Commission, by the CVOs concerned, in the QPRs being submitted by them.
6. The above guidelines may be noted for strict compliance with immediate effect.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



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CENTRAL VIGILANCE COMMISSION



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Block A, INA, New Delhi-10023
021/MSC/026

सं./No.....

26.10.2022

दिनांक / Dated.....

Circular No. 23/10/22

Sub:- Management Audit of Vigilance Units (MAVU)

Ref:- Commission's Circular No. 24/12/21 dated 23.12.2021

The Commission vide Circular No. 24/12/21 dated 23.12.21 had issued guidelines for conducting MAVU of the organisations covered its advisory jurisdiction. MAVU is to be conducted by a team of officers from the Commission. A format of the proforma for submitting statistical data and other relevant information by the CVOs to the team of officers from the Commission was also enclosed along with Circular dated 23.12.21.

2. The Commission has decided to revise the format, calling for relevant information from the respective organisations, a copy of which is enclosed as Annexure-A to this circular. Henceforth, the revised format may be used for providing information to the team of officers from the Commission for smooth and effective conduct of MAVU, as and when required.

3. It may be noted for compliance.

(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

**PROFORMA FOR SUBMITTING DETAILS BY CVO FOR
MANAGEMENT AUDIT OF VIGILANCE UNIT (MAVU) OF
(NAME OF THE ORGANISATION)
FOR THE CALENDER YEAR _____**

PART- I**ORGANISATIONAL PROFILE**

1. **Name of the Ministry/ Department/Organization:**
2. **No. of Employees**
 - (i) Covered under Commission's jurisdiction :
 - (ii) Others :
3. **Brief Descriptions including nature of business/activities carried out by the Ministry/ Department/Organization**
4. **Whether the Organization has extensive Public Dealing: YES/NO**
5. **(i) Vigilance Set Up of organization :**
 - (a) Whether the CVO is full time or part time :
 - (b) No. of gazetted /executive level officers in the Vigilance Wing :
 - (c) No. of other officials in the Vigilance Wing :

(ii) Name and No. of attached /subordinate/subsidiary organizations:
(Details to be given)

(iii) out of (ii) above, Names and No. of attached/subordinate/subsidiary organizations where the post of CVO exists:
(Details to be given)
6. **Details of training programmes attended by CVO:**

Sl. No.	Name of Agency who conducted the training programme	Name of the Training programme	Date of Start of Training programme and its duration

7. **Details of training programmes attended by Vigilance Functionaries, other than CVO. (The details should be provided only in respect of those officers/officials who are presently working in Vigilance Unit)**

Sl. No.	Name of Officer/Official	Name of Agency who conducted the training programme	Name of the Training programme	Date of Start of Training programme and its duration

8. **(i) Whether structured meeting being held by the Management with the CVO:**

(ii) No. of such meetings held during the calendar year :

9. **Whether the Internal Advisory Committee of GMs, as per the instructions of the Commission constituted:** YES/NO
(wherever applicable).

(i) If yes—

(a) No. of complaints / cases referred to the Committee

(b) No. of cases [out of (a)] in which vigilance angle was determined by the Committee

(ii) If Internal Advisory Committee has not been constituted, the reasons therefore may be clearly spelt out.

10. **Whether the Ministry/ Department/Organization has appointed Independent External Monitor (IEM)?**
(wherever applicable)

If yes, no of meetings of IEMs held during the calendar year :

PART-II

11. COMPLAINTS:

Source	Opening Balance (as on 01.01. __)	Received during the year	Total	Disposal during the year (filed/sent for NA and registered as Vigilance for investigation by CVO)	Balance Pending	Age wise pendency (Months)		
						<1	1-3	>3
CVC								
Others								
Total								

12. PIDPI

(A) Complaints:

Source	Opening Balance (as on 01.01. __)	Received during the year	Total	Reports submitted to CVC/CVO, Admin.Ministry during the year	Balance Pending	Age wise pendency for investigation by CVO (Months)			Reason for delay beyond 3 months
						< 3	3-6	>6	
CVC									
Designated Authority									
Total									

(B) Advice and Action taken on PIDPI Investigation Reports:

Agency	Advice of CVC/Designated Authority pending for implementation at the start of calendar year (as on 1.1. __)	Reports sent during the year by CVO	Reports in which Advice received during the year	Total of Column (1) to (3)	Action Taken during the year (Nos. of advice)	Balance Pending for Action by Management/Organization (Months)			
						< 3	3-6	6-12	12
	(1)	(2)	(3)						
CVC									
Designated Authority									
TOTAL									

(C) Action taken report on complaints sent by CVC for 'Necessary Action' under PIDPI resolution

Opening Balance (as on 01.01.)	Received During the year	Total	Filed/Closed without taking any action	Taken up for further investigation	Complaints resulting in administrative action	Complaints resulting in initiation of major/minor penalty proceedings	Total complaints disposed of during the year	Pending at the end of the year

13. Scrutiny of Audit Reports:

I. (a) Total No. of CAG Audit paras received during the year :

(b) Total no of Statutory Audit Reports during the year:

II.

Type of Audit	No. of reports/paras examined during the year	No. of paras in which vigilance angle observed and identified for examination	No. of paras in which investigation completed	No. of paras pending for investigation
CAG				
Statutory				
Concurrent (*wherever applicable)				
Internal (*wherever applicable)				
Others				
Total				

14. Action on CVC Advice:

(a)

Stage	Type	Opening Balance (as on 01.01.)	Received during the year	Action taken FSA Major-IO appointed FSA Minor- FO issued SSA-FO issued	Closing Balance (pending for months)			
					<1	1-3	3-6	> 6
FSA	Major							
	Minor							
SSA	Major							
	Minor							

(b) Systemic Improvement advised by the Commission and action thereon:

Specific Systemic Improvement	Actions taken by the organization	Remarks

15. Vigilance cases where officers were under Commission's jurisdiction but advice were not sought before issue of Charge sheet.

Names of officer(s)	Actions taken by the Competent Authority	Remarks

16. Cases where comments/clarifications awaited from the organization:

Category	Opening Balance	Received during the year	Disposal	Closing Balance (pending for months)			Reasons for pendency
				1-3	3-6	>6	
Further information (FI)							
Comments Awaited (CA)							

VIGILANCE INVESTIGATION

17. Complaints, Audit reports, Inspection Reports of works/procurement etc. taken up for investigation

Agency	Opening Balance (as on 01.01.)	Taken up for investigation during the year	Total	Reports received from Investigating Officer	Balance pending	Age wise Pendency (Months)			
						<3	3-6	6-12	>12
CVC									
CVO									
TOTAL									

18. **Vigilance investigation pending where officers under CVC jurisdiction are due for retirement in next one year (cases referable to CVC)**

Opening Balance (as on 01.01.)	Taken up for investigation during the year	Total	Reports received from IO	Balance pending	Age wise Pendency (Months)		
					<3	3-6	6-12

19. **Action Taken on CTE Report (If Any):**

Names of work	No. of paras referred to CVO for Action	No. of paras in which action taken by CVOs	Paras settled by CTE	Paras pending for disposal	Recovery proposed by CTE	Recoveries affected by Deptt.

