



सत्यमेव जयते

ANNUAL REPORT

01.01.2019 to 31.12.2019



CENTRAL VIGILANCE COMMISSION



Shri Sanjay Kothari
Central Vigilance Commissioner



Shri Sharad Kumar
Vigilance Commissioner

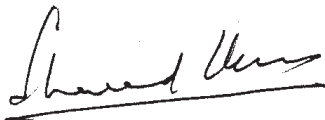


Shri Suresh N. Patel
Vigilance Commissioner

The 56th Annual Report of the Central Vigilance Commission is prepared under Section 14 of the CVC Act, 2003 for submission to the President of India. The report highlights the work done by the Central Vigilance Commission during the year ending 31st December, 2019 in fulfilling its mandate under the CVC Act, 2003.

Handwritten signature of Sanjay Kothari in black ink.

(SANJAY KOTHARI)
CENTRAL VIGILANCE COMMISSIONER

Handwritten signature of Sharad Kumar in black ink.

(SHARAD KUMAR)
VIGILANCE COMMISSIONER

Handwritten signature of Suresh N. Patel in black ink.

(SURESH N. PATEL)
VIGILANCE COMMISSIONER

New Delhi

Dated: the 22nd June, 2020

ACKNOWLEDGEMENT

The Central Vigilance Commission thanks the Government of India, its Ministries/Departments, Public Sector Undertakings, Public Sector Banks and other organizations, the team of Chief Vigilance Officers, Central Bureau of Investigation, Law Officers and all others connected with the Commission for their cooperation and assistance.

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Release of Preventive Vigilance Initiative Booklet during VAW 2019



Release of VIGEYE VANI Quarterly Newsletter



ANNUAL REPORT 2019

AN OVERVIEW

- Central Vigilance Commission is the apex integrity institution mandated to fight corruption and for ensuring integrity in administration. It is a statutory multi member body vested with the superintendence of vigilance administration in the Central Government and its organisations. The Commission is also mandated to tender advice to the Central Government and its Organisations on reports of inquiry undertaken by any agency on a reference made by the Commission and on such matters referred to it by the Central Government and its Organisations. The Commission is fully committed to implement the policy of “Zero Tolerance against Corruption”.

(Para 1.1)
- The Central Vigilance Commission Act, 2003 provides for constitution of Central Vigilance Commission to inquire or to cause inquiry or investigation into offences alleged to have been committed under the Prevention of Corruption Act 1988 by certain categories of public servants of the Central Government, Corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto. The functions and powers of the Commission are detailed under Section 8 of the CVC Act,2003.

(Para 1.5)
- The Lokpal and Lokayuktas Act, 2013 has amended some provisions of CVC Act, 2003 and the Commission has been empowered to conduct preliminary inquiry into complaints referred by Lokpal in respect of officers and officials of Groups B, C & D, besides Group A officers. The Commission’s additional functions would include conducting preliminary inquiry into the complaints referred by Lokpal in respect of Gr. ‘A’, ‘B’, ‘C’ & ‘D’ officials.

(Para 1.7)
- The Government has authorised the Commission as the Designated Agency to receive written complaints or disclosure on any allegation of corruption or mis-use 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, and act on complaints/disclosures from whistle-blowers under the Public Interest Disclosure and Protection of Informers Resolution (PIDPI),2004. The Commission has been entrusted with the responsibility of keeping the identity of the whistle blowers who lodge complaints under PIDPI Resolution secret and to provide protection to them against victimisation. The Commission is also empowered as the designated agency to take action against whistle blowers who make motivated or vexatious complaints.

(Para 1.10)
- The Commission's activities are normally carried out through the Chief Vigilance Officers (CVO) who head the vigilance administration in Departments/ Organisations falling under

the jurisdiction of the Commission. The CVOs are the extended arm of the Commission. There are 195 posts of full time CVOs, of which 30 posts of full time CVOs are lying vacant in various Departments/ Organisations as on 31.12.2019.

(Para 1.23 and 1.24)

- The Commission has been implementing a multi-prolonged strategy to combating corruption, which encompasses preventive, punitive and participative vigilance measures. These are not mutually exclusive but are complimentary and are important elements within the broader approach for combating corruption.

(Para 2.1)

- The Commission recommended initiation of criminal proceedings in 72 cases during 2019.

(Para 2.11)

- The Commission tendered advices in 3157 cases during the year 2019. These include Commission's advice of initiation of major penalty proceedings in 493 cases and minor penalty proceedings in 193 cases as its first stage advice. Similarly, Commission advised imposition of major penalty in 110 cases and minor penalty in 96 cases as second stage advice.

(Paras 2.8, 2.9, 2.11, 2.12 and 2.13)

- In the year 2019, 35649 complaints were received (including complaints brought forward from 2018), out of which 34813 complaints were disposed off. The Commission received a large number of complaints against public servants working in the state governments and other organizations who do not come under the jurisdiction of the Commission or which are of administrative nature.

(Paras 2.24 & 2.26)

- During the year 2019, vigilance clearances were processed and issued by the Commission for the Board level appointments in 748 cases. Vigilance clearance was also provided by the Commission in respect of 2473 officials of the All India Services and other Services for empanelment to the posts of Joint Secretary and above in the Central Government and for appointments to certain Statutory Posts under the Central Government.

(Para 2.33)

- During the year 2019, penalties were imposed in 19644 cases (for all categories of officers) dealt with by the CVOs. Further, major penalty was awarded in 6426 cases and minor penalty was awarded in 13218 cases.

(Para 3.13)

- The Vigilance Awareness Week was observed from 28th October to 2nd November, 2019 with the theme "Integrity- A way of life (ईमानदारी – एक जीवन शैली)". All PSUs / Public Sector Banks / Ministries / Departments etc. conducted activities within their organizations as well as outreach activities for the public on a large scale. The thrust during Vigilance Awareness Week 2019 had been on outreach activities which included publicizing the Integrity

e-Pledge and conducting Awareness Gram Sabhas and Awareness Campaigns in schools and colleges.

(Para 8.8 and 8.10)

- The Commission has an ongoing campaign for taking of “**Integrity Pledge**” to enlist support and commitment of the citizens and organizations. As on 27.04.2020 approximately 96.35 lakh citizens and around 130,643 organizations have taken the e-pledge online.

(Para 8.11)

- “Awareness Gram Sabhas” were organized where short plays, nukkadnataks, display of posters and screening of films etc., were made for dissemination of awareness in Gram Panchayats to sensitize citizens on the ill effects of corruption this year. In 2019, more than 80,012 Gram Sabhas were organized during the Vigilance Awareness Week.

(Para 8.12)

- The outreach activity focusing on inculcating greater awareness on corruption and anti-corruption measures were also held in colleges and schools including professional colleges/institutions across the country. Activities in schools / colleges across the country in over 600 cities and towns during the week reached out to several lakh youth.

(Para 8.13)

- The Commission obtains data related to Preliminary Enquiries (PEs) and Registered Cases (RCs) from CBI every month. During the year 2019, the Commission held monthly review meetings with CBI where cases against senior officers of the Government, executives of banks/public sector enterprises and politicians were reviewed.

(Para 6.6)

- The Commission reviews the progress of cases pending for sanction of prosecution with various organisations under the PC Act. CBI reported that at the end of the year 2019, 176 cases were pending for grant of sanction for prosecution.

(Para 6.16)

- Within the frame work of the Commission’s training policy various domestic and international training programmes were organized in 2019. These include induction level training as well as customized training focused on specific areas of work relevant to vigilance / anti-corruption.

(Para 9.6)

- The Commission, in keeping with the overall strategy of creating awareness and emphasis on preventive vigilance is also urging organisations to include a module on preventive vigilance in their induction training programmes for young officers. Similarly designing of a capsule course on preventive vigilance for the mid-career training has been advised for inclusion in programmes organized for middle level professionals. The Commission has also advised DoPT as well as the National Training Academies and PSUs and PSBs to develop industry/service specific training module on preventive vigilance for inclusion in the induction training programmes.

(Para 9.17)

Function of Vigilance Awareness Week 2019



CHAPTER – 1

MANDATE OF THE COMMISSION

- 1.1 Central Vigilance Commission is the apex integrity institution mandated to fight corruption and for ensuring integrity in administration. It is a statutory multi member body vested with the superintendence of vigilance administration in the Central Government and its organisations. The Commission is empowered to inquire or cause inquiries to be conducted into any complaint against any official belonging to certain categories of public servants wherein it is alleged to have been committed offences under the Prevention of Corruption Act, 1988. The Commission is also mandated to tender advice to the Central Government and its Organisations on reports of inquiry undertaken by any agency on a reference made by the Commission and on such matters referred to it by the Central Government and its Organisations. Besides overseeing integrity in public administration in the Central Government, PSUs and other agencies, the Commission endeavors in its outreach measures to create awareness amongst civil society and the public at large towards the avowed policy of achieving transparency, accountability and corruption free governance. The Commission is fully committed to implement the policy of “Zero Tolerance against Corruption”.

The Commission is vested with the powers of superintendence over the CBI's functioning in so far as it relates to the PC Act, 1988, which includes review of progress of investigations conducted, review of progress of applications pending with the Competent Authorities for sanction of prosecution under the Prevention of Corruption Act, 1988.

The Annual Report of the Commission not only gives the details of the work done by it but also brings out the systemic failures which leads to corruption in various Departments/Organisations, system improvements, various preventive measures undertaken and cases in which the Commission's advices were not accepted or implemented by the Administrative Authorities.

I Genesis

- 1.2 Central Vigilance Commission was initially constituted by the Government of India through a Resolution dated 11th February, 1964 as an apex body for prevention of corruption in India and exercising general superintendence over vigilance administration. The debate in Parliament and concern over corruption led to setting up of a Committee by Shri Lal Bahadur Shastri, the then Minister for Home Affairs under the Chairmanship of Shri K. Santhanam, Member of Parliament to review the existing instruments with a view to prevent corruption in Central Services and suggest steps for effective anti-corruption measures. The Santhanam Committee identified four major causes of corruption: -

- (i) Administrative delays;

- (ii) Government taking upon themselves more than what they could manage by way of regulatory functions;
 - (iii) Scope for personal discretion in the exercise of powers vested in different categories of government servants; and
 - (iv) Cumbersome procedures in dealing with various matters which were of importance to citizens in their day to day affairs.
- 1.3 The recommendations of the Santhanam Committee were considered, and the Central Vigilance Commission was set up by the Government of India (Ministry of Home Affairs) vide Resolution dated 11.02.1964.
- 1.4 Subsequently, statutory status was conferred through the Central Vigilance Commission Bill passed by both the Houses of Parliament and received the assent of the President on 11th September, 2003. It came on the statute book as THE CENTRAL VIGILANCE COMMISSION ACT, 2003 (45 of 2003).

II The Central Vigilance Commission Act, 2003

- 1.5 The Central Vigilance Commission Act, 2003 (Act 45 of 2003) provides for constitution of Central Vigilance Commission to inquire or to cause inquiry or investigation into offences alleged to have been committed under the Prevention of Corruption Act 1988 (49 of 1988) by certain categories of public servants of the Central Government, Corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto. The functions and powers of the Commission are detailed under Section 8 of the CVC Act, 2003.
- 1.6 The Lokpal and Lokayuktas Bill passed by Parliament received the assent of the President on 1st January 2014 and came on the statute book as The Lokpal and Lokayuktas Act, 2013 (1 of 2014). The Act provides for establishment of a body of Lokpal for the Union and Lokayuktas for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith. The jurisdiction of Lokpal includes the Prime Minister, Ministers, Members of Parliament, Groups A, B, C and D officers and officials of the Central Government. The Lokpal has powers to inquire or cause an inquiry or investigation into offences alleged to have been committed under Prevention of Corruption Act, 1988 by the categories of public functionaries prescribed in Section 14 of the Lokpal and Lokayuktas Act, 2013.
- 1.7 The Lokpal and Lokayuktas Act, 2013 has amended some provisions of CVC Act, 2003 and the Commission has been empowered to conduct preliminary inquiry into complaints referred by Lokpal in respect of officers and officials of Groups B, C & D, besides Group A officers. The Commission's additional functions would include conducting preliminary inquiry into the complaints referred by Lokpal in respect of Gr. 'A', 'B', 'C' & 'D' officials for which a Directorate of Inquiry for making preliminary inquiry is to be set up in the Commission. The preliminary inquiry reports in such matters referred by Lokpal in respect of Group A and B officers are required to be sent to the Lokpal by the Commission. Further,

as per mandate, the Commission is to cause further investigation into such Lokpal references in respect of Gr. 'C' & 'D' officials and decide on further course of action against them.

- 1.8 The Central Government has constituted the institution of Lokpal on 19.03.2019 under the Chairmanship of Justice Pinaki Chandra Ghose.

Functions and Powers of the Central Vigilance Commission under the Central Vigilance Commission Act, 2003

- *Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or offences under the Cr. PC for certain categories of public servants -section 8(1)(a);*
- *Give directions to the Delhi Special Police Establishment (CBI) for superintendence in so far as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 - section 8(1)(b);*
- *To inquire or cause an inquiry or investigation to be made on a reference by the Central Government - section 8(1)(c);*
- *To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 - section 8(1)(d);*
- *Review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Cr.P.C. - section 8(1)(e);*
- *Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988 - section 8(1)(f);*
- *Tender advice to the Central Government and its organisations on such matters as may be referred to it by them - section 8(1)(g);*
- *Exercise superintendence over the vigilance administrations of the various Central Government Ministries, Departments and organisations of the Central Government – section 8(1)(h);*
- *Shall have all the powers of a Civil Court while conducting any inquiry - section 11;*
- *Proceedings before Commission to be judicial proceedings - Section 12;*
- *Call for reports, returns and statements from Central Government / PSUs / Organisations under its jurisdiction - Section 18;*
- *Respond to Central Government on mandatory consultation with the Commission before making any rules or regulations governing the vigilance or disciplinary matters relating to the persons appointed to the public services and posts in connection with the affairs of the Union or to members of the All India Services - Section 19; and*
- *Conducting preliminary inquiry into the complaints referred by Lokpal in respect of Gr. 'A', 'B', 'C' & 'D' officials for which a Directorate of Inquiry for making preliminary inquiry is to be set up in the Commission.*

Other salient features

- *Multi-member Commission consisting of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);*

- *The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President on the recommendations of a Committee consisting of the Prime Minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the House of the People (Member);*
- *The term of office of the Central Vigilance Commissioner and the Vigilance Commissioners is four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier;*
- *The Central Vigilance Commissioner (CVC) is the Chairperson and the two Vigilance Commissioners alongwith concerned Secretaries of Administrative Ministries are the Members of the Selection Committees, on whose recommendation the Central Government appoints officers to the posts of the level of SP and above in the CBI and to the posts of the level of Deputy Director and above in the Directorate of Enforcement;*
- *The Committees concerned are also empowered to recommend, after consultation with the Director CBI / Director of Enforcement, the extension or curtailment of tenure of such officials in CBI and Directorate of Enforcement; and*
- *The Commission is the designated agency under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution to undertake or cause an inquiry into complaints received under PIDPI Resolution and recommend appropriate action.*

III Jurisdiction of Central Vigilance Commission

- 1.9 In terms of Sections 8 (1) (d) and 8 (2) (a) of the Central Vigilance Commission Act, 2003, the Commission's jurisdiction in respect of inquiry extends to members of All India Services serving in connection with the affairs of the Union, Group 'A' level officers of the Central Government and such level of officers in the corporations, Government companies, societies and other local authorities of the Central Government as may be notified by the Central Government separately from time to time. The Central Government (DoPT) has so far notified the following levels / categories of officers which are tabulated at Serial Number (2) to (8) of the box below:

Commission's jurisdiction under the Act

- (1) *Members of All India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;*
- (2) *Chief Executives and Executives on the Board and other officers of E-8 and above in Schedule 'A' and 'B' Public Sector Undertakings of the Central Government;*
- (3) *Chief Executives and Executives on the Board and other officers of E-7 and above in Schedule 'C' and 'D' Public Sector Undertakings of the Central Government;*
- (4) *Officers of the rank of Scale V and above in the Public-Sector Banks;*
- (5) *Officers in Grade 'D' and above in Reserve Bank of India, NABARD and SIDBI;*
- (6) *Managers and above in respect of General Insurance Companies;*
- (7) *Senior Divisional Managers and above in Life Insurance Corporation of India; and*
- (8) *Officers drawing salary of Rs 8700/- per month (pre-revised as on 12.09.2007) and above on Central Government DA pattern, as may be revised from time to time, in societies and local authorities owned or controlled by the Central Government.*

IV Public Interest Disclosure and Protection of Informers' Resolution (PIDPI) – 2004

- 1.10 In a PIL [Writ Petition (Civil) No. 539/2003] filed before the Supreme Court after the murder of Shri Satyendra Dubey, a whistle-blower, while hearing the petition, the question of a suitable machinery for acting on complaints from 'whistle-blowers' arose. The Public Interest Disclosure and Protection of Informers' Bill, 2002 drafted by the Law Commission was under examination. The Government of India vide Gazette Notification No.371/12/2002-AVD- III dated 21.04.2004r/w Corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004 which authorized the Commission, as the Designated Agency to receive written complaints or disclosure on any allegation of corruption or mis-use 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, and act on such complaints/disclosures from whistle-blowers. This Resolution is popularly known as "Whistle Blowers" Resolution. The Commission has been entrusted with the responsibility of keeping the identity of the whistle blowers secret who lodges complaint under PIDPI Resolution and to provide protection to them against victimisation. The Commission is also empowered as the designated agency to take action against whistle blowers who make motivated or vexatious complaints. The limitation of jurisdiction of the Commission under the CVC Act, 2003 to inquire or cause inquiry or investigation into the complaints against Group 'A' or equivalent level of officers is not applicable in case of Public Interest Disclosure and Protection of Informers' Resolution 2004.
- 1.11 The Commission had earlier suggested to the Department of Personnel & Training (DoPT) that a proper mechanism may be put in place for Ministries/Departments to receive Whistle Blower Complaints and also to give due publicity to the scheme of Whistle Blower mechanism so that people can lodge complaints. Accordingly, the Department of Personnel and Training vide its Resolution dated 14.08.2013 authorised the Chief Vigilance Officers in the Ministries/Departments as the designated authority to receive written complaint or disclosure 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. At present, the Central Vigilance Commission is the designated agency and all the CVOs of the Ministries/Departments are the designated authorities to receive and take action on Whistle Blower complaints. The amendment authorised the Central Vigilance Commission to supervise and monitor the complaints received by the designated authorities in the Ministries/Departments.
- 1.12 DoPT vide O.M. N. 371/4/2013-AVD-III dated 16.06.2014 has laid down detailed procedure for handling of complaints under PIDPI Resolution by the designated authorities in the Ministries/Departments of the Central Government.
- 1.13 The Commission in keeping with the spirit of PIDPI Resolution had laid down a detailed procedure for lodging and handling of complaints. In order to create awareness among

the public at large, so that they feel encouraged to come forward and make complaints/disclosures, wide publicity is regularly made by the Commission.

- 1.14 The Public Interest Disclosure and Protection to Persons Making the Disclosures (PIDPPMD) Bill 2010 was introduced by the Central Government in Parliament. The PIDPPMD Bill, 2010 was renamed as “The Whistle Blowers’ Protection Bill, 2011” which was passed by Parliament and received the assent of the President on 09.05.2014. The Whistle Blowers Protection Act, 2014 (No. 17 of 2014) was notified in the Gazette of India on 12.05.2014. The Act empowers the Commission as the competent authority to receive complaints relating to disclosure on any allegation of corruption or wilful misuse of power or wilful misuse of discretion against any public servant and to inquire or cause an inquiry into such disclosure and to provide adequate safeguards against victimisation of the person making such complaint and for matters connected therewith and incidental thereto. However, under Section 1(3) of the Act, the Central Government is required to notify a date for the coming into force of the provisions of the Whistleblowers Protection Act, 2014.

Important Features of the “Whistle-Blowers” Resolution

- *The CVC shall, as the Designated Agency (hereinafter referred to as the Commission), 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 under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government;*
- *DoPT in August 2013, also authorised Chief Vigilance Officers of the Ministries/Departments of the Government of India as the designated authority to receive written complaint or disclosure of corruption or misuse of office;*
- *The Commission will ascertain the identity of the complainant; if the complaint is anonymous, it shall not take any action in the matter;*
- *The identity of the complainant will not be revealed unless the complainant himself has made either the details of the complaint public or disclosed his identity to any other office or authority;*
- *While calling for further report / investigation, the Commission and the designated authorities shall not disclose the identity of the informant and shall also request the head of the organisation concerned to keep the identity of the informant a secret, if for any reason the identity is revealed;*
- *The Commission and the designated authorities are authorized to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received;*
- *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 Commission or the designated authority seeking redressal in the matter, wherein the Commission or the designated authority may give suitable directions to the person or the authority concerned;*
- *If the Commission or the designated authority is of the opinion that either the complainant or the witnesses need protection, it shall issue appropriate directions to the government authorities concerned;*
- *In case the Commission or the designated authority finds the complaint to be motivated or vexatious, it shall be at liberty to take appropriate steps; and*
- *In the event of the identity of the informant being disclosed in spite of the Commission's or designated authority's directions to the contrary, the Commission or the designated authority is authorized to initiate appropriate action in accordance with the extant regulations against the person or agency making such a disclosure.*

V Commission's Advisory Role

- 1.15 The advisory role of the Commission extends to all matters on vigilance administration referred to it by the Departments/Organisations of the Central Government. It is mandatory on the part of the organisations to seek the Commission's advice before proceeding further in a matter where earlier a report was called for by the Commission.
- 1.16 The Commission examines the investigation reports furnished by the CVO or the CBI and depending upon the facts of each case and evidence/ records available and advises the Departments/Organisations concerned for initiation of criminal and/or regular departmental action for major or minor penalty, as the case may be, against the public servant(s) concerned. In case, disciplinary proceedings are not warranted, the Commission may advise closure of the case or administrative action against the public servant(s) depending upon facts of the case by way of first stage advice.
- 1.17 In cases where the Commission had advised initiation of major penalty proceedings at first stage in respect of Group 'A' officers of the Central Government, members of All India Services and such other categories of officers and where UPSC is not required to be consulted, such cases would be referred to the Commission for second stage advice on conclusion of the inquiry proceedings. Further, where on conclusion of the inquiry proceedings the disciplinary authorities propose to take any action which is at variance with the Commission's first stage advice in respect of non-Presidential appointees including officials of CPSEs, Public Sector Banks and Autonomous Bodies, etc., the Commission's second stage advice is required to be obtained. Besides, second stage advice is also required in cases of all categories of officers in respect of whom the Commission had at first stage advised initiation of minor penalty proceedings and the disciplinary authorities concerned tentatively propose to exonerate the officer(s).

VI Present composition of the Commission

- 1.18 In terms of the CVC Act 2003, the Commission consists of a Central Vigilance Commissioner (CVC) as Chairperson and two Vigilance Commissioners (VCs) as Members. The appointment of the CVC as well as that of the VCs is made in accordance with the provisions of Section 4 of the CVC Act, 2003 by the President of India on the recommendations of a Committee consisting of (a) the Prime Minister; (b) the Minister of Home Affairs; and (c) the Leader of the Opposition in the Lok Sabha. The Central Vigilance Commissioner and Vigilance Commissioners hold office for a term of four years from the date on which they enter office or till attaining the age of sixty-five years, whichever is earlier. As on 31.12.2019, Shri Sharad Kumar was officiating as Central Vigilance Commissioner after Shri K. V. Chowdary demitted office of Central Vigilance Commissioner on 09.06.2019. The post of Central Vigilance Commissioner and Vigilance Commissioner was vacant as on 31.12.2019. As on date, Shri Sanjay Kothari, IAS (Retd.) is the Central Vigilance Commissioner (joined on 20.04.2020) and Shri Suresh N. Patel, MD & CEO (Retd.) Andhra Bank is the Vigilance Commissioner (joined on 29.04.2020).

VII Staff Composition

- 1.19 As per Section 3(4) of the CVC Act, 2003 the Central Vigilance Commission is to be assisted

by a Secretary, who is appointed by the Central Government. In addition to the Secretary, the Commission is assisted by four Additional Secretaries (officers of the rank of Joint Secretary to the Government of India) and other staff which includes thirty three officers in the rank of Director/ Deputy Secretary, three OSDs (Deputy Secretary level) and eight Under Secretaries. Officers of the rank of Director/Deputy Secretary also perform the function of Commissioners for Departmental Inquiries (CDIs), to conduct departmental inquiries relating to major penalty proceedings on behalf of the disciplinary authorities in disciplinary cases against senior officers.

- 1.20 Shri Anindo Majumdar, IAS (85: AGMUT) joined the Commission as Secretary on 26.09.2018 and is continuing since.
- 1.21 The category-wise staff-strength of the Commission as on 31.12.2019 and related information is at Appendix- I. As on 31.12.2019, as compared to the sanctioned strength, there is a shortage of 21.53% in Group 'A' posts and 23.85% in Group 'B' posts.

VIII Technical Wing

- 1.22 The Chief Technical Examiners' Organisation (CTEO) is the technical wing of the Commission. CTEO wing assists the Commission in formulating its views in cases involving tendering in procurement and construction related cases. CTEO wing also undertakes intensive examination of major civil / electrical / horticulture and other projects and major procurements by the Central Government organisations. The wing comprises of two Chief Technical Examiners (of the rank of a Chief Engineer), assisted by eight Technical Examiners (of the rank of Executive Engineer), six Assistant Technical Examiners (of the rank of Assistant Engineer) and supporting staff.

IX Chief Vigilance Officers

- 1.23 The Commission's activities concerning inquiry or causing inquiry are normally carried out through the Chief Vigilance Officers (CVO) who head the vigilance administration in Departments/ Organisations falling under the jurisdiction of the Commission. The CVOs are the extended arm of the Commission. They provide assistance to the Heads of the Department/ Chief Executives of the organisation concerned in all matters relating to vigilance administration by tendering appropriate advice/ providing necessary expertise to them. CVOs are supposed to do vigilance audit of various structures and procedures in the organisation and assist the management in establishing effective internal control systems and procedures, so that systemic failures can be reduced. Speedy processing of vigilance matters, especially the disciplinary cases is an important function of the CVOs. The other activities are identification of area prone to corruption and to ensure that officers of proven integrity are posted in those areas, preparation of list of officers of doubtful integrity, preparation of agreed list of officers, ensure periodic rotation of staff, ensure manuals / procedures are updated from time to time, conduct regular and surprise inspection in sensitive areas and also undertake review of all pending matters of vigilance complaints / cases, investigation reports, disciplinary cases, etc., every month. The Commission has a system of obtaining monthly/ quarterly reports and annual reports from the CVOs as an

effective tool of communication with them, and holds annual zonal review meetings with the CVOs of all major government Departments / Organisations as a part of its review and monitoring mechanism. Besides, as and when required, the Commission invites the CVOs individually to discuss important issues relating to their organisations with them. There are posts of full time CVOs as well as part time CVOs.

- 1.24 Presently, six Departments of the Government of India, namely Central Board of Direct Taxes, Central Board of Excise & Customs, Central Public Works Department, Department of Telecom, Department of Posts, Ministry of Railways as well as majority of the Central Public-Sector Enterprises (CPSEs), Public Sector Banks and Insurance Companies have full time CVOs, while others have part-time CVOs. There are 195 posts of full time CVOs, of which 30 posts of full time CVOs are lying vacant in various Departments/ Organisations as on 31.12.2019. Vigilance activities in Ministries / Departments and other organisations are looked into by part time CVOs, who are working in the concerned Ministry / Department / Organisations at sufficient seniority level.
- 1.25 The Commission attaches utmost priority to the capacity building of CVOs and other officers engaged in vigilance activities. For this purpose, the Commission conducts induction training for CVOs for equipping them with the latest vigilance / anti-corruption tools. Apart from the induction training of newly appointed CVOs, customized domestic and foreign training programmes are also organised for CVOs and other officers connected with the affairs of vigilance administration. Eminent persons with immense domain knowledge are invited to interact with the CVOs during such trainings. Officers of the Commission are also nominated / deputed to impart training courses and share their experience/expertise with CVOs, vigilance functionaries, etc.

Lecture Series in the Commission



CHAPTER – 2

COMMISSION'S ACTIVITIES DURING 2019

- 2.1 The Commission has been implementing a multi-prolonged strategy to combating corruption, which encompasses preventive, punitive and participative vigilance measures. These are not mutually exclusive but are complimentary and are important elements within the broader approach for combating corruption.

I Handling of Complaints

- 2.2 An important component of the mandate of the Central Vigilance Commission consists of receiving complaints regarding corruption from the public, examination of these complaints and subsequently to seek investigation / action from the concerned agencies on the substance of the allegations on their merits. The investigations carried out by the Commission as well as those carried out by other organizations at the instance of the Commission form a basis for identifying corrupt actions by officials and appropriately penalizing such action in organizations within its jurisdiction and mandate. It tenders advice on issues referred to it by various organizations, it reviews the progress of vigilance work periodically through the mechanism of annual sectoral reviews and other meetings, it guides the Chief Executives and the CVOs of various organizations on issues pertaining to vigilance, it seeks organizational responses and suggests systems improvement in areas attracting complaints, conducts direct inquiries on certain sensitive complaints and also summons officials for hearings on specific issues. All this is done as part of a comprehensive effort for better vigilance administration.

II Punitive Vigilance

- 2.3 The Commission is of the view that time-bound and effective punitive action resulting in exemplary punishment adequately punishes wrong doers and deters others from committing such acts of misconduct. Further, the timely completion of investigations and disciplinary proceedings has been an area of priority for the Commission.

III Preventive Vigilance

- 2.4 The preventive vigilance component of this engagement seeks to achieve corruption free governance proactively by proposing structural remedies which would minimize the possibility of corrupt practices. Although potential areas of corruption are specific to organizations/sectors, there are some broad areas common to all organizations, such as procurement, sale of goods and services, allocation of scarce natural resources, human resource management (recruitment, promotion, transfer and postings), delivery of services to the common citizen, implementation of rules and regulations and effective grievance redressal mechanisms etc. which need attention. The generic measures to combat corrupt

practices include simplification and standardization of rules, leveraging technology, rethinking the structure of core processes in order to better fulfil the objectives of the organization and enhance transparency and accountability, regular and effective inspections, periodical rotation transfer of staff, training and awareness of employees and public etc.

IV Vigilance Awareness Week

- 2.5 Participative vigilance has been stressed by the Commission as part of the overall strategy of holistic engagement, the culmination point of which is seen during the Vigilance Awareness Week. The Commission coordinates a large-scale coordinated outreach initiative to disseminate awareness of the benefits of honesty and ill effects of corruption. The Vigilance Awareness Week encourages all stakeholders to collectively participate in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. During this week, organizations under the guidance of the Commission and its representatives engage in activities relevant to the theme both within their organization as well as for outreach to the public/citizens. Further, awareness through Gram Sabhas are widely organized across the country during the Vigilance Awareness Week. Schools and colleges organize activities such as debates, elocution contests, essay writing, panel discussions, cartoon and poster making competitions on moral values, ethics, good governance practices, etc.

V Capacity Building

- 2.6 Another part of the strategy emphasizes capacity building for officials working in this area. For newly appointed CVOs, Induction Training is being imparted to provide suitable exposure to statutory rules and regulations and also to empower them to discharge their functions efficiently. Besides induction trainings, short-term thematic training and refresher courses are organized, both nationally and internationally to build professional competencies and inculcate personal attributes by exposing the officers to courses on leadership development, ethics and values in public governance. Eminent speakers are invited to share their views with a select audience comprising senior officials and CVOs of government departments and other organisations as part of the lecture series of the Commission and the proceedings of this event are webcast live by NIC to a wider audience all over India.
- 2.7 The engagement strategy of preventive and participative vigilance are discussed in detail in subsequent chapters of the report. The present chapter deals with activities falling within the area of punitive vigilance as well as some statutory activities of the Commission.

VI Receipt and Disposal of Vigilance Cases

- 2.8 The Commission received 4110 cases (including 1358 cases carried forward from 2018) and tendered its advice in 3157 cases in 2019. Commission vide circular No. 08/12/14 dated 03.12.2014 decided that in cases where the Disciplinary Authority (DA) on conclusion of disciplinary proceedings proposes to impose a penalty which is in line with the Commission's first stage advice, it need not consult the Commission for second stage advice. This has enabled expeditious disposal by administrative authorities. Cases disposed by the

Commission include advice tendered as first stage advice and second stage advice as well as sanction for prosecution. Requests for reconsideration of the Commission’s advice are also included. Table 2.1 shows the receipt and disposal of cases in the Commission during 2019.

Table 2.1
Number of Cases Received and Disposed during 2019

Cases	Investigation Reports (First Stage Advice)	Inquiry Reports and minor penalty cases (Second Stage Advice)	Other Reports/ cases of reconsideration etc.	Total
Brought forward from 2018	1035	114	209	1358
Received	1705	412	635	2752
Total	2740	526	844	4110
Disposed off	2009	453	695	3157
Carried forward to 2020	731	73	149	953

2.9 The comparative figures of cases received and disposed in the Commission during the last five years are given in Charts 2.1 & 2.2 respectively.

Chart 2.1
No. of cases received in the Commission (2015-19)

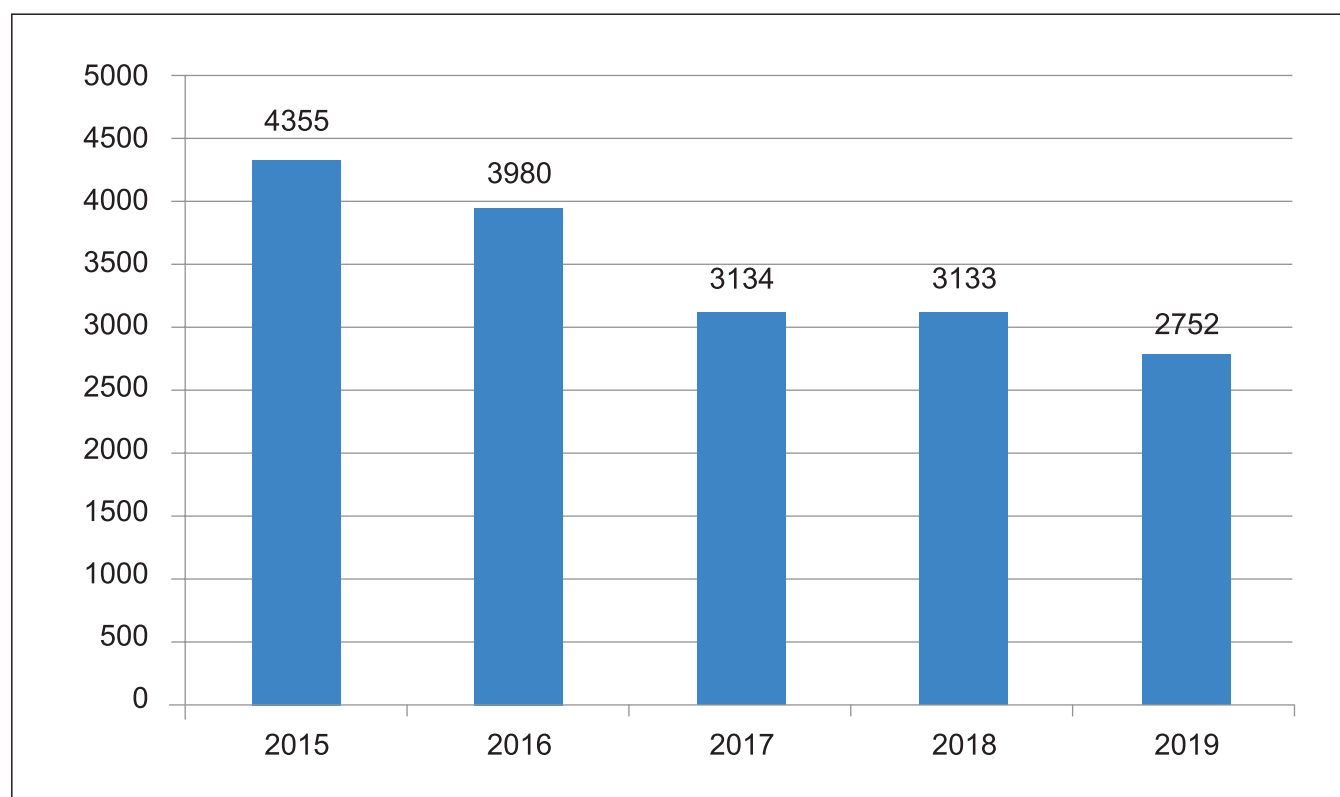
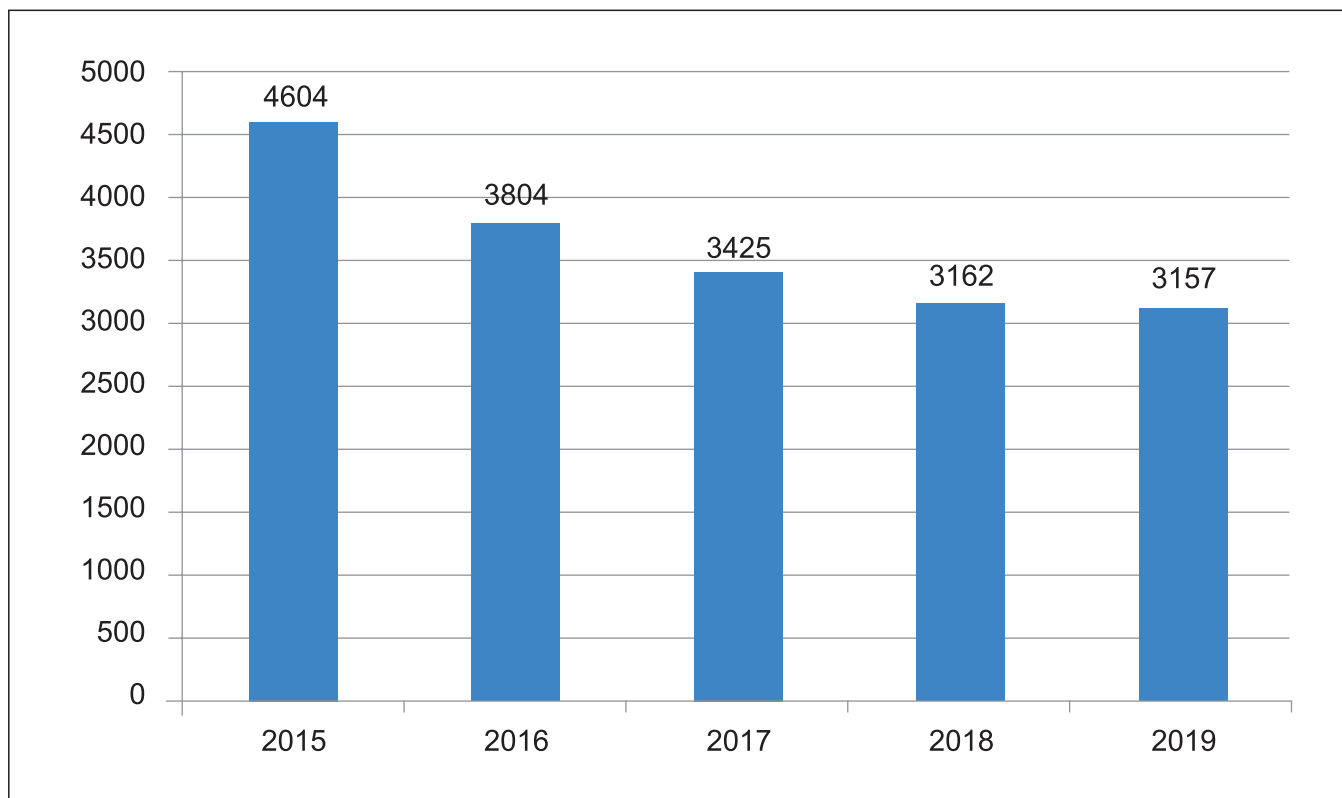


Chart 2.2
No. of cases disposed in the Commission (2015-19)



2.10 It has been the Commission’s experience that many times the organizations either fail to provide complete facts relating to the vigilance case or their recommendations or inputs are not supported by logical reasoning. This necessitates the Commission’s seeking further clarifications, causing delay in tendering advice.