20.

(i) **Requests for Prosecution sanctions received and disposed**

Category	Opening Balance(as on 01.01.)	Received during the period of review	Total	Sanction Granted	Sanction refused	Balance Pending	Age wise Pendency (Months)	
							3-6	>6
Group C								
Group B								
Group A up to DS/Direct or Level								
JS and above								
Total								

(ii) Requests pending for approval under Section 17 A of PC Act,1988

Category	Opening Balance(as on 01.01. __)	Received during the period of review	Total	Granted	refused	Balance Pending	Age wise Pendency (Months)	
							3-6	>6
Group C								
Group B								
Group A up to DS/Director Level								
JS and above								
Total								

21. **Nature of Vigilance Activity:**

1		2		3	
Total No. of departmental inquiries initiated		No. of inquiries pertaining to core Activities** of the organization out of Col.1		No. of inquiries pertaining to personnel matters* out of Col.1	
Major	Minor	Major	Minor	Major	Minor

Note: *Allegations pertaining to personnel matters mean false claims of TA, DA, medical, LTC, submission of false caste, educational certificates etc.

**Allegations with regard to core activities means allegations pertaining to tenders, procurement, release of credit facilities by banks, undue favours in assessment by revenue officials etc. The list is only illustrative and would depend on the core activities of each organization.

22. **Time Taken to conclude Departmental Inquiries**

Type		< 3 months	3 – 6 months	6 months – 1yr	1yr. – 2 yr.	> 2 yrs.
CVC cases	Major					
	Minor					
Non-CVC cases	Major					
	Minor					

23. Departmental Proceedings (Outstanding)

(A) Major Penalty cases pending with IOs/IAs

Category	Opening Balance (as on 01.01. __)	Inquiries assigned to IO during the year	Total	Reports received from IOs	Inquiries pending with IOs	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

(B) Minor Penalty cases pending with IOs/IAs

Category	Opening Balance (as on 01.01. __)	Inquiries assigned to IO during the year	Total	Reports received from IOs	Inquiries pending with IOs	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

(c) **Whether IO/IA is submitting monthly progress reports to DA/CVO (Commission's circular no. 21/12/21 dt 03.12.21 refers in this regard)**

24. Cases pending with Disciplinary Authority

(A) Major Penalty cases pending with Disciplinary Authorities

Category	Opening Balance (as on 01.01. __)	IO Report received during the year	Total	Cases in which final orders issued by DAs	Balance Pending	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

(B) Minor Penalty cases pending with Disciplinary Authorities

Category	Opening Balance (as on 01.01. __)	No. of chargesheet issued during the year	Total	Cases in which final orders issued by DA	Balance Pending	Age wise Pendency (months)			
						<6	6-12	12-18	>18
Cases under CVC jurisdiction									
Others (non-CVC cases)									
Total									

PART-III

25. Preventive Vigilance

Type	During the year	No. of cases resulting in Vigilance Investigation	No. of cases resulting in Systemic Improvements	Remarks (Recovery effected, if any, may also be indicated)
Major works/Procurement-CTE Type Inspection				
Periodic Inspection				
Surprise Inspection				
Scrutiny of Property Return				
Scrutiny of IT based systems				

26. Date of preparation of following lists

- I. (a) Agreed List :
(b) Officers of doubtful integrity :

II. Whether the employees figuring on ODI List have been transferred to non-sensitive position

27. (a) Whether sensitive posts have been identified. If no, give details.
(b) Whether timely rotation of officials on sensitive posts have been done. If no, give details.

28. Whether Preventive Vigilance Committees formed at all branches / administrative offices (wherever applicable): YES/NO

- (I) If yes, then
(a) No. of meetings held :
(b) No. of meetings in which vigilance functionaries participated
(II) If no, give reasons.

29. Number of seminar/workshops program held on Preventive vigilance:

- (a) Creating Awareness on Whistleblower/PIDPI:
- (b) Initiatives on capacity building:(Details on Induction, Mid-career, and Specialized training)
- (c) Training/workshop on Ethics and Values etc.

SYSTEM CENTRIC

30. Whether Complaints Register is being maintained and updated regularly – YES/NO

31. Whether QPRs are being sent regularly as per the instructions of the Commission : YES/NO

32. Whether all the works (above prescribed limit) undertaken are being reflected in the returns being sent to CTE : YES/NO

a. Inspections/examinations

	During the year	Number resulting in Vigilance Cases	Recovery effected (in Rs.)
Periodic			
Surprise			
Major Works			

b. Inspection of Contracts & Major Purchases (wherever applicable)

	During the year	Number resulting in Vigilance Cases	Recovery effected (in Rs.)
Periodic			
Surprise			
Major Works			

33. Vigilance Clearance

Opening Balance as on 1.1.____	Number of references received during the year	Number of references disposed off	Pending at the end of the year		
			>1 month	1-3 Month	> 3 months

34. Whether review of Vigilance functionary of attached /subordinate/subsidiary organizations done : - YES/NO

PART-IV

35. Has computerized file tracking system been introduced, to identify officials delaying files?:
36. No. of cases in which departmental action initiated/ punishment awarded for causing delays, if any. :
37. Steps taken to increase transparency in dealing with public/ other stakeholders:
38. Systemic improvements undertaken to reduce opportunities for corruption :
39. No. of inspections / investigations undertaken in the event of slipping of audit rating of a branch on account of fraud / serious irregularities (*wherever applicable*) :
40. Average time taken to finalise / conclude vigilance 'F' cases (*wherever applicable*) :
41. No. of reviews (of the vigilance work) undertaken in the year by the top management committees:

PART-V

42. CVO is requested to prepare a brief containing their special comments, constraints and other issues pertaining to vigilance administration and attach along with this format.

(CVO's Signature)



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....021/VGL/051

03.11.2022

दिनांक / Dated.....

Circular No.-24/11/22

Sub: Amendment to Comprehensive guidelines for Complaint Handling Mechanism – reg.