VII First Stage Advice

2.11 The Commission tendered first stage advice in 2009 cases during 2019. Out of these 2009 cases, 170 cases were based on the investigation reports of the CBI and 1839 cases were based on investigation reports of the CVOs concerned. In the cases investigated by the CBI, the Commission advised criminal proceedings in 63 cases and initiation of major penalty proceedings in 12 cases and minor penalty proceedings in 6 cases. In cases investigated by the CVOs concerned, the Commission advised criminal proceedings in 9 cases, initiation of major penalty proceedings in 481 cases and minor penalty proceedings in 187 cases. In the remaining cases, initiation of regular departmental action were not found to be warranted, as prima-facie, the allegations were either not established conclusively or were merely procedural in nature.

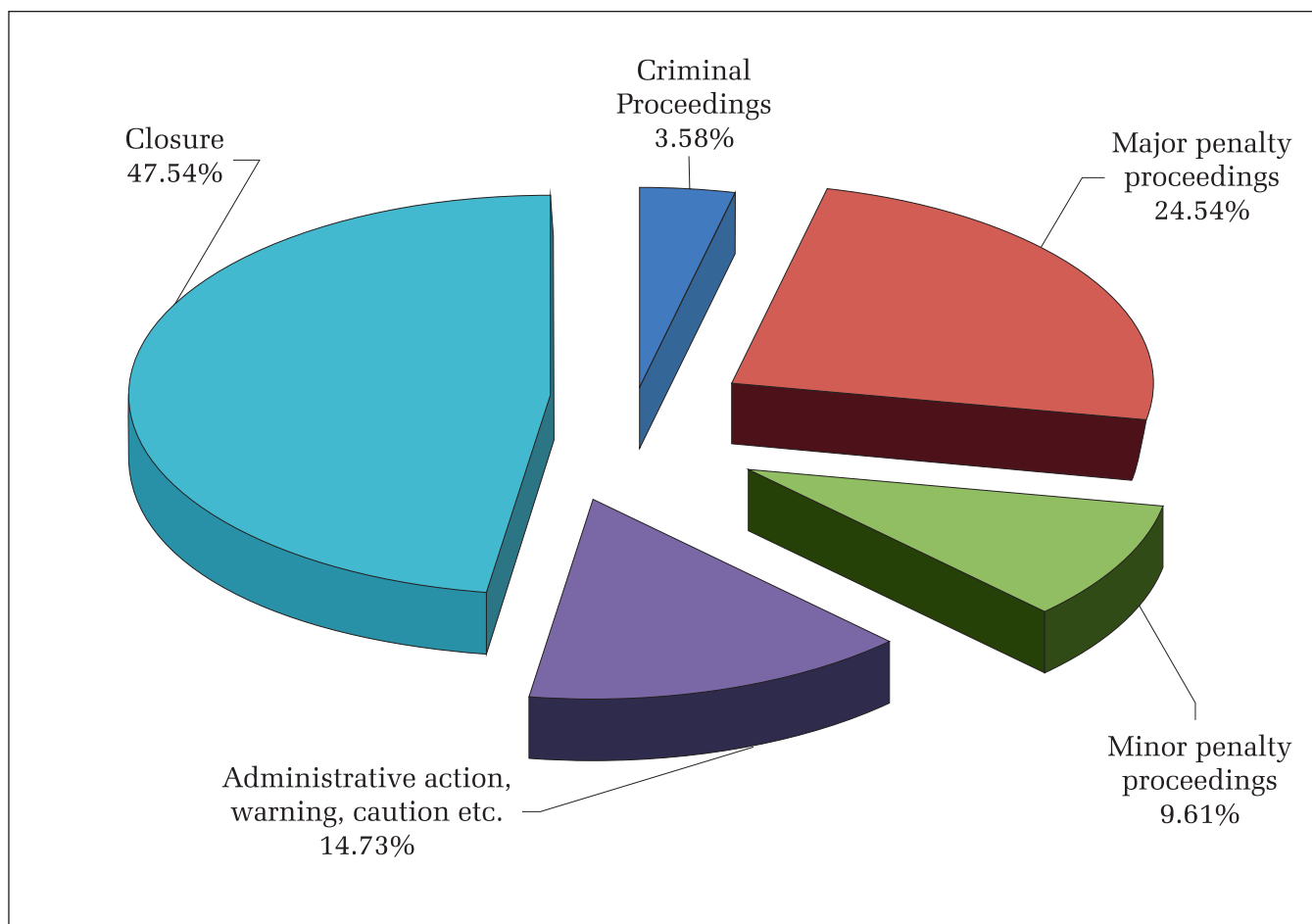
2.12 Table 2.2 provides the summary of the First Stage Advice tendered by the Commission. Chart 2.3 provides a summary of various types of First Stage Advice tendered by the Commission in percentage terms.

Table 2.2
First Stage Advice during 2019

Nature of advice	On the investigation reports of		Total
	CBI	CVO	
Criminal Proceedings	63	9	72
Major penalty proceedings	12	481	493
Minor penalty proceedings	6	187	193
Administrative action, warning, caution etc.	26	270	296
Closure	63	892	955
Total	170	1839	2009

The figures consist of number of cases in which the Commission has tendered first stage advice and each case may involve one or more officers.

Chart 2.3
Nature of First Stage Advice during 2019



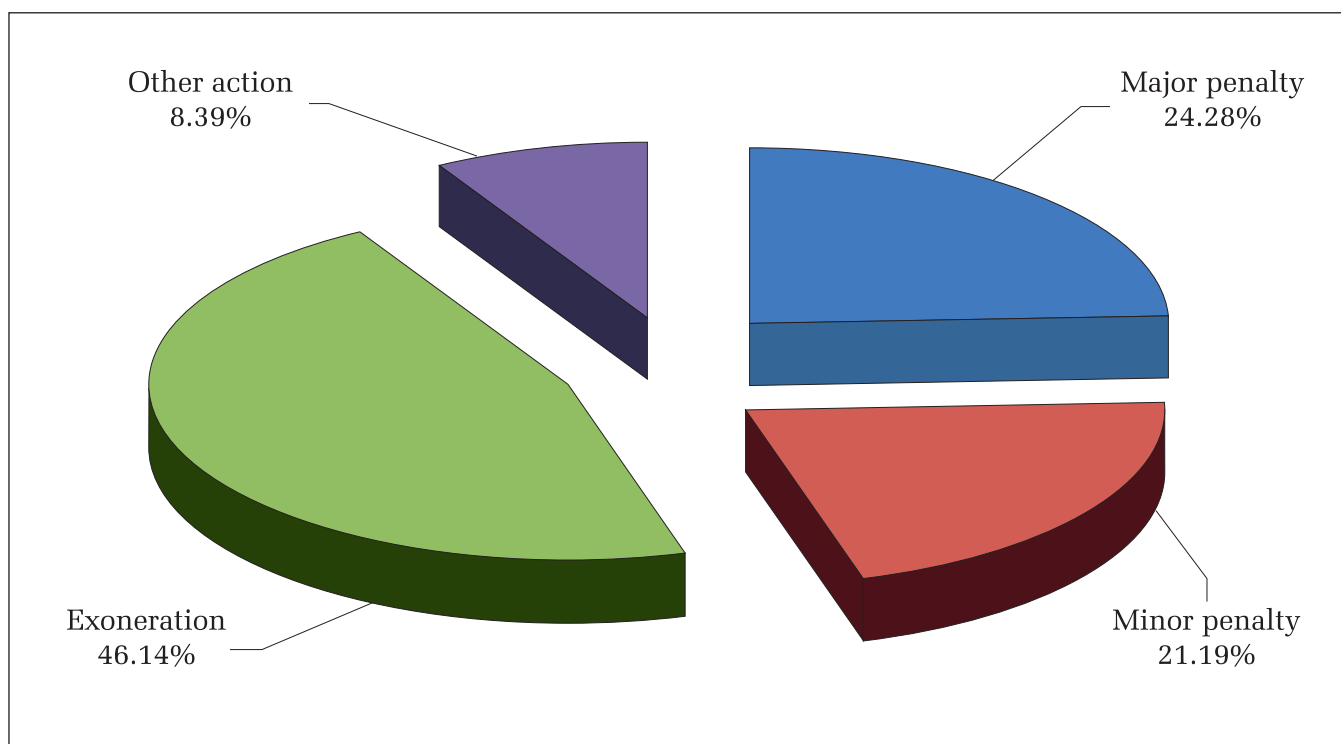
VIII Second Stage Advice

2.13 During the year 2019, the Commission tendered second stage advice in 453 cases. The Commission while tendering its second stage advice, recommended imposition of major penalty in 110 cases (i.e., 24.28 percent of the total) and minor penalty in 96 cases (i.e., 21.19 percent of the total) during the year 2019. In 209 cases, (i.e., 46.14 percent of the total), the charges could not be proved conclusively and in 38 cases (i.e., 8.39 percent of the total) other action has been advised. Table 2.3 provides a break-up of the advices tendered by the Commission, on the cases received from various disciplinary authorities at the second stage. Chart 2.4 provides a summary of various types of second stage advice tendered by the Commission in percentage terms.

Table 2.3
Second Stage Advice during 2019

Nature of Advice	On cases received for advice
Major penalty	110
Minor penalty	96
Exoneration	209
Other action	38
Total	453

Chart 2.4
Nature of Second Stage Advice during 2019



IX Punishments and Prosecution

2.14 In pursuance to the Commission's advice, the competent authorities in various organizations during 2019, issued sanction for prosecution against 76 public servants and imposed major penalties on 778 public servants and minor penalties on 503 public servants. Tables 2.4 & 2.5 show the number of officers against whom prosecutions have been sanctioned and punishments awarded during 2015-2019. Chart 2.5 shows the nature of punishments awarded in percentage terms during 2019.

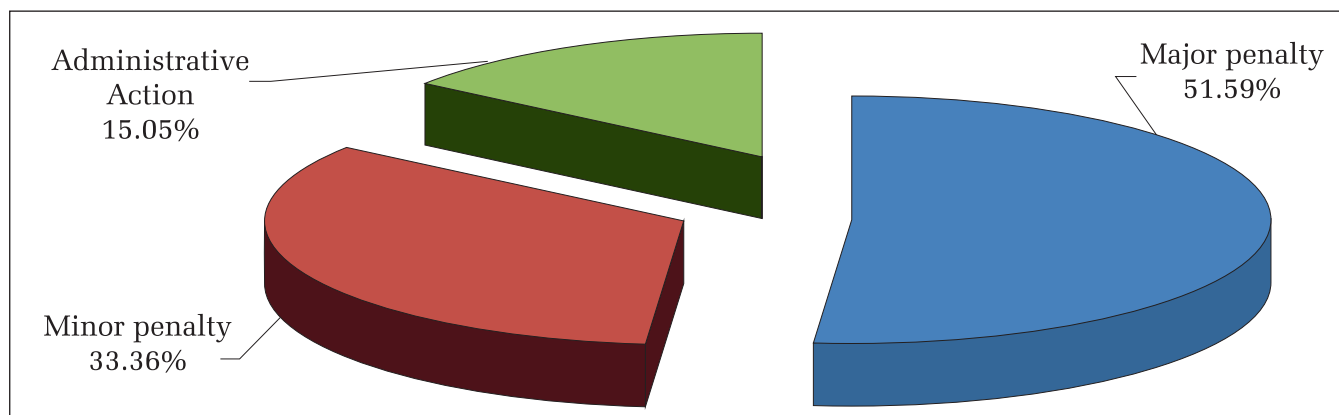
Table 2.4
No. of Prosecutions sanctioned (2015 – 19)

Year	Prosecution sanctioned to officers
2015	132
2016	154
2017	152
2018	108
2019	76

Table 2.5
No. of Punishments awarded (2015 – 19)

Year	Punishments awarded to officers			
	Major penalty	Minor penalty	Administrative Action	Total Punishments awarded
2015	1832	1346	414	3592
2016	1904	1034	358	3296
2017	1398	800	391	2589
2018	1100	695	350	2145
2019	778	503	227	1508

Chart 2.5
Punishments awarded to officers during 2019



2.15 A few cases of deterrent actions taken against senior officers based on the Commission's advice are as follows:

Sanction for Prosecution	<p>One Additional Secretary, Department of Economic Affairs</p> <p>One Joint Secretary, Department of Economic Affairs</p> <p>One Joint Secretary, Department of Health and Family Welfare</p> <p>One ex- Chairman, ISRO</p> <p>One ex-CMD, FACT</p> <p>One Chief Commissioner, CBDT</p> <p>One Commissioner, CBDT</p> <p>One Commissioner, CBIC</p> <p>Two IAS officers, Department of Personnel and Training</p>
Dismissal/Removal from Service	<p>One GM, Bank of Maharashtra</p> <p>One Additional Director and ex officio CEO, National Board of Examinations</p>
Compulsorily Retired from Service	<p>One GM, NTPC</p> <p>One DGM, Corporation Bank</p>
Cut in Pension	<p>One Additional CHD, Ministry of Railways</p> <p>Two GMs , DOT</p> <p>One Chief Commissioner, CBIC</p> <p>One Commissioner, CBDT</p> <p>One PF Commissioner, EPFO</p>
Reduction of pay to lower stage	<p>One Chairman, Railway Recruitment Board, Ministry of Railways</p> <p>Two Chief Engineers, Ministry of Railways</p> <p>One FA&CAO, Ministry of Railways</p> <p>One Commissioner, CBDT</p> <p>One DDG, Prasar Bharati</p> <p>One General Manager, NHAI</p> <p>Two Joint General Managers, AAI</p> <p>One Joint General Manager, Ministry of Shipping</p>

2.16 An overview of organization-wise break up of penalties imposed by the disciplinary authorities concerned in cases where the Commission's advice was obtained, indicates that Ministry of Railways has issued sanction for prosecution in 17 cases, Punjab National Bank in 15 cases, Central Board of Indirect Taxes and Customs in 11 cases, UCO Bank in 6 cases and the Department of Agriculture and the Government of Puducherry in 5 cases each.

- 2.17 During the year 2019, punishments were imposed including administrative action taken against public servants by Ministry of Railways (287), Syndicate Bank (198), Punjab National Bank (154), State Bank of India (104), Canara Bank (88), Bank of Baroda (67), National Thermal Power Corporation (64), Airports Authority of India (62), Central Board of Indirect Taxes and Customs (58) and Indian Overseas Bank (53), being some of the major organizations which took disciplinary action against officials committing misconduct.
- 2.18 An analysis of the penalties so imposed reveals that major penalties of the higher order, viz. dismissal, removal and compulsory retirement from service were imposed on 62 officials by the disciplinary authorities in various organizations.
- 2.19 **Appendix-II** provides organization-wise breakup of the number of cases where sanction for prosecution has been accorded and a penalty has been imposed on the public servant during 2019 in cases where Commission's advice was obtained by the organizations.

X Handling of Complaints in the Commission

- 2.20 Complaints constitute an important source of information leading to the exposure of misconducts and malpractices. Complaints are received in the Central Vigilance Commission either by post from complainants or through the complaint lodging facilities available on the Commission's website or through toll free number provided by the Commission.
- 2.21 The Commission has a complaint handling policy for processing of complaints which is available on its website. Complaints received in the Commission are scrutinized thoroughly and wherever specific and verifiable allegations of vigilance nature are noticed, the complaints are forwarded to the CVO / CBI to conduct inquiry / investigation into the matter and report to the Commission expeditiously. Ministries / Departments / Organizations are required to furnish the report of the inquiry undertaken on a reference made by the Commission in terms of Section 17 of CVC Act, 2003. The Commission, on receipt of such reports and after taking into consideration any other factors thereto, advises as to the further course of action against the suspected public servants, besides pointing out systemic failures which allow such misconducts to take place. The Commission also suggests systemic improvements, wherever required, to avoid recurrence.
- 2.22 While the Commission recognizes the importance of complaints as a good source of information, many complaints received by it are frivolous, vague, non-specific, pertain to procedural lapses, or administrative violations or even against officers not within the jurisdiction of the Commission. Scrutiny of the complaints received in the Commission indicates that number of complaints on which inquiry / investigation reports have been called from the concerned Chief Vigilance Officers form a small proportion.
- 2.23 Also a large number of complaints being received in the Commission are anonymous / pseudonymous in nature. In many complaints, the allegations are wild or unverifiable and in some the intention of the complainant is to harass someone rather than reporting corrupt activities. Therefore, as a general policy, anonymous / pseudonymous complaints are not entertained as per of DOPT's circular dated 8.10.2018.

- 2.24 In the year 2019, 35649 complaints were received (including 3070 complaints brought forward from 2018), out of which 34813 complaints were disposed off and 836 complaints remained pending at the end of 2018. Out of these complaints, 6975 complaints were anonymous / pseudonymous, which were filed in accordance with the Commission’s complaint handling policy. In many complaints, the allegations were found to be either vague or unverifiable. The Commission received a large number of complaints against public servants working in the state governments and other organizations who do not come under the jurisdiction of the Commission or which are of administrative nature.
- 2.25 The comparative figures of complaints received and disposed by the Commission during the last five years are given in Chart 2.6 and Chart 2.7 below.

Chart 2.6
No. of complaints received in the Commission (2015-19)

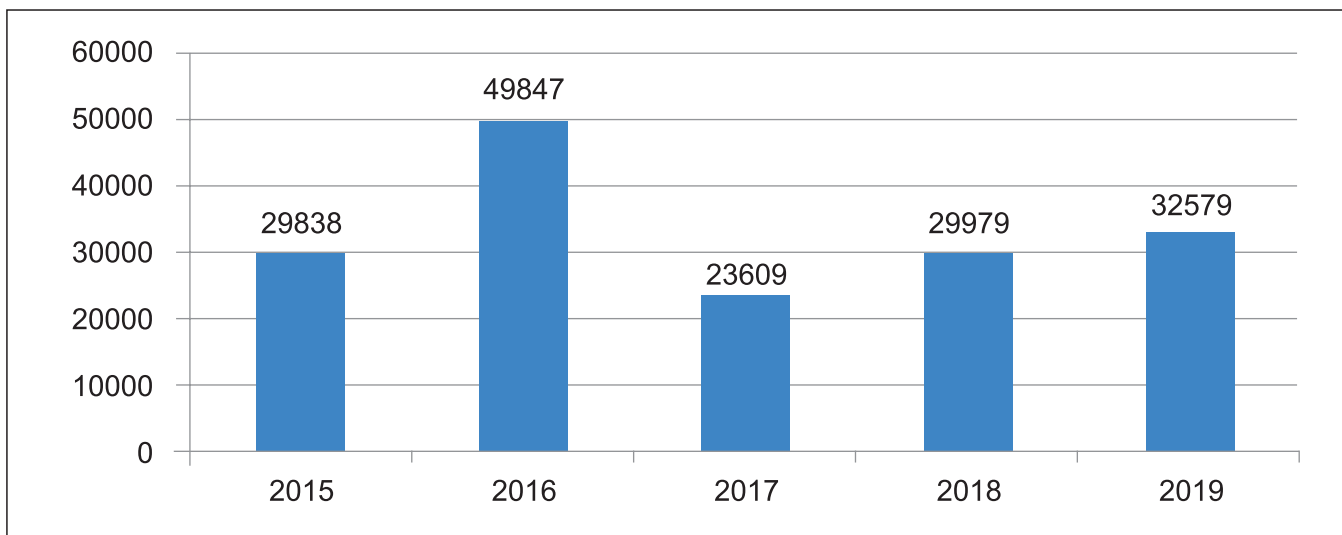
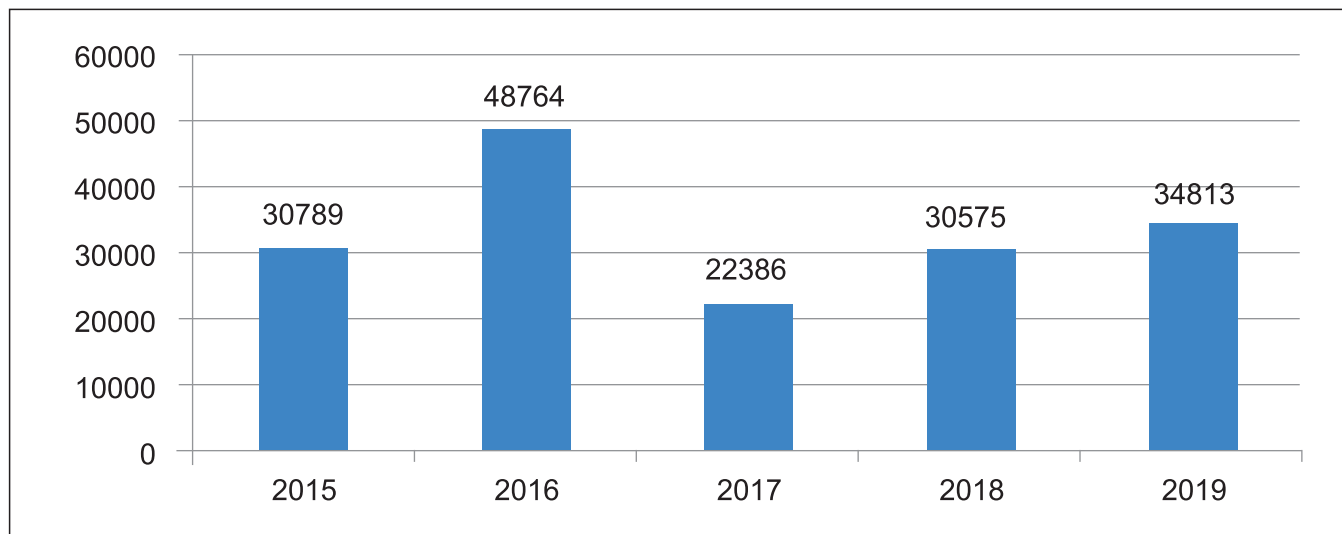


Chart 2.7
No. of complaints disposed in the Commission (2015-19)



2.26 Table 2.6 indicates the nature of complaints received and action taken thereon.

Table 2.6
Complaints received and disposed in the Commission during 2019

Complaints	Nos.
Number of complaints brought forward from 2018	3070
Number of complaints received during 2019	32579
Total number of complaints	35649
Total number of complaints disposed, of which	34813
(a) Anonymous/Pseudonymous (Filed)	6975
(b) Vague/Unverifiable (Filed)	7425
(c) Officials not under CVC / Grievances (Forwarded for necessary action)	20078
(d) Sent for inquiry/investigation to CVO/CBI	335
Number of complaints carried forward to 2020	836

2.27 After scrutiny of complaints received, the Commission calls for inquiry / investigation reports from the appropriate agencies only in those complaints which contain serious and verifiable allegations and there is a clear vigilance angle. As per the laid down procedure, the inquiry / investigation reports are required to be sent to the Commission within a period of three months. However, it is observed that in a majority of cases there is considerable delay in finalizing and submission of reports to the Commission. Inordinate delays in submission of inquiry / investigation reports to the Commission are a matter of serious concern. In such situation, the Commission may summon CEOs/CVOs concerned personally with records/ documents.

2.28 In addition, the respective organizations also receive complaints directly or through other offices/agencies. CVOs take up enquiry in appropriate cases as per laid down instructions and if vigilance angle emerges, they seek the First Stage Advice of the Commission. Similarly, if during any inspection, audit etc., the management come across any misconducts having a vigilance angle, First Stage Advice of the Commission is sought through the CVO. These also form a good portion of the work of the Commission.

XI Public Interest Disclosure and Protection of Informers' Resolution (Whistleblower complaints)

- 2.29 Under Public Interest Disclosure and Protection of Informers' Resolution dated 21st April, 2004, the Central Government had designated the Central Vigilance Commission as the Agency to act on complaints from the “whistleblowers”. The Commission was entrusted with the responsibility of keeping the identity of the complainant confidential. The Commission has adopted a mechanism of having a Screening Committee which meets periodically to decide on action to be taken on such complaints. The prescribed time limit for investigation and report in respect of PIDPI complaints is one month. Periodic review takes place at the highest level so as to ensure timely submission of report. In the event of any reported threat to life/physical injury, the Commission may issue directions to competent authorities for ensuring protection to whistleblowers.
- 2.30 Department of Personnel and Training (DoPT) vide its Resolution dated 14.08.2013 has authorised the Chief Vigilance Officers in the Ministries/Departments as the designated authority to receive written complaints or disclosure 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.
- 2.31 The Commission has advised all organizations to give wide publicity to the PIDPI Resolution and the guidelines issued by the Commission through the websites, specially intranet of the organizations, in-house journals, publications and also to organize seminars / sensitization programmes etc. to inculcate greater awareness so as to encourage public and insiders to come forward and lodge / report information of corrupt practices or misuse of office to the Central Vigilance Commission. Sometimes, the complaints are addressed to the Commission while forwarding copies of the same complaint to other authorities concerned, thus disclosing the identity of the complainant while also seeking protection under PIDPI. At times, even separate complaints are lodged containing similar allegations to authorities other than the Commission thereby compromising the secrecy and safety of the complainant. Even so, the Commission has issued guidelines asking the organizations not to subject the complainant to any kind of harassment because of his having lodged a complaint, even if, at any time, the identity of the complainant gets revealed through any source.
- 2.32 During 2019, the Commission received 899 complaints (includes 29 complaints brought forward from the previous year) under PIDPI Resolution. Out of these, 148 complaints were sent to the CVOs concerned or CBI for investigation / verification of facts/comments which constitute 17.96 percent of disposed complaints and 242 complaints (which are 29.36 percent of disposed complaints) were sent for necessary action leaving a pendency of 75 complaints. Table 2.7 below gives the nature of complaints received under PIDPI Resolution and action taken by the Commission on them during the year.

Table 2.7
Complaints Received and Disposed under PIDPI during 2019

Complaints Received and action taken	Nos.
Number of complaints brought forward from 2018	29
No. of complaints received during 2019	870
Total number of complaints	899
Total number of complaints disposed, of which	824
No. of complaints filed	434
Non-vigilance (Forwarded for necessary action to Departments / Organizations)	242
Taken up for inquiry / investigation by CVO/CBI	148
Carried forward to 2020	75

XII Vigilance Clearance

2.33 One of the tasks performed by the Commission is providing vigilance clearances for persons recommended for appointment to Board level posts in the Central Public Sector Undertakings/Public Sector Banks etc. During the year 2019, vigilance clearances were processed and issued by the Commission for the Board level appointments in 748 cases. Such vigilance clearance is also provided by the Commission in respect of officials of the All India Services and other Services for empanelment to the posts of Joint Secretary and above in the Central Government and for appointments to certain Statutory Posts under the Central Government and few others. During the year 2019, vigilance clearances were accorded in 2473 such cases.

XIII Departmental Inquiries

2.34 The Commission has been nominating its own officers to conduct departmental inquiries for various Central Government Organizations, usually in cases where the charges leveled are grave in nature. During 2019, the Commission's officers finalized 23 Departmental Inquiries, and there are 48 pending Departmental Inquiries with the Commission at the end of 2019.

XIV IT Initiatives

2.35 The Commission has in place several IT process systems for enhancing operational efficiency and to provide value addition through better tracking, monitoring and storage of information. Complaints received in the Commission are being handled electronically including for dissemination to the CVOs of the organizations for further action. It has also helped in reducing the manual handling of such tasks thereby minimizing time loss involved

in physical movement of documents and ensuring better record keeping. The Commission also plans to put in place a multi-tenancy environment to seamlessly integrate vigilance administration with the Ministries / Departments / Organizations concerned. Apart from improving operational efficiency, the IT applications aim at making the Commission's working citizen-friendly.

XV International Cooperation

2.36 Some of the international cooperation efforts made by the Commission have been detailed as below:

- (i) The then Central Vigilance Commissioner attended a meeting of the open ended Inter Governmental Working Group on Prevention of Corruption in Vienna, Austria on 4th - 6th September 2019.
- (ii) The then Vigilance Commissioner attended a meeting to review the Commonwealth Anti Corruption Benchmarks in London, UK on 15th - 16th May 2019.
- (iii) Secretary, CVC attended the award ceremony of the International Competition on Social Advertising (ICSA), in Moscow, Russia on 9th December 2019.
- (iv) Additional Secretary, CVC attended UNODC's pre conference event "Collaboration between Supreme Audit Institutions (SAIs) and Anti Corruption Agencies" at Abu Dhabi, UAE on 14th - 15th December 2019.
- (v) Director (Coordination), CVC attended the G-20 Anti Corruption Working Group meeting on promoting integrity and transparency in infrastructure development and BRICS Anti Corruption Working Group Meeting which was held in Tokyo, Japan on 21st - 23rd January 2019.

XVI Right to Information Act, 2005

2.37 In order to fulfill the provisions of the RTI Act, a separate RTI Cell has been set up in the Commission to deal with RTI applications from persons seeking information under the Act. Officers of the rank of Director / Deputy Secretary / Under Secretary are functioning as the Central Public Information Officer and an officer of the rank of Additional Secretary to the Commission functions as the Appellate Authority, in addition to their other duties.

2.38 1086 applications (includes 81 brought forward from the previous year) were received, out of which 1009 applications were disposed off according to the provisions under the Act during 2019. Further, 392 appeal cases (includes 14 applications brought forward from the previous year) as first appeal were filed with the Appellate Authority of the Commission out of which 383 appeal cases were disposed off. Further, 242 appellants (includes 185 applications brought forward from the previous year) filed appeals before the Central Information Commission (CIC) out of which 96 appeals have been disposed off. At the end of 2019, 77 RTI applications and 9 appeals to the Appellate Authority of the Commission were pending for disposal. A statement showing receipt and disposal of references under RTI Act, 2005 during 2015 to 2019 is given in Table 2.8.

Table 2.8
Receipt and Disposal under RTI Act, 2005 (2015-19)

Year	Applications received	Disposal	First appeal references received	Disposal
2015	2146	2034	402	381
2016	1755	1593	298	268
2017	1553	1451	377	354
2018	1260	1179	398	384
2019	1086	1009	392	383

XVII Progressive Use of Hindi

- 2.39 The Official Language Policy is being given due emphasis by the Commission for implementation of the provisions as also achievement of the objectives envisaged in the Official Language Act, 1963. All documents coming under Section 3(3) of this Act, like General Orders, Press Note, Notification, Circulars, Annual Report and Papers which were to be submitted before the Parliamentary Standing Committee were issued bilingually in both Hindi and English. Letters received in Hindi are invariably replied in Hindi.
- 2.40 In compliance to the official language policy of the Union, during the year 2019, 3 Hindi workshops were conducted in the Commission in which officers of various levels participated. One official passed the Hindi Prabodh Examination and two officials passed the Hindi Typing Examination under the Hindi Teaching Scheme.
- 2.41 Meetings of the Official Language Implementation Committee of the Commission are held regularly. The Commission organizes Hindi Week in the month of September every year. During the year under report, Message of the Central Vigilance Commissioner was circulated in the Commission on the occasion of Hindi Day and during the week Hindi Essay Competition, Debates and Poetry recitation competition were also organized in which prizes were distributed by the Commission to the winning participants.

Annual Sectoral Review Meetings held by the Commission with CVOs of various Organisations in 2019



CHAPTER – 3

SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION

I Vigilance Administration in Organisations

- 3.1 The responsibility of ensuring probity, fairness and transparency in an organisation vests with the Chief Executive, i.e., Secretary of a Ministry/Department, CEO/CMD/MD of a Public Sector Enterprise / Public Sector Bank / Insurance Company or Head of any autonomous body. Every organisation has a Vigilance Wing headed by a Chief Vigilance Officer (CVO) who assists the Chief Executive in vigilance related matters. The CVO functions as an extended arm of the Commission. Any vigilance function should aim at upholding the morale and protecting the value system of the organisation. A responsibility is cast on the Chief Executive who heads the organisation to set the right tone from the top management to ensure that the guilty are punished swiftly and innocents are protected from harassment. This would help prevent misconduct, unethical practices and enable the efficient functioning of the organisation. In this context, it is also important that officers and staff of any organisation are updated on the rules, regulations, systems and procedures as these are dynamic and prone to frequent revisions. The Chief Executive is expected to diligently review the vigilance work and consider the inputs provided by the CVO for better management of the institution by promoting ethical behaviour in its functioning.
- 3.2 The CVO not only acts as an advisor to the Chief Executive in all matters pertaining to vigilance, but is also the nodal officer of the Organisation for interaction with CVC and CBI. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of the Organisation or others; investigating or causing investigations to be made into allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices and commission of misconducts, etc.,. Though there are several facets of vigilance, preventive vigilance measures undertaken by the CVO are of substantial significance as these are likely to reduce the occurrence of vigilance cases.
- 3.3 The Commission communicates primarily with the CVOs in the matter of tendering advices and seeking reports, clarifications, etc. The Commission's impartial and objective advice aids the Chief Executive Officers/Heads of the organisations in maintaining integrity and for effective vigilance administration. In line with its advisory role, the Commission advises the organisations with regard to appropriate punitive action or preventive/corrective action, as the case may be, as and when required, based on material and verifiable records, leaving final action to the disciplinary authority concerned.

II Appointment of CVOs

- 3.4 CVOs in all Departments/Organizations are appointed in terms of DOPT's instructions dated 28.4.2017 after obtaining clearance from the CVC, from the CVO Offer List prepared after inviting applications for these deputation posts. As the Commission carries out its mandate of superintendence of vigilance administration through the CVOs, it plays a significant role in empanelment and appointment of full-time CVOs in public sector undertakings, public sector banks and insurance companies, etc. The Commission approves panels furnished by Ministries/Departments/ Autonomous Bodies, etc., for appointment of part-time CVOs in their respective organizations.
- 3.5 During the year 2019, the Commission approved the suitability of 130 officers for appointment to the post of CVOs in various organisations. Further, it has also approved names of 17 officers as full time CVOs and 128 officers for appointment as part time CVOs in various Ministries / Departments / Autonomous Bodies. The Commission is concerned that vacant posts of CVOs are not filled up promptly though there has been a significant improvement in comparison to the previous year. It is observed that during 2019, there were 30 posts of full-time CVOs that remained vacant for a period of over month as against 49 in the previous year. These included major organisations like Air India, Coal India Ltd., Cement Corporation of India, East Delhi Municipal Corporation, Eastern Coalfields Ltd, Electronics Corporation of India Ltd, Heavy Engineering Corporation Ltd, and Hindustan Copper Ltd. Among the public sector banks and insurance companies, the post of CVO remained vacant during the year for more than a month in Canara Bank, State Bank of India, Indian Overseas Bank and Oriental Insurance Company Ltd. As vacancy in the post of CVO for a long duration is not conducive for efficient vigilance administration, it is essential that concerted efforts are made by Departments concerned for advance action towards filling up the anticipated vacancies.

III Performance of the Chief Vigilance Officers

- 3.6 The Commission monitors the performance of the Chief Vigilance Officers through well established mechanisms by prescribing monthly reports and annual reports and reviews conducted through the sectoral / zonal meetings convened by the Commission from time to time. In addition, the Secretary and the Additional Secretaries in the Commission also review the work done by CVOs and reconcile the pending issues invariably before the annual zonal review meetings and at periodic intervals as well, either in person or through video conference. The Commission is appreciative of the efforts made by most Chief Vigilance Officers in the efficient discharge of their duties. With a view to prevent any kind of harassment of CVOs, all complaints against CVOs need to be referred to the Commission for advice. Instructions have also been issued vide Commission's OM dated 28.3.2006 indicating steps to prevent victimisation of officials working in the Vigilance set-up of any organisation.
- 3.7 The Commission receives complaints electronically on its portal as well as through post. The complaints are scrutinised and appropriate decisions are taken in the light of the

complaint handling policy. At the close of the year 2019, the Commission had received 11973 complaints out of which 10350 complaints had been sent to CVOs for necessary action. 1623 complaints were pending for disposal at the end of CVOs as on 31.12.2019 out of which 1094 were pending for more than three months (**Appendix III-A(i)**). The Commission does not expect reports on complaints sent for necessary action and the CVOs are expected to scrutinise the complaints at their end for action as deemed fit. The Commission reviews the status of pending complaints with the CVOs periodically so that disposal of complaints is expedited. As regards complaints directly received by the CVOs, 69521 were received by them during the year and 58029 had been disposed. 11492 complaints were pending at the end of the year out of which 6724 were pending for more than three months (**Appendix III-A(ii)**).

- 3.8 Wherever it has been decided after examination of the complaints to conduct a vigilance investigation, either on the advice of the Commission or otherwise, the CVO gets the investigation conducted by his officers and decides whether on the basis of the facts disclosed in the investigation report, the complaint should be dropped or whether regular departmental action should be recommended against the public servant or administrative action, viz., warning, caution etc., would serve the purpose. CVO forwards the report along with his recommendations to the disciplinary authority for appropriate decision. It is expected of the CVOs to get the investigation completed ideally within a period of three months or as soon as possible thereafter. At the end of the year 2019, in respect of such complaints that were referred by the Commission to the CVOs for investigation, reports were awaited in 450 complaints out of which 222 were pending for upto one year, 72 were pending for a period between one to three years and 156 were pending for a period of over three years (**Appendix-IV**).
- 3.9 Once a decision is taken for initiating disciplinary proceedings against an officer, the CVO needs to ensure that charge-sheet is carefully drawn up and issued expeditiously. He also ensures that there is no delay in appointment of Inquiry Officers. He constantly monitors the progress of the departmental inquiries in terms of the Commission's circular dated 18.1.2016 and brings any inordinate delays to the notice of the concerned disciplinary/administrative authorities for corrective action. At the end of the year 2019, out of 2401 departmental inquiries against officers under the jurisdiction of the Commission, 1357 departmental inquiries had been disposed of and 1044 were pending. Of these, 657 departmental inquiries were pending for over six months (**Appendix III-B**). As regards 10259 departmental inquiries pending against other employees, 5461 had been disposed of during the year. Out of 4798 departmental inquiries pending at the end of the year, 2683 were pending for over six months (**Appendix III-C**).
- 3.10 CVOs are required to keep a watch over the status of implementation of first stage and second stage advices tendered by the Commission in terms of DOPT's instructions dated 11.11.1998. Cases in which the Disciplinary Authorities have disagreed with the Commission's advice need to be brought to the notice of the Commission. Periodic reviews are undertaken by the Commission and wherever delays are observed in implementation of its advices, the matter is pursued with the concerned authorities. There were 719 cases

pending for implementation of first stage advice and 185 cases pending for implementation of second stage advice for more than six months as on 31.12.2019 (**Appendix-V**).

- 3.11 CVOs are also required to send quarterly progress report to the Chief Technical Examiners' Organisation (CTEO) of the Commission giving details about the major purchases/ procurements/works undertaken or being undertaken by the organisation. From these reports, the CTEO selects some of the works, based on certain parameters, for intensive examination. However, as the CTEO would only be able to examine limited number of works for logistic and administrative reasons, the Commission has issued guidelines for the CVOs to conduct CTE type inspections in order to ensure that the works are awarded in a transparent and competitive manner.
- 3.12 Chief Vigilance Officers of Ministries/ Departments/ Organisations are required to submit Quarterly Performance Reports (QPRs) of vigilance activities to the Commission. The performance of the CVOs for the year 2019, as per information reported in their QPRs, is reflected in **Appendix III (A to F)**. List of 258 organisations who have submitted their QPRs for all quarters are at **Appendix III-G**.
- 3.13 During the year 2019, major penalty proceedings were initiated in 8028 cases (for all categories of officers) dealt with by the CVOs resulting in imposition of major penalties in 6426 cases and minor penalties in 1011 cases. 591 cases resulted in exoneration. Further, minor penalty proceedings were initiated in 14751 cases resulting in imposition of minor penalties in 12207 cases. 2544 cases resulted in exoneration. Effectively, minor penalties were imposed in a total of 13218 cases. These details are given in Table 3.1 below.

Table 3.1
Details of penalties imposed in cases handled by the CVOs

Nature of Penalty	No. of officers
Major penalty (total)	6426
• Cut in pension	274
• Dismissal/Removal/Compulsory Retirement	1134
• Reduction to lower scale/rank	3446
• Other major penalty	1572
Minor penalty (total)	13218
• Minor penalty other than Censure	8700
• Censure	4518
Grand Total	19644

Note: The above data is based on Quarterly Performance Reports (QPRs) sent by 258 number of organizations, tabulated at **Appendix III-G**.

IV Sanction of Prosecution

- 3.14 On completion of investigation, if the CBI comes to a conclusion that sufficient evidence is available for launching a criminal prosecution, they shall forward the report to the CVC if previous sanction is required under the PC Act, 1988 to be issued in the name of the President. A copy is to be sent to the authority competent to sanction the prosecution, through the CVO concerned. The CVO plays an important role in processing the matter and expediting decision of the competent authority in arriving at the decision for according or declining the sanction of prosecution. 950 cases for sanction were handled by the CVOs in 2019 out of which 509 sanctions were accorded and 161 were declined by the competent authorities concerned. 280 cases were pending at the end of the year out of which 44 cases were pending for over six months. **(Appendix-III-D).**

V Annual Sectoral Review Meetings

- 3.15 The performance of CVOs is reviewed by the Commission through sectoral meetings every year, which provide an opportunity to CVOs to seek Commission's guidance on various issues relating to vigilance administration in their organisations. During the year 2019, the Commission held six Sectoral Review Meetings in which 60 organisations participated. They covered Ministries/Departments/organisations under Revenue, Defence, Defence Production, Coal, Mines, Steel, Petroleum & Natural Gas and Power.
- 3.16 During the sectoral meetings, the Commission in general reviewed the nature of work being handled by the CVOs in the concerned organisations, areas susceptible to corruption, any milestones achieved by them, systems improvements implemented, other aspects of preventive vigilance pursued as well as focus given to punitive vigilance for expeditious completion of disciplinary proceedings. The meetings were designed for closer interaction with the organisations in order to further the objectives of systemic improvements and effective vigilance administration. Departments were also directed to take action to reconcile pendency data with the Commission for effective monitoring.
- 3.17 Sectoral Meeting for CBDT and CBIC : In the sectoral review meeting with Department of Revenue, Central Board of Direct Taxes (CBDT) and Central Board of Indirect Taxes and Customs (CBIC), the Commission was apprised by Department of Revenue about various initiatives taken at Ministry level on preventive vigilance in order to bring about efficiency, transparency, fairness and to reduce the level of discretion in tax administration. The Commission remarked that CBDT and CBIC are the only two organisations in Government of India which have CVOs at the apex level positions in the organization as they have much wider perception and better understanding in interpretation of complex laws. The Commission observed that CBDT and CBIC have large public interface and in view of the extent of revenue handled by these organisations, measures should be taken to improve the public perception regarding the work done by them. The Commission stressed the need for much higher internal inspections, reviews, audits, etc,. The Commission also observed the need for improvement in preventive vigilance measures in both organisations. CBIC also apprised the Commission on introduction of legal, procedural and technological changes in the Department as a part of preventive and proactive vigilance activities in order

to minimize direct interface of officers with the tax payers. Such preventive vigilance measures promoted transparency and integrity in official transactions. CBIC also conducted 97 outreach programmes covering various stakeholders during the Vigilance Awareness Week.

- 3.18 Sectoral Meeting for Defence sector : Chief Vigilance Officers of Ministry of Defence, Department of Defence Production & Supplies, Ordnance Factory Board, Military Engineering Services & Border Roads Organisation, Hindustan Aeronautics Limited, Bharat Earth Movers Limited, Bharat Electronics Limited, Bharat Dynamics Limited & Mishra Dhatu Nigam Limited (MIDHANI), Garden Reach Shipbuilders & Engineers Limited and Mazagon Dock Limited participated in the Annual Sectoral Review Meeting with CVOs of the Defence Sector. All organisations were urged to furnish reports on complaints made under PIDPI within the prescribed time limits. They were also advised to put in place systems whereby citizens/employees are encouraged to point out corruption without fear/cynicism. The Commission impressed upon CEO/CVOs to periodically review pending departmental enquiries and regularly pursue with the Inquiry Officers to expedite departmental enquiries. All organisations gave a brief account of vigilance activity in their organisations and systems improvements implemented by them. The Commission advised all CVOs to examine CAG audit paras, internal audit reports, etc. which may reveal cases that may be taken up for vigilance inquiry. The Commission stated that regular lectures/workshops by experienced faculty would go a long way in bridging the knowledge gap of vigilance functionaries and cooperation with Vigilance Study Circles can go a long way in such training sessions.
- 3.19 Sectoral Meeting for Petroleum sector : The Annual Sectoral Review Meeting of Petroleum Sector was attended by Chief Vigilance Officers of the Ministry of Petroleum & Natural Gas, ONGC, Bharat Petroleum Corporation Limited (BPCL), Hindustan Petroleum Corporation Limited (HPCL), Indian Oil Corporation Limited (IOCL), Balmer Lawrie and Company Limited, GAIL (India) Limited, Engineers India Limited (EIL), Oil India Limited (OIL), Chennai Petroleum Corporation Limited (CPCL) and Mangalore Refinery and Petrochemicals Limited (MRPL). ONGC apprised the Commission on the various systems improvements carried out on the basis of Vigilance recommendations in areas of (i) sampling bonding, (ii) direct marketing of gas, (iii) pilferage of chemicals, (iv) invoice monitoring system and (v) reply to pre-bid queries raised by bidders. IOCL made a presentation on “Systems study on transit losses in transportation of petroleum products through tank wagons”. GAIL (India) Limited indicated various system improvement suggestions made by Vigilance to the Management covering areas like prohibiting adhoc payments, implementation of biometric access control system for contract employees, generation of bill delay exception reports, etc. BPCL mentioned that Complaint Management System (CMP) being developed in SAP portal for automation of complaint handling processes with audit trail and logs would be interfaced to Departmental Proceedings system in SAP-HR to provide direct monitoring of Vigilance Departmental Proceedings cases. HPCL reported that reverse auction had been implemented for transport and global tenders. Oil India Limited outlined various preventive vigilance measures initiated by them including formulation of SOP for civil engineering works. The Commission in general suggested that all organisations

may consider introducing online system of analysis of Annual Property Returns so that the system can generate exception reports. All organisations were also advised to undertake a study on pending or finalised arbitration cases.

- 3.20 Sectoral Meeting for the Coal sector : The Annual Sectoral Review Meeting of Coal Sector was attended by Chief Vigilance Officers of Ministry of Coal, Coal India Limited (CIL), Central Coalfields Limited (CCL), Northern Coalfields Limited (NCL), Central Mines Planning and Design Institute Limited (CMPDIL), South Eastern Coalfields Limited (SECL), Mahanadi Coalfields Limited (MCL), Bharat Coking Coal Limited (BCCL), Western Coalfields Limited (WCL), Eastern Coalfields Limited (ECL), Coal Mines Provident Fund Organisation (CMPFO) and Neyveli Lignite Corporation Limited (NLC). It was mentioned by CIL that SOPs for recruitment and for obtaining legal advice had been submitted to Management. CVOs of coal companies made presentations on the preventive vigilance activities carried out in their respective organisations. Chief Technical Examiner mentioned that discrepancies in bid eligibility conditions and bid evaluation criteria give rise to most complaints and special focus is required on these aspects while preparing the tender document. The Commission emphasised the need for adequate training of officers in the Vigilance Department so that they are well acquainted with the rules, regulations and procedures in vigilance matters.
- 3.21 Sectoral Meeting for Steel and Mines sector : The Annual Sectoral Review Meeting of Steel and Mines Sector was attended by Chief Vigilance Officers of Ministry of Mines, Ministry of Steel, Steel Authority of India (SAIL), National Aluminium Company Limited (NALCO), Hindustan Copper Limited (HCL), National Mineral Development Corporation Limited (NMDC), Rashtriya Ispat Nigam Limited (RINL), Metallurgical and Engineering Consultants Limited (MECON), Metal Scrap Trade Corporation Limited (MSTC), Manganese Ore India Limited (MOIL), Kudremukh Iron Ore Company Limited (KIOCL), Geological Survey of India (GSI) and Mineral Exploration Corporation Limited (MECL). All the CVOs apprised the Commission about the steps being taken to liquidate long pending cases and departmental enquiries. They also outlined various preventive vigilance initiatives and systemic improvement measures undertaken by them during the year. The Commission urged that Computerised File Tracking System and Computerised Vendor Bill Tracking system should be introduced at the earliest wherever these are not in place. The Commission, in general, advised that all CVOs should undertake systemic improvement measures to prevent revenue leakage and to increase effectiveness of vigilance administration.
- 3.22 Sectoral Meeting for Power sector : The Annual Sectoral Review Meeting of the Power Sector was attended by Chief Vigilance Officers of Ministry of Power, National Thermal Power Corporation Limited (NTPC), Power Grid Corporation of India Limited (PGCIL), National Hydroelectric Power Corporation Ltd (NHPC), Rural Electrification Corporation Limited (REC), Power Finance Corporation Limited (PFC), Satluj Jal Vidyut Nigam Limited (SJVN), Bhakra Beas Management Board (BBMB), Damodar Valley Corporation (DVC), North Eastern Electric Power Corporation Limited (NEEPCO) and Tehri Hydro Development Corporation Limited (THDC). While complimenting the CVOs for the excellent work done by them in significantly reducing the pendency of cases, the Commission advised them to scrutinise audit reports and analyse them in the proper spirit. The Commission suggested

that capacity building workshops may be conducted for Vigilance Officers/Inquiry Officers/ Presenting Officers/Disciplinary Authorities which would enhance overall efficiency of the Vigilance Department

- 3.23 Apart from stock-taking of vigilance activities in the annual sectoral review meetings, the Commission also appreciated the efforts of CVOs, wherever due, in carrying out their functions in an effective manner. The contributions of various CVOs in the successful organisation of various events associated with Vigilance Awareness Week and administration of Integrity Pledge were recognised by the Commission and hoped the momentum would be sustained in future.

VI. Guidelines/Instructions issued by the Commission during 2019

- 3.24 As a part of exercising superintendence over vigilance administration, the Commission also issues various guidelines, instructions, etc., aimed at streamlining procedures/improving efficacy of vigilance functioning in the various organisations. In the year 2019, the Commission issued the following instruction:

Expeditious disposal of cases involving public servants due to retire shortly. (Circular No. 019/VGL/026 dated 23rd July 2019)

- Ref : 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.

The Commission vide its circulars referred to 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 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 that such instances of undue delays on part of administrative authorities, in dealing with vigilance matters/disciplinary cases, will be viewed very seriously by the Commission and it would be constrained to take an adverse view of CVOs/ Administrative authorities for such avoidable delays.

Despite, these instructions. references are still being received in the Commission particularly from CPSUs and Public Sector Banks, after the middle of the month, the officer is due to retire which is not acceptable. The Commission has taken a serious note of such lax attitude on the part of CVOs/DAs and would again reiterate that all such retirement cases should be received by the first week of the month of superannuation of the officer(s) concerned positively.

Vigilance Conclave by Steel Authority of India Ltd. for CVOs and Vigilance functionaries of Steel Sector held on 18-19th March 2019



Hindi Week celebrations at the Central Vigilance Commission



CHAPTER – 4

NON-COMPLIANCE OF COMMISSION'S ADVICE AND OTHER AREAS OF CONCERN

- 4.1 The Central Vigilance Commission, in exercise of its functions and powers under Section 8(1) (g) of the CVC Act, 2003, tenders advice to the Central Government, Corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it. The Commission also exercises superintendence over the vigilance administration of these organizations. The advice is tendered by the Commission based on a reasoned appreciation of all the facts, documents and records relating to a particular case, which are brought to its notice by the organizations concerned. Acceptance of the Commission's reasoned advice in an overwhelming majority of cases by the Disciplinary Authorities is an indication of the objectivity and fairness of the Commission's advice.

However, in some cases of officers covered under the Commission's jurisdiction, either the prescribed consultation mechanism with the Commission was not adhered to, or the authorities concerned did not accept the Commission's advice. Further, there have been instances where the advice tendered by the Commission has been substantially diluted without approaching the Commission for reconsideration of its advice, as per extant procedure.

I Cases of non-compliance and non-consultation:

- 4.2 The Commission has observed that during the year 2019, there were some significant deviations from the Commission's advice. Whenever the Ministries / Departments propose to differ from or not to accept any advice of the Commission, a procedure has been laid down in terms of the Department of Personnel & Administrative Reforms OM No.118/2/78-AVD-I dated 28/9/1978, which prescribes that in those cases of officers for whom the appointing authority is the President, (i.e. orders are required to be issued in the name of the President), a reference is to be made to the DoPT before the Ministries / Departments finally decide such cases. However, in cases in which the Heads of Departments or Organizations are the Disciplinary Authorities, and similar cases of officers other than Board level appointees in Central Public Sector Enterprises / Public Sector Banks / Financial Institutions / Insurance Companies, etc., these cases are not required to be referred to the DoPT for resolution of difference. In all such cases, the concerned Disciplinary Authorities are expected to independently take a final decision keeping in view the Commission's advice tendered in a particular case.
- 4.3 Non-acceptance of the Commission's advice or non-consultation with the Commission vitiates the vigilance process and weakens the impartiality of vigilance administration.

However, some cases of deviation from prescribed procedure or non-acceptance of the Commission's advice are tabulated below as Table 4.1. Brief details of these cases are at **Appendix VI**.

Table 4.1

S.No.	Department/ Organisation	Commission's Advice	Action taken by the Department
1.	Ministry of Railways	Major Penalty	Exoneration without DOPT consultation
2.	Ministry of Railways	Major Penalty	No action
3.	Ministry of Railways	Major Penalty	Exoneration without Commission's second stage advice.
4.	Ministry of Railways	Major Penalty	Exoneration
5.	Ministry of Railways	Major Penalty	No action
6.	Ministry of Railways	Major Penalty	Exoneration
7.	Ministry of Railways	Major Penalty	Exoneration without Commission's second stage advice.
8.	Ministry of Railways	Major Penalty	No action
9.	Ministry of Railways	Major Penalty	Exoneration
10.	Ministry of Railways	Major Penalty (3 officials) & Minor Penalty (1 official)	No action against all 4 officials.
11.	Ministry of Railways	Minor Penalty (3officials)	Minor Penalty (1official) and exoneration (2 officials)
12.	Ministry of Railways	Minor Penalty (3 officials)	No action (1 officer) Warning (1 Officer)
13.	Ministry of Railways	Major Penalty	Minor Penalty
14.	Ministry of Railways	Minor Penalty	Exoneration
15.	Ministry of Railways	Major Penalty	Minor Penalty without Commission's second stage advice.

S.No.	Department/ Organisation	Commission's Advice	Action taken by the Department
16.	Ministry of Railways	Major Penalty	Minor Penalty
17.	Ministry of Railways	Major Penalty	Minor Penalty
18.	Ministry of Railways	Major Penalty	Minor Penalty
19.	Ministry of Railways	Minor Penalty (3 officials)	Counselling (2 officials)
20.	Ministry of Railways	Major Penalty	Minor Penalty
21.	Ministry of Civil Aviation	Delay in investigation	
22.	Airports Authority of India	Major Penalty (2 officials) & Minor Penalty(5 officials)	Minor Penalty (2 official), Advisory (4 officials) and Displeasure (1 official)
23.	Airports Authority of India	Major Penalty	Minor Penalty
24.	State Bank of India	Major Penalty	Exoneration
25.	State Bank of India	Major Penalty	Exoneration
26.	Vijaya Bank	Minor Penalty	Exoneration
27.	Central Bank of India	Major Penalty	Minor Penalty
28.	Canara Bank	Major Penalty	Minor Penalty
29.	Syndicate Bank	Major Penalty	Minor Penalty
30.	Exim Bank	Major Penalty	Minor Penalty
31.	CBIC	Major Penalty	No Action against retired official as matter time barred
32.	CBIC	Major Penalty	Exoneration
33.	CBIC	Major Penalty (2 officials)	Minor Penalty (2 officials)
34.	ONGC	Major Penalty	Exoneration

S.No.	Department/ Organisation	Commission's Advice	Action taken by the Department
35.	ONGC	Minor Penalty (3 officials)	Exoneration (1 official) and Administrative Warning (2 officials)
36.	ONGC	Major Penalty (3 officials)	Minor Penalty (3 officials)
37.	Scooters India Ltd	Major Penalty (2 officials)	Exoneration (2 officials)
38.	Bharat Heavy Electricals Limited (EML)	Minor Penalty	Minor Penalty proceedings not finalized till superannuation of official, matter time barred
39.	Cotton Corporation of India	Major Penalty	Minor Penalty
40.	Fertilisers and Chemicals Travancore Limited (FEDO)	Major Penalty	Exoneration
41.	The State Trading Corporation of India Ltd.	Major Penalty	Exoneration, DOPT delayed its decision and time-bound action directed by the Court
42.	Ministry of AYUSH(CCRAS)	Major Penalty	No Action against retired official, matter time barred
43.	Ministry of AYUSH (CCRAS)	Major Penalty	Exoneration without Commission's second stage advice
44.	EPFO	Major Penalty	Warning without Commission's second stage advice.
45.	EPFO	Major Penalty	Exoneration
46.	AIIMS, Delhi	Major Penalty	Exoneration without Commission's second stage advice

S.No.	Department/ Organisation	Commission's Advice	Action taken by the Department
47.	Ministry of Health and Family Welfare	Major Penalty	Minor Penalty without Commission's second stage advice.
48.	Ministry of Health and Family Welfare	Major Penalty (6 officials)	Major Penalty(4 officials), Minor Penalty (2 officials) without Commission's second stage advice.
49.	Indian Council of Agricultural Research (ICAR)	Major Penalty	No Action against retired official
50.	Indian Council of Agricultural Research (ICAR)	Major Penalty (2 officials)	Minor Penalty (2 officials)
51.	Ministry of Statistics & Programme Implementation	Displeasure	No Action
52.	New Delhi Municipal Corporation (NDMC)	Minor Penalty	Exoneration
53.	All India Council for Technical Education (AICTE)	Major penalty	No Action against retired official, matter time barred
54.	Municipal Corporation of Delhi (MCD)	Minor Penalty	Exoneration without Commission's second stage advice

II Irregularities and Lapses

4.5 While examining cases received for advice, the Commission has noted some serious and significant irregularities and lapses. These range from a failure on part of the DA to follow laid down procedures for consultation with the CVC and/or DoPT in cases of disagreement, to delays in seeking advice and lack of awareness or ignorance of rules and regulations in conducting disciplinary proceedings. An illustrative list of such irregularities/lapses is as under:

- (a) Some cases referred for seeking advice of the Commission are not received in the proforma prescribed by the Commission and are not accompanied with complete records.
- (b) In some cases, specific tentative recommendations of the Disciplinary Authority are not sent along with the case while seeking advice of the Commission. Such cases are returned to Disciplinary Authority, entailing avoidable delay.
- (c) In some cases it was found that the Disciplinary Authority submits the case for information and perusal of the decision without specifying whether they are seeking advice or otherwise.
- (d) It is observed that the Disciplinary Authority issues final orders without seeking advice/reconsideration of the advice of the Commission as per scheme of consultation prescribed by the Commission. In some cases the Disciplinary Authority mentioned lack of awareness of procedures/instructions as the reason for not seeking advice of the Commission.
- (e) In a sizeable number of cases the Commission has noted that the Department of Personnel & Training (DoPT) is not approached for resolution of difference of opinion between the Commission and the Disciplinary Authority.
- (f) The advice of the Commission is not sought by the concerned State Government in respect of officers who have been repatriated to the State Government even though draft charge sheet and first stage advice of the Commission are made available to the concerned State authorities.
- (g) It is also observed that reconsideration proposals are sent after a considerable delay without any new facts being brought to the notice of the Commission.
- (h) While the instructions provide for reconsideration of the Commission's advice only once, reconsideration requests are received multiple times.
- (i) It has been noticed in some cases that Disciplinary Authority issued recordable warning after conclusion of formal inquiry. As per instructions of DoPT either the charges are to be dropped or one of the statutory penalties is to be imposed on conclusion of formal inquiry.
- (j) The Commission has also observed in some cases that the final order of the Disciplinary Authority is not a reasoned and speaking order which would indicate a proper independent application of mind by the Disciplinary Authority.
- (k) Cases reported from certain CPSEs regarding irregularities observed in either pre-tender planning or post contract execution, which exhibit general ignorance of rules/procedures.
- (l) It was observed that in some cases of the Ministry of Railways the proposal for reconsideration of Commission's advice does not originate from the Disciplinary Authority but at the level of the Railway Board.

III Delays in Disciplinary Proceedings

- 4.6 The Commission has been impressing upon organizations about the need for prompt action in matters relating to vigilance. The Commission emphasizes expeditious enquiry into complaints in order to determine the accountability for an improper action and the finalization of the disciplinary proceedings within the prescribed time-schedule. These factors not only contribute to the efficiency of the organizations but also send a message to the erring officials that any inappropriate action or misconduct on their part would not go unpunished. The Commission has already issued guidelines declaring undue/ unjustified delays in the disposal of a case as one of the elements of the existence of a vigilance angle in any case.
- 4.7 The Commission considers it imperative that instances of suspected malpractices are followed up vigorously by the Administrative authorities. Delays have been noticed not only at various levels of processing of the complaints but also at the level at which decisions are to be taken by the competent authorities who are senior level functionaries. Although the Commission's constant endeavour has been to sensitize the organizations about the importance of timely and efficient handling of complaints, it has been observed that many a time the authorities demonstrate apathy towards this.
- 4.8 The Commission lays emphasis on expeditious disposal of disciplinary cases in an optimum time frame and has noted with serious concern that the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings.
- 4.9 The Commission endeavors to tender advice at the earliest if the proposal seeking advice of the Commission is submitted as per the proforma prescribed, is complete in all respects and accompanied with requisite documents. The concerned organizations normally take more than the prescribed time for implementation of Commission's advice. Issue of charge sheet is delayed and the delinquent officer is allowed to retire. In such cases, the misconduct gets time barred for initiation of departmental action. Issue of charge sheet for minor penalty proceedings after retirement under Pension Rules becomes an infructuous exercise even if the misconduct is not time barred. Another point of concern is delay in compliance of orders of Courts. In a number of cases, the charged officers take recourse to appropriate Courts, challenging the departmental proceedings. Certain orders are passed by the competent Courts. The departments either do not go in appeal against the orders or fail to take action in compliance thereof. Inaction on part of the departments sometimes leads to contempt of Court.

Activities of CTEO during 2019



CHAPTER – 5

CHIEF TECHNICAL EXAMINERS' ORGANISATION

I Background

- 5.1 The Chief Technical Examiners' Organisation (CTEO) was established in the year 1957 under the Ministry of Works, Housing and Supply, which was the forerunner of the present Ministry of Housing & Urban Affairs. The mandate of CTEO was to conduct technical audit of works undertaken by the Central Public Works Department (CPWD), with the objective of achieving economy in expenditure and better technical and financial control.
- 5.2 The Santhanam Committee on prevention of corruption, while appreciating the contribution of CTEO, recommended for strengthening it so as to make it more effective. It also recommended enlarging the jurisdiction of CTEO to cover construction works undertaken by other Ministries / Departments also and to place it under administrative control of the Central Vigilance Commission. On acceptance of these recommendations by the Government, CTEO was placed under the administrative control of the Commission in 1964.
- 5.3 The CTEO initially undertook intensive examination of selected civil and electrical construction works only. Subsequently, with the increasing expenditure on purchase of goods, services etc., CTEO began conducting intensive examination of supply and service contracts as well. At present, CTEO conducts intensive examinations of all contractual activities of the Central Government, Central Public Sector Undertakings, Public Sector Banks and other Central Government organizations. The scope of its examination includes execution of works, purchase of goods, hiring of services, etc. which are mainly funded by the Central Government.
- 5.4 At the apex level, the CTEO is headed by two Chief Technical Examiners (CTEs) – one of them is responsible for examination of civil / horticulture related procurement cases and matters and the other one for all other types of procurement contracts viz., supply contracts, electrical / mechanical contracts, IT procurements, consultancy and service contracts, transport contracts etc. and related matters. The CTEs are assisted by a team of Technical Examiners (TEs), Assistant Technical Examiners (ATEs) and Junior Technical Examiners (JTEs).
- 5.5 The main functions of CTEO include conducting technical and financial scrutiny of various procurement cases of the different agencies, to advise the Commission on policy matters related to public procurement and matters referred to the Commission for its advice by the Ministries, Departments of the Government of India and other organisations within the jurisdiction of the Commission. As part of preventive vigilance and system improvement, CTEs / TEs participate in workshops and seminars on issues related to public

procurement.

II Intensive Examination of Procurement Cases

- 5.6 Selection of procurement cases for intensive examination is primarily based on the Quarterly Progress Reports (QPRs) submitted by the Chief Vigilance Officers (CVOs) of various organisations, as also complaints received from various sources. Intensive examination is also done on the basis of the criticality, nature and the time and cost overrun involved in the procurement cases reported. The CVOs are required to furnish every quarter, details pertaining to different type of procurement cases, completed or on-going, with a contract value above the prescribed threshold values. As per extant instructions, the threshold values are Rs 5 crore and above for civil and turnkey works, supply contracts, Public Private Partnerships, sale of scrap and land etc., Rs 1 crore and above for electrical, mechanical works, maintenance and service contracts, manpower supply and consultancy contracts, Rs 50 lakh and above for medical equipment, Rs 10 lakh and above for horticulture works and four largest value contracts for supply of medicines. During 2019, 317 organisations submitted their QPRs. At times, intensive examination is also undertaken based on complaint alleging specific misconduct / irregularities.
- 5.7 During the year, CTEO undertook intensive examinations of 77 procurement cases, covering 41 organizations. The value of these procurement cases was over Rs.20,828 crores, assumarised below:

Table 5.1
Intensive examinations conducted by CTEO during the year 2019

Organization	No. of Organisations	No. of Intensive Examinations
Government Departments	13	25
Banks/Insurance Companies & Financial Institutions	1	1
Public Sector Undertakings	25	49
Autonomous Bodies	2	2
Total	41	77

- 5.8 Some of the organizations where intensive examinations were undertaken in the year 2019 are Ministry of Defence, Indian Railways, Delhi Development Authority (DDA), Public Works Department (PWD), Delhi, Coal India Limited (CIL), National Highways Authority of India (NHAI), Chennai Port Trust (ChPT), Mormugao Port Trust (MPT), Directorate General of Married Accommodation Project (DG MAP), Indian Oil Corporation Limited (IOCL), RITES Ltd., Food Corporation of India (FCI), IRCON International Ltd., Dedicated Freight Corridor Corporation of India Limited (DFCCIL), All India Institute of Medical Sciences (AIIMS), Engineers India Ltd. (EIL), North Delhi Municipal Corporation (NDMC), Oriental Bank of Commerce (OBC), NBCC India Ltd., Bharat Heavy Electricals Ltd. (BHEL),

Rashtriya Chemicals & Fertilizers Limited (RCFL), NTPC Limited, Gail India Limited., Bharat Petroleum Corporation Ltd. (BPCL), Telecommunications Consultants India Limited (TCIL), Rural Electrification Corporation Limited (REC), Hindustan Copper Limited (HCL), National Mineral Development Corporation (NMDC), MMTC Limited, etc.

- 5.9 On completion of intensive examination of the selected procurement case, the CTEO prepares the examination report. Deviations, if any, from the General Financial Rules, policies of Government of India, laid down guidelines of the Commission as well as of the procurement manual of the organisation are brought to the notice of the concerned procurement agency. In addition, issues related to transparency, efficiency, fair and equal treatment of bidders, overpayments, quality deficiencies, time and cost overruns, tax avoidance, etc. are included in the report. Some of the important irregularities observed during the intensive examinations carried out during 2019 are at **Appendix VII**.
- 5.10 Examination reports are forwarded to the CVO of the organisation for obtaining comments from the concerned officers, responsible for the lapses and recovery, if any, to be affected, improvements in system, etc. The Commission may, subsequently, refer appropriate cases involving suspected criminal culpability to CBI. During the year, one such case was referred to CBI. Other cases of irregularities, with perceived vigilance angle, are referred to the CVO for detailed vigilance investigation and for fixing of responsibility. Fourteen such cases were referred to the CVOs during the year. The action taken on these observations resulted in a large number of systemic improvements, besides punitive action against erring officials. Recovery of Rs 214.42 crores was also made by various procuring agencies from the defaulting contractors after such deficiencies were pointed out. Some of the cases, which were referred to CVOs for detailed vigilance investigations during 2019, with the approval of the Commission, are listed at **Appendix VIII**.
- 5.11 As a result of observations made by CTEO in the course of the intensive examinations, a number of systemic improvements were initiated by respective organisations. These system improvements were on issues like Earnest Money Deposit, Professional Liability Insurance, selection of consultants, etc. Some of the significant systemic improvements are listed at **Appendix IX**.

III CTE Type Intensive Examination by CVOs

- 5.12 The Commission decided that intensive examinations, similar to those being carried out by CTEO, be also carried out by the CVOs, in their respective organisations. CVOs carry out intensive examination of some chosen procurement contracts, broadly representing spectrum of the core activities of the organisation and report the outcome to the Commission. As reported by the CVOs during the year, 122 organisations conducted 2677 inspections of contracts and major purchases / CTE type examination, leading to recovery of Rs 33.99 crores and 90 vigilance cases/system improvements.

IV Examination of Vigilance Cases

- 5.13 While examining vigilance cases, various branches of the Commission, as and when required, refer issues related to procurement / technical aspects to CTEO for inputs and

advice. During the year, CTEO furnished advice in 297 vigilance / complaint cases, referred to it.

V Additional works assigned by the Commission

- 5.14 During the year, the Commission nominated Technical Examiners on committees constituted under Section 8(1)(d) & 11 of CVC Act 2003 to conduct Direct Inquiry in one case involving serious irregularities.

VI Important initiatives taken by the CTEO

- 5.15 In pursuance of the efforts towards preventive vigilance, the CTEO, under the guidance of the Commission, provided technical inputs to various organizations towards capacity building and sensitizing officials about various aspects of vigilance during the year 2019. This was done in the areas pertaining to tenders and contracting, estimation of rates, legal aspects in contracting, etc. which were covered in various training programs and seminars organised by organisations during the year.

Glimpses of activities held during Vigilance Awareness Week 2019 across the country



Induction Training Course for Chief Vigilance Officers at Sardar Vallabhbhai Patel National Police Academy, Hyderabad



Training Course at Institute of Secretariat Training & Management, New Delhi



CHAPTER – 6

SUPERINTENDENCE OVER CENTRAL BUREAU OF INVESTIGATION

I Introduction

- 6.1 The Central Bureau of Investigation traces its origin to the Special Police Establishment (SPE), which was set up in 1941 by the Government of India. The functions of the SPE then were to investigate cases of bribery and corruption in transactions with the War & Supply Department of India, during World War II. Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt. The Delhi Special Police Establishment Act was therefore brought into force in 1946. This Act transferred the superintendence of the SPE to the Home Department and its functions were enlarged to cover all departments of the Govt. of India. The jurisdiction of the SPE extended to all the Union Territories and could be extended also to the States with the consent of the State Government concerned. Central Bureau of Investigation (CBI) was established vide its resolution dated 1st April, 1963. Delhi Special Police Establishment (DSPE) was made one of its divisions.
- 6.2 As the CBI, over the years, established a reputation for impartiality and competence, demands were made on it to take up investigation of more cases of conventional crime such as murder, kidnapping, terrorist crime, etc. Apart from this, even the Supreme Court and the various High Courts of the country also started entrusting such cases for investigation to the CBI on petitions filed by aggrieved parties. Taking into account the fact that several cases falling under this category were being taken up for investigation by the CBI, it was found expedient to entrust such cases to the Branches having local jurisdiction. It was therefore decided in 1987 to constitute two investigation divisions in the CBI, namely, Anti-Corruption Division and Special Crimes Division, with the latter dealing with cases of conventional crime, besides economic offences. In the wake of the Securities Scam of 1992, a separate Banking Fraud and Securities Cell was created. In 1994, work was divided into three broad divisions of Anti-Corruption, Economic Crimes and Special Crimes.

II Superintendence of CVC over CBI

- 6.3 The Supreme Court in its judgement dated 18-12-1997 in Vineet Narain case envisaged greater autonomy and objectivity in the functioning of CBI. Pursuant to the judgement, the Central Vigilance Commission was statutorily mandated to superintend the work of CBI in respect of investigations conducted under the Prevention of Corruption Act.

6.4 As per Section 8(1) of the CVC Act, 2003, the functions and powers of the Commission related to CBI shall be to:

- (a) exercise superintendence over the functioning of the Delhi Special Police Establishment in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (b) give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946:

Provided that while exercising the powers of superintendence under clause (a) or giving directions under this clause, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner;

- (c) review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or the public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial.

6.5 Section 4 of Delhi Special Police Establishment Act, 1946 was also amended w.e.f. 1.09.2003, which inter-alia reads as follows:

“4. Superintendence and administration of Special Police Establishment.

- (1) The superintendence of the Delhi Special Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), shall vest in the Commission.
- (2) Save as otherwise provided in sub-section (1), the superintendence of the said police establishment in all other matters shall vest in the Central Government.”

6.6 The Commission exercises superintendence mainly through the following modes:

- (i) Monthly review meetings with the Director, CBI wherein progress of cases under investigation/inquiry, reasons for delay, status of pending prosecution sanctions, etc., are discussed;
- (ii) Forwarding of complaints for inquiry where deemed necessary;
- (iii) Issuing directions for investigation and report in exercise of powers under Section 8(1)(d) of CVC Act, 2003;
- (iv) Examining the reports of investigation into misconducts in cases against officers within the jurisdiction of the Commission for advising the Disciplinary Authorities for initiating disciplinary proceedings and/or grant of sanction for prosecution;
- (v) Reviewing progress of Sanction for Prosecution pending with the competent authorities for expediting decision on them;

- (vi) Calling for reports/returns wherever necessary;
- (vii) Monitoring complaints against officers of CBI;
- (viii) Recommending officers for appointment to posts of the level of SP and above and also extension or curtailment of tenure of such officers as provided for under Section 26 of CVC Act, 2003; and
- (ix) Recommending appointment to the post of Director of Prosecution under Section 4BA of DSPE Act, 1946.

III Registration, Investigation, Trial and Conviction

6.7 CBI sends monthly reports of its activities to the Commission about cases registered, their disposal and cases pending for trial. A gist of CBI activities during the year 2019 is given below:

(A) Registration of cases:

Year	2018	2019
Regular cases registered	765	608
Preliminary enquiries registered	134	102
Total	899	710@
Cases registered for demand of bribe by public servants for showing official favours	156	116
Cases registered for possession of disproportionate assets	47	46

@ Out of 710 cases, 106 cases were taken up on the directions of the constitutional Courts and 70 cases on the requests of State Governments/Union Territories.

(B) Investigation:

Year	2018	2019
Investigations finalised	720	1012
Pending at the end of the year for investigation/enquiry	1541	1239
Pending for investigation for more than one year	898	744

(C) Trial and conviction (including non-PC Act cases:

Year	2018	2019
Judgements received	850	755
Resulting in conviction	544	467
Resulting in acquittal	233	186
Resulting in discharge	23	22
Disposed of for other reasons	50	80
Conviction rate	68%	69.19%
Pending court cases at the end of the year	9255	9354

IV Cases dealt with under P.C. Act during the Year 2019

6.11 A gist of cases dealt by the Central Bureau of Investigation under PC Act 1988 during the year 2019 is as under:

Table 6.1
Cases dealt under P.C. Act during 2019

Sl. No.	Particulars	Cases
1	Registration	396
	No. of Public Servants involved in these cases	607
	No. of Gazetted Officers involved in these cases	176
2	Disposal from investigation	518
	i) Departmental Action as well as Prosecution	144
	ii) Prosecution only	285
	iii) Departmental Action only	22
	iv) Such Action	5
	v) Closed	59
	vi) Otherwise disposed of	3
3(a)	Disposal from Trial (Court Case wise)	526
	(i) Conviction	336
	(ii) Acquittal	142
	(iii) Discharge	19
	(iv) Otherwise disposed of	29
3(b)	Break up of No. of Public Servants and Private Persons involved in cases disposed off from trial	1803
	(i) Conviction	828
	(ii) Acquittal	609
	(iii) Discharged	112
	(iv) Otherwise disposed off	254
4	Total No. of cases under investigation (as on 31.12.2019)	678
5	No. of pending Trials (Court Case wise)	6226

6.12 The CBI is normally required to complete investigation of a registered case within one year. Completion of investigation would imply filing of charge sheets in courts wherever warranted, after receipt of sanction from the competent authority. The Commission has observed that there have been some delays in completing investigations in certain cases.

Some of the reasons for such delays include:

- (a) delay in investigation due to work overload,
- (b) inadequacy of manpower,
- (c) delay in obtaining responses to Letters Rogatory (LRs),
- (d) verification of documents/title deeds, etc., in disproportionate asset cases,
- (e) delay in obtaining forensic reports from forensic laboratories and reports from other experts,
- (f) delay in receipt of prosecution sanction from competent authorities, etc.,
- (g) delay in supply of departmental records by the concerned Department,
- (h) time taken in scrutiny of voluminous records, specially in economic offences and bank fraud cases, and
- (i) time spent in locating and examining witnesses living in distant places.

Details of PC Act cases pending under investigation is at Table 6.2.

Table 6.2
Pending PC Act cases under Investigation as on 31.12.2019

Length of pendency	As on 31.12.2019
Less than one year	268
More than one year but less than 2 years	177
More than two years but less than 3 years	122
More than three years but less than 5 years	86
More than 5 years	25
Total	678

Delays in disposal of cases under trial before Courts

6.13 The Commission is concerned about the slow progress of disposal of the large number of cases pending trial in different courts for long periods, at times for over twenty years. Such inordinate delays in investigation defeat the very purpose of efficient vigilance administration and are an impediment to the fight against corruption. The Commission has been emphasising that effective measures are required to be taken to increase the disposal of pending PC Act cases under trial/appeals/revisions in order to effectively combat corruption. The pendency of these cases has been brought to the notice of the authorities concerned with a request for such appropriate action as are possible to expedite the finalisation of such cases.

Reasons for delay:

- Delay in trials due to limited number of hearings;
- Non-availability of witnesses;

- Dilatory tactics adopted by the accused by way of filing applications for transfer of cases from one Court to another Court challenging the legality of investigation by CBI and Court Stay, etc.; and
- Inadequate strength of prosecution staff due to vacancies.

Details of PC Act cases pending under trial, appeal and revision is at Table 6.3 and 6.4.

Table 6.3
PC Act cases pending Trial

Length of pendency	As on 31.12.2019
Less than 3 years	1385
More than 3 years and upto 5 years	1177
More than 5 years and upto 10 years	1883
More than 10 years and upto 20 years	1599
More than 20 years	182
Total	6226

Table 6.4
Appeals and Revisions pending in PC Act cases in various courts as on 31.12.2019

	Additional Session Court		Session Court		High Court		Supreme Court		Total
	CBI	Accused	CBI	Accused	CBI	Accused	CBI	Accused	
Appeal	1	0	3	3	624	9258	88	211	10188
Revision	1	1	0	2	286	863	25	14	1192
Total	2	1	3	5	910	10121	113	225	11380

Age wise analysis of pending Appeals and Revisions

Age	Appeals	Revisions	Total
Less than 2 years	2927	669	3596
More than 2 but less than 5 years	2272	268	2540
More than 5 but less than 10 years	3054	177	3231
More than 10 but less than 15 years	1420	65	1485
More than 15 but less than 20 years	366	11	377
>20 years	149	2	151
Total	10188	1192	11380

V Previous Sanction for Prosecution against Central Government Employees

- 6.14 Section 19 of the Prevention of Corruption (Amendment) Act, 2018 lays down that no court shall take cognizance of an offence punishable under Sections 7,11,13 and 15 alleged to have been committed by a Public Servant, who is employed or as the case may be, was at the time of commission of the alleged offence, employed in connection with the affairs of the Union/State, except with the previous sanction of the authority competent to remove him from his office. The amended provision also provides that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for the previous sanction of such Government or authority for taking cognizance by the court of any of the offences specified, unless – (i) such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and (ii) the court has not dismissed the complaint under Section 203 of the CrPC and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding. It has been provided further that in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant.
- 6.15 On receipt of a request for grant of previous sanction for prosecution under Section 19 of Prevention of Corruption Act, 1988 from the CBI or other investigating agency and while processing such requests, all the Ministries/ Departments / Organisations need to take decisions expeditiously and in accordance with the guidelines issued by the Commission vide its circulars dated 12.05.2005,28.03.2012 and 25.05.2015. The amended PC act also stipulates that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant endeavour to convey the decision on such proposal within a period of 3 months from the date of its receipt. In case where, for the purpose of grant of sanction of prosecution, consultation is required with the Attorney General or any Law Officer in the Attorney General's office, the period may be extended for a further one month for reasons to be recorded in writing. The Commission in terms of its powers and functions under Section 8(1)(f) of the CVC Act,2003 issued directions that all administrative authorities should scrupulously follow the guidelines while considering and deciding requests for sanction for prosecution.
- 6.16 The Commission reviews the progress of cases pending for sanction of prosecution with various organisations, under the PC Act, 1988. CBI reported that at the end of the year 2019, 176 cases were pending for grant of sanction for prosecution under PC Act, 1988. However, only 163 cases were pending for prosecution sanction as 13 cases were common to more than one Ministry/State Government, etc. In these 163 cases pending with Central/State Government and other Departments/Authorities, 399 separate requests had been made for prosecution sanction during the year 2019 as some of the cases involved more than one

accused. The Ministry wise PC Act cases pending for prosecution sanction as on 31.12.2019 and number of PC Act cases pending for sanction for prosecution for more than 3 months as on 31.12.2019 are given below in Table 6.5.