Ref: Commission's Circular No. 25/12/21 dated 24.12.2021

Central Vigilance Commission, keeping in view the provisions contained under section 8(1) (c) & 8(1) (d) of CVC Act 2003, receives complaints from various sources. The Complaints are being processed through the Complaint Management System, which has been modified in order to provide end to end information to the complainants.

2. Accordingly, the comprehensive guidelines for Complaint Handling Mechanism issued by the Commission, vide Circular dated 24.12.2021, also stand amended to the following extant: -

A.) Para 2.2 of guidelines may be read as under: -

(i) Complaints can be lodged with the Commission online, on the Commission's portal i.e. <https://portal.cvc.gov.in> or through the Commission's website www.cvc.gov.in, under the link "Lodge Complaints", available on home page. For lodging complaint through the portal, it is mandatory for the complainant to provide Mobile Number, so that an auto generated OTP can be sent, on the mobile number of the complainant for authentication purpose. As soon as the complaint is registered on the portal, an SMS confirming the registration of the complaint and also containing the complaint reference number would be sent to the complainant. The status of complaints lodged through the portal, can be tracked through e-mode only.

(ii) Complaints can also be lodged with the Commission by addressing a written communication/letter to the Secretary, Central Vigilance Commission, Satarkta Bhawan, GPO Complex, Block-A, INA, New Delhi- 110023.

B.) Para 4.1 (ii) of guidelines stands deleted

C.) In para 4.1 of the guidelines, sub-para 4.1 (iv) has been added, which may be read as under: -

“Complaints in which the allegation are of administrative/Non-Vigilance in nature are also forwarded to the respective CVOs.”

D.) Para 4.3.1(v) may be read as under: -

In case it has been decided to send the complaint to the CVO concerned for necessary action, the complainant will also be informed about the same. In such a scenario, the responsibility of informing the complainant about the outcome of the complaint would lie with the CVO of the organisation concerned, through the portal itself.

E.) Para 4.3.2 (i) & (ii) stands deleted.

F.) Para 6.3 (e) may be read as under: -

A reference number, generated for a particular PIDPI Complaint, would be communicated to the Whistle Blower, through physical mode, in order to enable him to track the status of that particular complaint. The PIDPI complainant can track the status of his complaint by entering the reference number, provided by the Commission.

G) Para 7.3 at Sl. No. (7) of table the timeline may be read as “2 months”


(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No..... 015/VGL/091-529971
दिनांक / Dated..... 11.11.2022

Circular No. 25/11/22

Sub: Adoption and Implementation of Integrity Pact.

Ref: (i) Commission's Circular No. 05/01/22 dated 25.01.2022

(ii) Commission's Circular No. 23/12/21 dated 20.12.2021

Central Vigilance Commission has found Integrity Pact (IP) to be an effective tool to promote transparency, fairness and competitiveness in public procurement activities. Hence Commission has recommended adoption of IP by Central Govt. Organisations.

2. Vide Circular No. 05/01/22 dated 25.01.2022, the Commission has issued detailed Standard Operating Procedure (SOP) for implementation of IP by the organisations concerned. As per Para 3.1 of the SOP, all the organisations who have adopted IP, are required to decide the threshold value above which the contracts would be covered under the IP. Further, in Para 3.10 of the SOP, it has been provided that the organisations are required to hold meetings of IEMs, on quarterly basis and if need be, more frequently also.

3. In order to assess the extent of implementation of IP, the Commission has desired that the CVOs of the organisations, who have adopted IP, may provide information regarding the meetings of IEMs conducted by them, along with details about the contracts covered under the IP.

Contd.....

4. The information may be provided to the Commission latest by 30.11.2022, in the format enclosed as Annexure-'A'. The information may be forwarded either in hardcopy or through e-mail at the mail ID bo2coord1-cvc@gov.in.

5. It may be noted for compliance.



(Rajiv Verma)
Director

Encl:- As above

To

- (i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (ii) Website of CVC

Name of the Organisation-----

(A)

Name of IEMs	Date of appointment of IEM	Date of end of Tenure

(B)

Period	No. of meetings of IEMs	Threshold value of contracts	No. of contracts covered under IP	Total value of contracts under IP
01.01.2021 to 31.12.2021				
01.01.2022 to till date of submission of information				

CVOs Name & signature





सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No..... 022/VGL/067

दिनांक / Dated..... 01.12.2022

Circular No. 26/12/2022

Subject: Commission's Jurisdiction over Officers of Public Sector Insurance Companies and Public Sector Undertakings, clarification- regarding.

In accordance with the provision contained under Section 8 (2) (b) of the CVC Act, 2003, Department of Personnel and Training, vide Gazette Notification dated 12.09.2007 had specified the level of officers, belonging to Corporations, Govt. Companies, Societies and other Local Authorities, covered under the jurisdiction of the Central Vigilance Commission.

2. In the Gazette Notification, the level of officers, in respect of Public Sector Undertakings and General Insurance Companies, covered under the jurisdiction of Central Vigilance Commission, has been specified as below:-

Sl. No.	Public Sector Undertakings and General Insurance Companies	Level of officers
(i)	Schedule 'A' and 'B' Public Sector Undertakings	Chief Executive and Executives on the Board and other officers of E-8 and above.
(ii)	Schedule 'C' and 'D' Public Sector Undertakings	Chief Executive and Executives on the Board and other officers of E-7 and above.
(iii)	General Insurance Companies	Manager and above.

3. As can be seen from the Gazette Notification dated 12.09.2007, the "designation" is the criteria for determining the level of officers, covered under

the jurisdiction of the Commission in respect of Public Sector Undertakings and General Insurance Companies.

4. At the time of publication of Gazette Notification dated 12.09.2007, the officers of the level of Managers in General Insurance Companies, were drawing pay in Scale-V. However, presently, they are drawing pay in Scale-IV. It has come to notice that some of the General Insurance Companies have unilaterally decided not to forward vigilance cases of their Manager level officers to the Commission, for obtaining its advice, presuming that officers drawing pay in Scale-IV are not covered under the jurisdiction of Central Vigilance Commission.

5. Further, as per Gazette Notification dated 12.09.2007, Chief Executives and Executives on the Board and other officers of E-8 and above of schedule 'A' and 'B' Public Sector Undertakings are covered under the jurisdiction of Commission. Similarly, in respect of Schedule 'C' and 'D' Public Sector Undertakings, Chief Executives and Executives on the Board and other officers of E-7 and above are covered under the jurisdiction of Commission. Subsequent to the publication of Gazette Notification dated 12.09.2007, many Public Sector Undertakings have carried out revision of pay, due to which the Executives of the level of E-6, E-7 and E-8 are drawing pay in the same scale i.e. Rs. 1,20,000-2,80,000/-. Resultantly, issue has been raised by some Public Sector Undertakings, asking whether the Executives of E-6 and E-7, who are drawing pay in the same scale as that of E-8 Executives, are also deemed to be covered under the jurisdiction of Central Vigilance Commission.

6. It may be noted that "designation" is the criteria mentioned in the Gazette Notification dated 12.09.2007, to determine the level of officers of Public Sector Undertakings and General Insurance Companies, covered under the Commission's jurisdiction. Therefore, it is clarified that irrespective of pay being drawn by them, the following levels of officers of Public Sector Undertakings and General Insurance Companies shall continue to be covered under the jurisdiction of Central Vigilance Commission:-

- | | |
|--|---|
| i) Schedule 'A' and 'B' Public Sector Undertakings :- | Chief Executives and Executives on the Board and other officers of E-8 and above. |
| ii) Schedule 'C' and 'D' Public Sector Undertakings :- | Chief Executives and Executives on the Board and other officers of E-7 and above. |
| iii) General Insurance Companies:- | Managers and above. |

7. Para 1.2.1 (b) (ii) and (iii) of Vigilance Manual, 2021 also stands amended to the above extent.

8. Keeping in view the provisions contained under Para 1.2.2 (a), Para 7.9.5 and Para 7.9.6 of Vigilance Manual 2021, read with Commission's Office Order No. 2/1/04 dated 08.01.2004, a case involving different levels of officers/officials is to be treated as a composite case and Commission's advice would be required, if at least one officer (involved in that case) is covered under the jurisdiction of Central Vigilance Commission.

9. The above clarification may be noted for strict compliance and all vigilance related matters may be processed by the authorities in the respective organizations, accordingly.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
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Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023

सं./No.....021/MSC/015.....

दिनांक / Dated.....05.12.2022.....

Circular No. 27/12/2022

Subject: Grant of Honorarium to Inquiry Officers/Presenting Officers in the departmental inquiries-reg.

Attention is invited to Department of Personnel & Training's Office Memorandum No. DoPT-1668597747466 dated 16.11.2022 on the aforementioned subject.

2. DoPT, in supersession of all its earlier guidelines, have issued revised structures of rates of honorarium payable to Inquiry Officers and Presenting Officers in departmental inquiries conducted against employees of Central Govt. Ministries/Departments/Organizations. DoPT's guidelines are applicable to serving/retired public servants, working as IO/PO.

3. At the time of issuance of appointment orders for IO/PO for conducting departmental inquiries, the authorities concerned in the respective organizations may fix the honorarium, keeping in view the structure of rates, as mentioned in DoPT's O.M. dated 16.11.2022, after following due process. The same may also be communicated to the IOs/Pos along with their appointment orders as IO/PO.

Contd....

4. A copy of DoPT's Office Memorandum no. DoPT-1668597747466 dated 16.11.2022 is enclosed. Chief Executives and CVOs may bring the same to the notice of all authorities/officers concerned, in their respective organizations.


(Rajiv Verma)
Director

Encl:- As Above.

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC

No.DOPT-1668597747466
Government of India
Ministry of Personnel, Public Grievances & Pensions
Department of Personnel and Training
AVD(AVD-I/C-I)

North Block, New Delhi
Dated 16 November, 2022

OFFICE MEMORANDUM

Subject:- Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries conducted by the Ministries / Departments - reg.

The undersigned is directed to refer to the subject mentioned above and to say that the rates of honorarium payable to Inquiry Officer (IO) / Presenting Officer (PO) in the case of departmental inquiries were last revised vide O.M No.142/15/2010-AVD.I dated 31st July, 2012 in the case of serving Government Servants functioning as part time IO/PO and vide O.M No.142/40/2015-AVD.I dated 15th September, 2017 in the case of retired Govt. Servants functioning as IO.

2. The existing rates of honorarium as prescribed in the aforesaid OMs were reviewed in consultation with Department of Expenditure and it has been decided to revise the existing rates of the honorarium payable to IO/PO.

3. Accordingly, these consolidated guidelines are being issued in supersession of DoPT's OM's dated 31.07.2012 and 15.09.2017.

4. The rates of honorarium as revised are indicated in the table below:-

a. The rates of honorarium payable to the Inquiry Officer:

(i) Retired officers:

Items	Category	Rate per case (in rupees)
Honorarium	I	where number of witnesses cited in the charge sheet is more than 10 An amount equal to 90% of the monthly basic pension drawn.
	II	where number of witnesses cited in the charge sheet are between 6-10 An amount equal to 70% of the monthly basic pension drawn.
	III	where number of witnesses cited in the charge sheet is less than 6 An amount equal to 60% of the monthly basic pension drawn.
Transport Allowance		Rs. 40,000/- per case Subject to the condition that the for outstation journey, the actual expenses for air travel / railways journey will be reimbursed in addition as per their entitled class at the time of their retirement (further subject to the approval of the competent authority and in compliance of the instructions issued by DoPT/DoE from time to time for air travel regarding booking of air tickets through authorized agencies and cheapest available fare).

Daily Allowance		Same as the officer was entitled to immediately prior to retirement.	
Secretarial Assistance	I	where the number of witnesses cited in the charge sheet is more than 10	Rs. 40,000/-
	II	where the number of witnesses cited in the charge sheet are between 6-10	Rs. 30,000/-
	III	where the number of witnesses cited in the charge sheet is less than 6	Rs. 20,000/-

(ii) Serving officers:

Rate per case (in rupees)
An amount equal to 15% of the monthly basic pay drawn.

(iii) In case of common disciplinary proceedings, an additional amount of honorarium of Rs. 5000 will be payable to Inquiry Officer (both retired and serving) for every additional charged officer.

(b) The rates of honorarium payable to the Presenting Officer:

Rate per case (in rupees)
An amount equal to 10% of the monthly basic pay drawn.

5. The revised structure of rates of honorarium and allowances as indicated above are intended to be made applicable to Departmental Proceedings including inquiry proceedings undertaken by the committee on Sexual Harassment, by Ministries / Departments in respect of officials / officers serving under different cadres of services under their administrative control. However, in case a cadre of a service or organizations such as autonomous bodies have a separate set of rules and instructions for regulating honorarium to IO / PO in existence, they may choose to continue with their own set of instructions. Fully or partially funded autonomous bodies may retain their own provisions so long as they are not more beneficial than what has been proposed in this O.M.