Table 6.5
Ministry-wise PC Act Cases Pending for Prosecution Sanction as on December 31, 2019

Ministry	Cases	Officers involved	Pending for more than three months as on 31.12.2019	
			Cases	Officers involved
Comptroller and Auditor General	1	1	1	1
Ministry of Commerce and Industry	5	9	1	1
Ministry of Finance (Department of Revenue)	2	2	1	1
Ministry of Labour and Employment	2	3	-	-
Ministry of Agriculture	1	1	1	1
Ministry of Coal & Mines	3	3	2	2
Ministry of Communications (Department of Posts)	2	5	-	-
Ministry of Defence	11	15	5	6
Ministry of Finance (Department of Financial Services)	79	195	29	78
Ministry of Finance (Customs and Central Excise)	4	13	4	13
Ministry of Food and Supply	3	6	3	6
Ministry of Health & Family Welfare	3	3	1	1
Ministry of Home Affairs	2	2	1	1
Ministry of Information & Broadcasting	2	6	1	3
Ministry of Law and Justice	1	2	1	2
Ministry of Personnel, Public Grievances and Pensions	8	11	8	11
Ministry of Petroleum and Natural Gas	1	1	-	-

Ministry	Cases	Officers involved	Pending for more than three months as on 31.12.2019	
			Cases	Officers involved
Ministry of Railways	8	13	3	8
Ministry of Shipping	2	2	1	1
Ministry of Textiles	1	1	1	1
Ministry of Urban Development & Poverty Alleviation	1	3	-	-
Ministry of Water Resources	1	1	1	1
Union Territories	3	6	1	1
Lok Sabha	1	4	1	4
Government of Andhra Pradesh	1	6	1	6
Government of Bihar	5	7	2	4
Government of Chhatisgarh	1	3	1	3
Government of Delhi	3	5	-	-
Government of Haryana	2	2	-	-
Government of Jammu and Kashmir	4	6	2	3
Government of Karnataka	2	9	1	3
Government of Mizoram	1	2	1	2
Government of Punjab	1	2	-	-
Government of Tamilnadu	1	2	1	2
Government of Uttar Pradesh	8	47	6	34
Total	176	399	82	200

6.17 The Commission regularly follows up the cases pending for sanction for prosecution pertaining to the Central Government Departments and its organisations. These details are also placed on the website of the Commission and updated every month. In respect of sanctions for prosecutions to be given by State Governments, the Commission does not exercise jurisdiction over the officers. However, in pursuance of Section 8(1) (f) of the CVC Act, 2003 which mandates the Commission to review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988, and guidelines of the Supreme Court in this regard, the Commission has been taking up the matter with competent authorities in the concerned State Governments at the

highest level for expediting decision on requests for sanction of prosecution pending with them. The Commission has also emphasised on the need for the competent authorities to decide upon the grant or denial of prosecution sanction by issue of valid speaking orders. In cases of difference in opinion between the competent authorities in the Ministries/ Departments/Organisations and CBI/other investigating agencies, where the latter have after investigation sought sanction for prosecution of public servants, the Commission resolves such matters of difference of opinion with CBI/Investigating agencies on the basis of available documents/materials and tentative views of the competent authorities of the concerned Ministries/Departments/Organisations, as indicated vide Commission's circular dated 16.04.2015.

VI Complaints referred by Commission to CBI

6.18 The status of the complaints referred by the Commission to CBI for investigation and report under Section 8(1)(d) of CVC Act, 2003 is indicated in Table 6.6.

Table 6.6
Complaints sent by the Commission to CBI and their disposal

Complaints forwarded by CVC for verification/ investigation/ Enquiry	MODE OF DISPOSAL				
	No. of complaints resulting into RC	No. of complaints resulting into PE	No. of complaints ending in recommendation of RDA/such action deemed fit and SCN sent to Department	No. of complaints closed	Complaints under verification
11	2	3	1	4	1

VII Review of pending cases against officers of CBI

6.18 The Commission regularly reviews cases pending against CBI officers. Pendency of cases against CBI officers reflects on the reputation and image of the country's premier investigation agency. As on 31-12-2019, 47 departmental cases against Group A officers and 27 cases against Group B and C officials were pending at various stages against CBI personnel. Details are indicated in Table 6.7.

Table 6.7
Departmental action against CBI personnel

Group A

Total pending	Less than 1 year	Between 1 year to 2 years	Between 2 years to 3 years	Between 3 years to 4 years	More than 4 years
47	05	05	04	12	21

Breakup of the total pending cases are:

(i)	Inquiry in progress at various stages	40
(ii)	Pending with DA (DoPT) for decision	07
	Total	47

Group B and C

Total pending	Less than 1 year	Between 1 year to 2 years	Between 2 years to 3 years	Between 3 years to 4 years	More than 4 years
27	4	5	1	1	16

Break-up of the total pending cases are:

(i)	Pending with DOPT for final orders	04
(ii)	Inquiry in progress at various stages	23
	Total	27

VIII Manpower

6.20 The total sanctioned strength of CBI as on December 31, 2019 was 7273 against which 5964 officials were in position with 1309 posts lying vacant. The vacancy position is given in Table 6.8.

Table 6.8

Overall vacancy position of CBI as on 31.12.2019

Designation of posts	Sanctioned Strength	Actual Strength	Vacancy
Executive Ranks	5000	4183	817
Law Officers	370	295	75
Technical Officers	162	70	92
Ministerial Staff	1671	1386	285
Canteen Posts	70	30	40
Grand Total	7273	5964	1309

IX Monthly Review Meetings with Director CBI and Review of specific Cases

- 6.21 The Commission holds a review meeting with the Director, CBI every month wherein progress and pendency of PC Act cases under investigation and PC Act cases under trial are reviewed. The reasons for delay in investigations/inquiry are reviewed and likely dates for completion of investigation/inquiry ascertained. Sanction for prosecution requests pending under PC Act for decision of competent authorities are reviewed and the Commission pursues the matter with concerned authorities for disposal of pending requests within 90 days in accordance with the directions of the Supreme Court.
- 6.22 Other issues of mutual concern are also discussed during the monthly review meetings for exchange of ideas and finding solutions to clear bottlenecks observed in the course of investigation/inquiry. Details of certain pending cases which are specifically included in the agenda are also discussed. In addition, the Commission invites the officers at the level of Joint Director or such other officer to discuss specific cases where in the Commission, on examination of the reports of CBI, identifies certain shortcomings or advises that further investigation be conducted.

X Appointment for certain posts in CBI

- 6.23 Section 26 of CVC Act, 2003 read with Section 4C of Delhi Special Police Establishment Act, 1946 provides for a Committee to recommend officers for appointment to the posts of the level of Superintendent of Police and above and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment after consulting the Director, CBI. The Committee functions under the Chairmanship of the Central Vigilance Commissioner with the Vigilance Commissioners, Secretary (MHA) in the Government of India and Secretary (Personnel) in the Government of India as Members. The aforesaid Selection Committee met four times in the year 2019 and made their recommendations to the Central Government in respect of various appointments, proposals for extension of tenure, etc.

International Youth Contest of Social Anti-Corruption Advertising - “Together Against Corruption!”

The Department of Personnel & Training (DoPT), in association with the Commission and the Ministry of External Affairs had organised the International Youth Contest of Social Anti-Corruption Advertising - “Together Against Corruption!”, online Video and Poster competition during the period 1st June, 2019 to 31st October, 2019. The Contest was organized by the Prosecutor General's Office of the Russian Federation, the then BRICS Chair. The contest was open to the Nationals of the Interstate Anti-Corruption Council and BRICS countries between the age group of 14-35 years. The contest was held in two stages : Semi-Final (National level) and Final (International level).

A National Committee under the Chairmanship of Secretary, CVC was constituted by DoPT to shortlist the winners from amongst the poster and video entries at the semi final stage. The International Jury comprised of representatives from each participating country which voted online to shortlist top three winners in each category. Shri Pranav P. Saxena from India was selected for third prize in the video category. The top winners at International level were awarded prizes in an event held at Moscow on 09th December, 2019 by the Prosecutor General of Russian Federation. The Secretary, CVC and Shri Pranav P. Saxena also participated in the award ceremony.

Besides, the Department of Personnel and Training also felicitated the top three winners in each category at semi final(National level) in an award ceremony held at North Block, New Delhi which was presided over by the Minister of State for Personnel, Public Grievances & Pensions, Dr. Jitendra Singh.





BRICS International Youth Contest 2019, Together Against Corruption
1st Prize Winners at National Level of Video Competition



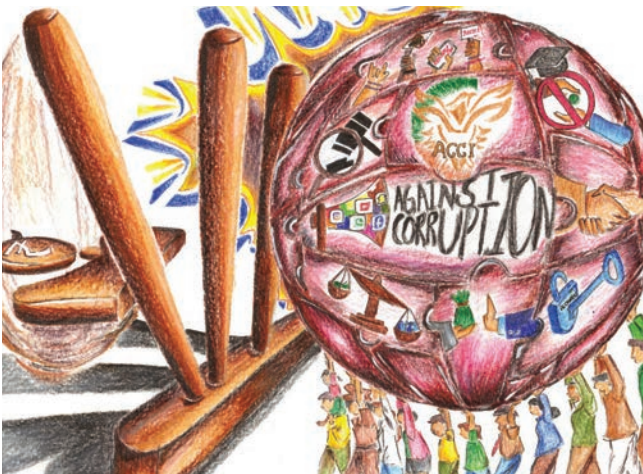
BRICS International Youth Contest 2019, Together Against Corruption
1st Prize Winner at National Level of Poster Competition



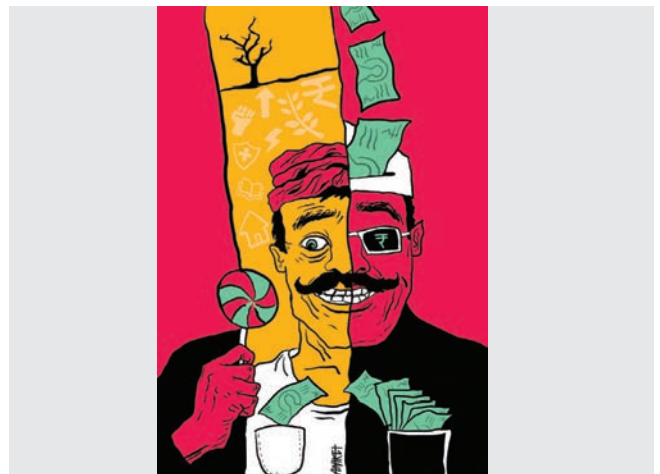
BRICS International Youth Contest 2019, Together Against Corruption
2nd Prize Winners at National Level of Video Competition



BRICS International Youth Contest 2019, Together Against Corruption
2nd Prize Winner at National Level of Poster Competition



BRICS International Youth Contest 2019, Together Against Corruption
1st Prize Winner Poster at National Level



BRICS International Youth Contest 2019, Together Against Corruption
2nd Prize Winner Poster at National Level

CHAPTER – 7

PREVENTIVE VIGILANCE AND SYSTEMIC IMPROVEMENTS

I Background

- 7.1 Preventive Vigilance efforts are a part of the larger strategy which seeks to identify areas vulnerable to corruption for the purpose of establishing suitable preventive vigilance mechanisms. The Santhanam Committee Report, 1964 states that "Corruption cannot be eliminated or even significantly reduced unless preventive measures are planned and implemented in a sustained and effective manner. Preventive action must include administrative, legal, social, economic and educative measures". It was observed that the main effort for checking corruption must come from within the organisation and it is imperative to have a continuous watch on sensitive spots rather than merely taking punitive action after occurrence of misconduct.
- 7.2 Preventive Vigilance is therefore a tool of management and good governance for the dissemination of systemic improvements and generation of awareness. It is a tool of management and indeed of every employee in an organization. The theme for 2019 during the Vigilance Awareness Week was 'Integrity-a way of life'. Through Preventive Vigilance measures the Commission seeks to enable higher levels of transparency and organizational efficiency in public governance. Fraudulent activities and acts of misconduct are sought to be prevented by identifying and plugging vulnerable areas and by effecting systemic improvements and structural remedies. Standardization and simplification of rules and procedures, automation, leveraging technology, reducing discretion and human interface, transparency, accountability, control and supervision, training and awareness play an important role in preventive vigilance. The Commission has encouraged organizations to develop a preventive vigilance framework which will assess areas prone to corruption, correct policies, procedures and systems and strengthen internal control mechanisms in the fight against corruption. While some areas may be unique to each organization, there are common areas of public governance which may be strengthened in this endeavour.
- 7.3 The Commission has identified the following broad areas, which need special attention while implementing preventive vigilance measures:
- Allocation of resources like rights, lease, licenses, loans etc,
 - Public procurement and management of contracts,
 - Auction/sale of Goods,
 - Recruitment, promotion, transfer and posting
 - Delivery of public services,

- Social welfare schemes,
- Determination of tax liabilities,
- Misappropriation of public assets

7.4 Though there is a scope of implementing of preventive vigilance measures in almost all operational areas of an organisation, preventive vigilance measures can broadly be categorized as the following:

- (a) Simplification and standardisation of rules: Simplification and standardisation of rules and procedures facilitates elimination of discretion and arbitrariness, and helps to reduce corruption. Identifying areas involving exercise of discretion which are not properly regulated by clear guidelines, as well as a complete review of existing rules and regulations needs to be undertaken to promote clarity and accountability. Similarly, simplification and standardisation of forms/applications also reduces scope for corruption.
- (b) Leveraging Technology and Automation: Experience suggests that technology plays an enabling and effective role in fighting corruption. E-procurements, E-payments, use of websites for dissemination of information and creating awareness, use of CCTV in places of public dealing, use of GPS enabled devices/RFIDs, computer assisted audit techniques for detecting frauds are some of the examples as to how technology provides considerable strength to the system of preventive vigilance. Automation reduces interface/interaction between public officials and the common public. It also removes a monopoly on delivery of services and reduces personal discretion of the concerned official.
- (c) Business Process Re-engineering (BPR): BPR is very important as it helps the organisations rethink how they fulfil their core objectives, and in the process, encourages a full-scale re-creation of processes for fulfilling the objectives of the organisation. Existing processes may be re-engineered to prevent revenue leakage as well.
- (d) Transparency: Transparency removes asymmetry of information between the public and public officials and thus in turn reduces corruption. For example, the website of every Department/Organisation should contain its rules & regulations, process details and procedures, contact details of concerned officials and all other information useful for common public/customers.
- (e) Accountability: It is very difficult to take punitive action due to lack of accountability. A system with clear accountability and assigned responsibility at each level is necessary not only for smooth functioning but also for ensuring timely and effective punitive action in case of misconduct.
- (f) Control & Supervision: Regular and routine inspections, surprise inspections, audit and reviews keep a check on aberrant and corrupt behaviour.
- (g) Early detection of misconducts: Early detection of misconducts apart from bringing

to light the deficiencies of the system, will also enable recouping of losses wherever possible and facilitate prevention of further damage and financial loss.

- (h) Time-bound and effective punitive action: Punitive action within a short period of occurrence of the misconduct and finalisation of such cases in a time-bound manner resulting in award of exemplary and adequate punishment, deters others from committing such misconduct in future.
- (i) Training and Awareness: Capacity building and sensitization at all levels and across all functional areas is important. Public officials should be made aware of their duties and responsibilities, code of conduct, rules and regulations, etc., through regular training and awareness programmes. A list of Dos and Don'ts for employees/officials is a simple yet effective tool. Likewise, familiarization with Standard Operating Procedures relating to different spheres of activity will enhance awareness and reduce procedural violations/inadvertent errors arising out of a lack of awareness. Knowledge sharing initiatives such as publishing/circulating information relating to areas where fraud/misconduct has been detected and sharing information on best practices are other effective awareness generation methods for better preventive vigilance.
- (j) Conducive work environment: Conducive work environment may include drawing up lists of sensitive posts, implementing a rotational transfer policy for sensitive posts, identification of persons of doubtful integrity and keeping them away from sensitive posts/public dealing. It would be necessary also to create an environment that promotes ethical behaviour. Protection to Whistle Blowers must be ensured in order to bring to light cases of corruption. Non-provision of adequate infrastructural facilities such as accommodation, conveyance, utilities, etc. also induces corruption.
- (k) Awareness among public: If public is made aware of their rights and also of rules and regulations, then they may be able to resist unfair treatment and arbitrary exercise of power by public officials. Public organizations should prominently display information relevant/useful to the common public on their office notice board/website.
- (l) Inculcating ethical behaviour: Inculcating ethical behaviour among employees and public, particularly the younger generation is an important tool of preventive vigilance. Vigilance Awareness Week (VAW), celebrated every year during the last week of October intends to create such public awareness. This opportunity is utilized by all CVOs/Organisations to create awareness among public as well as among their own officials regarding the need to uphold correct values.
- (m) Whistle Blower mechanism: The Commission encourages all organisations to establish whistle blower mechanisms as a method of identifying corrupt practices and as a means to achieve improvement of systems within an organisation.

II Commission's Initiatives in Preventive Vigilance

7.5 The Central Vigilance Commission has proactively taken forward the agenda of preventive vigilance in the last four years. Some of the significant initiatives taken in this direction include the following measures:

- (i) **Guidelines on Preventive Vigilance:** The Commission has included a chapter on preventive vigilance in the Vigilance Manual - 2017 for the guidance of organisations. The Commission's Annual Report to Parliament also reports in depth on preventive vigilance and the systemic improvements advised by the Commission during the year.
- (ii) **Integrity Index:** As an accountability institution, the Commission has undertaken an initiative to develop an Integrity Index applicable to a wide range of Public Sector and Government Organizations. The development of the Integrity Index is in line with the Commission's broader strategy and emphasis on preventive measures. The responsibility to conceptualize, study and develop a framework for Integrity Index has been given to IIM Ahmedabad. 25 Public Organizations were selected for this assessment including Public sector, commercial and non-commercial organizations, and selected Government Departments. This Index can be used as a toolkit for self assessment, self evaluation and self improvement by the organization.
- (iii) **Training and Awareness:** The Commission believes that preventive vigilance is a continuous process and there should be a culture and environment developed in organisations to nurture it. Accordingly, the Commission has requested the centralised training institutes as well as the PSUs and Public Sector Banks to include modules on preventive vigilance in their induction training programmes for young officers. Similar capsule courses also need to be developed for the in-service and mid career training courses. The Commission shall work closely with various organisations for development of the course content and shall facilitate identification of resource persons for such programmes.
- (iv) **Dissemination of Good Practices:** For dissemination of good practices adopted by organisations in the area of preventive vigilance, the Commission has published four compilations in the form of booklets on preventive vigilance.
- (v) **SOPs:** The Commission has been advising Government organisations, PSEs and PSBs to develop specific SOPs on the identified key areas and disseminate the SOPs for implementation of key processes to prevent excessive use discretionary power at all levels and to ensure transparent functioning of organisations.
- (vi) **Inculcating Ethical Behaviour among Employees and the Public:** The Commission's VAW activities are a significant step for awareness generation among all stake holders, particularly the students and youth through outreach activities.
- (vii) **Training, capacity building and skill upgradation:** The Commission has been training the CVOs/Dy. CVOs as well as management of the departments/organisations

through customized programmes conducted at reputed training institutions. The skill upgradation component is delivered through an on line portal consisting of a question bank and a case study based module.

- (viii) **Review of Preventive Vigilance initiatives by Organisations:** During the Annual Sectoral Review meetings with the Ministries/Departments/Organisations, the Commission has been reviewing initiatives taken by various organisations for effective preventive vigilance. This is also reviewed through the CVOs Annual Report.
- (ix) **Scrutiny of Audit Reports by CVOs:** The Commission has been reiterating that the audit reports (internal audit, statutory audit and C&AG audit) should be thoroughly examined by the CVOs to identify audit observations that have a vigilance angle so that timely action may be taken to prevent any misdeed. The Commission has insisted on submission of detailed reports from CVOs in this area. The point has been included in the CVOs' Quarterly Periodic Returns furnished during each quarter. During the Annual Sectoral Review meetings the Commission reviews the status of scrutiny of audit reports with the CVOs.
- (x) **Study on Delay in Payments:** The Commission has noted that the issue of payments to contractors is a high risk area from vigilance point of view. The Commission advised all the CVOs to carry out study on the bills paid by the organisation and submit a report to the Commission. On the basis of the reports furnished by the CVOs, the Commission observed that one of the main causes of delay lies in submission of prescribed documents by the contractor. The Commission also noted that there was a large number of prescribed documents, most of which are certificates regarding compliance of various laws/rules. The Commission was of the view that the need to prescribe such a large number of documents needs to be examined and a detailed study was necessary keeping in view the requirements of the principal employer or procurer of good/services as well as ensuring compliance of relevant statutes/rules. Therefore CVOs of some select organizations have been advised to conduct detailed studies in this regard.
- (xi) **Continuous Revision of Manuals:** The Commission has been advising the CVOs to ensure that the organisations have prepared Manuals on important areas of their functioning such as contracts, procurements, recruitment etc. and that these are updated and conform to guidelines of CVC as well as their respective Ministries. Additionally, the CVOs have been advised to identify which Manuals are needed and which are available in the organisation. The Commission has desired that these Manuals may be available on the concerned organisation's website.
- (xii) **Continuous Revision of Processes:** The Commission has been advising the CVOs to carry out regular review of various processes and systems with a view to dovetail the systems with the latest available technology, and to generate exception reports on the use of discretionary powers with the help of these systems.
- (xiii) **Asset Registers:** Given that the public sector organisations/departments control a large inventory of assets, there is a need for better asset management. The Commission

has advised organisations to prepare Asset Registers in digital form after taking stock of all their assets.

III Systems improvements reported by various Organisations

7.6 Some of the systemic improvements implemented by some of the organisations falling within the jurisdiction of the CVC are as given below :

Oil and Natural Gas Corporation Limited

- (i) **Delay in payment of invoices:** A study on delay in payment to vendors was undertaken on the advice of the CVC. The data of the last three years of the Invoice Monitoring System (IMS) of ONGC was analysed and this resulted in various actions being taken by the management, including issuance of internal instructions. In addition, a proposal for reducing the requirement of supporting documents along with invoices is under consideration.
- (ii) **Modification in the experience criteria:** The provisions on experience criteria in respect of LSTK and Service Contracts have been clarified and guidelines have been issued for the consideration of the works to be considered eligible for award of contracts.
- (iii) **Guidelines for formulation BEC in QCBS/LCS Tenders:** Guidelines have been issued to ensure that there is no ambiguity/contradiction/ variation between the provisions of BEC and the corresponding tender provisions.
- (iv) **Guidelines for Sampling, Bonding, Testing, De-bonding and Dispatch of Chemicals:** The system of sampling/bonding and testing was reviewed and it was clarified that in cases of import of chemicals, sampling, bonding & testing at firm's premises shall be taken up through TPI agency. In case of indigenous procurements, the payments are to be released after successful testing at destination.
- (v) **Standard Operating Procedure for Direct Gas Marketing Activities:** It was observed that there was no standard operating procedure (SOP) and there was no delineation of roles or accountability of officers in the process. Standard Operating Procedure for Direct Gas marketing Activities was prepared and issued during the year.
- (vi) **Instructions for procurement through Board Purchase:** Instructions were issued regarding proper utilization of delegated powers arising from clarification in a specific case.
- (vii) **Instruction regarding double payment to contractor:** A proper mechanism to prevent double payment in a contract was put in place during the year.

Bridge and Roof Co.(I) Ltd.

- (i) Study of receipt of materials receipt, GRN preparation and Bill processing was made and gaps were identified. Based on the same, a new Bill tracking system was put in place in February 2019.

- (ii) Marketing of Petcoke was studied and suggested for developing online system for allotting Petcoke loads.
- (iii) Recruitment process for Officers/Engineers was studied and it was suggested to adopt GATE score for selection.
- (iv) Study of diesel consumption in Fire water pump houses was taken up and suggested to maintain registers to record the consumption details.
- (v) Suggested improvements in managing receipt, storage and return of LPG cylinders in INDCO canteen.
- (vi) Suggested for improvements in administering Canteen contract with regards to maintaining records for disposal of used oil.

Competition Commission of India

Recruitment for the non-supervisory posts has been centralized and a Government Agency has been engaged to provide online portal for application, registration and verification, online payment of examination fees, and management of the entire recruitment process till declaration of results.

Indian Bureau of Mines

- (i) A project viz. Mines Surveillance System (MSS) undertaken jointly by IBM and the Department of Electronics and Information Technology under the Digital India programme has been introduced. The MSS developed is in association with Bhaskaracharya Institute for Space Applications and Geo Information (BISAG) to develop a system for detection of incidence of illegal mining by use of space technology and surveillance of area up to 500 m outside the lease boundary.
- (ii) A Mobile App, E-book Reader is also available for users. The Mobile App provides free of cost, easy access to IBM publications and mineral data.
- (iii) A project named “Mining Tenement System” (MTS) has also been undertaken by IBM. The concept of the project is to bring all the mining related activities under one single umbrella.
- (iv) Manual of Appraisal of Mining Plan has been uploaded in IBM Website.
- (v) IBM Manual of Appraisal of Final Mine Closure Plan 2018 has also been uploaded in IBM Website.
- (vi) To improve transparency and efficiency, better control field has been provided in TMIS system for entering data regarding validity of BG, pre-submission scrutiny of Mining Plan and data related submission of review of existing Mining Plan

The State Trading Corporation of India Limited

Formulation and issue of detailed guidelines containing the Standardized legally vetted formats (for obtaining personal guarantee, corporate guarantee, trust deed,

pledge deed, mortgaged deed etc. form Business associate) and the list of documents etc. (which are to be mandatorily collected in originals from associates while obtaining various securities, guarantees, such as Personal guarantee, Corporate Guarantee, Trust Deed, Mortgage Deed etc.) has been done be issued afresh for information and compliance within the Corporation.

Mineral Exploration Corporation Limited

As an outcome of CTE Type Examination of BW L/H Rods, it was advised to incorporate the justification for the quantity of material to be purchased as well as its shelf life after ascertaining its stock position in the stores. Further, proper rate estimation on the basis of previous supply order or on the basis of current market trends, clearly delineated tender processing time, cost benefit analysis should be made in the proposal. Any clarification regarding proposal should be submitted by the Indenting Division within a specified no. of days provided in the SOP, clarifications should be replied in one go with full details to avoid time delay in the process. Any difference was to be brought to the notice of the Competent Authority.

Oil India Limited

- (i) Directions have been given to confirm product availability/upgradation and price reasonability from the Original Manufacturer of the product/item.
- (ii) Based on Vigilance observation of CAG audit paras, it was recommended to introduce LD clause for delay in completion of seismic survey contracts by the contractors for reasons attributable solely to the contractors.
- (iii) An online support system “MYTRIP” has been developed in-house, which triggers a message to empanelled hotels intimating requirement of rooms for the particular request. The system also triggers a message to the vehicle vendors whenever a vehicle is required to be sent for executives on tour.
- (iv) Based on recommendation from findings of CTE Type inspection a Standard Operating Procedure (SOP) has been formulated in civil engineering works in line with PWD/CPWD.
- (v) A comprehensive review of OIL Executives ‘Recruitment Policy, 2007 has been done to ensure higher level of transparency.
- (vi) A Preliminary Enquiry in the matter of alleged misappropriation of CSR funds resulted in the following improvements :
 - SOP has been suitably documented by Public Affair (PA) Department.
 - Use of EOI mode for awarding CSR project work has been included in SOP.
 - A third party Trans Rural Agri Consulting Services has been engaged to carry out evaluation and impact assessment of OIL’s CSR projects as per SROI (Social Return On Investment) framework.

- (vii) A study of the system of scrap disposal in Pipeline Management resulted in the following improvements :
- All the users of pipeline department have been advised that at the time of proposing new capital items, a suitable timeline is to be given for initiating write off for disposal of old items proposed to be replaced.
 - All station in-charge & Sectional HOD(s) will be made responsible for initiating the write-off & disposal of the scrap items under their custody.

Bharat Petroleum Corporation Limited

- (i) Guidelines for QCBS based procurement: guidelines for QCBS based procurement of consultancy services have been issued by the Management on 09.09.2019.
- (ii) Digital TEC approval notes through eOffice: BPCL implemented eOffice (EFile) with effect from 1.1.2019, a digital file management application across the organization.
- (iii) Reverse Integration from e-Procurement Portal to SAP: Rates quoted against each item by the vendors on e-procurement (E-proc) portal can be updated in SAP against quotation document on single click which was earlier a manual activity. This activity not only saves time and efforts to update vendor rates again in SAP by buyer but also ensures data integrity between two systems E-proc and SAP, as there is no manual step involved.
- (iv) Development of online Bitumen verification system: Industrial and Commercial Services Business Unit has implemented an application (developed in-house) on BPCL external facing portal which gives access to PWD users to verify bitumen invoices issued by BPCL to PWD's contractors, directly at their end, which helps in enhancing transparency.
- (v) NRO Dealership Selection – Online Process: Improvements have been made in the online application portal (www.petrolpumpdealerchayan.in), for the selection of New Retail Outlet (NRO) dealers resulting in transparency and objectivity.

Geological Survey of India

An On-line Vigilance Clearance module as part of On-line Core Business Integrated System (OCBIS) system of GSI has been made operational at the Central Headquarters and other regions.

Central Board of Indirect Taxes and Customs

- (i) Field formations have been advised that the footage of CCTV installed at Airports be kept safe for at least three months, as against the prevailing practice of one month. Other field formations where CCTVs are not installed, have been asked for installation of CCTVs at appropriate places.
- (ii) Customs formation at Hyderabad Airport have been advised to electronically generate the Baggage Receipts to keep track of the Receipts on the system.

- (iii) Comprehensive and end-to end e-procurement through GEM has been introduced. Some of the Customs formations have adopted e-tendering and e-auction also for transparency.

Central Board of Direct Taxes

Reduced interface between Tax Payers and Departmental Officials by use of technology has been extended further by a recent initiative of the Department to introduce faceless assessment. This is a step towards increase transparency and dealing with the assessee in a faceless and nameless manner. The Department is presently considering territorial jurisdiction free e-assessments.

Export Inspection Council

Instructions on Standard Operating Procedures for issuance of Certificates of Origin (CoO) has been issued 07.03.2019 for implementation by EIAs.

Hindustan Copper Limited

The financial concurrence of a TEC Minute need to be undertaken by a finance officer who was not a member of the same TEC. The same shall not be applicable, only for cases where the Head of Finance Department's involvement in the final concurrence process is unavoidable.

Hindustan Petroleum Corporation Limited

- (i) The integration of bulk LPG weighment module and all associated activities has been done with the ERP system eliminating manual intervention.
- (ii) An Android Based Fixed Assets Management Portal has been created, which facilitates fast and efficient Fixed Asset Management and verification. It involves configuration of assets as per ERP master by associating QR code and picture with assets along with the Geo-tagging.
- (iii) A suitable KYC mechanism has been developed to verify relevant documents and statutory yearly filings of Retail Outlets to avoid operation of any Dealership by unauthorized person/s.

Indian Oil Corporation Limited

- (i) E-Tendering Manual, GeM Manual & Engineering Manual & Material Manuals for procurement process and procedures have been formulated.
- (ii) Public E-Tender floated on industry basis for engaging vendors for Bottling of LPG Cylinders for OMCs i.e. BPC, HPC & IOC.
- (iii) A web based procurement data management system has been developed to maintain and monitor the procurement process at various stages. Exception reports are auto generated and mailed to management on regular basis, for effective monitoring of the procurement activities.

- (iv) IOCL has developed a Real-Time application to capture the details of Holiday listed vendors, as-and-when it happens, and post it in the Central Procurement Portal for use by other PSUs/Departments.
- (v) Online Portal is available for customers for meeting various customer needs viz. indenting, order tracking, account Statement, quotations etc. Mobile App is also available for customers for meeting day-day requirements on the move like indenting, order tracking, prices, details of last few transactions etc.
- (vi) A new system “eICM – Equipment Issue Control & Monitoring” for control & monitoring of LPG Equipment (Cylinders, valves etc.) being issued to STP/HR/ Re-painting vendors (in-house & outside, both) thru SAP Contract/PO has been developed and implemented at all locations.
- (vii) A detailed study has been done on Transit losses incurred in movement of MS/HSD through Railway Tank Wagons, on the advice of the Commission.
- (viii) Synchronization of two independent systems between Automated Dispensing Units billing system and XTRA POWER/ XTRA REWARDS card swiping system (Point of Sales Terminal) implemented.

Project and Equipment Corporation of India Ltd.

- (i) Digitization of on-going legal cases was initiated in order to ensure safe keeping & easy access of sensitive documents thereby improving the effectiveness and efficiency of the system.
- (ii) The Marketing Division (Bullion) of PEC Ltd., has formulated Standard Operating Procedures (SOPs) after taking approval of Committee of Management (CoM) in PEC Ltd., for conducting Bullion Business and selection & empanelment of business associates so that proper procedure and transparency is followed.

Metals and Minerals Trading Corporation Limited

- (i) All trade divisions have updated their SoPs/Drills and hoisted on MMTC’s intranet for references and compliance by the concerned employees of MMTC Limited.
- (ii) MMTC adopted the online method of recruitment and invited applications online for the vacancies floated in the month of June, 2019.
- (iii) MMTC Limited issued detailed Standard Operating Procedure (SoP) for engagement of retired Government Officers/ Officials /PSU Employees as Consultants and circulated vide Circular No. MMTC/CO/P/P&O/2018-19/238 dated 19.09.2019.

Engineers India Limited

- (i) A comprehensive and detailed document “Guidelines for Licensor Selection” was formulated and issued for implementation. The document lays down the detailed workflow and the scope plus division of responsibility between various departments

such as Process, SCM, Finance, Cost Engineering, etc., which are involved in selection of Licensor.

- (ii) Guidelines were issued for implementation of Integrity Pact in the projects where the client is a Joint Venture with EIL being one of the partners and EIL also being PMC/ EPCM consultant for the project

National Small Industries Corporation

Guidelines/instructions have been issued in order to further strengthen the process under Raw Material Assistance (RMA) against Bank Guarantee, which is a flagship scheme of the Corporation

- (i) Bank guarantees (BGs) taken as security under the scheme, to be received through electronic mode i.e. SFMS (Structured Financial Messaging System).
- (ii) The BG to be issued by the bank on the stamp paper purchased in the name of the BG issuing Bank and all the communication with the issuing bank and its Zonal/ Controlling office must mention the number of stamp paper on which the BG is issued.
- (iii) Centralized nodal bank is authorised to receive invocation proceeds of BGs.
- (iv) Verification of the details of Chartered Accountant firms from the website of Institute of Chartered Accountant of India (ICAI), who have signed the certified/audited financials of the borrowing unit.
- (v) Online verification of existence of borrowing units (in case of private limited/Limited Company) from official website of Registrar of Companies (ROC).
- (vi) Inspection of borrowing units to be carried out twice in a year with photographs of the unit's factory - machineries/stocks etc.
- (vii) Online verification of the Aadhar, PAN and latest ITR of the applicant unit.
- (viii) Online verification of the financial statements of the applicant companies from the website of the Registrar of Companies.
- (ix) Credentials of raw material supplier(s) to be ascertained at the time of releasing payment and e-way bill should be taken for checking the movement of goods.

IV Systemic Improvements suggested by the Commission in various cases

Central Board of Indirect Taxes and Customs

- CBIC is not competent to investigate the matter of criminal misconduct under PC Act, Commission advised CBIC to refer all relevant matters to the appropriate authority in CBI with all details to investigate the offences under PC Act. Commission also advised CBIC to issue SOP for immediately referring criminal cases to CBI for investigation.

- In one case, the Commission observed that the alleged misconduct was brought to the notice of DGoV, CBIC since 06.03.2013. However, CBIC sought Commission's FSA on 24.12.2018 after about 6 years and during this time, all the suspected officials have been promoted. CBIC took more than one year to take a view on preliminary investigation report dated 29.08.2017. Commission advised CBIC to take systemic improvement measures to avoid such inordinate delay.

Security Printing and Minting Corporation of India Ltd.

- An intensive examination was carried out by CTEO regarding printing of notes and related documents including raw material at SPM, Hoshangabad and BNP, Dewas unit of SPMCIL. While examining the case, Commission observed that procurement is being made from foreign sources to meet the demand which is currently not met by BRBNPL and SPMCIL for paper and security threads. Further, the main security features used in Indian Bank-notes are regularly procured by SPMCIL/BRBNMPL/RBI from foreign vendors on mutually agreed rates without mentioning the basis of such rates. There is a need for developing indigenous security features and technology (that can be relied upon to mitigate the risk of security) as well as indigenous manufacturing for securing better rates, and for fulfilment of the security required in supply of this material. The Commission advised that the issue of restriction on supply of the same security features to other countries needed to be addressed and that there was need for undertaking(s) from the manufacturer/foreign vendor to be considered during procurement.
- The Commission forwarded complaints regarding sub-standard bi-metallic coin of Rs.10 alleging irregularities in selling machines by IGM at Hyderabad and Mumbai and sought an examination of SPMCIL's procurement policy. SPMCIL was advised to undertake systemic improvement in a way to ensure proper sourcing of copper as per tender specifications with appropriate inspection clauses in their contracts.

Oil and Natural Gas Corporation Ltd.

- In a tender for supply of Barytes to ONGC, the Commission has observed that the tender eligibility condition reflected potential areas of conflict of interest and cartel formation, since a State Government PSE was the only supplier of raw material to the bidders in the tender. Therefore, the Commission advised ONGC to introduce suitable systemic improvements.

PUBLIC SECTOR BANKS AND INSURANCE COMPANIES

- Delay in disbursement of Loans sanctioned to business entities in the MSME segment: The Commission sought information from CVOs of Public Sector Banks relating to loans sanctioned between Rs 10 Cr and Rs 100 Cr (other than consortium loans). The information was analysed and findings of the Commission were shared with the Department of Financial Services to study this problem and to advise Public Sector Banks accordingly.

- Staff rotation transfer policy: Commission has advised the CMDs of Public Sector Banks as well as Chairman GIPSA to issue instructions to all Public Sector Banks and Insurance Companies for strict compliance with the rotational transfer policies for all personnel at all levels.
- Implementation of Internal Advisory Committee (IAC) mechanism in Public Sector Insurance Companies: The Commission has examined the suggestions made by CVOs of Public Sector Insurance Companies for establishment of IAC mechanism like Public Sector Banks and has advised IRDAI to make a standard operating procedure on this matter with the advice of the MDs and CVOs from General Insurance Companies.
- Irregularities in Overseas Branches of Banks: The Commission has advised CVO DFS on the following issues :
 - (i) Day books of overseas branches may be centralised for all manual transactions and that these are to be generated on user wise and department wise basis for ease of checking and internal audit.
 - (ii) SOPs are to be formulated for regular periodic checking of these reports and exception statements.
 - (iii) Banks may review their requirement for a large number of office/system accounts .
 - (iv) Staff may be barred from posing/verification any transactions in their own accounts as well as those of members of their families.

Glimpses of activities held during Vigilance Awareness Week 2019 across the country



Glimpses of activities held during Vigilance Awareness Week 2019 across the country



CHAPTER – 8

PARTICIPATIVE VIGILANCE AND VIGILANCE AWARENESS WEEK

I Introduction

- 8.1 The public outreach activities of the Commission are part of the multi-pronged approach to tackle corruption, where a key strategy is to encourage all stakeholders to collectively participate in the prevention of, and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. Commission, with its outreach activity also endeavours to create awareness amongst the public, especially the youth, towards the policy of achieving transparency, accountability and corruption free governance.
- 8.2 Corruption undermines political development, democracy, economic development, the environment and much more. It is, therefore, imperative that the public must be sensitised and motivated towards efforts at weeding out corruption. The participative vigilance strategy of the Commission is an acknowledgement of the importance of people in eliminating corruption.
- 8.3 Though punishment and penal actions delivered quickly are effective deterrents to corruption, a lot more may be achieved by inspiring the young generation to lead a life that combines righteousness and honesty. The Commission has accordingly chosen “**Integrity- A way of life (ईमानदारी-एक जीवन शैली)**” as the theme for Vigilance Awareness Week, 2019.
- 8.4 Parents, family, peer group, teachers, educational institutions, social, intellectual and spiritual leaders, civil society, press, mass media including social media, Governmental and Non-Governmental Organizations (NGOs) etc. have a major role to play in the inculcation and dissemination of high ethical and moral values in individuals, organizations and the society at large.

II Vigilance Awareness Week (VAW)

- 8.5 The Vigilance Awareness Week (VAW) is an outreach measure which aims to encourage all stake-holders to prevent and combat corruption. VAW is observed to create awareness about corruption and to publicize the menace of corruption and to emphasize its ill effects on the well being of the country, celebrated to focus on anti-corruption awareness initiatives being conducted by all Government of India departments and organizations during the year. The week in which the birthday of Bharat Ratna Sardar Vallabhbhai Patel (31st October) falls is observed by the Commission as the Vigilance Awareness Week (VAW). Sardar Patel was the first Home Minister of Independent India, responsible for the integration of the country

after achieving independence. He represents an ideal in the Indian tradition in the area of good governance and is a shining example of probity in public life.

- 8.6 Several awareness activities are organized during the VAW viz. display of banners, posters etc., at prime locations, conducting seminars, debates, lectures and competitions on anti-corruption themes involving the employees, private sector, youth, public and students. Print, electronic and social media too are used extensively in the awareness campaign. Specific awareness campaigns are conducted to reach out to village gram sabhas, urban professional associations as well as youth studying in schools and colleges across the country. These activities are conducted by the offices of the Central Government, their subordinate and attached offices, Public Sector Enterprises, Banks, Autonomous Bodies and Institutions as well as by schools and colleges across the country.
- 8.7 The first Vigilance Awareness Week was observed in 2010. The themes from 2010 onwards are given below:
- (i) 2010 – Generation of awareness and publicity against corruption
 - (ii) 2011 – Participative Vigilance
 - (iii) 2012 – Transparency in Public Procurement
 - (iv) 2013 – Promoting Good Governance – Positive contribution of Vigilance
 - (v) 2014 – Combating Corruption – Technology as an enabler
 - (vi) 2015 – Preventive Vigilance as a tool of Good Governance
 - (vii) 2016 – Public participation in promoting integrity and eradicating corruption
 - (viii) 2017 – My Vision-Corruption Free India
 - (ix) 2018 – Eradicate Corruption – Build a New India
 - (x) 2019 – Integrity – A way of life

III Activities undertaken during VAW 2019

- 8.8 The Vigilance Awareness Week was observed from 28th October to 2nd November, 2019 with the theme “**Integrity- A way of life (ईमानदारी-एक जीवन शैली)**”. All PSUs/Public Sector Banks/Ministries/Departments etc. were advised to conduct activities not only within their organizations but also to organize outreach activities for the public on a large scale.
- 8.9 **Activities conducted within the Organization**
- (i) The observance of the Vigilance Awareness Week commenced with the public servants and others taking the Integrity Pledge on 28th October, 2019 at 11.00 a.m.
 - (ii) Pamphlets and handouts on preventive vigilance activities, whistle blower mechanism and other anti-corruption measures were distributed.
 - (iii) Workshops and sensitization programmes were organized for employees and other stake holders on policies, procedures and preventive vigilance measures.

- (iv) Special issue of journals and newsletters were published on vigilance matters, systemic improvements and good practices for wider dissemination and awareness.
- (v) Various competitions such as debates, quiz etc. were held for the employees and their families on issues relating to anti-corruption.
- (vi) Content was uploaded on website for dissemination of employees and customer oriented information and avenues were made available for grievance redressal.

8.10 Outreach Activities

The Commission is committed to promoting active participation of individuals and groups outside the public sector in the prevention of and fight against corruption and to raise public awareness regarding the causes and gravity of and the threat posed by corruption. The thrust during Vigilance Awareness Week had been on outreach activities which included publicizing the Integrity e-Pledge and conducting Awareness Gram Sabhas and Awareness Campaigns in schools and colleges.

- (i) Human chains were organised in central locations in various cities/towns/villages by various organisations across the country.
- (ii) Organisations sponsored activities such as walkathons/marathons/cyclathons etc., and organise street plays, public functions etc. which have visibility and mass appeal across all strata of society.
- (iii) Display of hoardings, banners, posters and distribution of handouts etc. at prominent locations/places in offices/field units and also at places with public interface (eg. branches of Banks, Petrol Pumps, Railway Stations, Airports etc.).
- (iv) Organisation of grievance redressal camps for citizens/customers by organisations having customer oriented services/activities. Similarly, vendor meets were organised by various Central Public Sector Enterprises, both at their headquarters and their zonal and field offices.
- (v) Extensive use of social media platforms, bulk SMS/E-mail, Whatsapp, electronic and print media etc. for spreading awareness was a key feature of the VAW 2019 campaign.

8.11 Integrity e-Pledge

- (i) In line with the theme this year and in order to foster probity and integrity in public life, the Commission decided to have a common Integrity Pledge during VAW 2019 for citizens as well as public servants. The Integrity e-Pledge can be taken online on the portal <https://pledge.cvc.nic.in>. Various Ministries/Departments/Organizations have also provided a hyperlink on their respective websites/intranet to elicit wider participation.
- (ii) By taking the Integrity e-Pledge, citizens commit to uphold highest standards of honesty and integrity; to follow probity and rule of law in all walks of life; to neither take nor offer bribe; to perform all tasks with honesty and transparency; to act

in public interest; and to report incidents of corruption to appropriate authority. Similarly, by taking the Integrity e-Pledge, organizations viz., corporate/entities/firms etc., reaffirm their commitment to eradicate corruption; to uphold highest standards of integrity; to neither offer nor accept bribe; to follow good corporate governance based on transparency, accountability and fairness; to adhere to relevant laws, rules and compliance mechanisms; to adopt a code of ethics for all its employees; to sensitise their employees of laws and regulations; to provide grievance redressal and Whistle Blower mechanisms; and to protect the rights and interests of stakeholders and the society at large.

- (iii) During the VAW, customers and public were encouraged to express their support to the cause of reducing corruption. Several nationalized banks sent SMS messages on the VAW theme and publicized the Integrity e-Pledge on the screenshots of their ATM network. As on 27.04.2020 approximately 96.35 lakh citizens and around 130,643 organizations have taken the e-pledge online.

8.12 “Awareness Gram Sabhas”

All organizations particularly Public-Sector Banks were advised to organize the “Awareness Gram Sabhas” for dissemination of awareness and to sensitise citizens on the ill-effects of corruption. Each bank branch was requested to conduct at least two such Gram Sabhas. In 2019, more than 80,012 Gram Sabhas were organized during the Vigilance Awareness Week. Participants were informed about the Integrity Pledge and the same was also administered to the participants.

- (i) Talks highlighting ill effects of corruption were held and the pamphlets on the same were distributed.
- (ii) Melas, evening choupals, nukkad nataks, screening of films, street plays were organized creating awareness about the theme.

8.13 Awareness Campaign in Schools and Colleges

- (i) Organizations and their field units and formations were requested to reach out to students in at least 3 schools and 3 colleges to generate healthy discussion on corruption. In this regard, various activities such as lectures, panel discussions, debates, quiz, essay writing, slogans/elocution/cartoon/poster competitions on moral values, ethics, good governance practices etc. were organized. In 2019, such activities were organized in schools and colleges in more than 600 towns across the country, involving more than 8642 colleges with the participation of approximately 5 lakh college students and 24,859 schools with the participation of approximately 47 lakh students. Prizes were distributed to exhort young minds to inculcate in themselves moral values, honesty, integrity and probity.
- (ii) To sustain the activities conducted in schools and colleges and to ensure that ethical values were ingrained permanently in the minds of youth ‘Integrity Clubs’ were established in schools and colleges. 5195 Integrity Clubs were formed in 2019 as part of the VAW campaign.

8.14 Other Activities

- (i) Customer grievance redressal camps were held for citizens/customers/vendors/contractors, etc. by organizations having customer oriented services/activities. Such camps were held not only at headquarters but also at all appropriate field offices across the country.
- (ii) Participation of Non-Government Organizations, private sector, trade unions, professional associations, service organizations were ensured by conducting seminars/ workshops/skits/street plays/walkathons/marathons/cyclothons, human chains etc.
- (iii) The Commission's social media accounts on Facebook and Twitter were effectively used for participation and spreading awareness to a wider audience across the country. Many organizations extensively used bulk SMS/E-mail, Whatsapp, electronic, print and social media for spreading awareness.
- (iv) Vigilance Study Circles also participated actively in the outreach activities.
- (v) Several officers of the Commission delivered lectures and attended the events conducted as part of VAW by different government organizations/CPSUs/Banks etc.

Training Programme at the International Anti-Corruption Academy (IACA) at Vienna, Austria



Participants of Anti-Corruption Training held at IACA Vienna in Feb 2019



Participants of Anti-Corruption Training held at IACA Vienna in June 2019



Participants of Anti-Corruption Training held at IACA Vienna in Nov 2019

CHAPTER – 9

KNOWLEDGE MANAGEMENT AND CAPACITY BUILDING

I Background

- 9.1 The Central Vigilance Commission (CVC), as the apex anti corruption institution monitors all vigilance activity under the Central Government as per its mandate. The Commission is assisted in the implementation of its mandate by Chief Vigilance Officers (CVOs) posted in various departments and central public sector enterprises, public sector banks and insurance companies. Full time CVOs are appointed with the approval of the Appointments Committee of Cabinet (ACC) in consultation with the Commission for a period of three years extendable to five years in the Central Public Sector Enterprises (CPSEs), Public Sector Banks/Insurance Companies. Part time CVOs are appointed in the Central Government Ministries and Departments. The appointment of CVOs is a continuous process and each year fresh appointments are made to fill vacancies that arise on completion of tenure of the incumbent CVO. In this background training and capacity building of the vigilance administration acquires great significance and needs to be taken up on a continuous basis for updating and refining the skill sets and knowledge base of the CVOs and vigilance officers.
- 9.2 Training plays a vital role in ensuring that officers and staff are equipped with the right kind of skills, knowledge and abilities to perform their assigned tasks so that they become better qualified to perform their jobs and contribute to the efficiency and effectiveness of the organisation. Training is equally important for the development of one's attitude towards work and life by acquiring additional knowledge which enhances the officers' confidence in every aspect of life.
- 9.3 Therefore, in 2015 the Commission, considering the importance of training, adopted a training policy for capacity building with a view to bridge competency gaps of the officers through both domestic and foreign training.
- 9.4 As per the Training Policy, opportunities for training are made available to officers posted in the Central Vigilance Commission and Chief Vigilance Officers. To reinforce the importance of vigilance as a tool for good governance, officers working in vigilance and other departments of the CPSEs, Public Sector Banks/Insurance Companies are also nominated for select training programmes. Induction training is being imparted to newly appointed CVOs to provide them suitable and required inputs relating to the statutory rules and regulations and equipping them to discharge their functions efficiently. Besides induction trainings, short-term thematic trainings and refresher courses are also being organized to build professional competencies. Officers are also given exposure to courses

on MS-Word/Excel, e-Procurement, Noting & Drafting, Records Management Right to Information”, Preventive Vigilance & e-Procurement, Key to Good Governance, inculcating personal attributes by sending them for open courses of Institute of Secretariat Training and Management (ISTM), National Productivity Council (NPC), etc.

- 9.5 During 2019 the Commission continued and enhanced the training initiatives launched in 2016 by providing training at international institutes of repute to its officers and CVOs within the framework of the training policy. As CVOs and officers working in the Commission require specialized vigilance related training and international exposure on best practices to update and upgrade their skills and knowledge, such customized vigilance related trainings organized by the Commission are an important step for capacity building of officers. The Commission has organized three customized international training and send two officers to attend specialized training programmes on Procurement audit during 2019. This has given the officers suitable exposure to a whole gamut of anti corruption strategies and international best practices and helped to widen their world view.
- 9.6 Within the frame work of the Commission’s training policy various domestic and international training programmes were organized in 2019. These include induction level training as well as customized training focused on specific areas of work relevant to vigilance/anti-corruption.

II Domestic Training Programmes

- 9.7 As the newly appointed CVOs come from varied backgrounds and services, some perhaps working in vigilance administration for the first time, there is a need to impart in-depth training in important aspects of vigilance administration. Towards this end the Commission organized one Induction Training programmes of two weeks duration, for the newly appointed CVOs at the Institute of Secretariat Training and Management (ISTM), Delhi from 26th August to 06th September, 2019 in which 24 CVOs have been trained. The course provides an opportunity to newly appointed CVOs to get in depth knowledge on the role and functions of the Central Vigilance Commission and its field arms i.e. the CVOs. The programme also enables the CVOs to discharge their function effectively by giving a suitable overview of the relevant statutory provisions such as the CVC Act, PC Act, Conduct Rules and CCA/CDA Rules. Further, the participants also get hands on training on drafting of investigation reports and charge sheets through practical sessions with actual case study material.
- 9.8 A specialized training programme for 22 CVOs from Public Sector Banks was organized at the Gujarat Forensic Sciences University (GFSU) 22nd to 26th July, 2019. Given the scale and complexity of issues facing the banking sector it is important to train and upgrade skills of officers in this sector. The training covered important and relevant areas such as “Offsite Surveillance in Banking”, “Investigation of Net-Banking Frauds/ATM Frauds”, “Latest Trends in Banking Frauds & its Investigation”, Digital Forensic in Forensic Accounting etc. They were also made aware of the latest technologies which play a vital role in the banking sector.

- 9.9 An Advanced Training Programme at the National Police Academy, Hyderabad for a duration of three days was conducted from 16th to 18th Sept, 2019. The training programme was attended by 25 officers nominated by the Commission and comprising CVOs of various Govt. Organisation and PSEs, as well as officers from the Commission. The training focused primarily on vigilance investigation including investigation of Disproportionate Assets cases, Prosecution cases and Forensic Accounting etc. Beyond that topics like drafting of charge sheets, Penalty and Appellate orders, CTE inspection, fraud investigation, conducting of departmental inquiries, monitoring, expeditious finalization and improving quality of report, etc. were also covered and lectures imparted by eminent speakers from the Anti-Corruption Branch of CBI and experts in the field of forensic accounting.
- 9.10 The Commission has organized a workshops on “Vigilance administration” of 5 days from 14th to 18th Oct, 2019 for officers (other than CVOs) in the Vigilance Department of various government organisations and PSUs at ISTM, Delhi. The workshop was attended by 37 participants. This workshop includes topics like “Overview of Conduct Rules and CCA/CDA Rules”, “Preliminary Investigation by Vigilance Set up”, “Legal Framework-Provision of PC Act, DSPE Act, PMLA Act”, etc.
- 9.11 Apart from the training imparted to CVOs and vigilance functionaries of various Ministries/ PSUs/Banks, the Commission also organizes training for their staff in order to widen their knowledge and skill base and enhance their learning. In this context, the Commission nominates its officers and staff for training programmes offered by NPC, ISTM etc. During 2019, 7 officers undergone training at ISTM and 11 officers undergone residential programme conducted by National Productivity Council. Details of the training programmes attended by the nominated officers are tabulated below:

Sr. No.	Training Description	Dates	Number of participants
Training Programme at ISTM			
1	Training Programme on “MS-Word” at ISTM	28th to 30th Jan, 2019	2
2	Training Programme on “Workshop on e-Procurement” at ISTM	18th to 19th March, 2019	2
3	Training Programme on “Workshop on Noting & Drafting” at ISTM	25th to 27th March, 2019	1
4	Training Programme on “Records Management Right to Information” at ISTM	20th to 22nd May, 2019	1
5	Workshop on "Sexual Harassment at Work Place" at ISTM	29th to 31st July, 2019	1

Sr. No.	Training Description	Dates	Number of participants
Training Programme at National Productivity Council			
6	Residential Training Programme on “Building Organizational Excellence Focus: Synergy of IT & HR” at Munnar	28th January to 01st February, 2019	2
7	Residential Training on "Performance Management, Monitoring and Evaluation for Organizational Excellence" at Goa	26th to 30th Aug, 2019	3
8	Residential Training Programme on “Preventive Vigilance & e-Procurement, Key to Good Governance” at Puri, Odisha	23rd to 27th Sep, 2019	2
9	Residential Training Programme on "Advance Course on Secretarial Effectiveness: Capacity Building Programme" at Jaisalmer	09th to 13th Dec, 2019	2
10	Residential Training Programme on "Resource Management, Monitoring and Evaluation” at Goa	09th to 13th Dec, 2019	2

III International Training Programmes

- 9.12 The Commission organized three twelve days customized vigilance training programme each at the International Anti-Corruption Academy (IACA) at Vienna, Austria from 18th Feb to 01st March, 03rd to 14th June, 2019 and 04th to 15th Nov, 2019. The programmes were attended by 25 participants each including full time CVOs, officers from the Commission, DoPT, CBI, IOCL, GAIL, HPCL and Ministry of Railways. The two week training has been customized to suit our officers and is imparted by anti corruption practitioners and legal experts among others and provides an opportunity for exposure to international best practices, anti-corruption laws under the UN, OECD, EU and other International agencies and initiatives taken by countries like USA, UK, South Korea and others in combating corruption.
- 9.13 Apart from the customized training programmes, the 2 officers from the Commission were also nominated for the open course “Procurement Audit and Systems for Prevention and Detection of Fraud and Corruption” from 13th to 17th May, 2019 at ILO, Turin, Italy.

IV Lecture Series

- 9.14 The Commission, as part of its Knowledge Management drive has initiated a Lecture Series, inviting eminent speakers to deliver lectures. The initiative started in November 2015, has

had the benevolence of eminent persons such as Shri Mukul Rohtagi, former AG, Shri Bibek Debroy, Member NITI Aayog, Shri Shashi Kant Sharma, former C&AG, Shri Ranjit Kumar, former SG, Dr. Arvind Subramanian, former CEA, Shri Arvind Panagariya, former Vice Chairman, NITI Aayog among many others. The lecture series provides valuable exposure to the officers of the Commission, Chief Vigilance Officers and others posted in the government organisations. The lectures are also webcast through live feed by NIC to a wider audience all over India. A chronological list of the lectures delivered by the eminent speakers in 2019 is as under:

S.No.	Speaker and Topic of Lecture	Date
1	Justice L. Narasimha Reddy, Chairman, CAT on “Probity in Public Life and the Lead that the Central Vigilance Commission can take”.	26.02.2019
2	Sh. Ashok Kumar Gupta, Chairperson, CCI on “Public Procurement”.	25.03.2019
3	Dr. Subhash Chandra Khuntia, Chairman, IRDA on “Role of Insurance in Empowering Society”.	22.04.2019
4	Sh. S. P. Singh Parihar, Chairman, CPCB on “Environment Pollution in India-Challenges and Strategies”.	30.05.2019

V Internship Scheme

9.15 An Internship Scheme has been launched by the Commission in 2016, with the following objectives:

- To allow young academic talent to be associated with the Commission’s work for mutual benefit.
- The Interns may benefit by getting an exposure to the Commission’s functioning and the vigilance issues involved and contribute to policy formulation of the Commission by generating policy inputs such as data analysis, briefing reports, policy papers etc.
- Commission may benefit from the additional resources in the form of obtaining a fresh perspective of young talent and their work which will contribute to better policy formulation.

Till 31.12.2019, 10 interns have completed their Internship, each of one month duration.

9.16 In 2019, three interns were selected under the Internship Scheme. They have completed their internship and submitted their reports on the following topics/areas identified by the Commission :

- “Analytical study of deviation cases across the Commission since last three years with special focus on bringing out the increase/decrease in number of such cases, the level of officers involved, number of cases where due process was not followed, with a view to suggest guidelines to handles the cases of deviation by the organization”.
- “Study various System improvements issued by the Commission over the last three years with specific focus to find out the system improvements implemented by the organizations”.
- “Analysis of advice tendered by the Commission in I & II stage cases and analyze the difference between Commission's advice tendered in FSA and SSA stage.”

The interns submitted reports on culmination of their internship.

- 9.17 The Commission, in keeping with the overall strategy of creating awareness and emphasis on preventive vigilance is also urging organisations to include a module on preventive vigilance in their induction training programmes for young officers. It is believed that this will bring a change in the organizational culture and help preempt the occurrence of corruption/misconducts. Similarly designing of a capsule course on preventive vigilance for the mid-career training has been advised for inclusion in programmes organized for middle level professionals. The Commission has also advised DoPT as well as the National Training Academies and PSUs and PSBs to develop industry/service specific training module on preventive vigilance for inclusion in the induction training programmes.

Yoga Session in Central Vigilance Commission



APPENDIX

Appendix I

(Para 1.21)

Group wise Staff Strength and related information, as on 31.12.2019 in the Central Vigilance Commission

	Group A	Group B	Group C (other than Multi Tasking Staff)	Group C (Multi Tasking Staff)	Total
Sanctioned Strength	65	109	69	73	316*
Officials in position	51	83	48	64	246
Percentage Vacancy	21.53	23.85	30.43	12.32	22.15

* One post of Research Officer is to be abolished in terms of DoP&T's Order No. 399/13/2017-AVD-III(Part-I) dated 14.12.2018.

Appendix II

(Para 2.19)

Organization-wise details of prosecution sanctioned and penalty imposed during 2019 in respect of cases where Commission's Advice was obtained

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
1	Air India	0	0	0	2
2	Airports Authority of India	0	4	17	41
3	Allahabad Bank	0	24	17	1
4	Atomic Energy Education Society	0	0	0	1
5	Andhra Bank	0	11	5	3
6	Andaman & Nicobar Administration	2	3	13	1
7	Bank of Baroda	0	40	15	12
8	Bank of India	0	27	6	0
9	Bank of Maharashtra	4	23	3	1
10	Bharat Coking Coal Ltd.	0	0	9	25
11	Bharat Heavy Electricals Ltd.	0	10	15	5
12	Bharat Immunologicals and Biologicals Corporation Ltd	0	3	0	0
13	Bharat Sanchar Nigam Limited	0	15	0	0
14	Bureau of Indian Standards	1	1	0	0
15	Border Roads Development Board	0	6	0	0
16	Canara Bank	0	47	30	11
17	Central Bureau of Investigation	2	6	0	0
18	Central Bank of India	0	11	3	1

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
19	Central Board of Direct Taxes	2	5	1	0
20	Central Board of Excise & Customs	11	36	11	0
21	Central Coalfields Ltd	0	1	1	4
22	Central Public Works Department	0	1	3	0
23	Central Power Research Institute	0	2	0	0
24	Central Warehousing Corporation Ltd	2	0	1	0
25	Chennai Port Trust	0	11	5	2
26	Coal India Ltd.	0	5	2	1
27	Cochin Port Trust	0	0	0	3
28	Container Corporation of India	0	0	0	4
29	Corporation Bank	0	20	7	6
30	Council of Scientific & Industrial Research	0	4	6	0
31	Damodar Valley Corporation	0	3	1	0
32	Delhi Development Authority	0	9	7	0
33	Delhi Jal Board	0	7	10	1
34	Delhi Police	0	2	0	0
35	Delhi Transco Ltd./IPGCL	0	4	4	0
36	Delhi Transport Corporation	0	1	2	0
37	Delhi Urban Shelter Improvement Board	0	5	3	0
38	Dena Bank	0	7	0	0
39	Department of Ayush	1	7	0	0
40	Department of Coal	0	0	7	0

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
41	Department of Steel	0	0	5	1
42	Department of Posts	0	9	4	1
43	Department of Health and Family Welfare	3	3	3	1
44	Department of Agriculture, Cooperation & Farmers Welfare	5	1	0	0
45	Department of Animal Husbandry and Dairying	0	1	0	0
46	Department of Atomic Energy	0	1	3	4
47	Department of Chemicals and Petrochemicals	0	1	0	0
48	Department of Commerce (Supply Division)	0	0	0	1
49	Department of Defence Production	0	7	1	1
50	Department of Economic Affairs	4	0	0	0
51	Department of Fertilizers	0	5	6	3
52	Department of Revenue	2	0	0	0
53	Department of Space	3	0	0	0
54	Department of Higher Education & Department of School Education & Literacy	1	1	0	0
55	Department of Telecommunications	0	8	3	8
56	Export Import Council of India	0	1	0	0
57	Eastern Coalfields Ltd.	0	4	1	5
58	Employees Provident Fund Organisation	1	8	0	1
59	Employees State Insurance Corporation	2	0	0	0

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
60	Engineers India Ltd	0	1	1	0
61	Fertilizers & Chemicals Travancore Ltd	1	0	0	0
62	Food Corporation of India	2	1	0	0
63	Govt. of N.C.T of Delhi	0	9	0	0
64	Hindustan Copper Ltd	0	2	0	3
65	Hindustan Prefab Ltd	0	0	0	2
66	Hindustan Latex Ltd	1	0	0	0
67	Housing & Urban Development Corporation Ltd.	0	3	0	0
68	India Tourism Development Corporation	0	0	1	3
69	Indian Bank	0	12	16	2
70	Indian Council of Agricultural Research	0	2	17	0
71	Indian Oil Corporation Ltd.	0	4	3	3
72	Indian Overseas Bank	0	45	7	1
73	Indian Railway Catering & Tourism Corporation Ltd.	0	0	2	0
74	IDBI Bank	0	24	7	0
75	IRCON International Limited	0	0	1	0
76	Government of Puducherry	5	6	2	0
77	Kendriya Vidyalaya Sangathan	2	0	2	1
78	Kolkata Port Trust	0	2	0	0
79	Life Insurance Corporation	0	2	8	3
80	Municipal Corporation of North Delhi	0	21	17	6

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
81	Municipal Corporation of East Delhi	0	6	1	0
82	Municipal Corporation of South Delhi	0	5	4	0
83	Military Engineering Services	0	1	0	0
84	Ministry of Culture	0	0	2	0
85	Ministry of Defence	2	2	2	3
86	Ministry of Development of North Eastern Region	0	0	0	2
87	Ministry of External Affairs	0	2	0	0
88	Ministry of Home Affairs	0	4	2	0
89	Madras Fertilizers Ltd.	0	1	0	0
90	Mahanadi Coalfields Ltd.	0	9	7	4
91	Metal Scrap Trade Corporation Limited	0	0	2	1
92	MMTC Limited	0	1	3	0
93	MECON Limited	0	0	12	0
94	Ministry of Information and Broadcasting	1	2	0	0
95	Ministry of Civil Aviation	0	3	0	2
96	Ministry of Environment, Forest and Climate Change	2	0	0	0
97	Ministry of Information Technology	0	0	6	0
98	Ministry of Personnel P.G & Pensions	2	0	0	0
99	Ministry of Railways	17	123	91	56
100	Ministry of Road Transport & Highways	0	1	0	1
101	Ministry of Shipping	0	13	1	0

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
102	Ministry of Social Justice and Empowerment	1	0	0	0
103	Ministry of Textiles	0	0	0	4
104	Ministry of Tourism	0	1	0	0
105	Ministry of Urban Development	3	18	21	9
106	Ministry of Power	1	2	3	0
107	Ministry of Water Resources	0	0	1	0
108	Mumbai Port Trust	0	2	0	0
109	National Board of Examinations	0	1	0	0
110	NBCC (India) Limited	0	3	6	3
111	National Cooperative Consumers' Federation of India	0	1	0	0
112	National Highway Authority of India	0	1	7	3
113	National Hydro-Electric Power Corporation Ltd.	0	0	1	4
114	National Thermal Power Corporation Ltd.	3	5	18	38
115	National Mineral Development Corporation Ltd	0	4	0	0
116	National Power Training Institute	0	0	4	0
117	National Remote Sensing Agency	0	1	0	0
118	Nehru Yuvak Kendra Sangathan	0	1	0	0
119	New Delhi Municipal Council (NDMC)	0	2	0	0
120	New India Assurance Co. Ltd.	0	0	0	1

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
121	New Mangalore Port Trust	0	0	1	1
122	North Eastern Electric Power Corporation	0	0	0	2
123	Northern Coalfields Ltd.	0	1	4	0
124	Nuclear Power Corporation of India Ltd	0	12	2	0
125	Oil & Natural Gas Corporation Ltd.	0	12	9	1
126	Oil India Ltd	0	1	1	0
127	Ordnance Factory Board	0	0	0	3
128	Oriental Bank of Commerce	3	4	4	0
129	Oriental Insurance Co. Ltd.	0	1	4	0
130	Postgraduate Institute of Medical Education & Research, Chandigarh	0	1	0	0
131	Prasar Bharati	0	4	10	4
132	Paradeep Port Trust	0	1	0	0
133	Pawan Hans Helicopters Ltd.	0	4	15	0
134	Power Grid Corporation of India Ltd.	0	2	4	8
135	PEC Limited	0	1	4	0
136	Punjab & Sind Bank	0	2	0	0
137	Punjab National Bank	15	114	21	4
138	Rail India Technical & Economic Services Ltd.	2	0	1	0
139	Rashtriya Ispat Nigam Ltd	1	4	23	0
140	Satlaj Jal Vidut Nigam Ltd.	0	1	0	0
141	South Eastern Coalfields Ltd.	0	20	1	7

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
142	Security Printing and Minting Corporation of India Ltd.	0	2	0	0
143	Sports Authority of India	0	1	0	0
144	State Bank of India	1	66	33	4
145	Steel Authority of India Ltd.	2	9	2	7
146	Shipping Corporation of India	0	0	0	2
147	Syndicate Bank	0	113	72	13
148	Tata Memorial Centre	0	1	0	0
149	Tehri Hydro Development Corporation	0	0	0	2
150	Tuticorin Port Trust	0	0	1	0
151	UCO Bank	6	23	1	1
152	Union Bank of India	0	13	10	6
153	Uranium Corporation of India Ltd	0	1	1	0
154	Western Coalfields Ltd.	0	2	0	1
	Total	119	1176	732	372

Appendix III-A (i)

(Para 3.7)

Details of Complaints sent by CVC excluding Whistle Blower complaints in 2019

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	78	61	17	13
2	BANKS	1528	1340	188	110
3	CBDT	365	278	87	44
4	CBIC	0	0	0	0
5	CHEMICALS & FERTILIZERS	22	18	4	3
6	CIVIL AVIATION	62	54	8	1
7	COAL	518	468	50	10
8	COMMERCE & INDUSTRY	12	11	1	0
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	30	29	1	0
10	DEFENCE	800	760	40	5
11	EARTH SCIENCES	15	2	13	13
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	145	63	82	82
13	FINANCE	535	521	14	2
14	GOVT. OF NCT DELHI	978	876	102	23
15	HEALTH & FAMILY WELFARE	20	18	2	0
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	62	59	3	0
17	# HOUSING AND URBAN AFFAIRS	594	423	171	120

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
18	HUMAN RESOURCE DEVELOPMENT	572	173	399	393
19	INFORMATION & BROADCASTING	44	34	10	4
20	INSURANCE	322	313	9	0
21	JAL SHAKTI	0	0	0	0
22	LABOUR	502	494	8	7
23	*LOCAL BODIES EXCEPT G.N.C.T.D.	970	926	44	20
24	MHA	150	143	7	7
25	MINES	71	69	2	1
26	MINISTRY OF AYUSH	1	0	1	0
27	MINISTRY OF CORPORATE AFFAIRS	10	8	2	2
28	MINISTRY OF CULTURE	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	5	4	1	0
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
32	MINISTRY OF TEXTILES	66	52	14	14
33	MISCELLANEOUS	240	217	23	19
34	NEW AND RENEWABLE ENERGY	9	8	1	0
35	PERSONNEL, P.G. & PENSIONS	0	0	0	0
36	PETROLEUM	297	253	44	25
37	POSTS	203	203	0	0
38	POWER	119	84	35	15

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
39	RAILWAYS	1537	1536	1	1
40	ROAD TRANSPORT & HIGHWAYS	136	82	54	43
41	RURAL DEVELOPMENT	12	12	0	0
42	SCIENCE & TECHNOLOGY	85	37	48	36
43	SHIPPING	60	53	7	3
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
45	STEEL	145	129	16	4
46	TELECOMMUNICATION	526	441	85	61
47	TOURISM	0	0	0	0
48	UNION TERRITORIES OTHER THAN DELHI	84	68	16	0
49	YOUTH AFFAIRS & SPORTS	43	30	13	13
	Total	11973	10350	1623	1094

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-A (ii)

(Para 3.7)

Details of Complaints received by CVOs and dealt with by CVOs in 2019

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	277	200	77	52
2	BANKS	7349	6381	968	496
3	CBDT	2153	933	1220	904
4	CBIC	0	0	0	0
5	CHEMICALS & FERTILIZERS	133	116	17	12
6	CIVIL AVIATION	1458	1391	67	25
7	COAL	3696	3360	336	152
8	COMMERCE & INDUSTRY	96	76	20	8
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	1262	976	286	217
10	DEFENCE	1647	1243	404	26
11	EARTH SCIENCES	37	8	29	29
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	151	77	74	74
13	FINANCE	550	459	91	46
14	GOVT. OF NCT DELHI	4572	4044	528	64
15	HEALTH & FAMILY WELFARE	224	174	50	10
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	310	282	28	3
17	# HOUSING AND URBAN AFFAIRS	3629	2291	1338	962
18	HUMAN RESOURCE DEVELOPMENT	981	611	370	246

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
19	INFORMATION & BROADCASTING	238	202	36	21
20	INSURANCE	1137	1101	36	0
21	JAL SHAKTI	0	0	0	0
22	LABOUR	2523	2181	342	171
23	*LOCAL BODIES EXCEPT G.N.C.T.D.	15321	13364	1957	1764
24	MHA	1977	1676	301	224
25	MINES	117	109	8	1
26	MINISTRY OF AYUSH	5	2	3	2
27	MINISTRY OF CORPORATE AFFAIRS	111	43	68	58
28	MINISTRY OF CULTURE	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	61	59	2	0
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
32	MINISTRY OF TEXTILES	154	127	27	21
33	MISCELLANEOUS	564	391	173	119
34	NEW AND RENEWABLE ENERGY	14	14	0	0
35	PERSONNEL, P.G. & PENSIONS	14	14	0	0
36	PETROLEUM	2453	1983	470	294
37	POSTS	534	534	0	0
38	POWER	446	409	37	14
39	RAILWAYS	10260	8966	1294	283
40	ROAD TRANSPORT & HIGHWAYS	487	318	169	91

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
41	RURAL DEVELOPMENT	53	53	0	0
42	SCIENCE & TECHNOLOGY	342	171	171	137
43	SHIPPING	445	372	73	38
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
45	STEEL	1189	1070	119	8
46	TELECOMMUNICATION	1852	1669	183	107
47	TOURISM	109	96	13	10
48	UNION TERRITORIES OTHER THAN DELHI	468	404	64	0
49	YOUTH AFFAIRS & SPORTS	122	79	43	35
	Total	69521	58029	11492	6724

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-A (iii)

(Para 3.12)

Details of Complaints received in respect of all Categories of officers/employees in 2019

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	355	261	94	65
2	BANKS	8877	7721	1156	606
3	CBDT	2518	1211	1307	948
4	CBIC	0	0	0	0
5	CHEMICALS & FERTILIZERS	155	134	21	15
6	CIVIL AVIATION	1520	1445	75	26
7	COAL	4214	3828	386	162
8	COMMERCE & INDUSTRY	108	87	21	8
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	1292	1005	287	217
10	DEFENCE	2447	2003	444	31
11	EARTH SCIENCES	52	10	42	42
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	296	140	156	156
13	FINANCE	1085	980	105	48
14	GOVT. OF NCT DELHI	5550	4920	630	87
15	HEALTH & FAMILY WELFARE	244	192	52	10
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	372	341	31	3
17	# HOUSING AND URBAN AFFAIRS	4223	2714	1509	1082

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
18	HUMAN RESOURCE DEVELOPMENT	1553	784	769	639
19	INFORMATION & BROADCASTING	282	236	46	25
20	INSURANCE	1459	1414	45	0
21	JAL SHAKTI	0	0	0	0
22	LABOUR	3025	2675	350	178
23	*LOCAL BODIES EXCEPT G.N.C.T.D.	16291	14290	2001	1784
24	MHA	2127	1819	308	231
25	MINES	188	178	10	2
26	MINISTRY OF AYUSH	6	2	4	2
27	MINISTRY OF CORPORATE AFFAIRS	121	51	70	60
28	MINISTRY OF CULTURE	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	66	63	3	0
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
32	MINISTRY OF TEXTILES	220	179	41	35
33	MISCELLANEOUS	804	608	196	138
34	NEW AND RENEWABLE ENERGY	23	22	1	0
35	PERSONNEL, P.G. & PENSIONS	14	14	0	0
36	PETROLEUM	2750	2236	514	319
37	POSTS	737	737	0	0
38	POWER	565	493	72	29

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
39	RAILWAYS	11797	10502	1295	284
40	ROAD TRANSPORT & HIGHWAYS	623	400	223	134
41	RURAL DEVELOPMENT	65	65	0	0
42	SCIENCE & TECHNOLOGY	427	208	219	173
43	SHIPPING	505	425	80	41
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
45	STEEL	1334	1199	135	12
46	TELECOMMUNICATION	2378	2110	268	168
47	TOURISM	109	96	13	10
48	UNION TERRITORIES OTHER THAN DELHI	552	472	80	0
49	YOUTH AFFAIRS & SPORTS	165	109	56	48
	Total	81494	68379	13115	7818

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-B

(Para 3.9)

Details of Departmental Inquiries against officers in 2019 (Under CVC Jurisdiction)

S. No.	Department/Sector	Brought Forward	Disposal	Pending	Pending for more than 6 months
1	AGRICULTURE	23	12	11	11
2	BANKS	798	520	278	115
3	CBDT	123	17	106	100
4	CBIC	0	0	0	0
5	CHEMICALS & FERTILIZERS	24	20	4	4
6	CIVIL AVIATION	29	17	12	4
7	COAL	54	25	29	16
8	COMMERCE & INDUSTRY	31	10	21	10
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	8	3	5	5
10	DEFENCE	122	70	52	29
11	EARTH SCIENCES	0	0	0	0
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	2	2	0	0
13	FINANCE	22	6	16	12
14	GOVT. OF NCT DELHI	25	13	12	9
15	HEALTH & FAMILY WELFARE	28	22	6	6
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	32	19	13	0
17	# HOUSING AND URBAN AFFAIRS	114	58	56	40

S. No.	Department/Sector	Brought Forward	Disposal	Pending	Pending for more than 6 months
18	HUMAN RESOURCE DEVELOPMENT	13	2	11	10
19	INFORMATION & BROADCASTING	50	7	43	39
20	INSURANCE	36	18	18	18
21	JAL SHAKTI	0	0	0	0
22	LABOUR	51	8	43	41
23	*LOCAL BODIES EXCEPT G.N.C.T.D.	132	79	53	43
24	MHA	44	22	22	13
25	MINES	1	0	1	0
26	MINISTRY OF AYUSH	4	4	0	0
27	MINISTRY OF CORPORATE AFFAIRS	3	0	3	2
28	MINISTRY OF CULTURE	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	18	15	3	1
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
32	MINISTRY OF TEXTILES	11	6	5	5
33	MISCELLANEOUS	34	22	12	3
34	NEW AND RENEWABLE ENERGY	2	2	0	0
35	PERSONNEL, P.G. & PENSIONS	0	0	0	0
36	PETROLEUM	48	33	15	7
37	POSTS	42	18	24	21
38	POWER	42	11	31	5
39	RAILWAYS	248	172	76	35

S. No.	Department/Sector	Brought Forward	Disposal	Pending	Pending for more than 6 months
40	ROAD TRANSPORT & HIGHWAYS	11	11	0	0
41	RURAL DEVELOPMENT	0	0	0	0
42	SCIENCE & TECHNOLOGY	76	56	20	19
43	SHIPPING	37	23	14	11
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
45	STEEL	7	5	2	1
46	TELECOMMUNICATION	29	8	21	17
47	TOURISM	4	1	3	3
48	UNION TERRITORIES OTHER THAN DELHI	20	19	1	1
49	YOUTH AFFAIRS & SPORTS	3	1	2	1
	Total	2401	1357	1044	657