6. The grant of Honorarium in the case of serving Government servants who are appointed as part time Inquiry Officer/ Presenting Officer and retired Government servants appointed as Inquiry Officers will be subject to the following conditions:

- i. The honorarium will normally be regulated under the financial powers delegated to the Ministries/Departments and taking into account the quantum of work involved in individual disciplinary cases.
- ii. In the case where serving officers are appointed as IO/PO, the controlling department or the administrative department should make all efforts to relieve the IO/PO of his normal duties to enable him/her to complete the proceedings expeditiously.

7. Before the payment is received by the Inquiry Officer/Presenting Officer, whether serving or retired, it will be the responsibility of IO/PO to ensure that:

- a. All case records and inquiry report (two ink signed copies) properly documented and arranged is handed over to the office of Disciplinary Authority.
 - b. The report returns findings on each of the Articles of Charge which has been enquired into should specifically deal and address each of the procedural objections, if any, raised by the charged officers as per the extant rules and instructions.
 - c. There should not be any ambiguity in the inquiry report and therefore every care should be taken to ensure that all procedures for conducting departmental inquiries have been followed in accordance with the relevant rules/instructions of disciplinary and appeal Rules to which the delinquent Government officials are governed.
8. Terms and conditions for appointment of Inquiry Officer: The designated Inquiry Officer shall be required to give an undertaking as follows:
- i. that he/she is not a witness or a complainant in the matter to be inquired into or a close relative or a known friend of the delinquent Government officer. A certificate to this effect will be obtained from the Inquiry Officer with respect to every inquiry and placed on record;
 - ii. shall maintain strict secrecy in relation to the documents he/she receives or information/data collected by him/her in connection with the inquiry and utilize the same only for the purpose of inquiry in the case entrusted to him/her.
9. No such documents/information or data shall be divulged to anyone during the Inquiry or after presentation of the Inquiry Report. All the records, reports etc. available with the Inquiry Officer shall be duly returned to the authority which appointed him/her as such, at the time of presentation of the Inquiry Report.
10. The Inquiry Officer shall conduct the inquiry proceedings at a location taking into account the availability of records, station/place where the misconduct occurred as well as the convenience of the witnesses/ PO etc. Video Conferencing should be utilized to the maximum extent possible to minimize travel undertaken by the IO/PO/CO. The cadre controlling authorities will facilitate necessary arrangements for the Video Conferencing.
11. The Inquiry Officer shall undertake travel for conducting inquiry (in unavoidable circumstances) with the approval of an authority as may be nominated by the concerned Ministry/Department.
12. The Inquiry Officer shall submit the inquiry report after completing the inquiry within 180 days from the date of his/her appointment as the Inquiry Officer. Extension of time beyond 180 days can be granted only by the Authority as may be prescribed.
13. Letter regarding engaging a retired officer as the Inquiry Officer will only be issued with the approval of the Disciplinary Authority of the Ministry/Department/ Office concerned.
14. Any issue arising out of this O.M. between the Inquiring Officer and the Disciplinary Authority will be decided by the Secretary, DoPT whose decision shall be final and binding on both parties.
15. These instructions will be applicable prospectively for processing the Bill submitted by the IOs / POs.
16. All the Ministries/Departments are requested to bring these instructions to the notice of all concerned under their control.

17. This issues with the concurrence of Department of Expenditure, Ministry of Finance vide their I. D. Note No. 14/4/2009-E.II(B) dated 26/10/2022.

(Sign of Authority)
Rupesh Kumar
Under Secretary to the Govt. of India
23094799

To,

- i. All Ministries/Departments of the Govt. of India.
- ii. Department of Financial Services, Ministry of Finance, Jeevan Deep Building, Parliament Street, New Delhi.
- iii. Department of Public Enterprises, CGO Complex, Lodhi Road, New Delhi.
- iv. Railway Board, Rail Bhavan, Delhi.
- v. Union Public Service Commission/Supreme Court of India/ Election Commission of India/ Lok Sabha Secretariat/ Rajya Sabha Secretariat/Cabinet Secretariat/Central Vigilance Commission/President's Secretariat/ Prime Minister's Office/Planning Commission.
- vi. Staff Selection Commission, CGO Complex, Lodi Road, New Delhi.
- vii. Office of the Chief Commissioner for Disabilities, Sarojini House, 6, Bhagwan Das Road, New Delhi.
- viii. Office of the Comptroller & Auditor General of India, 10, Bahadur Shah Zafar Marg, New Delhi.
- ix. All Officers and Sections in the Ministry of Personnel, Public Grievances and Pensions and all attached/subordinate offices of this Ministry.

Reference:

1. DoPT's O. M. No. 142/15/2010-AVD.I dated 31st July, 2012
2. DoPT's O. M. No. 142/40/2015-AVD.I dated 15th September, 2017



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi-10023
022/VGL/026

सं./No.....

दिनांक / Dated..... 13.01.2023.

Circular No. 01/01/23

Sub: Engagement of retired Officials to conduct Investigation and perform other vigilance functions.

- Ref. (i) DoP&T OM No. 371/32/97-AVD III dated 28.11.1997.
(ii) Commission's Circular No. 3(V)/99/12 dated 14th August 2000.

Central Vigilance Commission, vide its Order No. 3(V)/99/12 dated 14th August 2000 had directed that vigilance functionaries in any organization shall be full-time employees and a retired employee should not be appointed as a consultant to perform vigilance functions.

2. However, it has been observed that some of the organizations are still appointing retired employees as Investigating Officers, to conduct investigation, which is an important vigilance function. It may be noted that Investigating Officers and other vigilance functionaries have a crucial role to play. They are responsible for recording statements, examining various aspects of a case, preparation of investigation reports and safe custody of documents, including classified/confidential ones. Keeping in view the vital role of Investigating Officers and other vigilance functionaries in detection, investigation and processing of vigilance related matter (till they are brought to a logical conclusion), it is very important that vigilance functionaries, including the Investigation Officers, are not susceptible to any kind of undue influence.

3. Moreover, it is also important that the vigilance functionaries are made accountable and subjected to disciplinary action, if they are found to have compromised confidentiality, objectivity or integrity, in discharge of duties assigned to them. The same is not possible in case of retired officials as Conduct and Disciplinary Rules are not applicable to a retired official, for any post-retirement misconduct.

4. Therefore, keeping in view the important role played by vigilance functionaries (including Investigating Officers), the Commission has decided to reiterate its earlier directions that the vigilance functionaries should always be full-time employees of the respective organisations and in no case a retired employee should be appointed, in any capacity, to perform any of the vigilance functions.