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-C

(Para 3.9)

Details of Departmental Inquiries against other employees in 2019

S. No.	Department/Sector	Brought Forward	Disposal	Pending	Pending for more than 6 months
1	AGRICULTURE	9	3	6	6
2	BANKS	4102	2512	1590	543
3	CBDT	232	102	130	116
4	CBIC	0	0	0	0
5	CHEMICALS & FERTILIZERS	45	28	17	12
6	CIVIL AVIATION	41	19	22	19
7	COAL	166	72	94	48
8	COMMERCE & INDUSTRY	4	2	2	1
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	170	89	81	39
10	DEFENCE	125	63	62	35
11	EARTH SCIENCES	1	0	1	1
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0
13	FINANCE	13	10	3	3
14	GOVT. OF NCT DELHI	73	30	43	41
15	HEALTH & FAMILY WELFARE	3	1	2	2
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	29	17	12	10
17	# HOUSING AND URBAN AFFAIRS	44	17	27	24

S. No.	Department/Sector	Brought Forward	Disposal	Pending	Pending for more than 6 months
18	HUMAN RESOURCE DEVELOPMENT	92	23	69	59
19	INFORMATION & BROADCASTING	19	10	9	7
20	INSURANCE	444	264	180	70
21	JAL SHAKTI	0	0	0	0
22	LABOUR	273	117	156	128
23	*LOCAL BODIES EXCEPT G.N.C.T.D.	575	269	306	219
24	MHA	84	42	42	25
25	MINES	5	3	2	2
26	MINISTRY OF AYUSH	0	0	0	0
27	MINISTRY OF CORPORATE AFFAIRS	1	0	1	1
28	MINISTRY OF CULTURE	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	28	15	13	9
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
32	MINISTRY OF TEXTILES	31	7	24	15
33	MISCELLANEOUS	41	23	18	11
34	NEW AND RENEWABLE ENERGY	2	1	1	0
35	PERSONNEL, P.G. & PENSIONS	5	5	0	0
36	PETROLEUM	112	61	51	39
37	POSTS	2148	948	1200	816
38	POWER	49	24	25	13

S. No.	Department/Sector	Brought Forward	Disposal	Pending	Pending for more than 6 months
39	RAILWAYS	903	503	400	195
40	ROAD TRANSPORT & HIGHWAYS	0	0	0	0
41	RURAL DEVELOPMENT	0	0	0	0
42	SCIENCE & TECHNOLOGY	36	19	17	13
43	SHIPPING	55	31	24	19
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
45	STEEL	29	19	10	8
46	TELECOMMUNICATION	169	108	61	39
47	TOURISM	13	2	11	10
48	UNION TERRITORIES OTHER THAN DELHI	86	1	85	85
49	YOUTH AFFAIRS & SPORTS	2	1	1	0
	Total	10259	5461	4798	2683

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-D

(Para 3.14)

Detail of request for Prosecution Sanction received and disposed by organization in 2019

S. No.	Department/Sector	Total cases for sanction	Disposal		Pending	Pending for more than 6 months
			Sanctioned	Refused		
1	AGRICULTURE	4	4	0	0	0
2	BANKS	577	259	126	192	34
3	CBDT	11	8	0	3	0
4	CBIC	0	0	0	0	0
5	CHEMICALS & FERTILIZERS	5	5	0	0	0
6	CIVIL AVIATION	1	1	0	0	0
7	COAL	22	15	0	7	0
8	COMMERCE & INDUSTRY	6	2	0	4	0
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	15	13	0	2	0
10	DEFENCE	30	19	4	7	0
11	EARTH SCIENCES	0	0	0	0	0
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	5	3	1	1	1
13	FINANCE	6	3	3	0	0
14	GOVT. OF NCT DELHI	37	20	2	15	3
15	HEALTH & FAMILY WELFARE	4	2	0	2	0
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	6	6	0	0	0
17	#HOUSING AND URBAN AFFAIRS	23	19	0	4	0

S. No.	Department/Sector	Total cases for sanction	Disposal		Pending	Pending for more than 6 months
			Sanctioned	Refused		
18	HUMAN RESOURCE DEVELOPMENT	0	0	0	0	0
19	INFORMATION & BROADCASTING	6	0	0	6	0
20	INSURANCE	20	8	4	8	0
21	JAL SHAKTI	0	0	0	0	0
22	LABOUR	27	24	0	3	0
23	* LOCAL BODIES EXCEPT G.N.C.T.D.	14	10	0	4	3
24	MHA	5	0	1	4	0
25	MINES	1	1	0	0	0
26	MINISTRY OF AYUSH	0	0	0	0	0
27	MINISTRY OF CORPORATE AFFAIRS	0	0	0	0	0
28	MINISTRY OF CULTURE	0	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	0	0	0	0	0
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0	0
32	MINISTRY OF TEXTILES	6	2	4	0	0
33	MISCELLANEOUS	3	1	0	2	0
34	NEW AND RENEWABLE ENERGY	2	0	1	1	1
35	PERSONNEL, P.G. & PENSIONS	0	0	0	0	0

S. No.	Department/Sector	Total cases for sanction	Disposal		Pending	Pending for more than 6 months
			Sanctioned	Refused		
36	PETROLEUM	4	3	0	1	0
37	POSTS	27	22	2	3	1
38	POWER	11	10	1	0	0
39	RAILWAYS	36	21	8	7	0
40	ROAD TRANSPORT & HIGHWAYS	1	1	0	0	0
41	RURAL DEVELOPMENT	0	0	0	0	0
42	SCIENCE & TECHNOLOGY	4	4	0	0	0
43	SHIPPING	3	2	0	1	0
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0	0
45	STEEL	4	4	0	0	0
46	TELECOMMUNICATION	10	7	3	0	0
47	TOURISM	0	0	0	0	0
48	UNION TERRITORIES OTHER THAN DELHI	9	6	1	2	1
49	YOUTH AFFAIRS & SPORTS	5	4	0	1	0
	Total	950	509	161	280	44

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-E

Details of punishment awarded (all categories) in Minor Penalty Proceedings in 2019

S. No.	Department/Sector	Reduction to lower stage	Postponement/with holding of increment	Recovery from pay	With holding of promotion	Censure/Warning	No Action	Total
1	AGRICULTURE	0	1	0	0	16	4	21
2	BANKS	493	128	101	7	623	75	1427
3	CBDT	0	1	0	0	10	1	12
4	CBIC	0	0	0	0	0	0	0
5	CHEMICALS & FERTILIZERS	1	3	0	0	11	0	15
6	CIVIL AVIATION	0	4	1	0	24	0	29
7	COAL	0	14	0	0	70	6	90
8	COMMERCE & INDUSTRY	0	1	0	0	4	1	6
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	55	12	1627	3	153	49	1899
10	DEFENCE	1	0	6	0	63	62	132
11	EARTH SCIENCES	0	0	0	0	0	0	0
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0	0	0	0
13	FINANCE	0	0	0	0	2	0	2
14	GOVT. OF NCT DELHI	5	0	0	0	1	0	6
15	HEALTH & FAMILY WELFARE	0	0	0	0	0	0	0
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	16	0	1	0	15	1	33
17	# HOUSING AND URBAN AFFAIRS	13	4	0	0	23	9	49

S. No.	Department/Sector	Reduction to lower stage	Postponement/with holding of increment	Recovery from pay	With holding of promotion	Censure/Warning	No Action	Total
18	HUMAN RESOURCE DEVELOPMENT	0	4	0	0	7	0	11
19	INFORMATION & BROADCASTING	3	0	0	0	8	0	11
20	INSURANCE	22	5	8	0	479	62	576
21	JAL SHAKTI	0	0	0	0	0	0	0
22	LABOUR	2	4	2	0	13	4	25
23	* LOCAL BODIES EXCEPT G.N.C.T.D.	18	14	188	0	604	74	898
24	MHA	2	2	7	0	26	1	38
25	MINES	0	0	0	0	0	0	0
26	MINISTRY OF AYUSH	0	0	0	0	5	0	5
27	MINISTRY OF CORPORATE AFFAIRS	0	0	0	0	0	0	0
28	MINISTRY OF CULTURE	0	0	0	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	0	0	0	0	0	0	0
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0	0	0	0
32	MINISTRY OF TEXTILES	3	8	0	0	16	0	27
33	MISCELLANEOUS	3	0	0	0	14	1	18
34	NEW AND RENEWABLE ENERGY	0	0	0	0	1	0	1
35	PERSONNEL, P.G. & PENSIONS	0	0	0	0	0	0	0
36	PETROLEUM	0	2	41	1	53	17	114

S. No.	Department/Sector	Reduction to lower stage	Postponement/with holding of increment	Recovery from pay	With holding of promotion	Censure/Warning	No Action	Total
37	POSTS	510	1094	698	48	1221	55	3626
38	POWER	20	5	0	0	26	3	54
39	RAILWAYS	4	2779	116	2	431	2109	5441
40	ROAD TRANSPORT & HIGHWAYS	0	1	0	0	6	4	11
41	RURAL DEVELOPMENT	0	0	0	0	0	0	0
42	SCIENCE & TECHNOLOGY	1	0	0	0	6	0	7
43	SHIPPING	6	5	1	0	7	0	19
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0	0	0	0
45	STEEL	5	0	0	0	72	3	80
46	TELECOMMUNICATION	5	17	2	0	26	3	53
47	TOURISM	2	0	0	0	10	0	12
48	UNION TERRITORIES OTHER THAN DELHI	2	0	0	0	1	0	3
49	YOUTH AFFAIRS & SPORTS	0	0	0	0	0	0	0
	Total	1192	4108	2799	61	4047	2544	14751

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-F

Details of punishments awarded (all categories) in Major Penalty Proceedings in 2019

S. No.	Department/Sector	Cut in Pension	Dismissal/ Removal/ Compulsory Retirement	Reduction to lower time scale/ rank	Other Major Penalties	Minor Penalties other than Censure/ Warning	Censure/ Warning	No Action	Total
1	AGRICULTURE	0	0	8	0	0	1	3	12
2	BANKS	106	438	1248	1194	152	122	107	3367
3	CBDT	6	9	5	0	3	3	17	43
4	CBIC	0	0	0	0	0	0	0	0
5	CHEMICALS & FERTILIZERS	0	4	7	1	0	3	9	24
6	CIVIL AVIATION	0	1	11	5	0	8	4	29
7	COAL	1	14	39	25	3	8	7	97
8	COMMERCE & INDUSTRY	0	6	1	1	1	1	10	20
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	0	15	56	11	91	9	5	187
10	DEFENCE	10	4	24	25	5	7	17	92
11	EARTH SCIENCES	0	0	0	0	0	0	0	0
12	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0	0	0	0	0
13	FINANCE	1	0	2	0	2	0	4	9
14	GOVT. OF NCT DELHI	10	17	10	1	0	10	4	52
15	HEALTH & FAMILY WELFARE	1	0	0	0	0	0	2	3
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	0	2	21	0	0	2	0	25
17	# HOUSING AND URBAN AFFAIRS	10	2	33	1	1	5	20	72
18	HUMAN RESOURCE DEVELOPMENT	0	0	0	5	1	4	2	12

S. No.	Department/Sector	Cut in Pension	Dismissal/ Removal/ Compulsory Retirement	Reduction to lower time scale/ rank	Other Major Penalties	Minor Penalties other than Censure/ Warning	Censure/ Warning	No Action	Total
19	INFORMATION & BROADCASTING	0	0	2	2	0	1	5	10
20	INSURANCE	9	9	191	41	0	126	10	386
21	JAL SHAKTI	0	0	0	0	0	0	0	0
22	LABOUR	14	11	3	38	16	10	11	103
23	LOCAL BODIES EXCEPT G.N.C.T.D.	28	238	140	116	13	63	91	689
24	MHA	1	7	10	0	2	0	4	24
25	MINES	0	0	2	1	0	0	0	3
26	MINISTRY OF AYUSH	1	5	1	0	0	0	4	11
27	MINISTRY OF CORPORATE AFFAIRS	1	0	0	0	0	0	0	1
28	MINISTRY OF CULTURE	0	0	0	0	0	0	0	0
29	MINISTRY OF EXTERNAL AFFAIRS	0	0	0	0	0	0	0	0
30	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	3	6	8	2	0	0	0	19
31	MINISTRY OF MINORITY AFFAIRS	0	0	0	0	0	0	0	0
32	MINISTRY OF TEXTILES	0	1	4	0	2	0	2	9
33	MISCELLANEOUS	0	2	24	0	2	1	5	34
34	NEW AND RENEWABLE ENERGY	0	0	0	0	0	0	0	0
35	PERSONNEL, P.G. & PENSIONS	0	0	0	0	0	0	0	0
36	PETROLEUM	0	6	53	16	14	8	11	108
37	POSTS	40	166	231	63	81	31	59	671
38	POWER	0	4	8	3	1	0	4	20

S. No.	Department/Sector	Cut in Pension	Dismissal/ Removal/ Compulsory Retirement	Reduction to lower time scale/ rank	Other Major Penalties	Minor Penalties other than Censure/ Warning	Censure/ Warning	No Action	Total
39	RAILWAYS	2	139	1207	2	140	30	120	1640
40	ROAD TRANSPORT & HIGHWAYS	0	0	1	0	0	3	0	4
41	RURAL DEVELOPMENT	0	0	0	0	0	0	0	0
42	SCIENCE & TECHNOLOGY	1	7	1	1	0	0	13	23
43	SHIPPING	5	4	17	3	5	1	4	39
44	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0	0	0	0	0
45	STEEL	0	6	24	2	0	2	3	37
46	TELECOMMUNICATION	23	6	50	13	5	11	34	142
47	TOURISM	0	0	3	0	0	0	0	3
48	UNION TERRITORIES OTHER THAN DELHI	0	4	1	0	0	0	0	5
49	YOUTH AFFAIRS & SPORTS	1	1	0	0	0	1	0	3
	Total	274	1134	3446	1572	540	471	591	8028

* includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Note: The data is based on the Annual Reports submitted by the CVOs.

Appendix III-G

List of Organizations from whom Annual Report for the year 2019 was received

Sl. No.	Name of Organisation	Sl. No.	Name of Organisation
1	DEPARTMENT OF AGRICULTURE, COOPERATION & FARMERS WELFARE	17	NATIONAL BANK FOR AGRICULTURE AND RURAL DEVELOPMENT(NABARD)
2	INDIAN COUNCIL OF AGRICULTURAL RESEARCH	18	NATIONAL HOUSING BANK
3	NATIONAL AGRICULTURAL COOP. MAKTG.FEDERATION OF INDIA LTD (NAFED)	19	ORIENTAL BANK OF COMMERCE
4	ALLAHABAD BANK	20	PUNJAB NATIONAL BANK
5	ANDHRA BANK	21	PUNJAB & SIND BANK
6	BANK OF BARODA	22	RESERVE BANK OF INDIA
7	BANK OF INDIA	23	SMALL INDUSTRIES DEV. BANK OF INDIA
8	BANK OF MAHARASHTRA	24	STATE BANK OF INDIA
9	BHARATIYA RESERVE BANK NOTE MUDRAN PVT LTD.	25	SYNDICATE BANK
10	CANARA BANK	26	UCO BANK
11	CENTRAL BANK OF INDIA	27	UNION BANK OF INDIA
12	CORPORATION BANK	28	UNITED BANK OF INDIA
13	EXIM BANK OF INDIA	29	CENTRAL BOARD OF DIRECT TAXES
14	INDIAN BANK	30	CENTRE INSTITUTE OF PLASTIC ENGG. & TECHNOLOGY
15	INDIAN OVERSEAS BANK	31	DEPARTMENT OF CHEMICALS & PETROCHEMICALS
16	INDUSTRIAL DEVELOPMENT BANK OF INDIA	32	DEPARTMENT OF PHARMACEUTICALS

Sl. No.	Name of Organisation
33	FCI ARAVALI GYPSUM AND MINERALS INDIA LIMITED
34	FERTILIZER & CHEMICALS TRAVANCORE LTD
35	FERTILIZER CORPORATION OF INDIA LTD
36	HINDUSTAN ANTIBIOTICS LTD.
37	HINDUSTAN INSECTICIDES LTD
38	HINDUSTAN ORGANIC CHEMICALS LTD
39	MADRAS FERTILIZERS LTD.
40	NATIONAL FERTILIZER LTD
41	RASHTRIYA CHEMICALS & FERTILIZERS LTD.
42	AIR INDIA
43	AIRPORTS AUTHORITY OF INDIA
44	DIRECTORATE GENERAL OF CIVIL AVIATION
45	PAWAN HANS HELICOPTERS LTD.
46	BHARAT COKING COAL LTD
47	CENTRAL COALFIELDS LTD.
48	CENTRAL MINES PLANNING & DESIGN INSTITUTE LTD
49	COAL INDIA LTD.
50	COAL MINES PROVIDENT FUND ORGANIZATION (CMPFO)

Sl. No.	Name of Organisation
51	EASTERN COALFIELDS LTD
52	MAHANADI COALFIELDS LIMITED
53	NEYVELI LIGNITE CORPORATION LTD
54	NORTHERN COALFIELDS LTD.
55	SOUTH EASTERN COALFIELDS LTD.
56	WESTERN COALFIELDS LTD.
57	CENTRAL PULP & PAPER RESEARCH INSTITUTE
58	EXPORTS CREDIT GUARANTEE CORPORATION
59	MMTC LIMITED
60	PROJECTS EQUIPMENTS CORPORATION LTD. (PEC)
61	RUBBER BOARD
62	STATE TRADING CORPORATION OF INDIA LTD.
63	BUREAU OF INDIAN STANDARDS
64	CENTRAL RAILSIDE WAREHOUSE COMPANY LIMITED
65	CENTRAL WAREHOUSING CORPN. LTD
66	FOOD CORPORATION OF INDIA
67	NATIONAL COOPERATIVE CONSUMERS FEDERATION OF INDIA

Sl. No.	Name of Organisation
68	BHARAT DYNAMICS LTD
69	BHARAT EARTH MOVERS LTD.
70	BHARAT ELECTRONICS LTD
71	DEPARTMENT OF DEFENCE PRODUCTION
72	GARDEN REACH SHIP-BUILDERS & ENGINEERS LTD.
73	GOA SHIPYARD LTD.
74	HINDUSTAN AERONAUTICS LTD
75	HINDUSTAN SHIPYARD LTD.
76	MAZAGON DOCK LTD
77	MILITARY ENGINEER SERVICES
78	MINISTRY OF DEFENCE
79	MISHRA DHATU NIGAM LTD
80	ORDNANCE FACTORY BOARD
81	MINISTRY OF EARTH SCIENCES
82	MINISTRY OF ENVIRONMENT, FOREST & CLIMATE CHANGE
83	DEPARTMENT OF ECONOMIC AFFAIRS
84	DEPARTMENT OF EXPENDITURE
85	DEPARTMENT OF INVESTMENT & PUBLIC ASSET MANAGEMENT
86	DIRECTORATE OF ENFORCEMENT
87	INDIA INFRASTRUCTURE FINANCE CO. LTD.

Sl. No.	Name of Organisation
88	INDUSTRIAL FINANCE CORPORATION OF INDIA
89	SECURITIES AND EXCHANGE BOARD OF INDIA (SEBI)
90	SECURITY PRINTING & MINTING CORP OF INDIA LTD.
91	GOVT OF N. C. T OF DELHI
92	MINISTRY OF HEALTH AND FAMILY WELFARE
93	ANDREW YULE & CO.LTD
94	BHARAT HEAVY ELECTRICALS LTD
95	BHARAT PUMPS & COMPRESSORS LTD
96	CEMENT CORPORATION OF INDIA LTD
97	ENGINEERING PROJECTS INDIA LTD.
98	HINDUSTAN SALTS LTD
99	HMT LTD
100	INSTRUMENTATION LTD,
101	NEPA LTD
102	SCOOTERS INDIA LTD
103	THE BRAITHWAITE, BURN & JESSOP CONSTRUCTION LIMITED
104	CENTRAL PUBLIC WORKS DEPARTMENT
105	DELHI DEVELOPMENT AUTHORITY,

Sl. No.	Name of Organisation
106	DELHI METRO RAIL CORPORATION LTD.
107	DELHI URBAN ART COMMISSION
108	HINDUSTAN PREFAB LTD
109	HOUSING & URBAN DEV. CORPN. LTD.
110	MINISTRY OF HOUSING AND URBAN AFFAIRS
111	NATIONAL BUILDINGS CONSTRUCTION CORPN.
112	CENTRAL BOARD OF SECONDARY EDUCATION
113	EDUCATIONAL CONSULTANTS INDIA LTD.
114	INDIAN INSTITUTE OF MANAGEMENT, AHMEDABAD
115	INDIAN INSTITUTE OF TECHNOLOGY, CHENNAI
116	INDIAN INSTITUTE OF TECHNOLOGY, DHANBAD
117	INDIRA GANDHI NATIONAL OPEN UNIVERSITY
118	KENDRIYA VIDYALAYA SANGATHAN
119	MINISTRY OF HUMAN RESOURCE DEVELOPMENT
120	SHRI LAL BAHADUR SHASTRI RASHTRIYA SANSKRIT VIDYAPEETH

Sl. No.	Name of Organisation
121	PRASAR BHARATI
122	PRESS COUNCIL OF INDIA
123	GENERAL INSURANCE CORPN. OF INDIA
124	LIFE INSURANCE CORPN. OF INDIA
125	NATIONAL INSURANCE CO.LTD.
126	NEW INDIA ASSURANCE CO.LTD.
127	ORIENTAL INSURANCE CO.LTD.
128	UNITED INDIA INSURANCE CO.LTD.
129	EMPLOYEES PROVIDENT FUND ORGANISATION
130	EMPLOYEES STATE INSURANCE CORPORATION
131	MINISTRY OF LABOUR & EMPLOYMENT
132	DELHI JAL BOARD
133	DELHI STATE INDUSTRIAL AND INFRASTRUCTURE DEVELOPMENT CORPORATION
134	DELHI TRANSCO LTD.
135	DELHI TRANSPORT CORPORATION
136	EAST DELHI MUNICIPAL CORPORATION
137	NEW DELHI MUNICIPAL COUNCIL (NDMC)

Sl. No.	Name of Organisation
138	NORTH DELHI MUNICIPAL CORPORATION
139	SOUTH DELHI MUNICIPAL CORPORATION
140	BORDER SECURITY FORCE
141	CENTRAL INDUSTRIAL SECURITY FORCE
142	CENTRAL RESERVE POLICE FORCE DIRECTORATE GENERAL
143	DIRECTORATE GENERAL OF ASSAM RIFLES
144	INDO TIBETAN BORDER POLICE
145	MINISTRY OF HOME AFFAIRS
146	REPATRIATES COOP.FINANCE & DEV. BANK LTD
147	SASHASTRA SEEMA BAL
148	GEOLOGICAL SURVEY OF INDIA
149	HINDUSTAN COPPER LTD
150	MINERAL EXPLORATION CORPORATION LTD
151	NATIONAL ALUMINIUM CO. LTD.
152	CENTRAL COUNCIL FOR RESEARCH IN AYURVEDIC SCIENCES
153	MINISTRY OF CORPORATE AFFAIRS
154	KHADI & VILLAGE INDUSTRIES COMMISSION

Sl. No.	Name of Organisation
155	NATIONAL SMALL INDUSTRIES CORPORATION LTD.
156	CENTRAL COTTAGE INDUSTRIES CORPN. OF INDIA LTD..
157	COTTON CORPORATION OF INDIA
158	HANDICRAFTS & HANDLOOMS EXPORT CORPN.OF INDIA LTD
159	MINISTRY OF TEXTILES
160	NATIONAL HANDLOOM DEVELOPMENT CORPN. LTD.
161	NATIONAL INSTITUTE OF FASHION TECHNOLOGY
162	NATIONAL TEXTILES CORPN. LIMITED
163	BHARATIYA NABHIKIYA VIDYUT NIGAM LTD
164	DEPARTMENT OF ANIMAL HUSBANDRY AND DAIRYING
165	DEPARTMENT OF ATOMIC ENERGY
166	DEPARTMENT OF SPACE
167	ELECTRONICS CORPN OF INDIA LTD
168	INDIAN RARE EARTHS LTD.
169	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY
170	MINISTRY OF FOOD PROCESSING INDUSTRIES
171	MINISTRY OF PANCHAYATI RAJ

Sl. No.	Name of Organisation
172	MINISTRY OF TRIBAL AFFAIRS
173	NUCLEAR POWER CORPORATION OF INDIA LTD.
174	SOFTWARE TECHNOLOGY PARK OF INDIA
175	URANIUM CORPN. OF INDIA LTD
176	INDIAN RENEWABLE ENERGY DEVELOPMENT AGENCY LTD.
177	MINISTRY OF NEW & RENEWABLE ENERGY SOURCES
178	SOLAR ENERGY CORPORATION OF INDIA
179	DEPARTMENT OF ADMINISTRATIVE REFORMS & PUBLIC GRIEVANCES
180	STAFF SELECTION COMMISSION
181	BALMER LAWRIE & CO. LTD
182	BHARAT PETROLEUM CORPN. LTD
183	CHENNAI PETROLEUM CORPORATION LTD.
184	ENGINEERS INDIA LTD.
185	GAIL (INDIA) LIMITED
186	HINDUSTAN PETROLEUM CORPN. LTD.
187	INDIAN OIL CORPN. LTD.
188	MANGLORE REFINERIES & PETROCHEMICALS LTD.

Sl. No.	Name of Organisation
189	NUMALIGARH REFINERY LIMITED
190	OIL INDIA LTD.
191	OIL & NATURAL GAS CORPORATION LIMITED
192	DEPARTMENT OF POSTS
193	BHAKRA BEAS MANAGEMENT BOARD
194	CENTRAL ELECTRICITY AUTHORITY
195	CENTRAL POWER RESEARCH INSTITUTE
196	DAMODAR VALLEY CORPN.
197	NATIONAL HYDRO-ELECTRIC POWER CORPN LTD.
198	NATIONAL POWER TRAINING INSTITUTE
199	NATIONAL THERMAL POWER CORPN.LIMITED.
200	NORTHERN EASTERN ELECTRIC POWER CORPN.
201	POWER FINANCE CORPN. LTD.
202	POWER GRID CORPN. OF INDIA LTD.
203	RURAL ELECTRIFICATION CORPN. LTD
204	SJVN LIMITED
205	TEHRI HYDRO DEVELOPMENT CORPORATION

Sl. No.	Name of Organisation
206	BRAITH WAITE & CO.LTD.
207	CONTAINER CORPORATION OF INDIA
208	DEDICATED FREIGHT CORRIDOR CORP OF INDIA LTD
209	INDIAN RAILWAY CATERING AND TOURISM CORP LTD.
210	IRCON INTERNATIONAL LTD.
211	KONKAN RAILWAY COPORATION LTD.
212	MINISTRY OF RAILWAYS
213	RAIL VIKAS NIGAM LIMITED
214	RITES LIMITED
215	MINISTRY OF ROAD TRANSPORT & HIGHWAYS
216	NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED
217	NATIONAL HIGHWAY AUTHORITY OF INDIA
218	MINISTRY OF RURAL DEVELOPMENT
219	CENTRAL ELECTRONICS LTD.
220	COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH
221	CHENNAI PORT TRUST
222	COCHIN PORT TRUST

Sl. No.	Name of Organisation
223	COCHIN SHIPYARD LTD.
224	DEEN DAYAL UPADHYAY PORT TRUST
225	DREDGING CORPN. OF INDIA LTD.
226	INDIAN MARITIME UNIVERSITY
227	JAWAHARLAL NEHRU PORT TRUST,
228	KAMARAJAR PORT LTD.
229	KOLKATA PORT TRUST
230	MORMUGAO PORT TRUST
231	MUMBAI PORT TRUST
232	NEW MANGALORE PORT TRUST
233	PARADEEP PORT TRUST
234	SHIPPING CORPORATION OF INDIA LTD.
235	VISAKHAPATNAM PORT TRUST
236	V.O. CHIDAMBARANAR PORT TRUST
237	NATIONAL SCHEDULED CASTES FINANCE & DEV. COPRN
238	FERRO SCRAP NIGAM LIMITED
239	HINDUSTAN STEEL WORKS CONSTRUCTION LTD.
240	KUDREMUKH IRON & ORE CO.LTD.
241	MANGANESE ORE INDIA LTD

Sl. No.	Name of Organisation
242	METALLURGICAL ENGG. CONSULTANTS INDIA LIMITED (MECON)
243	METAL SCRAP TRADE CORPORATION (MSTC)
244	MINISTRY OF STEEL
245	NATIONAL MINERAL DEVELOPMENT CORPORATION LTD. (NMDC)
246	RASHTRIYA ISPAT NIGAM LIMITED
247	STEEL AUTHORITY OF INDIA LTD.
248	BHARAT SANCHAR NIGAM LTD.
249	CENTRE FOR DEVELOPMENT OF TELEMATICS

Sl. No.	Name of Organisation
250	DEPARTMENT OF TELECOMMUNICATIONS
251	INDIAN TELEPHONE INDUSTRIES LTD.
252	MAHANAGAR TELEPHONE NIGAM LIMITED
253	INDIA TOURISM DEVELOPMENT CORPN LTD,
254	MINISTRY OF TOURISM
255	CHANDIGARH ADMINISTRATION
256	GOVT. OF PUDUCHERRY
257	MINISTRY OF YOUTH AFFAIRS & SPORTS
258	SPORTS AUTHORITY OF INDIA

Appendix IV

(Para 3.8)

Organisation-wise list of complaints referred by Commission and pending with CVOs for Inquiry and Report as on 31.12.2019

S. No	Name of the Department/Organisation	Complaints pending for investigation		
		Upto one Year	Between one-three years	More than three years
1	All India Institute of Medical Sciences	0	1	1
2	Andaman & Nicobar Administration	0	0	2
3	Bank of Baroda	1	0	0
4	Bharat Sanchar Nigam Limited	2	0	0
5	Bharat Electronics Limited	1	0	0
6	Bharat Heavy Electricals Limited	0	0	2
7	Bharat Petroleum Corporation Ltd	2	0	1
8	Border Roads Development Board	1	0	4
9	Brahmaputra Board	0	0	1
10	Canara Bank	1	0	0
11	Central Board of Direct Taxes	4	7	4
12	Central Board of Indirect Taxes and Customs	7	2	0
13	Central Bureau of Investigation	0	3	0
14	Central Bank of India	1	0	0
15	Central Public Works Department	3	0	1
16	Chennai Port Trust	0	1	0
17	Container Corporation of India Ltd.	1	0	0
18	Coal India Limited	0	0	1
19	Council of Scientific & Industrial Research	2	1	0

S. No	Name of the Department/Organisation	Complaints pending for investigation		
20	Dadra & Nagar Haveli	1	0	2
21	Daman & Diu Administration	0	0	1
22	Defence Accounts Department (CGDA)	1	0	0
23	Delhi Development Authority	11	0	3
24	Delhi Jal Board	2	0	0
25	Department of Agriculture, Cooperation and Farmers Welfare	0	0	1
26	Department of Animal Husbandry and Dairying	0	0	1
27	Department of Ayush	5	1	0
28	Department of Coal	1	0	1
29	Department of Defence Production & Supplies	1	0	0
30	Department of Empowerment of persons with Disabilities	0	0	3
31	Department of Economic Affairs	1	1	0
32	Department of Family Welfare	0	1	0
33	Department of Financial Services	2	0	0
34	Department of Health	8	5	5
35	Department of Mines	4	2	1
36	Department of Ocean Development	0	0	3
37	Department of Revenue	2	4	1
38	Department of Science & Technology	2	0	2
39	Department of Secondary & Higher Education & Elementary Education	3	7	16
40	Department of Women & Child Development	0	0	1

S. No	Name of the Department/Organisation	Complaints pending for investigation		
41	Department of Scientific and Industrial Research	0	0	1
42	Department of Fertilizers	0	0	1
43	Department of Heavy Industry	2	1	0
44	Department of Industrial Policy & Promotion	2	0	0
45	Department of Space	0	0	2
46	Damodar Valley Corporation	2	0	0
47	Delhi Police	3	0	0
48	Dedicated Freight Corridor Corporation of India Limited	1	0	0
49	Engineers India Ltd	0	0	1
50	Employees' Provident Fund Organisation	1	1	2
51	Employees' State Insurance Corporation	0	1	0
52	Food Corporation of India	0	0	1
53	Gas Authority of India Ltd	1	0	1
54	Government of NCT Delhi	8	5	23
55	Government of Puducherry	1	0	0
56	Hindustan Copper Ltd	1	0	0
57	Hindustan Petroleum Corporation Ltd	1	0	2
58	Hindustan Salts Ltd.	1	0	0
59	HMT Limited	0	0	1
60	Indian Council of Agricultural Research	0	1	4
61	Indian Council of Medical Research	2	1	0
62	Indian Bank	1	0	0

S. No	Name of the Department/Organisation	Complaints pending for investigation		
63	Indian Overseas Bank	2	0	0
64	Indira Gandhi National Open University	0	0	2
65	Industrial Development Bank of India	1	0	0
66	Indian Oil Corporation Ltd	6	0	2
67	Indian Railway Catering and Tourism Corporation	2	0	0
68	IFCI Limited	2	0	0
69	KIOCL Limited	1	0	0
70	Life Insurance Corporation of India	4	0	0
71	Medical Council of India	0	1	1
72	Municipal Corporation of East Delhi	4	0	0
73	Municipal Corporation of North Delhi	10	2	6
74	Municipal Corporation of South Delhi	5	1	2
75	Ministry of Civil Aviation	0	1	0
76	Ministry of Commerce	6	2	2
77	Ministry of Culture	0	0	3
78	Ministry of Defence	2	4	2
79	Military Engineering Services	0	2	2
80	Ministry of Environment, Forest and Climate Change	0	0	3
81	Ministry of External Affairs	1	0	0
82	Ministry of Home Affairs	2	2	0
83	Ministry of Housing and Urban Development	2	0	3
84	Ministry of Information & Broadcasting	0	0	1
85	Ministry of Petroleum & Natural Gas	0	0	6

S. No	Name of the Department/Organisation	Complaints pending for investigation		
86	Ministry of Power	0	1	2
87	Ministry of Railways	39	1	0
88	Ministry of Micro, Small and Medium Enterprises	0	0	1
89	Ministry of Statistics and Programme Implementation	0	0	1
90	Ministry of Rural Development	0	0	1
91	Ministry of Shipping	0	2	0
92	Ministry of Social Justice & Empowerment	1	0	0
93	Ministry of Textiles	0	1	1
94	Ministry of Tourism	0	1	0
95	Ministry of Tribal Affairs	0	0	1
96	Ministry of Water Resources	0	0	2
97	MMTC Limited	0	0	1
98	Mahanagar Telephone Limited	1	0	0
99	National Aluminium Company Limited	1	0	0
100	National Cooperative Consumer's Federation of India	0	0	1
101	NBCC (India) Limited	3	0	0
102	National Institute of Educational Planning & Administration	0	0	1
103	New Delhi Municipal Corporation	2	1	0
104	New India Insurance Company Ltd.	1	1	0
105	Northern Coalfields Ltd	0	0	2
106	Nuclear Power Corporation of India Ltd	0	0	1

S. No	Name of the Department/Organisation	Complaints pending for investigation		
107	Oil & Natural Gas Corporation Limited	4	0	1
108	The Oriental Insurance Company Limited	3	0	0
109	Ordnance Factory Board	2	0	0
110	Prasar Bharati	0	0	1
111	Power Grid Corporation of India Limited	3	0	0
112	Punjab National Bank	1	0	0
113	Punjab and Sind Bank	1	0	0
114	Rail Vikas Nigam Limited	2	0	0
115	RailTel Corporation of India Ltd.	1	0	0
116	Rashtriya Ispat Nigam Ltd	0	0	1
117	Rail India Technical and Economic Services Ltd.	1	0	0
118	Security Printing and Minting Corporation of India Ltd.	1	0	0
119	Society for Applied Microwave Electronics Engineering & Research	0	1	0
120	State Bank of India	5	0	0
121	Steel Authority of India Ltd	2	0	1
122	The State Trading Corporation of India Ltd	0	0	1
123	Triveni Structurals Ltd	0	0	1
124	Union Bank of India	0	1	0
125	University Grants Commission	1	0	0
126	University of Delhi	0	1	0
127	Western Coalfields Ltd	0	0	1
	Total	222	72	156

Appendix V

(Para 3.10)

Organization-wise list of first and second stage advice pending for implementation of Commission's advice

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
1	Air India	2	0
2	Airports Authority of India	4	0
3	All India Council for Technical Education	1	0
4	Andaman & Nicobar Administration	12	4
5	Andhra Bank	1	0
6	Archaeological Survey of India	1	0
7	Artificial Limb Manufacturing Co Ltd.	1	0
8	Bank of Baroda	5	1
9	Bank of India	1	0
10	Bank of Maharashtra	1	0
11	Bharat Electronics Limited	1	0
12	Bharat Earth Movers Ltd.	1	0
13	Betwa River Board	1	0
14	Bharat Coking Coal Ltd.	3	0
15	Bharat Sanchar Nigam Ltd.	4	2
16	Bharat Wagons & Engineering Co. Ltd.	1	0
17	Bharat Bhari Udyog Nigam Ltd.	0	1

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
18	Bharat Heavy Electricals Limited	2	0
19	Border Roads Development Board	1	1
20	Brahmaputra Board	1	0
21	Comptroller and Auditor General	7	0
22	Canara Bank	3	0
23	Central Board of Direct Taxes	40	4
24	Central Bureau of Investigation	16	0
25	Cement Corporation of India Ltd.	1	0
26	Central Bank of India	6	1
27	Central Board of Indirect Taxes & Customs	37	56
28	Central Board of Secondary Education	1	0
29	Central Council for Research in Ayurveda	1	0
30	Central Social Welfare Board	1	0
31	Controller General of Accounts	1	0
32	Controller General of Defence Accounts	8	0
33	Chandigarh Administration	1	1
34	Coal India Ltd.	3	0
35	Coffee Board	1	1
36	Coir Board	1	0
37	Cotton Corporation of India	0	1
38	Council for Advancement of Peoples Action and Rural Technology	0	1
39	Central Public Works Department	0	1

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
40	Central Reserve Police Force	1	0
41	Council of Scientific and Industrial Research	1	1
42	Daman & Diu Administration	24	9
43	Delhi Development Authority	4	0
44	Department of Telecommunications	1	1
45	Department of Public Distribution	1	0
46	Department of Agriculture, Cooperation and Farmers Welfare	2	1
47	Department of Agriculture Research	0	1
48	Department of Animal Husbandry and Dairying	2	0
49	Department of Atomic Energy	1	0
50	Department of Chemical & Petrochemicals	2	0
51	Department of Consumer Affairs	3	0
52	Department of Culture	1	1
53	Department of Defence Production	2	0
54	Department of Empowerment of persons with Disabilities	2	2
55	Department of Education	13	1
56	Department of Expenditure	3	0
57	Department of Fertilizers	13	1
58	Department of Financial Services	9	0
59	Department of Health	1	0
60	Department of Heavy Industry	3	0

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
61	Department for Promotion of Industry & Internal Trade	10	2
62	Department of Investment & Public Asset Management	1	0
63	Department of Legal Affairs	1	1
64	Department of Mines	1	0
65	Department of Posts	8	0
66	Department of Revenue	3	0
67	Department of Science & Technology	1	0
68	Department of Scientific & Industrial Research	1	0
69	Department of Space	0	1
70	Department of Food and Public Distribution	1	0
71	Department of Supply	0	1
72	Department of Women and Child Development	1	0
73	Department of Youth Affairs and Sports	1	1
74	Delhi Jal Board	1	0
75	Ministry of Development of North Eastern Region	2	0
76	Delhi State Industrial and Infrastructure Development Corporation Ltd.	1	1
77	Delhi Tourism and Transportation Development Corporation	0	1
78	Eastern Coalfields Ltd.	1	0
79	Export Import Council of India	2	0
80	Engineers India Ltd	0	1

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
81	Employees' Provident Fund Organization	3	2
82	Employees' State Insurance Corporation	1	0
83	Fertilisers and Chemicals Travancore Limited	1	0
84	Government of NCT Delhi	20	0
85	Govt. of Pondicherry	10	1
86	Handicrafts & Handlooms Export Corporation of India	0	1
87	Heavy Engineering Corporation Ltd.	1	0
88	Hindustan Copper Ltd.	2	0
89	Hindustan Fertilizer Corporation Ltd.	0	4
90	Hindustan Paper Corporation	1	0
91	Hindustan Latex Ltd.	1	0
92	Hindustan Salts Ltd.	0	1
93	Hindustan Vegetables Oils Corpn. Ltd.	1	0
94	IFCI Limited	1	0
95	IIT Kanpur	1	0
96	Indian Bank	3	1
97	Indian Council of Agriculture Research	8	0
98	Indian Council of Medical Research	0	5
99	Indian Overseas Bank	5	4
100	Indian Railways Catering and Tourism Corporation Ltd.	1	0
101	Indira Gandhi Rashtriya Manav Sangrahalaya	1	0

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
102	Industrial Development Bank of India	3	0
103	Indian Railway Finance Corporation	1	0
104	India Trade Promotion Organisation	3	0
105	Kendriya Vidyalaya Sangathan	10	0
106	Krishak Bharat Cooperatives Ltd.	2	0
107	Khadi and Village Industries Commission	15	5
108	Lakshadweep Administration	7	0
109	Life Insurance Corporation	6	1
110	Madras Fertilizers Ltd	1	0
111	Municipal Corporation of Delhi East	2	0
112	Municipal Corporation of Delhi North	3	0
113	Municipal Corporation of Delhi South	8	1
114	Medical Council of India	4	0
115	Military Engineer Services	5	0
116	Ministry of Ayush	6	4
117	Ministry of Civil Aviation	2	0
118	Ministry of Coal	7	3
119	Ministry of Commerce	6	0
120	Ministry of Corporate Affairs	1	0
121	Ministry of Defence	6	0
122	Ministry of Earth Sciences	2	1
123	Ministry of External Affairs	6	0

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
124	Ministry of Electronics & Information Tech.	6	0
125	Ministry of Environment, Forest & Climate Change	2	0
126	Ministry of Home Affairs	14	2
127	Ministry of Information & Broadcasting	4	3
128	Ministry of Labour	3	0
129	Ministry of Personnel PG & Pensions	32	11
130	Ministry of Railways	37	13
131	Ministry of Rural Development	1	0
132	Ministry of Shipping	5	0
133	Ministry of Skill Development	1	0
134	Ministry of Micro, Small & Medium Enterprises	4	2
135	Ministry of Statistics & Programme Implementation	3	1
136	Ministry of Textiles	5	0
137	Ministry of Tourism	1	0
138	Ministry of Tribal Affairs	1	0
139	Ministry of Social Justice & Empowerment	1	0
140	Ministry of Urban Affairs	13	0
141	Ministry of Water Resources	2	0
142	National Agricultural Cooperative Marketing Federation (NAFED)	2	0
143	National Board of Examinations	1	0

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
144	National Cooperative Consumers' Federation of India (NCCF)	2	4
145	National Cooperative Development Corporation	1	0
146	National Highways Authority of India	16	0
147	National Housing Bank	1	0
148	National Fertilizers Limited	1	0
149	National Institute of Technology	1	0
150	National Insurance Co. Ltd.	2	2
151	National Projects Construction Corporation Limited	0	1
152	National Scheduled Castes Finance and Development Corporation	1	0
153	Navodaya Vidyalaya Samiti	1	2
154	Nehru Yuvak Kendra Sangathan	2	0
155	NEPA Ltd.	1	0
156	National Institute of Fashion Technology	3	0
157	New Delhi Municipal Corporation	4	0
158	NBCC (India) Limited	1	0
159	National Thermal Power Corporation Ltd.	4	0
160	Nuclear Power Corporation of India Ltd.	1	0
161	ONGC	1	0
162	Ordnance Factory Board	3	0
163	Oriental Bank of Commerce	2	0
164	Oriental Insurance Co. Ltd.	1	0

S. No.	Name of Department/Organization	No. of cases pending implementation of Commission's advice for more than 6 months	
165	Pawan Hans Helicopters Ltd.	1	0
166	Prasar Bharati	9	0
167	PEC Limited	7	0
168	Punjab National Bank	1	0
169	RailTel Corporation of India Ltd.	1	0
170	Shipping Corporation of India	1	0
171	Small Industries Development Bank of India (SIDBI)	9	0
172	Software Technology Parks of India	0	1
173	State Bank of India	24	4
174	Syndicate Bank	4	1
175	Tribal Cooperative Marketing Development Federation of India Limited	0	1
176	UCO Bank	1	0
177	Union Bank of India	3	0
178	United Bank of India	1	0
179	United India Insurance Co. Ltd.	4	0
180	University of Delhi	1	1
181	Visakhapatnam Port Trust	1	0
	Total	719	185

Appendix VI

List of Cases of Non compliance of Commission's Advice for the year 2019

S.No.1

Charge

During year 2010, the Chief Project Manager (CPM) of a Railway CPSE cancelled a tender in order to favour a firm which was not qualifying in that tender. The CPM subsequently awarded the tender for the same work in irregular manner by favouring that particular firm. He further disbursed the excessive compensation amount awarded by the Competent Authority and Land Acquisition Officer (CA&LAO) against crops on acquisitioned land without appealing against the excessive amount of the award.

Advice

In Jan 2016, the Commission, in agreement with the MD and CVO of the CPSE advised initiation of Major Penalty proceedings against the then CPM. At the time of second stage advice, considering the Inquiry Report and the Disciplinary Authority's comments the Commission advised imposition of Major Penalty on the then CPM.

Brief

The CPM favoured a firm (i) by cancelling a tender, when that particular firm was not qualifying, (ii) provided the firm with legal advice at expenses of the CPSE, (iii) altered the eligibility criteria in the Notice of Invitation of Tender (NIT), (iv) awarded the contract to the same firm despite the same flaw in the NIT as had earlier been cited while cancelling the tender on the previous occasion. The CPM also directed his subordinate officer to insert a fresh hand written clause in the tender document after opening of the tender. Thus the tender document was tampered with by inserting a clause which was not known to the other bidders.

Furthermore, the CPM did not object to the award by the Competent Authority (CA&LAO) for land acquisition at an exorbitant rate as assessed and permitted disbursement of compensation award without any deliberation or appeal. The Competent Authority had awarded exorbitant compensation against crops which was 20 times the compensation paid against acquisitioned land in such cases. It is relevant to note that compensation against crops was not disbursed by other CPMs as the farmers were given ample opportunity to harvest their crops during the process of land acquisition.

Outcome

The Disciplinary Authority decided to exonerate the CPM in violation of the consultation process vide order dated 22.03.2019 and in deviation to the Commission's advice of Major Penalty on the officer.

S.No.2

Charge

The Chief Workshop Manager (CWM) of a Railway Workshop failed to ensure observance of laid

down checks for stock taking, stock accounting, handing taking over and other procedures. Due to these lapses, 100 condemned wagons and large number of released fittings like wheel sets, bogie trolleys, couplers, springs etc were misappropriated from the Railway Workshop.

Advice

In July 2019 the Commission advised initiation of Major Penalty proceedings against the CWM for the lapses on his part.

Brief

While investigating a complaint received from an employee of the Railway Workshop, the Zonal Vigilance found that 100 condemned wagons and large number of released fittings like wheel sets, bogie trolleys, couplers, springs etc were misappropriated from a Railway Workshop causing financial loss of over Rs. 31 crore. Investigation revealed that there was monopoly of one purchaser for several years and this firm had perpetrated misappropriation of condemned wagons and fittings in connivance with railway officials.

The misappropriation coincided with the tenure of a single officer posted as CWM in that unit. Only one firm was the purchaser of wagons and fittings during his tenure, and he did not ensure that Railway Board instructions regarding surprise check of stock was followed. Also, the shortage/loss of wagons was being carried forward continuously over time. The wagon sale position was submitted to the CWM on a daily basis, but he failed to detect that a large number of wagons were missing on the ground. It was also found that no system for accountal of fittings released from condemned wagons was in place. Proper handing over/ taking over was not ensured.

Outcome

The Disciplinary Authority decided to take no action against the CWM in deviation to the Commission's advice of Major Penalty proceedings against the officer.

S.No.3

Charge

During year 2012-13, the Additional Divisional Railway Manager (ADRM) of a Railway Division awarded a tender for work of 'Solar Power Plant for Emergency Load at DRM Office' to the sole bidder ignoring the fact that bid was not accompanied with necessary documents and therefore, the firm did not fulfil the prescribed eligibility criteria. The ADRM also failed to ensure that the latest and lowest Last Accepted Rates (LAR) were taken into consideration for determination of reasonability of rates.

Advice

On 14.11.2017, at the time of first stage advice, the Commission advised Major Penalty proceedings against the ADRM. The Commission reiterated its first stage advice of Major Penalty proceedings. Subsequently, the Disciplinary Authority exonerated the ADRM vide his order dated 10.01.2019 without obtaining Commission's second stage advice.

Brief

A tender for “Provision of Solar electrical panel of capacity 10 KW for emergency load at DRM office” was discharged on three occasions. The tender for the same work was opened for the fourth time on 14.03.13 and subsequently awarded to the sole bidder. During first three calls, the tender committee was particular about adherence to the prescribed eligibility criteria. But on the fourth call for the tender, the eligibility conditions were ignored at the time of award of the tender to the sole bidder.

Moreover, the Tender Committee justified rates of an item on the basis of average of three Last Accepted Rates (LARs) ignoring the latest and lowest LAR available on record. Also, there had been corrections made in the financial offer (discount offered by the bidder) to the advantage of the bidder. Despite these deficiencies in the bid, the ADRM awarded the work to the sole bidder.

Outcome

The Disciplinary Authority concluded that the charges against the ADRM were not established and decided to exonerate him of all the charges vide order dated 10.01.2019. Since the DA's views were in deviation from the Commission's first stage advice, the matter was required to be referred to the Commission for second stage advice. However, the DA did not refer the case to the Commission and issued the order of exoneration.

S.No.4

Charge

In February 2010, the Senior Divisional Signal & Telecom Engineer/Works (Sr.DSTE/Works), while working as Tender Accepting Authority (TAA), allowed a bidder to submit additional documents (i.e. past performance certificate and Original Equipment Manufacturer (OEM) certificate) in violation of the tender condition which prescribed that if a bidder failed to submit proof of eligibility with the bids, the bid would be summarily rejected. He also accepted a flawed and incomplete OEM certificate from the bidder. Furthermore, the bidder had submitted performance certificate with respect to a work which was incomplete. Further, the tender was awarded at very high rates.

Advice

In December 2015, the Commission advised initiation of Major Penalty proceedings against the Sr. DSTE/Works. At the time of the second stage advice, the Commission advised imposition of Major Penalty, which was reiterated when the Disciplinary Authority resubmitted the case for Commission's reconsideration.

Brief

The Sr. DSTE/Works was the TAA in a tender awarded in February 2010. The tender conditions stipulated that if a bidder does not submit any proof of meeting the eligibility criteria in the NIT and/or tender conditions, the offer would be considered incomplete and may be summarily rejected. However, the Tender Committee asked the firm to submit additional documents of Past Performance Certificate and OEM Certificate and the TAA agreed to this course of action.

The bidder had submitted an OEM certificate which stated that the firm is 'Not in Production' and 'License from the concerned department to be necessarily produced before start of the production'. But the TAA ignored these major flaws in the OEM certificate.

The bidder's eligibility was to be ascertained with reference to a similar completed work, for which the firm was required to submit a performance certificate from the concerned authority. The bidder submitted a performance certificate showing that it had completed a similar work. However, the certificate had various lacunae prima facie and the work was actually incomplete. The work was awarded at a cost which was 446.45% higher than the estimated cost.

Outcome

The Disciplinary Authority, decided to exonerate the Sr. DSTE/Works vide order dated 02.08.2019 in deviation from the Commission's advice of imposition of Major Penalty on the officer.

S.No.5

Charge

CBI found that during a departmental examination for promotion from Group 'D' to Group 'C' (examination conducted in September 2013) the then Senior Divisional Engineer/Coordination (Sr. DEN/Coord.) visited the examination hall in unauthorized manner and handed over 6 chits and a mobile phone with answers to the questions to a particular candidate.

Advice

In May 2017 the Commission, in agreement with the Disciplinary Authority advised initiation of Major Penalty proceedings against the erstwhile Sr. DEN/Coord. in its first stage advice, which was reiterated when the Disciplinary Authority referred the case to the Commission for reconsideration.

Brief

In September 2013, a departmental exam for promotion from Group 'D' to Group 'C' was conducted in a zonal railway. During the examination a candidate was found to possess 6 chits with written answers in the same sequence as the questions in the question paper given to her. Also a mobile phone was recovered from the candidate with answers to three questions. These answers were sent through SMS from the phone of the Divisional Engineer, who had set the question paper. The Divisional Engineer was a subordinate officer of the Sr. DEN/Coord.

At the beginning of the exam, this particular candidate was searched by a lady officer assisting the Vigilance team and no chits or mobile phone was found in her possession. Therefore it was confirmed that the chits and mobile phone were passed on to her during the exam. It was found that just before this discovery of unauthorized material, the Sr DEN/Coord. had visited the examination hall and had talked to the particular candidate despite his not having any authority to do so.

Outcome

The Disciplinary Authority decided to take no action against the officer on 26.03.2019, which was in deviation to the Commission's advice of Major Penalty proceedings against the charged officer.

S.No.6

Charge

During year 2010 and 2011, the GM and part time CVO of a Railway CPSE admitted medical bills for inadmissible items and also preferred claims against expenses towards entertainment of official guests irregularly including items of domestic daily use.

Advice

In November 2016, the Commission advised initiation of Major Penalty proceedings against the then GM. The Commission, in its second stage advice advised imposition of Major Penalty on the charged official.

Brief

The GM submitted medical bills for inadmissible items and pressurized officials to accept these medical bills for payment. She further preferred claims for reimbursement of expenses towards entertainment of official guests on holidays and for items of domestic consumption, which were inadmissible under extant rules.

Outcome

The Disciplinary Authority vide order dated 22.03.2019 exonerated the charged official in deviation from the Commission's advice of Major Penalty.

S.No.7

Charge

In a departmental exam conducted by a zonal railway in 2011 for promotion to the post of Goods Guard, the PM-A/Cabin Man (a Group 'C' employee) resorted to unfair means with the connivance of the railway officials responsible for conducting the exam. His answersheets were found to be having two different handwritings.

Advice

In September 2013, the Commission advised initiation of Major penalty proceedings against the then PM-A/Cabin Man as well as other railway officials.

Brief

In the year 2011, a written examination was conducted for the selection/promotion to the post of Goods Guard against 60% promotion quota a railway division. Total 154 candidates appeared for 29 vacancies. Based on source information, Vigilance conducted a preventive check on the examination. It was found that in case of 19 successful candidates, the answer sheets had serious irregularities. There were indications that answers were added to the answer sheets after the examination and that some answer sheets were changed. In certain answer sheets, two different hand writings were noticed indicating that answers were written by some person other than the candidate. The examination was cancelled after the Vigilance check. In case of this particular PM-A/Cabin Man also, the CFSL confirmed that the answer sheet had two different hand-writings.

Outcome

The Inquiry Officer held the charge against the PM-A/Cabin Man as proved. The Charged Officer retired before completion of the inquiry. The Disciplinary Authority decided to exonerate the PM-A/Cabin Man (retired) in deviation to the Commission's first stage advice of Major Penalty proceedings. Therefore, as per the procedure, Railway Board was required to refer the case to the Commission for its second stage advice before treating the DA's order as final and communicating it to the charged official. But the Commission's second stage advice was not sought and the Disciplinary Authority's order of exoneration was communicated to the charged official on 17.07.2019. This was a gross violation of the laid down procedure.

S.No.8

Charge

During year 2010, the then Director (Infra)/NATRIP was instrumental in helping two firms to qualify in technical evaluation in a tender despite the fact that these firms failed to fulfil the prescribed eligibility criteria of DG sets derating at 45°C. He was of the view that no company could meet this criterion at high altitudes and since the NATRIP was installing the DG sets at low altitudes, the offered DG sets would fulfil the purpose. One of these firms was awarded the tender.

Advice

In Dec 2015, at the time of first stage advice, the Commission, in agreement with the Disciplinary Authority, advised Major Penalty proceedings against the erstwhile Director (Infra)/NATRIP. The Commission reiterated its first stage advice of Major Penalty proceedings, when the Disciplinary Authority referred the case to the Commission after the officer's repatriation to Ministry of Railways.

Brief

In March 2010, NATRIP invited bids for 'Supply, Installation, Testing and Commissioning of DG Sets with ancillary works on turnkey basis at offices of NATRIP'. A tender for this work had been previously discharged as no bidder submitted proof of minimum eligibility criteria. Six bids were received in the present call of the tender. Two bids were disqualified on the grounds that the bidder had to submit a certificate stating that DG set offered by them does not have any de-rating at 45° Celsius. The bidders had declared in their offers that the DG sets had de-rating above 40° Celsius. However, Director (Infra) as a member of the Technical Evaluation Committee (TEC) subsequently qualified these two bidders stating that the DG sets were going to be installed at low altitude, where the DG sets will not have de-rating at 45°C. One of these bidders was awarded the tender.

The Dir (Infra) was of the view than no company could meet this criterion at high altitudes and since the NATRIP was installing the DG sets at low altitudes, the offered DG sets would fulfil the criterion. However, this conclusion should have led to retendering after amending the technical criteria prescribed, the act of finalizing the present tender resulted in unfair advantage to two bidders.

Furthermore, the offer of the L-1 bidder was unsigned, and a tender purchased by a firm had its name amended to that of another firm in subsequent documents like TEC Report, Tender Processing

records, whereas the PAN attached with the bid was in the name of the original firm. Each page in the bid had stamp of both firms' names indicating that the names in the bid documents were possibly changed at a later stage.

Outcome

On 05.07.2019, the Disciplinary Authority decided to take no action against the officer, who was now working as a CBE on a zonal railway. This decision was in deviation to the Commission's advice of Major Penalty proceedings against the officer.

S.No.9

Charge

RDSO authorities colluded with a sole RDSO approved Part-I firm(eligible for bulk supply) to get two RDSO approved Part-II firms (eligible for supplying smaller quantity) delisted, thereby rendering the sole Part-I firm as the only supplier of that particular item (Part-I firms are eligible for getting orders of bulk supply, whereas Part-II firms get orders of smaller quantity). The delisting of two Part-II firms left the sole Part-I firm in a monopolistic situation and resulted in constant hike in prices of the item. The then ED/RDSO was found responsible for (i) delayed scrutiny of renewal applications of two Part-II firms, (ii) facilitating temporary delisting of these two firms in a hasty manner without giving the firms reasonable opportunity, (iii) Arbitrarily raising the qualification criteria for registration as Part-I firm in order to prevent entry of other firms.

Advice

The Commission advised initiation of Major Penalty proceedings against the then ED/RDSO on 24.01.2014. The Commission advised imposition of Major Penalty in its second stage advice as well.

Brief

Two firms, which were previously registered for a particular item, submitted applications for renewal of their registration with RDSO. The ED delayed scrutiny of their renewal applications. He wrote to one of the firms to submit documents with respect to change of the firm's name, but ignored the firm's reply when the firm submitted the documents. After a few days, the firm was delisted for this deficiency. In case of the other firm, RDSO failed to attach necessary documents while apprising the firm of certain deficiencies in their application. No further correspondence followed the letters written to each of the firms to submit the documents. Thus, both these firms were delisted without any prior notice and despite the fact that there was no urgency for such delisting, especially when it led to a monopolistic situation for the sole remaining firm. Furthermore, the minimum quantity required to be supplied by a firm for its registration as Part-I firm was enhanced from 5000 to 30000 items arbitrarily and without justification. This increase rendered both these firms ineligible for registration as Part-I firms.

Outcome

The Disciplinary Authority vide order dated 15.01.2019 decided to exonerate the ED/RDSO of all the charges. The exoneration of the charged official in gross violation of the advice of the Commission for major penalty has been treated as deviation to Commission's advice.

S.No.10

Charge

During year 2011, a Tender Committee (TC) recommended discharge of a tender (and retendering) citing a minor flaw in the Notice Inviting Tender (NIT). This flaw was noticed by the tender committee after all the bids had already been technically and financially evaluated and two bidders had been found eligible. As a result of this decision, a particular firm that did not fulfil the financial eligibility criteria was able to meet with this criteria and to be subsequently awarded this work after receiving payments from Railways in some other works. The tender committee members further favored this firm by accepting revised financial statements submitted by the firm after opening of bids.

Advice

In Jun 2017, the Commission advised initiation of Major Penalty proceedings against the Sr. DEE (TC Convener), Sr. DFM and Minor Penalty proceedings against the Sr. DEN. In addition, the Commission advised Minor Penalty proceedings against the ADRM, who had accepted questionable documents/credentials from the firm after opening of bids.

Brief

In Feb 2011, a division of a zonal railway invited bids for rewiring of 2233 quarters over a railway division. Four bids were received and evaluated. Two firms met the eligibility criteria and qualified and the rates quoted by L-1 firm were found to be reasonable. However, the TC and the TAA decided to discharge the tender on the grounds that the definition of similar work was not specified in the NIT. As per eligibility criteria given in the NIT, the bidder was required to have completed a similar work valuing more than 35% of the estimated value of proposed work. The case was subsequently retendered and two bids were received. A particular firm which did not fulfil the financial eligibility criteria during the first call for this work, became L-1 in the second call. This firm could fulfil the eligibility criteria only because it received some payments from the railway after discharge of the previous tender.

After nearly 54 days of opening of bids, the L-1 bidder was allowed to submit a revised certificate showing that the contractor had actually received more money during the relevant period. Such correspondence with the firm and acceptance of revised financial documents after opening of bids were against the guidelines for award of works. But the TAA in this case awarded the tender to the L-1 bidder.

Thus, a particular firm was favoured first by discharging the tender when it was not qualifying for award of the work and then by accepting revised documents from it after opening of bids in the second call for the work.

Outcome

The Disciplinary Authority vide order dated 6.12.2018, decided to take no action against the Sr. DEE and the Sr. DEN in deviation from the Commission's advice of Major and Minor Penalty proceedings respectively against them. The Sr. DFM and the ADRM responsible for discharge of

tender had already retired and the case against them had become time-barred. On 15.01.2019, the Disciplinary Authority decided to take no action against the ADRM in deviation to the Commission's advice of Minor Penalty proceedings against the officer.

S.No.11

Charge

Four successive Senior Divisional Finance Managers failed to take action against an employee who was convicted by the CBI court on the charges of embezzlement of government money. The convicted employee was liable for disciplinary action but no action was taken against him for nearly 13 years.

Advice

In April 2016, at the time of first stage advice, the Commission advised initiation of Minor Penalty proceedings against the then Sr. DFMs which was reiterated when the Disciplinary Authority (DA) referred the case to the Commission for reconsideration. The DA imposed Minor Penalty on one officer. In case of the other three officers the Commission advised imposition of suitable Minor Penalty.

Brief

In 1997, the CBI court convicted a Senior Cashier on the charges of embezzlement of government money and sentenced him to three-year rigorous imprisonment with fine under Section 409 of IPC and two-year rigorous imprisonment with fine under Section 13(1)(c) and 13(2) of PC Act 1988. The convicted employee was liable for disciplinary action under Rule 14(1) of Railway Service (Disciplinary & Appeal) Rules 1968. But he was allowed to remain in government service on a sensitive post of handling of cash till February 2011, when penalty of 'compulsory retirement' was imposed on him after a vigilance check conducted by the Zonal Vigilance.

Outcome

The Disciplinary Authority decided to exonerate three out of the four officers. These decisions of the DA were in deviation to the Commission's advice of imposition of Minor Penalty.

S.No.12

Charge

The Tender Committee for procurement of Ferrite Corein Chittranjan Locomotive Works (CLW) was informed by a bidder in 2013 that the only approved OEM had stopped production of the items, which the L-1 firm was offering in its bid. This implied that the L-1 bidder would not supply authenticated stores. The TC failed to take cognizance of this information. Subsequently, CBI found that the L-1 firm had supplied counterfeit items and that the TC's negligence/inaction had resulted in a financial loss to the Railways.

Advice

In November 2018 the Commission advised initiation of Minor Penalty proceedings against the three Tender Committee members.

Brief

A German supplier was the only Part-I approved source (OEM) for supply of Ferrite Core to CLW. During evaluation of bids received in a global tender for procurement of Ferrite Core, the Tender Committee was informed by a bidder that while the L-1 firm claimed to offer the item manufactured by the CLW approved supplier, the German supplier had discontinued manufacturing the item. The TC was supposed to verify supply from the OEM to the L-1 bidder but it did not take any action in this matter. The TC should also have insisted on submission of OEMs proforma invoice by the bidder. Subsequently CBI found that the L-1 firm had supplied counterfeit items, not manufactured by the CLW approved OEM for which the OEM certificate had been furnished by the L-1 firm.

Outcome

In case of the convenor of the TC the DA decided to take no action against him. In case of the finance member of the TC the DA issued a warning, both decisions being in deviation from the Commission's advice .

S.No.13

Charge

In Feb 2013, the Additional Chief Health Director (ACHD) of a Zonal Railway conducted medical examination of a candidate and declared him unfit duly recording his findings in a Medical Certificate. Subsequently after nearly a month, the ACHD recalled the Medical Certificate from the APO/RRCon his own without seeking any approval of higher authorities and modified his own assessment and declared the candidate fit.

Advice

In December 2014, the Commission in its first stage advice advised initiation of Major Penalty proceedings against the ACHD which was reiterated in February 2015. Subsequently in February 2019 the Commission advised imposition of Major Penalty on the charged official.

Brief

The ACHD had conducted medical examination of a candidate on 07.02.2013 and declared him "Unfit in Aye two & below" medical category duly recording his findings vide Medical Certificate dated 07.02.2013. Subsequently, the ACHD recalled the Medical Certificate from APO/ RRC without seeking any approval of higher authorities and in violation of para 522 (1) (i) (ii) of Indian Railway Medical Manual 2000, Vol-I, reviewed and modified his own assessment from "Unfit in Aye two & below" to "fit in Aye two & below" in the Medical Certificate. He changed his assessment in the certificate without putting any date and returned the said Medical Certificate on 07.03.2013.

Outcome

The Inquiry Officer held the sole charge as proved, but the DA vide his order dated 14.08.2019 imposed a minor penalty of censure on the ACHD in deviation to the Commission's advice.

S.No.14

Charge

During execution of a contract concluded in November 2008, the Divisional Electrical Engineer/Construction extended undue benefits to a contractor by making him full payment in a running account bill despite the fact that the contractor had supplied incomplete stores.

Advice

In March 2017 the Commission advised initiation of Major Penalty proceedings against the Divisional Electrical Engineer/Construction. However, at the time of second stage advice the Commission advised imposition of Minor Penalty on the charged official.

Brief

The contractor was required to supply Single Bracket Assembly for conventional OHE with SPS and Double Bracket Assembly for conventional OHE with MCC & SPS as per the contract schedule. All these components are manufactured as per CORE/RDSO specifications and are given in standard shape and size as per standard drawing only. All the parts of bracket are manufactured by different firms and are supplied in standard length.

An item of the contract schedule, comprised two items viz. a) Supply and Fabrication, and b) Erection. Though the contractor supplied the items like tubes etc, these were of uniform size and needed fabrication before erection, i.e tubes were to be cut in right size and to be given required shape and holes were to be made for bolts as per the site requirement. All this work was covered under Fabrication, which the contractor never did. Still the DEE/Construction made payment for Fabrication as well. The DEE/Construction marked 100% test check in measurement book for the above items and extended undue benefit to the contractor which resulted in financial loss to the Railways.

Outcome

The Disciplinary Authority vide order dated 28.01.2019, decided to exonerate the DEE/Construction in deviation from the Commission's advice of Minor Penalty on the officer.

S.No.15

Charge

During a surprise check conducted in November 2016, CBI found that the then IG-cum-Chief Security Commissioner/RPF was carrying 36 carton boxes and bags etc full of his household goods with him in the Inspection Carriage. No approval was obtained for carrying these goods in the Inspection Carriage as it was not permitted under rules.

Advice

In July 2018, the Commission advised initiation of Major Penalty proceedings against the IG-cum-Chief Security Commissioner/RPF in its first stage advice. The case was again submitted to the Commission for reconsideration and the Commission reiterated its advice of Major Penalty proceedings.

Brief

In November 2016, on the basis of source information CBI conducted a surprise check of a train along with officials of Railway Vigilance in the presence of two independent witnesses. It was found that the then IG-cum-Chief Security Commissioner/RPF was carrying 36 carton boxes and bags etc full of household goods with him in the Inspection Carriage. No approval was obtained for carrying this luggage in the Inspection Carriage as it was not permitted under rules. As per the tour programme submitted by the officer, he was going to Bhubaneswar to attend meetings and attend a departmental inquiry and an Inspection Carriage (Saloon) was allotted to him for this purpose.

Outcome

The Disciplinary Authority vide order dated 22.04.2019 imposed a minor penalty of censure on the charged officer in deviation from the Commission's advice of initiation of Major Penalty proceedings against the officer.

S.No.16

Charge

The Senior Divisional Personnel Officer(Sr. DPO) of a Railway Division was responsible for delay in sanction of family pension to the daughter of a deceased employee, who was herself a widow. The daughter had applied for family pension in May 2015 but pension papers were issued in June 2017 after intervention of the DRM of the Railway Division.

Advice

In November 2018 the Commission, in agreement with the Disciplinary Authority advised initiation of Major Penalty proceedings against the Sr. DPO for his role in delaying the family pension.

Brief

The Zonal Railway Vigilance investigated allegations made by the widowed daughter of a deceased employee who had made the allegation that money was demanded for settlement of family pension. Investigation revealed that the complainant had applied for family pension in May 2015 in the admissible category. But no action was taken on the application till July 2016, when the Welfare Inspector submitted the verification report on the genuineness of the claim. Officials at all levels delayed the case and harassed by these dilatory tactics, the applicant complained to the DRM in May 2017; pension papers were issued in June 2017 after the DRM's intervention. No record/ registers were maintained in Sr. DPO office regarding receipt and disposal of the applications.

Outcome

The Disciplinary Authority imposed the penalty of Censure on him vide order dated 22.02.2019. This order of the DA was in deviation of Commission's advice of Major Penalty proceedings against the charged officer.

S.No.17

Charge

During year 2010-11, the then Divisional Signal & Telecom Engineer/ Railway Electrification

(DSTE/RE) working as convener member of Tender Committee for the work of hiring of multi-utility vehicles, recommended award of tender to a firm, which did not fulfil the eligibility criteria. Non-compliance of the eligibility criteria would result in summary rejection of bid as per tender conditions. He did not even discuss the eligibility criteria in the Tender Committee minutes. Furthermore, he tampered with the bid after it was signed by the Tender Opening Committee.

Advice

In April 2014, at the time of first stage advice, the Commission, in agreement with the Disciplinary Authority advised initiation of Major penalty proceedings against the erstwhile DSTE/RE. The Commission advised imposition of Major penalty on the officer as its second stage advice. The case was submitted to the Commission for reconsideration of this advice, and the Commission reiterated its advice of Major Penalty.

Brief

In November 2010, bids were invited for hiring of multi-utility vehicles for officers of Railway Electrification unit, Gorakhpur. Two bids were received and one bid was rejected as the bidder did not meet the condition of Earnest Money Deposit (EMD) for the work. The work was awarded to the other bidder even though he failed to fulfil the eligibility criteria.

The Tender Committee did not discuss the eligibility criteria in the TC minutes, investigations revealed that the bidder had not furnished information of the fleet of vehicles required as per eligibility criterion and the bid was liable to be rejected on these grounds. However, after opening of the bids, the DSTE/RE permitted the contractor to furnish the vehicle details. The officials who had opened the bids stated that these details were not there at the time of bid opening.

Outcome

The Disciplinary Authority vide order dated 04.02.2019 imposed a Minor Penalty on the charged officer which was in deviation from the Commission's advice of imposition of a Major Penalty.

S.No.18

Charge

In December 2012, the Director, RDSO passed substandard signalling cables on two occasions. He test-checked the cables and issued two inspection certificates for 12-Core x 1.5Sq mm cable and for 6-Core x 1.5 Sq mm cable respectively but during sample tests these cables were found to be substandard.

Advice

In April 2016 the Commission advised initiation of Major Penalty proceedings against the Director RDSO. The second stage advice of the Commission, reiterated its previous recommendation of Major Penalty.

Brief

The Director, RDSO issued two Inspection Certificates for 12-Core x 1.5Sq mm cable and for 6-Core x 1.5 Sq mm cable respectively after test check of the material. The cables were accepted

by the consignee on the basis of these Inspection Certificates. Subsequently CBI conducted a joint surprise check with Railway Vigilance and Stores officials in October 2013. Where the cables failed on various critical parameters and were found substandard.

Outcome

The Disciplinary Authority vide order dated 29.08.2019, decided to impose Minor Penalty in deviation from the advice for Major Penalty tendered by the Commission.

S.No.19

Charge

In 2011-12, the Tender Committee for the procurement of the work of 'Supply, Installation and Commissioning of Integrated Security System for 23 Metro Railway Stations in a Zonal Railway extended benefits to the lowest bidder by relaxing crucial tender conditions. The TC also extended direct benefit of Rs. 4.7 crore to the firm by helping it to avoid payment of the customs duty.

Advice

In Jun 2018, the Commission advised initiation of Minor Penalty proceedings against the three Tender Committee members which was reiterated in case of two of the charged officers when their respective DAs referred the case for reconsideration.

Brief

Cameras constituted the most pivotal part in the surveillance system. The Notice Inviting Tender (NIT) stipulated CCD based cameras for surveillance system as per RDSO specifications. However, the lowest bidder had offered CMOS based cameras. The Tender Committee considered it as a major deviation from the NIT, but accepted the CMOS cameras. In addition, the NIT mandated that the bidder should be OEM or authorized representative of OEM. But the lowest bidder's letters written to the TC revealed that the firm was just an aggregator and not an OEM or OEM's authorized representative for any of the components. The firm also changed make and models of various components. But the TC permitted these changes proposed by the lowest bidder.

The NIT specified that the Integrated Security Systems were to be supplied, installed and commissioned at the Metro stations. But the TC permitted the supplier firm to transfer the ownership of the stores to the Railways while the stores were in transit from abroad. This contract saved the firm a sum of Rs. 4.7 crore as customs duty, if the stores were supplied at metro stations as stipulated in the original contract. This was an undue benefit extended to the firm.

Outcome

The Disciplinary Authority for two of the three charged officers decided to counsel them to be more careful in dealing with tenders in future. These decisions of the DAs were in deviation from the Commission's advice of Minor Penalty proceedings against the officers.

S.No.20

Charge

In a departmental exam conducted in a division of a Zonal Railway in 2015 for promotion to the

post of Office Superintendent, the Sr. DPO assessed the number of vacancies incorrectly. He then compromised the integrity of the examination by first asking (orally) the Invigilator not to sign on each page of answer-sheets, then by opening the sealed envelope containing answer sheets in unauthorized manner.

Advice

In May 2017, the Commission advised initiation of Major Penalty proceedings against the Sr. DPO. and reiterated its advice at the second stage, as well as when the case was resubmitted for its reconsideration.

Brief

In 2015, a written examination was conducted for the selection/promotion to the post of Office Superintendent against 20% LDCE quota in one of the divisions of a Zonal Railway. The notification was issued by the Sr. DPO for 24 posts, whereas as per rules, only 12 posts could be filled through the exam.

During conduct of examination, the Sr. DPO orally advised the Invigilator not to sign on each of the page of answer sheets. This advice was contrary to the practice prevalent in the Zonal Railway. Subsequently, he kept the sealed envelope containing answer sheets with him for four days instead of sending the same to the Evaluator immediately after the coding and sealing was done. During this period, he opened the sealed envelope containing answer-sheets and inserted model answer that he prepared after the written test. Thus he failed to maintain the secrecy of the post examination process.

Outcome

The Disciplinary Authority decided to impose Minor Penalty on the erstwhile Sr.DPO in deviation from the Commission's advice for Major Penalty.

S.No.21

Charge

The Commission has forwarded a copy of complaint received from an MP against the then Joint Director General, DGCA for investigation and report to CVO, Ministry of Civil Aviation on 1.06.2012. It has been alleged that a Captain working as Pilot Instructor in an Aviation Academy had issued false certificates to trainees leading to the issue of Commercial Pilot Licenses. The matter was investigated by DGCA and an FIR was filed in this matter. It was also alleged that one Jt. DG, DGCA had approved the appointment of the same Captain as Chief Flying Instructor at an Aviation Academy for unlawful consideration.

Advice

The Commission has conveyed its strong displeasure on 17.01.2019 for inordinate delay in furnishing the investigation report (submitted by the Ministry on 26.11.2018 and 03.12.2018) and the manner in which this case was dealt by the Ministry.

Brief

The report furnished by the Ministry on 4.02.2013 stated that the matter was being investigated by a Committee. On the basis of the Committee's Report, the Ministry decided to revoke the suspension of the Academy and granted approval to the Captain as Chief Flying Instructor based on a court order. However, the Report did not address the principal allegation of issue of false certificate. The Commission asked the CVO to investigate the matter in detail and submit a report in prescribed format on 26.06.2013, which was not complied with. The Ministry's Report has been examined and the allegation of issue of fake pilots license and role of the Captain responsible for this has not been properly investigated. The case has not been investigated properly despite the Commission's advice and there has been inordinate delay in investigation of this lapse.

Outcome

The Ministry's replies (furnished on 26.11.2018 and 03.12.2018) have been delayed and the Commission has observed that the proceedings in the criminal case have not yet been finalised. Since the case is over 6 years old, this has become a fait accompli and there is no point in pursuing the matter further. The Commission has conveyed a strong displeasure to the MoCA and has decided to report this case in the Annual Report.

S.No.22

Charge

Seven officials of AAI were charged with extending undue favour to a private company allowing this firm to use costly equipment of Kingfisher Airlines lying in the custody of AAI, for unlawful remuneration.

Advice

The Commission, advised initiation of Major Penalty proceedings against 2 officials and Minor Penalty proceedings against 5 officials on 3.07.2019

Brief

The Vigilance Department of AAI conducted an investigation and referred the case recommending initiation of Minor Penalty proceedings against two officials and issue of Advisory Memo against five other officials in May 2019. The Commission advised initiation of Major Penalty proceedings against two officials and Minor Penalty proceedings against five other officials.

Outcome

The Disciplinary Authority initiated Minor Penalty proceedings against two officials, issued Advisory Memo to four other officials and issued a Displeasure Memo to one official who had retired, without referring their cases to Commission for its second stage advice or reconsideration. This action of DA is in gross violation of the consultation mechanism and the Commission has decided to include this case as a deviation from Commission's advice.

S.No.23

Charge

There were allegations of irregularities in the work “Replacement of Halogen Type Taxiway fitting with LED Type Taxiway fittings at Ahmedabad, Bhopal & Rajkot Airports” on the part of officials of AAI.

Advice

The Commission advised initiation of Major Penalty proceedings against GM (Engineering), Jt. GM (Engineering) and issue of Caution Memo to Manager (Engineering) on 21.08.2015).

Brief

CVO AAI conveyed the DA’s tentative decision of imposing penalty of “reduction by one stage in the present time scale of pay for one year, non-cumulative” in case of Jt. GM & “Exoneration” in respect of the GM on 18.12.2017. This was approved by the Commission on 22.02.2018. The D.A. imposed the penalties on both the officers as per Commission’s advice.

However, on an appeal preferred by the Jt.GM against the penalty imposed by the DA, the Appellate Authority modified the penalty to “Withholding of next one increment for one year without cumulative effect” on 30.08.2018. This is not in conformity with extant rules, the Appellate Authority is expected to keep in view the advice tendered by the Commission and decide the appeal. In this case, the Appellate Authority did not so do.

Outcome

The Commission has therefore, decided to report the decision/deviation of Appellate Authority in its Annual Report.