5. The above guidelines may be noted for strict compliance by the authorities concerned.


(Rajiv Verma)
Director

To: -

1. The Secretaries of all Ministries/Departments of GoI
2. All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
3. All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
4. Website of CVC



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



सतर्कता भवन, जी.पी.ओ. कॉम्प्लैक्स,
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022/VGL/026

सं./No.....

दिनांक / Dated..... 15.02.2023

Circular No. 02/02/23

Ref: Commission's Circular No. 01/01/23 dated 13.01.2023.

Attention is invited to Central Vigilance Commission's circular mentioned above. It has been brought to the Commission's notice that this circular has raised misapprehension in certain quarters regarding appointment of retired officials to conduct departmental inquiries.

2. The matter has been examined and above circular is hereby withdrawn.
3. However, so far as appointment of Chief Vigilance Officers are concerned, the same shall continue to be governed by the provisions contained under DoPT's Office Memorandum No. 371/32/97-AVD-III dated 28th November, 1997.
4. The issues relating to appointment of consultants in Vigilance Departments shall continue to be governed by the guidelines issued by the Commission vide its instructions no. 3 (V)/99/12 dated 14th August, 2000.

(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iv) Website of CVC



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION



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सं./No...021/VGL/051.....

दिनांक / Dated.....06.04.2023.....

Circular No. 03 /04/23

Subject: Handling of Complaints in the Commission-seeking factual report-reg.

Ref:- Commission's Office Order No. 08/08/2020 dated 14.08.2020

In partial modification of Commission's Office Order No. 08/08/20 dated 14.08.2020, the Commission has decided to forward complaints to the CVOs concerned for obtaining Factual Reports, if necessary.

2. Chief Vigilance Officers are required to submit the Factual Report to the Commission, on the basis of scrutiny of relevant records/documents only, within a period of 30 days of the receipt of the complaint/communication from the Commission. While forwarding the Factual Report, the CVOs should also give their recommendations/views in clear terms.

3. The above directions may be noted for strict compliance by the CVOs.

(Rajiv Verma)

Director

To

- (i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (ii) Website of CVC



सत्यमेव जयते

केन्द्रीय सतर्कता आयोग
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सं./No.....015/VGL/091.....

दिनांक / Dated. 14.06.2023.....

Circular No. 04/06/23

Subject : Adoption and implementation of Integrity Pact-Revised Standard Operating Procedure- regarding.

The Commission has reviewed the Standard Operating Procedure (SOP) for adoption of Integrity Pact (IP) by all Government Organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous bodies etc. A copy of the revised SOP is enclosed, which would be applicable for adoption and implementation of the IP by the organizations concerned.

2. The present SOP is in supersession of the earlier SOP issued vide Circular No. 05/01/22 dated 25.01.2022.

WJ Keishing

(Wormila Jasmine Keishing)
Deputy Secretary

Encl.: As above

To

- (i) All Secretaries of Ministries / Departments. **(This Circular may also be shared with the existing IEMs in the organizations concerned)**
- (ii) All CMDs/Head of CPSUs/Public Sector Banks/Organisations. **(This Circular may also be shared with the existing IEMs in the organizations concerned)**
- (iii) All CVOs of Ministries/Departments/CPSUs/Public Sector Banks/Organisations. **(This Circular may be brought to the notice of the Chief Executive of the organization concerned)**
- (iv) All Independent External Monitors.

STANDARD OPERATING PROCEDURE FOR IMPLEMENTATION OF INTEGRITY PACT

1.0 BACKGROUND

- 1.1 In order to ensure transparency, equity and competitiveness in public procurement, the Commission recommends adoption and implementation of the concept of Integrity Pact (IP) by Government organizations, Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions and Autonomous Bodies, etc.
- 1.2 Deptt. of Expenditure vide OM dt. 19.7.2011, issued guidelines to all Ministries/Departments/Organizations including their attached/subordinate offices and autonomous bodies for implementation of IP. Also, vide OM dated 20.7.2011, Deptt. of Expenditure requested Department of Public Enterprises for directions to Central Public Sector Enterprises for use of IP.
- 1.3 Further, in view of the increasing procurement activities of Public Sector Banks (PSBs), Insurance Companies (ICs) and Financial Institutions (FIs), the Commission vide Circular No. 02/02/2015 dated 25.02.2015 advised that all PSBs, PSICs and FIs shall also adopt and implement the Integrity Pact.
- 1.4 The Commission vide Circular No. 05/01/22dated 25.01.2022, issued a revised Standard Operating Procedure (SOP) for adoption and implementation of Integrity Pact by Organizations.

2.0 INTEGRITY PACT

- 2.1 The Pact essentially envisages an agreement between the prospective vendors/bidders and the buyer, committing the persons/officials of both sides, not to resort to any corrupt practices in any aspect/stage of the contract. Only those vendors/bidders, who commit

themselves to such a Pact with the buyer, would be considered competent to participate in the bidding process. In other words, entering into this Pact would be a preliminary qualification. The essential ingredients of the Pact include:

- Promise on the part of the Principal not to seek or accept any benefit, which is not legally available;
- Promise on the part of bidder not to offer any benefit to the employees of the Principal not available legally;
- Principal to treat all bidders with equity and reason;
- Bidders not to enter into any undisclosed agreement or understanding with other bidders with respect to prices, specifications, certifications, subsidiary contracts, etc.
- Bidders not to pass any information provided by Principal as part of business relationship to others and not to commit any offence under PC/ IPC Act;
- Foreign bidders to disclose the name and address of agents and representatives in India and Indian Bidders to disclose their foreign principals or associates;
- Bidders to disclose the payments to be made by them to agents / brokers or any other intermediary;
- Bidders to disclose any transgressions with any other public/government organization that may impinge on the anti-corruption principle. The date of such transgression, for the purpose of disclosure by the bidders in this regard, would be the date on which cognizance of the said transgression was taken by the competent authority. The period for which such transgression(s) is/are to be reported by the bidders shall be the last **three years** to be reckoned from date of bid submission. The transgression(s), for which cognizance was taken even before the said period of three years, but are pending conclusion, shall also be reported by the bidders.

2.2 Any violation of Integrity Pact would entail disqualification of the bidders and exclusion from future business dealings, as per the existing provisions of GFR, 2017, PC Act, 1988 and other Financial Rules/Guidelines etc. as may be applicable to the organization concerned.

- 2.3 IP would be implemented through a panel of Independent External Monitors (IEMs), appointed by the organization. The IEM would review independently and objectively, whether and to what extent parties have complied with their obligations under the Pact on receipt of any complaint by them from the bidder(s).
- 2.4 Integrity Pact, in respect of a particular contract, shall be operative from the date IP is signed by both the parties. The IEMs shall examine all the representations/grievances/complaints received by them from the bidders or their authorized representative related to any discrimination on account of lack of fair play in modes of procurement and bidding systems, tendering method, eligibility conditions, bid evaluation criteria, commercial terms & conditions, choice of technology/specifications etc.
- 2.5 For ensuring the desired transparency and objectivity in dealing with the complaints arising out of the tendering process, the matter should be examined by the full panel of IEMs jointly, who would look into the records, conduct an examination, and submit their joint recommendations to the Management. In case the full panel is not available due to some unavoidable reasons, the available IEM(s) will conduct examination of the complaints. Consent of the IEM(s), who may not be available, shall be taken on record.
- 2.6 The role of IEM is advisory and the advice of IEM is non-binding on the Organization. However, as IEMs are invariably persons with rich experience who have retired as senior functionaries of the government, their advice would help in proper implementation of the IP.
- 2.7 The role of the CVO of the organization shall remain unaffected by the presence of IEMs. A matter being examined by the IEMs can be separately investigated by the CVO in terms of the provisions of the CVC Act or Vigilance Manual, if a complaint is received by him/her or directed to him/her by the Commission. CVO and /or the officials of the vigilance wing should not be associated by IEMs during examination of the complaints in any manner.

3.0 APPOINTMENT OF IEMs

- 3.1 The IEMs appointed should be eminent persons of high integrity and reputation. A periodical notice inviting applications from eligible persons will be published on the Commission's website. After due scrutiny and verification of the applications and accompanying documents, as may be deemed appropriate by the Commission, the name(s) would be included in the panel for consideration for nomination as IEM.
- 3.2 The zone of consideration of eminent persons for empanelment as IEMs would consist of:-
- (i) Officers who have held the post of Additional Secretary to Govt. of India or were in equivalent or higher pay scale, at the time of retirement (whether serving with Govt. of India or any State Govt.).
 - (ii) Persons who have held the post of CMD of Schedule 'A' Public Sector Enterprise and were equivalent to Additional Secretary to Govt. of India, at the time of retirement.
 - (iii) Persons who have held the post of CMD/MD and CEO of Public Sector Banks, Insurance Companies and other Financial Institutions, at the time of retirement.
 - (iv) Chief Executive Officer of an organization (other than listed above and were equivalent or higher to Additional Secretary to Govt. of India, at the time of retirement).
 - (v) Officers of Armed Forces, who were in the pay scale of equivalent or higher to Additional Secretaries to Govt. of India, at the time of retirement.
- 3.3 The Commission would not include a retired person in the panel being maintained by it for consideration for nomination as IEM, if that retired person has accepted a full time assignment, post retirement, either in government sector or private sector or elsewhere. All those empanelled persons, who accept full time assignment elsewhere, would cease to remain on the panel, from the date on which they have accepted the said assignment. In

this regard, it would be incumbent upon the empanelled persons to immediately inform the Commission about the acceptance of full time assignment by them.

- 3.4 The Commission would nominate IEMs for an organization, from the panel of IEMs maintained by it. The concerned organization should send a request for nomination of IEMs in case of adoption of Integrity Pact by them. Whenever a vacancy is likely to arise due to completion of tenure of an existing IEM, the organization should send the request for nomination of IEM three months before the expiry of tenure. Similarly, in case of resignation of IEM(s), intimation along with request for nomination should be sent immediately by the organization to the Commission.
- 3.5 Three IEMs shall be nominated for appointment in Maharatna and Navratna PSUs and two IEMs shall be nominated in all other organizations.
- 3.6 A person may be appointed as an IEM in a maximum of three organizations at a time.
- 3.7 An empanelled person cannot be appointed in one organization for a period of more than three years.
- 3.8 Age of IEM should not be more than 70 years at the time of appointment.

4.0 IMPLEMENTATION PROCEDURE

- 4.1 The provision for the Integrity Pact is to be included in all Requests for Proposal/Tender documents issued in future in respect of the procurements that meet the criteria laid down by the Ministry/Department in terms of Department of Expenditure's OM dated 19.07.2011.
- 4.2 In all tenders covered under the IP, particulars of all IEMs, including their email IDs, should be mentioned, instead of mentioning details of a single IEM.

- 4.3 The Purchase / procurement wing of the organization would be the focal point for the implementation of IP.
- 4.4 It has to be ensured, through an appropriate provision in the tender document, that Integrity Pact is deemed as part of the contract so that the parties concerned are bound by its provisions.
- 4.5 A clause should be included in the IP that a person signing IP shall not approach the Courts while representing the matters to IEMs and he / she will await their decision in the matter.
- 4.6 In case of a joint venture, all the partners of the joint venture should sign the Integrity Pact. In case of sub-contracting, the Principal contractor shall take responsibility of the adoption of IP by the sub-contractor. It is to be ensured that all sub-contractors also sign the IP. In case of sub-contractors, the IP will be a tri-partite arrangement to be signed by the Organization, the contractor, and the sub-contractor.
- 4.7 The final responsibility for implementation of IP vests with the Head of organization/CMD/CEO of the organization.

5.0 ROLE OF IEMs

- 5.1 The IEMs would be provided access to all documents/records pertaining to the tender for which a complaint or issue is raised before them, as and when warranted.
- 5.2 The Procurement wing of the organization shall hold quarterly meetings with the IEMs. A summary of contracts awarded in the previous quarter, which are covered under the IP, shall be shared with the IEMs during the quarterly meeting. Such summary of contracts should include details like tender number, mode of tendering, period allowed for publicity, number of bids received, number of bidders considered eligible, and name and address of the successful bidder.

- 5.3 The above summary of contracts is to help the IEMs in analyzing whether appropriate mode of tendering is being adopted by the organization i.e. limited tender mode or nomination mode are not unduly used, number of bidders are not too low, large number of bidders are not excluded while judging the eligibility or during technical bid evaluation stage, and whether particular firm or set of particular firms is repeatedly getting contracts etc. Based on their analysis, the IEMs can suggest to the Management suitable systemic improvement(s) and measures to improve objectivity in decision making, capacity building etc.
- 5.4 It would be desirable to have structured meetings of the IEMs with the Chief Executive of the Organization on a half yearly basis to discuss / review the information on tenders awarded during the preceding six months' period. Additional such meetings, however, can be held as per requirement. All such meetings with the Procurement wing or with the Chief Executive of the organization should be minuted.
- 5.5 IEM should examine the process integrity; they are not expected to concern themselves with fixing of responsibility of officers. Complaints alleging malafide on the part of any officer of the organization should be looked into by the CVO of the concerned Organization.
- 5.6 In the event of any dispute between the management and the contractor relating to those contracts where Integrity Pact is applicable, in case, both the parties are agreeable, they may try to settle dispute through mediation before the panel of IEMs in a time bound manner. If required, the organizations may adopt any mediation rules for this purpose. However, not more than five meetings shall be held for a particular dispute resolution. The fees/expenses on dispute resolution shall be equally shared by both the parties.

In case, the dispute remains unresolved even after mediation by the panel of IEMs, the organization may take further action as per the terms & conditions of the contract.

- 5.7 All IEMs should sign non-disclosure agreements with the organization in which they are appointed.
- 5.8 The IEMs would also be required to sign a declaration of absence of conflict of interest. A person acting as an IEM shall not be debarred from taking up other assignments such as consultancy with other organizations or agencies subject to his declaring that his / her additional assignment does not involve any conflict of interest with existing assignment, and it is not a full time assignment. In case of any conflict of interest arising at a later date from an entity wherein he is or has been a consultant, the IEM should inform the CEO and recuse himself/herself from that case.

6.0 ENTITLEMENTS OF IEMs

- 6.1 In any organization, the IEMs shall be paid per sitting a fees of ₹ 25,000/- . However, the maximum amount payable to IEMs in a calendar year shall not exceed ₹ 3,00,000/- with respect to the sitting fees.
- 6.2 The travel and stay arrangement for the IEMs for such meetings shall be equal to their entitlements at the time of retirement. Booking of tickets for travel, as per the mode of travel indicated by the IEM in writing (including email), local transport and stay shall be done by the organization.
- 6.3 The fees for meetings held by IEMs for mediation between the Management and the contractor as per Para 5.6 above shall be the same as fee payable to IEMs otherwise and in addition to the fees for the regular meetings of IEMs, over and above the ceiling of ₹ 3,00,000/- annually, to be calculated as per calendar year. The travel and stay arrangement for such meetings shall be same as given in Para 6.2 above.
- 6.4 The organization concerned shall provide place for meeting and secretarial assistance to IEMs for rendering his/her job as IEM. No payment in lieu of secretarial assistance shall be paid to the IEMs.

7.0 REVIEW SYSTEM

- 7.1 CVOs of all organizations would keep the Commission posted with the implementation status through their annual reports and special reports, wherever necessary.
- 7.2 All organizations are called upon to make sincere and sustained efforts to imbibe the spirit and principles of the Integrity Pact and ensure its effective implementation.



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CENTRAL VIGILANCE COMMISSION



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स. / No. 023/VGL/052

दिनांक / Dated. 26.06.2023

Circular No. 05/06/23

Subject: Eligibility of facilities, perks, perquisites etc. to the Chief Vigilance Officers, holding additional charge- regarding.

**Ref:- Commission's Circular No. 3 (v)/99/5 dated 29.07.1999
Commission's Circular No. 003/VGL/18 dated 17.09.2003
Commission's Circular No. 25/07/06 dated 06.07.2006
DoPT OM No. 372/21/2009-AVD-III dated 12.10.2010
DoPT OM No. 372/9/2012-AVD-III dated 12.07.2012
DoPT OM No. 40/2/2018-EO (MM-CVO) dated 01.07.2019
DoPT OM No. 40/2/2018-EO (MM-CVO) dated 01.07.2021**

In order to ensure effective vigilance administration, Chief Vigilance Officers (CVOs) are appointed in Central Government Organizations as head of vigilance units.

2. Every organization is required to have a separate CVO and in major organizations, CVOs are appointed on full time basis. However, on a few occasions, due to administrative reasons, an officer appointed as CVO in an organization is given additional charge to function as CVO of another organization(s), on temporary basis.

3. The Central Vigilance Commission and DoPT have issued guidelines from time to time regarding the pay structure, status, facilities, perks and perquisites admissible to CVOs. In order to bring transparency and remove ambiguity in respect of facilities available to an officer holding charge of CVO of more than one organization, it is clarified that the pay, facilities, perks and perquisites are to be availed by the CVOs, as may be admissible to them as CVO of the organization, where they are holding 'substantive

charge'. CVOs should not request for or avail of any facility, perks, perquisites etc. from the organization, where they are holding only additional charge.

4. The organizations where an officer is holding post of CVO on additional charge basis, should continue to provide the required support for discharging official duties to such CVOs. Such support may be in the form of use of office premises, adequate support staff, secretarial assistance in office, telephone, other office equipment, travel, accommodation on official tours etc. as may be required for discharge of official duties.

5. It may be noted for strict compliance with immediate effect.



(Rajiv Verma)
Director

To

- (i) The Secretaries of all Ministries/Departments of GoI
- (ii) All Chief Executives of CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
- (iii) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc.
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Block A, INA, New Delhi-110023


सं./No.....
015/VGL/091/3153
दिनांक / Dated.....
05.09.2023

Circular No. 09/09/23

Subject: Adherence to the provisions of Standard Operating Procedure (SOP) for implementation of Integrity Pact-regarding.

Central Vigilance Commission, vide its Circular No 015/VGL/091 dated 14.06.2023 has issued revised Standard Operating Procedure (SOP) for implementation of Integrity Pact (IP) by the Organizations, who have adopted IP for procurement activities.

2. As per provisions of the SOP, the Integrity Pact would be implemented through a panel of Independent External Monitors (IEMs) to be appointed by the respective organizations. In Para 5.2 of the SOP dated 14.06.2023, it has been provided that the Procurement wing of the organization shall hold quarterly meetings with the IEMs. Similarly, as per Para 5.4 of the SOP dated 14.06.2023, has been laid down that it would be desirable to have structured meetings of IEMs with the Chief Executive of the organization on a half yearly basis to discuss/review the information on tenders awarded during the preceding six months' period. Additional such meetings, however, can be held as per requirement.
3. However, it has been observed that in some organizations, meetings with IEMs are not being scheduled/held at periodic intervals, as provided in the SOP dated 14.06.2023. This can result in reducing the effectiveness of Integrity Pact as a tool for Preventive Vigilance.
4. The Commission has therefore, desired that the organizations may ensure that meetings of IEMs in the respective organizations are scheduled as per the periodicity indicated in Paras 5.2 and 5.4 of Commission's Circular No. 04/06/23 dated 14.06.2023.
5. This may be noted for compliance by the organizations concerned.


(Roopal Prakash)
Director

To

(i) All CVOs of Ministries/Departments of GoI/CPSUs/Public Sector Banks/Public Sector Insurance Companies/Autonomous Bodies etc. **(This Circular may be brought to the notice of the Chief Executive of the organization concerned)**

(il) Website of CVC