S.No. 24

Charge

The matter pertains to irregularities in the loan account of a private limited company engaged in manufacturing of coated duplex board, writing/printing paper, newsprint, craft paper etc. The company had fund based working capital limits of Rs. 66.50 crores and non-fund based limit of Rs. 0.25 crores. The sanctioning authority had stipulated formation of a consortium within a month at the time of sanction of renewal of working capital facilities in January 2013, and a portion of working capital limit was left untied. Stock audit report brought out serious irregularities like non maintenance of proper books of account, non-routing of sales through cash credit account, not valuing inventory properly, value of SIP was always taken at Rs. 35 crores, undertaking of barter transaction to increase level of trade debtors etc.

Lapses were attributed against a DGM, an AGM and a Chief Manager for renewal of limit without any re-assessment and without any fresh stock audit, no follow up action on inspection reports which pointed out that company is not cooperating in conduct of stock audit and formation of consortium, the plant capacity of the company not reconciled with the NOC given by the Pollution

Control Board, valuation reports of immovable properties not on banks standard format, properties not properly demarcated etc.

Advice

While seeking Commission's first stage advice, the Disciplinary Authority proposed Major Penalty proceedings against the DGM and Minor Penalty proceedings against the AGM and the Chief Manager. However, CVO recommended Minor Penalty proceedings against all the officers. The Commission advised initiation of Major Penalty proceedings against all the 3 officials.

Second stage advice of the Commission was sought by the bank for the DGM, recommending exoneration. The Commission advised imposition of Major Penalty against him.

Brief

The Inquiring authority held all the charges as not proved. The Disciplinary Authority exonerated the DGM.

Outcome

The Commission has examined the matter and noted it as case of non-acceptance of Commission's advice and has decided to include it in the Annual Report.

S.No.25

Charge

A consortium of 6 Public Sector Banks extended credit facilities of Rs. 871.76 crores to a group of three companies dealing with IT Solutions and Client Management Services. The Consortium leader having an exposure of 53% of total exposure sought Commission's advice in respect of 12 officials pointing out various lapses viz. diversion of funds by the company, non-genuine receivables, non-compliance of terms of sanction, non-perfection of security, stock and receivables audit not being carried out etc.

Advice

The Commission advised initiation of Major Penalty proceedings for 2 officers, Minor Penalty proceedings for 4 officials and no action to be taken against 6 officials.

Brief

The Disciplinary Authority recommended no action for a DGM level official after conclusion of the Departmental Inquiry for whom the Commission had advised Major Penalty proceedings. The CVO differed with the views of the Disciplinary Authority and proposed a Minor Penalty. This was in variance with the Commission's first stage advice (Major Penalty) and therefore the case was referred to the Commission for its second stage advice. The Commission tendered its second stage advice for imposition of suitable major penalty on the DGM.

Outcome

The Disciplinary Authority disagreed with the second stage advice of the Commission and proposed

no action against the DGM. In view of the deviation from Commission's advice for Major Penalty, the Commission is reporting this deviation in its Annual Report.

S.No.26

Charge

The Mumbai Branch of a bank had opened an Inland Letter of Credit (ILC) for Rs.600 crores on account of a customer on 8.12.2008. Bills of a value of Rs. 599.40 crores were drawn under this ILC on various dates which devolved on the bank. The customer was also being extended bills discounting under LCs issued by another bank between 31.12.2008 and 13.01.2009. Bills of Rs. 85.88 lacs discounted by the Mumbai Branch of the bank were returned unpaid as this branch did not appear to have verified any of the documents presented under the ILC and negotiated the bills despite these glaring discrepancies. The Disciplinary Authority recommended initiation of Major Penalty proceedings against 6 officials including a DGM level official and sought Commission's advise in June 2012.

Advice

The Commission advised initiation of Major Penalty proceedings against all the 6 officials.

Brief

The Commission advised imposition of Minor Penalty against the DGM level official on 15.01.2013. The DA imposed the Minor Penalty of reduction in the time scale of pay by one stage for one year without cumulative effect vide order dated 28.01.2013.

Aggrieved with the imposition of penalty, the officer appealed to the Appellate Authority on 12.03.2013 followed by another appeal on 23.10.2017. By the time the appeal was considered on 30.03.2019 (6 years after the date of initial appeal), the DGM had been promoted twice and was posted as Executive Director of the same Bank w.e.f. 19.02.2018.

Outcome

The Appellate Authority (The Special Committee of the Board) vide its order dated 30.03.2019 modified the minor penalty imposed on 28.01.2013 to exoneration without specific instructions regarding the financial loss to the appellant by imposition of the minor penalty. The Commission has decided to treat the action of the Appellate Authority as deviation from its advice and to include the same in its Annual Report.

S.No.27

Charge

Credit facilities amounting to Rs. 25 crores were sanctioned by Zonal Level Credit Committee (ZLCC) of a Public Sector Bank for one of its borrowers. It was alleged that the concerned AGM had recommended sanctioning the credit facilities to his higher authorities despite the following : (i) the account was irregular/Special Mention Account (SMA) with another bank; (ii) Pre-sanction inspection of collateral security was not done properly; (iii) Certified copies of title deeds were not obtained from the office of the Registrar of Assurances; (iv) Submitted unconditional compliance

certificate without complying with various terms and conditions of sanction and (v) End use of funds was not ensured.

Advice

The Commission advised initiation of Major Penalty proceedings against the AGM who had recommended the proposal to the Zonal Level Credit Committee.

Brief

The charges have been held as not proved in the inquiry and the DA has accepted the Inquiry Report and had proposed to exonerate the concerned AGM. As CVO was not in agreement with the recommendations of the DA, the case was referred to the Commission seeking second stage advice. The Commission observed that the Inquiry report is deficient as it has glossed over the non-compliance of laid down procedures as a routine practice. Commission observed that the CVO has brought out specific points of misconduct which are worth consideration by the DA. Accordingly, the Commission advised imposition of Major Penalty in disagreement with the recommendations of the DA.

Outcome

The IO held all the four charges as not proved. However, the DA has held two charges (out of the four) as proved and DA imposed Minor Penalty on the AGM as against Major Penalty advised by the Commission. The Commission decided to treat the case as a deviation from its advice.

S.No.28

Charge

Lapses were attributed against a GM, in two loan accounts. During the relevant period the officer was Circle Head and Chairman of Credit Approval Committee at the Circle Office of the Bank. Irregularities were observed in permitting takeover of limits with enhancement beyond delegated powers without clearance from higher authority and for permitting further exposure/ad-hoc limit before one year from the date of takeover of limits and without ensuring compliance of systems and procedures.

Advice

While seeking Commission's first stage advice, the DA proposed Minor Penalty proceedings. The CVO proposed initiation of Major Penalty proceedings. However, the Commission advised initiation of Major Penalty proceedings in agreement with recommendations of the CVO.

While seeking second stage advice, the DA recommended imposition of Minor Penalty and the CVO recommended imposition of a Major Penalty. The Commission advised imposition of Major Penalty against the GM.

Brief

The Inquiring Authority held the charged officer guilty of the charges levelled, to the extent enumerated in the findings of the enquiry. The Disciplinary Authority imposed Minor Penalty on the charged officer.

Outcome

The Commission has examined the matter and noted that it as a case of non-acceptance of Commission's advice.

S.No.29

Charge

Investigation by the CVO at the instance of CBI revealed that an amount of Rs. 75 crores was sanctioned to the borrower by way of fund and non fund based limits. The alleged lapses include the following : not ensuring proper analysis of financial reports, and credit investigation of the firm and its sister concerns ; accepting the borrowers/guarantors net worth without any cogent documentary evidences like wealth tax and ITAO ; not obtaining legal opinion, valuation reports, details of estimation and confidential opinion from existing bankers. The CVO sought Commission's first stage advice for initiation of Major Penalty proceedings against 4 officials, Minor Penalty proceedings against one official and action under 'Non Vigilance' in respect of 4 officials.

Advice

The Commission advised initiation of Major Penalty proceedings against four officials, Minor Penalty proceedings against one official and action under 'non vigilance' against four officials as recommended by the CVO.

Brief

The DA has imposed penalties as advised by the Commission. One of the officials on whom major penalty was imposed made an appeal to the Appellate Authority (MD&CEO).

Outcome

Appellate Authority (AA) accepted the contention of the appellant that the account had never slipped to NPA and stands closed. However, AA observed that the closure of the loan does not mean that there are no lapses against the appellant and found that the DA has rightly held the appellant guilty of the charge leveled against him. The AA modified the Major Penalty imposed on the AGM to that of Minor Penalty of Censure. The Commission has decided to include the deviation by the AA in its Annual Report.

S.No.30

Charge

A company engaged in manufacturing and supply of bulk drugs was extended credit facility to the tune of Rs.15 crores by way of pre and post shipment facility by a Public Sector Bank. When the account turned NPA, staff accountability was examined. The likely loss to the bank is Rs.22 crores.

The lapses included violation of normal practices, suppression of serious adverse facts from the Sanctioning Authority, recommending for advance when the company's loan accounts were already NPA with other Banks, creating mortgage of property overlooking serious discrepancies in

valuation report, not inspecting the property which was mortgaged, deliberately suppressing the fact of advance of Rs.15 crores sanctioned by a foreign bank etc.

As there was fraud in the account with regard to title deeds deposited as security, investigation was carried out by CBI, who had recommended sanction for prosecution as well as initiation of major penalty proceedings against a CGM and an AGM level official.

Advice

The recommendation of CBI for sanction for prosecution was examined in the Commission and advice for grant of sanction for prosecution for both the officials was tendered. As the Competent Authority was not in agreement with Commission's advice, the matter was referred to Department of Personnel and Training (DoPT) through the Department of Financial Services. DoPT concurred with the advice of the Commission and advised granting sanction for prosecution against both the officials. However, the Competent Authority did not agree with the views of DoPT and denied sanction for prosecution for both the officials stating that there are no new facts warranting change in the stand already taken. This case of non-acceptance of Commission's advice in the matter of grant of sanction for prosecution was treated as deviation and included in the Commission's Annual Report for year 2017.

CBI had also recommended initiation of Major Penalty proceedings against both the officials, the DA had recommended exoneration for both the CGM and AGM while seeking Commission's first stage advice,. However, the CVO recommended imposition of Minor Penalty on both the officials.

Brief

The Commission had tendered first stage advice for initiation of Major Penalty proceedings against both the officials and a CDI was nominated for conducting the enquiry. As per CDI report, out of 17 charges 16 charges were held proved and 1 charge as not proved against the CGM and all the charges were held proved against the AGM. Accordingly, Commission advised imposition of suitable Major Penalty on both the officials.

Outcome

The DA (MD) imposed Major Penalty on both the officials as per Commission's advice. However, when an appeal was preferred by both the officials, the Competent Authority upheld the decision of the DA for imposition of major penalty on AGM. However, the penalty was reduced from Major to Minor in the case of the CGM which is in deviation from Commission's advice. The Commission has decided to include the deviation in the case of CGM from Major Penalty to Minor Penalty for reporting in the Annual Report of the Commission.

S.No.31

Charge

An Additional Director of CBIC deliberately misled the Departmental Promotion Committee (DPC) regarding qualification and experience of an employee which led to his confirmation and regularization of service.

Advice

Commission advised initiation of major penalty proceedings against the officer on 18.09.2013.

Brief

CBIC sought Commission's first stage advice recommending initiation of Major Penalty proceedings against the officer. However, Commission's first stage advice dated 18.09.2013 for initiation of Major Penalty proceedings against the officer has not been implemented in time by CBIC and initiation of departmental proceedings against him became time-barred as the officer retired on 31.10.2016.

Outcome

Commission has noted that CBIC has failed to implement Commission's advice due to lack of co-ordination between their units and has decided to include this case in Annual Report as non-implementation of Commission's advice.

S.No.32

Charge

Collusion with private parties and negligence of Charged Officer and other CBIC officers supervising exports as Range Officers/Section Officers led to fraudulent availment of Duty Entitled Pass Book (DEPB) benefits/rebate by certain exporters.

Advice

Commission tendered first stage advice for initiation of major penalty proceedings against the charged official on 09.05.2012 and Commission's second stage advice dated 28.12.2016 was for imposition of suitable Major Penalty upon the charged official.

Brief

In deviation of Commission's advice for Major Penalty, Disciplinary Authority dropped the disciplinary proceedings against the charged official on 16.05.2017. Reasons for disagreement with the Commission's advice was unclear and CVO CBIC was advised to furnish comments on the deviation. The Reviewing Authority set aside DA's order of 16.05.2017 and remanded the case to the Disciplinary Authority for taking decision afresh on merits. The Disciplinary Authority again passed an order on 9.10.2018 dropping the disciplinary proceedings against the charged official.

Outcome

Since the Disciplinary Authority's order dated 09.10.2018 dropping the disciplinary proceedings against the charged officer is in deviation of Commission's second stage advice of 28.12.2016 for imposition of suitable Major Penalty upon the charged official, the Commission has decided to include this case in the Annual Report as case of deviation from the Commission's second stage advice.

S.No.33

Charge

During a surprise check conducted by CBI at an Airport in March, 2015, two charged officers and

other CBIC officers involved in the case were found in possession of excess cash to the extent of Rs. 2,94,329.00 on tables near the counters manned by these officers.

Advice

The Commission tendered first stage advice for initiation of Major Penalty proceedings against both the charged officers on 24.11.2016 and this was reiterated in the second stage advice on 12.12.2018.

Brief

In deviation of the Commission's second stage advice for imposition of Major Penalty, Disciplinary Authority vide order dated 10.04.2019 imposed Minor Penalty of censure on one charged officer and vide order dated 30.04.2019 imposed Minor Penalty of censure on the other charged officer.

Outcome

Since the Disciplinary Authority's imposing Minor Penalty of censure on both charged officers is a deviation from the second stage advice of the Commission it has been decided to include both the cases in the Commission's Annual Report for 2019.

S.No.34

Charge

The Chief Material Management Officer of ONGC had unauthorizedly kept enquiry reports/files in respect of banning action against two firms in his custody in misuse of his official position during the period 2013 to 2015, leading to undue pecuniary advantage to the firms and delay in banning of business dealings with the firms.

Advice

After completing the inquiry in major penalty proceedings, the Disciplinary Authority approached the Commission for second stage advice on 19.07.2018 recommending exoneration of the charged official. However, the Commission advised imposition of major penalty on the charged official on 28.09.2018.

Brief

An enquiry was conducted in 2012 regarding submission of forged documents by a firm in a tender. The 2013 Enquiry Report recommended debarment of the firm from procurement for two years. The Enquiry Report was missing till an investigation brought out that the report was misplaced which benefitted a particular firm, which was issued orders in about 120 cases with a value of Rs.40 crores. In the case of another firm, the competent authority had approved a ban on 4.2.2013, but subsequently the file went missing and was recovered in 2015 from the office of the CO. The business dealing with the firm was to be suspended w.e.f. 25.10.2012 but the banning order was issued on 29.12.2015. The Commission observed that the charged official was responsible for ensuring that a firm which has submitted forged documents to the Organisation should be promptly blacklisted which he failed to do so for three years. Accordingly, the Commission advised imposition of Major Penalty on the charged official.

Outcome

The Disciplinary Authority held that the charges are not proved and decided that the charged official (since retired) may be exonerated. Accordingly, the DA issued final order on 24.07.2019. Since the final decision of the Disciplinary Authority is at variance with the Commission's advice, the Commission has decided to include this case in the Annual Report as a case of deviation of its advice.

S.No.35

Charge

An ONGC Tender Committee failed to evaluate bids according to the prescribed BEC guidelines and instead made recommendations which resulted in the qualification of 4 bidders. The Tender Committee Members were found responsible for these irregularities.

Advice

In its first stage advice, the Commission advised ONGC to initiate Minor Penalty proceedings against three members of the Tender Committee on 23.04.2019 / 13.6.2019. The Disciplinary Authority approached the Commission for second stage advice recommending issuance of administrative warning to one charged employee and also requested for reconsideration of the advice in case of the remaining two charged officials, recommending issuance of administrative warning to them. However, the Commission advised imposition of Minor Penalty in case of one charged official and reiterated its advice for initiation of Minor Penalty proceedings against the remaining two charged officials on 19.08.2019.

Brief

In a tender for revamping of 20 Platforms in October, 2013, ONGC Vigilance brought out several irregularities in evaluation of bids, viz. violation of the BEC in case of 4 bidders by the Tender Committee. Therefore, the Commission at first stage, advised initiation of Minor Penalty proceedings against three Tender Committee members.

The Disciplinary Authority recommended issuance of administrative warning to all three officers. However, the Commission observed that Tender Committee cannot absolve from its responsibility/accountability once it makes its recommendations to the Tender Accepting Authority. Therefore, the Commission reiterated its advice for imposition/ initiation of Minor Penalty on all three charged officials in its advice dated 19.08.2019.

Outcome

The Disciplinary Authority vide order dated 27.08.2019 has exonerated one of the charged officials and issued administrative warning to other two charged officials. Since the decision is at variance with Commission's advice, this case has been included in the Annual Report as deviation from Commission's advice.

S.No.36

Charge

The Tender Committee (TC) for Owner's Management Consultant (OMC) tender during 2016-

17 has evaluated the bid of a consultant firm incorrectly by formulating a faulty bid evaluation methodology leading to award of the contract to an ineligible firm and causing loss to ONGC. These officers also accepted alteration of technical score of one of the bidders after opening of the price bids.

Advice

In its first stage advice on 29.8.2017//18.12.2018, the Commission, in agreement with the DA, advised initiation of Major Penalty proceedings against all three members of TC. After completing the inquiry proceedings in case of one of the charged officers, the DA approached the Commission for second stage advice recommending imposition of Minor Penalty on the officer and for reconsideration of first stage advice in case of the other 2 officers, the Commission advised imposition of Major Penalty on one of the charged officers and reiterated its first stage advice of Major Penalty proceedings in case of the other two charged officers on 12.6.2019.

Brief

In 2016, ONGC invited bids for hiring of OMC through QCBS methodology for their deep-water project having estimated cost of Rs.50 cr through limited tender. Only 3 bidders out of 7 pre-qualified vendors submitted the requisite documents. The recommendations of the 3 members TC have been approved / endorsed by the then ED during 2016-17. On the basis of these recommendations, the OMC contract was awarded to a firm on 04.03.2017. ONGC Vigilance has brought out several irregularities in awarding the contract like incorrect prequalification of the consultant, adopting a revised evaluation methodology without obtaining the approval of the competent authority, etc. The Commission had advised initiation of Major Penalty proceedings against all three TC members and the then ED. On acceptance of all the charges by the then ED, the DA imposed Major Penalty on him on 31.12.2018.

In case of one of the members of the TC, the DA held that two out of four charges were partially proved and that no malafide intention could be established on part of the CO. Therefore, the DA viewed that a Minor Penalty other than "Censure" may be imposed on this CO. In case of the other two members of the TC, the DA requested the Commission for reconsideration of advice recommending initiation of Minor Penalty proceedings against them. The Commission, at second stage / reconsideration stage, observed that the TC had failed to obtain the approval of the Competent Authority on the revised evaluation methodology and the incorrect evaluation of bids resulted in prequalification of an ineligible firm.

Outcome

The DA did not implement the Commission's advice and imposed minor penalty on all the three charged officers on 16.10.2019. Since the final decision of the DA is at variance with the Commission's advice, it has been decided to include this case in the Annual Report as a case of deviation.

S.No.37

Charge

Scooter India Ltd. (SIL) procured 300 CNG Kits from a firm in July 2008 as an additional quantity

to an earlier P.O. of 2500 kits issued in January 2008 without following due procedure and without ascertaining the market price of the kits. Subsequently, SIL also procured another 200 kits during 2008-09 from the same supplier without following due procedure and at rates higher than those obtained through market bidding. Thus, the company suffered a financial loss to the tune of Rs.24 lakhs. The then CMD other Board level officers and officers of the Material Department of SIL were found responsible for these irregularities and of extending undue favour to a firm .

Advice

The Commission had advised imposition of Major Penalty against two charged officials on 27.07.2018, in disagreement with the recommendation of the Disciplinary Authority at the second stage, and had reiterated its advice on 17.07.2019 on request for reconsideration by the organization.

Brief

The matter is related to procurement of CNG Kit without cylinder for Vikram CG 1500 Four stroke vehicles and procurement of CNG cylinder by SIL since 2005. An intensive examination by CTEO in 2008 and subsequent Vigilance investigation by Department of Heavy Industries (DHI) had brought out serious irregularities with significant financial implications. The contract was awarded on nomination basis even though there were several manufacturers of the item and quantity and capacity of cylinders required were amended without prior approval of the competent authority. The Commission at first stage advised initiation of Major Penalty proceedings against three senior officers in November 2012 and three Board level officers (CMD and 2 Directors) on 14.12.2015. The then CMD and a Director of SIL were subsequently reverted to their parent organizations. The Disciplinary Authority referred the case of two charged officials to the Commission for second stage advice recommending exoneration of both the COs in April, 2018. The Commission observed that there were serious lapses of nomination based award of a tender repeatedly to a firm, deviating from laid down procedure, thus causing financial loss to SIL. Therefore, the Commission advised imposition of Major Penalty on both the COs on 29.07.2018. In response to ONGC's reconsideration proposals the Commission reiterated its second stage advice for imposition of major penalty on both the charged officials on 17.7.2019.

Outcome

The Disciplinary Authority concluded that actions of both the charged officials were bonafide and in the interest of the company and exonerated them on 28.08.2019. Since the final decision of the Disciplinary Authority is at variance with the Commission's advice, this case has been included in the Annual Report as a case of deviation from the Commission's advice.

S.No.38

Charge

The then MD of BHEL-EML and Members of Commercial Review Committee (CRC) & Purchase Committee were found responsible for subletting Railway AMC works in four cases in a non-transparent manner in 2012-13 , in violation of CVC guidelines related to back to back tie up by CPSEs.

Advice

The Commission advised initiation of Minor Penalty proceedings against three serving officers of BHEL-EML as its first stage advice on 19.06.2019. On consideration of written submission of defence submitted by one of the charged officers in response to minor penalty charge sheet issued to him, the DA approached the Commission recommending issuance of warning to the charged officer. The Commission reiterated its advice for Minor Penalty at the second stage on 28.06.2019.

Brief

BHEL-EML was awarded works of AMC for maintenance and services of Power Car DA set, by various Divisions of Indian Railways, which was sublet to a firm by BHEL-EML without the prior approval of the Indian Railway, required in accordance with the tender terms. This deviation was also brought out in the Audit Report dated 28.04.2014. Further, the selection of the sub vendor was done in a non-transparent manner. The Commission observed that the charges leveled against the officer were similar to the charges leveled against another officer who has been awarded minor penalty of censure for entering into a pre-bid agreement and awarding work to a firm in a non-transparent manner. As the gravity of misconduct is similar in both cases, the Commission advised imposition of minor penalty as its second stage advice.

Outcome

The DA informed that in view of the superannuation of the charged officer on 29.6.2019, the disciplinary proceedings for minor penalty were automatically closed. The final order could not be issued before superannuation, therefore the Commission included this case as non implementation of its advice.

S.No.39

Charge

Irregularities in the recruitment of a Junior Cotton Purchaser (JCP) in Cotton Corporation of India (CCI) through an external agency without following tendering process as well as amending of rules during the selection process in March 2015.

Advice

The Commission advised CCI to initiate Major Penalty proceedings against one officer of the HR Department. The Commission reiterated imposition of Major Penalty on the officer as its second stage advice.

Brief

Investigation of a complaint revealed that the charged employee had selected an external agency for conducting of exam without following the tendering process. Interviews were held in February 2015 at Hyderabad, Jaipur and Indore. Criteria for educational qualifications and work experience for recruitment for JCPs were changed during the process of selection. Furthermore, it was observed that there were several discrepancies in the certification of work experience of candidates which were not taken into account and these candidates were called for interviews.

Outcome

The Disciplinary Authority did not agree with the advice of the Commission and imposed penalty of censure on the charged employee. The Commission has decided to include this case in its Annual Report as a deviation from its advice.

S.No.40

Charge

A CGM of FEDO - FACT had made several irregularities in recruitment for the post of Chief Operating Officer which resulted in recruiting an officer in E8 scale without Board approval. Further, the officer processed the request of selected candidate for pay protection for the Board's approval, in violation of the recruitment conditions.

Advice

The Commission advised Major Penalty proceedings against the CGM in its first stage advice dated 22.05.2017. Commission also advised imposition of Major Penalty on him at second stage on 20.08.2019.

Brief

In a case regarding irregularities in the appointment of Chief Operating Officer, FEDO - FACT, CGM of FEDO - FACT created entry barriers for applicants for the post of Chief Operating Officer by keeping the joining time as one month from the date of notification, whereas additional joining time was allowed for selected candidate. He proceeded with recruitment process with a fourth attempt despite Board deferring the recruitment process. Request of selected candidate for pay protection, was approved even though it was not mentioned in the advertisement for the post. Moreover, selected candidate did not possess the required experience suiting the business activities of FEDO.

Outcome

The Disciplinary Authority decided to exonerate the charged official on the ground that sufficient number of candidates had applied and appeared for the interview. The Disciplinary Authority has also observed that it is a generally accepted practice across all the CPSE's to grant extension in joining time with the approval of Competent Authority on the request of selected candidates. The Disciplinary Authority viewed that the Board has only deferred the consideration of the proposal for revised specification and not the recruitment of COO/FEDO and further observed that Candidate was selected by the Selection Committee and CO was not part of the Committee. The Disciplinary Authority's decision was in deviation to the Commission's advice of imposition of Major Penalty.

S.No.41

Charge

The Director level Executives of STC, as members of Committee of Management (COM) during 2008-2009 approved/recommended proposals for export of non-basmati rice to African countries through domestic suppliers, without ensuring compliance of DGFT conditions and allowed the

external parties to the contracts to decide major aspects of the export transactions including the trade margin for STC. Instead of exporting the non-basmati rice directly by STC as mandated by the public policy decision of the Government, these officers decided / recommended pre-decided contracts by STC and thus permitted abnormal and disproportionate gains to domestic associates with potential loss of profit for STC Ltd.

Advice

Commission advised initiation of Major Penalty proceedings against 16 officers of 3 CPSEs, viz. STC, PEC & MMTC in its first stage advice in June 2011. Subsequently the Commission advised imposition of Major Penalty on a Director of STC when approached by the CPSE on 8.02.2014. The same advice was reiterated by the Commission during reconsideration on 13.03.2019.

Brief

DGFT vide its notifications of 24.01.2008 and 13.10.2008 allowed STC to export 50,000 MT and 15000 MT non basmati rice to Madagascar and Ghana as a special dispensation by Government of India. The Government of Madagascar and Ghana selected the Indian domestic suppliers on nomination basis without involving STC and fixed the terms & conditions and price. The STC on its part accepted the predefined contracts with domestic suppliers and foreign governments on a meager trading margin of 1.5% of total invoice value.

The COM approved all the proposals of export of non-basmati rice to Madagascar and Ghana. The matter of irregularities in export of non basmati rice was also raised in the Lok Sabha on 30th July, 2009. Department's vigilance investigation brought out that the officers of STC did not act in the best commercial interest of the CPSE and deliberately abdicated their responsibility. STC fail to exercise due diligence in appraisal of these transactions. Non transparent procedure was followed which led to excessive profits to private parties.

The Disciplinary Authority observed that the alleged transaction was concluded by Committee of Management (COM) which was chaired by the then CMD and the primary responsibility was of the CMD. The charged official was not the functional director concerned with the transaction and his level of responsibility has been viewed less than that of the then CMD and the functional director responsible for the transaction. Therefore, the Disciplinary Authority sought Commission's second stage recommending imposition of Minor Penalty on the charged official. However, Commission observed that all the officials have taken a simplistic view of their responsibility by shifting the onus on the domestic suppliers in violation of the conditions laid down by DGFT. Moreover, the organization lost an opportunity to earn profits arising out of a special permission for export of non-basmati rice to African countries.

Outcome

The Disciplinary Authority disagreed with the advice of the Commission, therefore, D/o Commerce referred the matter to DoPT for resolution of the difference. As DOPT did give its decision on the reference of D/o Commerce and in compliance with the directions of the High Court issued in its order dated 23.4.2019, the Disciplinary Authority vide order dated 17.5.2019 dropped the charges against the charged official. Since the final decision is at variance with the Commission's second

stage advice, the Commission has decided to include this case in the Annual Report as a case of deviation from the Commission's advice.

S.No.42

Charge

The Assistant Research Officer of a Research Centre for Ayurveda under the Central Council for Research in Ayurveda & Siddha (CCRAS) had furnished an unauthorized undertaking to the bank on behalf of the Head of the Institute. Furthermore, he confirmed that he had been granted delegated powers to draw, disburse and deduct installments from the salary of the employees.

Advice

The Commission advised initiation of Major Penalty proceedings against the Assistant Research Officer on 21.12.2005 in agreement with the views of the Disciplinary Authority.

Brief

The Assistant Research Officer had issued an undertaking to the Bank committing recovery of outstanding amount of loan and interest from the superannuation/final settlement amount of the concerned employees. He had also falsely claimed to have been delegated the powers to draw, disburse and deduct installments from the salary of the employees.

Outcome

The Commission advised initiation of Major Penalty proceedings against the Assistant Research Officer, but the Disciplinary Authority did not initiate timely disciplinary proceedings against him before his superannuation and all retirement benefits were released to him. Subsequently the Ministry stated that since the charged officer superannuated in 2006, this is a time barred case and thus recommended closure of the case. Thus, the advice of the Commission for major penalty proceedings was not implemented and the case has been included as an instance of non-implementation of the Commission's first stage advice.

S.No.43

Charge

Misuse of power and financial misappropriation by a Director of a Central Research Institute under the Central Council for Research in Ayurvedic Sciences (CCRAS) regarding appointments of Staff Nurses, Laboratory Technicians etc.

Advice

Commission in agreement with the Disciplinary Authority had advised initiation of Major Penalty proceedings against officials of CCRAS including a Laboratory Technician.

Brief

The misconduct on the part of the Laboratory Technician was that he submitted an inadmissible experience certificate and false information regarding remuneration as evident from his application and statement.

Outcome

The Commission advised initiation of Major Penalty proceedings against the Laboratory Technician. Disciplinary Proceedings had been initiated against him but the Disciplinary Authority has exonerated the CO without obtaining second stage advice of the Commission. In view of above, the Commission has decided to include this case in its Annual Report as a case of deviation.

S.No.44

Charge

A Regional Provident Fund Commissioner (RPFC-II), while working as Assistant Provident Fund Commissioner (APFC) failed to follow uniform procedure while approving the Input Data Sheet which is the basic source or issuance of Pension Payment Order.

Advice

The Commission advised Major Penalty proceedings against the RPFC-II and six other officials. Major Penalty proceedings were initiated in 2015 and final orders for dropping of charges and issue of warning to the RPFC-II were issued without seeking Commission's advice.

Brief

RPFC-II, EPFO, while posted as APFC had approved the input sheet for settlement of pension claim of a member which was based on tampered documents, resulting wrong pension payment to a claimant during the year 1999-2002. The RPFC-II has also approved the input data sheet for settlement of pension claim cases of 10 members, which was in gross violation of accounting procedures. The EPFO appointed Inquiry Officer and Presenting Officer in the case with the approval of the Disciplinary Authority but subsequently this decision was reviewed and the charges were dropped and a warning was issued without seeking the Commission's second stage advice.

Outcome

The Disciplinary Authority's decision is a deviation from the Commission's advice of initiating proceedings for imposition of Major Penalty. The Commission has decided to treat this as a case of non-compliance with its advice.

S.No.45

Charge

It is alleged that the Regional Provident Fund Commissioner (RPFC-II) while working as Assistant Provident Fund Commissioner (APFC) failed to enforce the receiver's duties as per the Recovery Manual i.e. to ensure that receiver submits the quarterly statement of income and expenses in respect of attached immovable property and also timely deposits the net surplus with Employees Provident Fund Commissioner (EPFO) for recovery of PF dues.

Advice

The Commission advised imposition of Major Penalty on the RPFC-II, EPFO.

Brief

The RPF-C-II, functioning as Recovery Officer, failed to take action against the Receiver to recover the PF dues, though the latter had indulged in non-submission of accounts of income and expenditure in relation to the received property. He should have ensured compliance of duties of the Receiver or should have taken legal action against the Receiver including that of removal of the Receiver from the receivership. But no action was taken by him. The Commission had advised Major Penalty proceedings against the RPF-C-II in its first stage advice. The Commission reiterated imposition of major penalty on the RPF-C-II in its second stage advice. However, the DA dropped the charges against the RPF-C-II.

Outcome

The decision of the Disciplinary Authority is deviation from the Commission's advice for imposition of Major Penalty proceedings on the RPF-C-II. The Commission has, therefore, decided to treat this case as a case of deviation from its advice.

S.No.46

Charge

Irregularities were investigated by CBI in All India Institute of Medical Sciences (AIIMS), Delhi in connivance with the officials of NCCF regarding purchase of stationery, cleansing materials, swab, bandage cloth etc. during the period from 1996 to 1998.

Advice

Commission advised Prosecution and initiation of Major Penalty proceedings against officials of NCCF and AIIMS including the Stores Officer, AIIMS.

Brief

The officials conspired among themselves and with the firm by deliberately not placing orders on approved suppliers of AIIMS named in the rate contract but placed supply orders on NCCF which supplied the items at rates higher than the rate contract. The officials disregarded the AIIMS rate contract and facilitated purchase of items from NCCF at higher rates.

Outcome

Commission advised initiation of Major Penalty proceedings against the Stores Officer. Disciplinary Proceedings were conducted and the Inquiry Report submitted in 2006 was not acted upon by the Disciplinary Authority till the charged official's superannuation in 2011. The Disciplinary Authority has dropped the charges against the charged official in 2018 without seeking the second stage advice of the Commission. In view of the above, the Commission has decided to include this case in its Annual Report as a case of deviation.

S.No.47

Charge

CBI, ACB, Hyderabad Branch registered a case against the Administrative Officer, CGHS, Hyderabad

alleging discrimination in the processing of pending bills and failure in supervising subordinate staff who were custodians of bills of CDR Hospital leading to misplacement of bills.

Advice

Commission had advised initiation of Major Penalty proceedings against the Administrative Officer, CGHS, Hyderabad.

Brief

Administrative Officer, CHGS, Hyderabad had failed in supervising subordinate staff who were custodian of bills of CDR Hospital leading to misplacement of bills when he was looking after Accounts Department as the Administrative Officer, CGHS Hospital during the period from 2006 to 2008. CBI recommended regular departmental action for Major Penalty proceedings against the officer.

Outcome

Commission in agreement with the Ministry of Health and Family Welfare advised initiation of Major Penalty proceedings against the Administrative Officer. The Disciplinary Authority had passed a final order of imposition of Minor Penalty of censure upon the charged officer without taking the Commission's stage advice. The Ministry has not followed the guidelines for dealing with disciplinary proceedings. Further, the DA has passed an order contrary to the Commission's advice without following the due process of obtaining the second stage advice of the Commission. Thus it has been decided to include this case as a case of deviation from the first stage advice of the Commission.

S.No.48

Charge

CBI, Hyderabad registered a case against the then Administrative Officer, in the office of the Additional Director, CGHS, Begumpet, Hyderabad alleging abuse of official position and processing of medical claims made by certain corporate hospitals and passed them for payment without proper verification, thereby causing wrongful loss to the Government. CBI had recommended regular departmental action for Major Penalty proceedings against officials of CGHS, Hyderabad.

Advice

The Commission in agreement with CBI had advised initiation of Major Penalty proceedings against officials working in the office of Additional Director, CGHS, Begumpet, Hyderabad.

Brief

The officials working in the office of Additional Director, CGHS, Begumpet, Hyderabad conspired with some unknown persons, abused their official position and processed medical claims made by certain corporate hospitals and passed them for payment without proper verification, thereby causing loss to the Government. Further, these corporate hospitals connived with these officials of CGHS, Hyderabad in getting fraudulent and inflated bills cleared by CGHS.

Outcome

The Commission had advised initiation of Major Penalty proceedings against officials of CGHS, Begumpet, Hyderabad in agreement with CBI recommendations. The Ministry of Health & Family Welfare has imposed Major Penalty as per advice of the Commission in respect of four officers only. However, in respect of two other officers the Ministry of Health & Family Welfare has imposed Minor Penalty without obtaining the Commission's second stage advice and the Disciplinary Authority's order is contrary to the first stage advice tendered by the Commission.

In view of above, the Commission has decided to include this case in its Annual Report as a case of deviation from 1st stage advice of the Commission.

S.No.49

Charge

Irregularities in purchase of equipments at a National Research Centre of the Indian Council of Agricultural Research (ICAR).

Advice

The Commission in agreement with CVO and Disciplinary Authority advised Major Penalty proceedings against the AAO.

Brief

The AAO processed the procurement of Nanodrop in 2014 at a very high price without verifying the last purchase price of the equipment the supplier on the basis of forged documents submitted by the supplier. The AAO was also the member of the technical as well as financial evaluation committees. He failed to verify the documents submitted by the bidder, resulting in purchase of Nanodrop at higher price. The Commission advised initiation of Major Penalty proceedings against the AAO. ICAR decided not to initiate disciplinary proceedings against him after his superannuation.

Outcome

ICAR had not initiated timely Major Penalty proceedings against the AAO as advised by the Commission and the case became time barred, therefore it was decided to include the case in its Annual Report as a case of non compliance of Commission's advice.

S.No.50

Charge

Irregularities in sale proceeds of milk during August 1998 to March 2008 at a National Research Centre in Nagaland.

Advice

The Commission advised imposition of major penalty on the then Farm Manager and the Assistant.

Brief

Financial irregularities in depositing the amount of revenue obtained through sale of milk coupons, was done by a Farm Manager and a Assistant in National Research Centre in Nagaland. The Commission in agreement with CVO and DA had advised major penalty proceedings against the then Farm Manager and the then Assistant in its First Stage Advice. ICAR had initiated the disciplinary proceedings of major penalty against them. Disciplinary Authority had imposed Major Penalty on both the officials. However both the charged officers preferred an appeal to the Appellate Authority. The Appellate Authority revised the penalty to Minor Penalty which was not in line with the Commission's second stage advice.

Outcome

The above decision of the Appellate Authority was deviation from the Commission's advice for imposition of Major Penalty on the charged officials.

S.No.51

Charge

The case emanated out of an Intensive Examination(I.E.) conducted by CTEO of a civil construction work at ISI Campus, New Delhi" on the basis of a complaint forwarded by CAG.

Advice

The Commission had sent I.E. report of CTEO to CVO, Ministry of Statistics & Programme Implementation (MoSPI) for furnishing para-wise reply. Further, Commission had advised CVO, MoSPI to fix the responsibility of the concerned officers for the lapses recorded in the I.E. report for criminal misconduct and forgery and to seek first stage advice of the Commission.

Brief

Several reports of CVO, MoSPI were received in the Commission, which were not sent in prescribed format and did not conduct identification of officials, their explanations, comments and recommendations of CVO and DA etc. CVO, MoSPI was advised to furnish reasons for not taking the Commission's advice for initiating disciplinary action. The Commission advised Secretary, MoSPI to communicate displeasure of the Commission to CVO, MoSPI formally for the failure to furnish a report despite repeated reminders from the Commission. Secretary, MoSPI requested the Commission to withdraw the displeasure to the CVO, which was not agreed to by the Commission.

Subsequently the Ministry has expressed its inability to implement/accept the advice of the Commission. The case has been pending since 2012 and despite repeated reminders, the Ministry has not furnished a proper detailed vigilance report on the CTEO Report's observations to the Commission. Further, the Ministry has also not furnished any reason for not implementing advice of the Commission.

Outcome

In view of the above reasons, the Commission has decided to include this case in its annual report as a case of non-implementation of Commission's advice.

S.No.52

Charge

The charge related to then Director Estate failing to take appropriate timely action and monitor the case for filing appeal / review in time before appropriate authority, thereby favoring a private firm, against the interest of NDMC.

Advice

The Commission advised initiation of major penalty proceedings against the then Director (Estate) in agreement with the recommendations of NDMC. Further, the Commission had advised imposition of a suitable Minor Penalty in disagreement with the recommendation of exoneration proposed by the Disciplinary Authority.

Brief

The investigation carried out by NDMC into the matter revealed that the then Director (Estate) failed to take appropriate timely action and also failed to monitor and expedite the case for filing appeal / review in time before the appropriate authority and thus favored a private party against the interest of NDMC. The above act on the part of Director (Estate) was against the interest of NDMC as the matter had already been badly delayed and in case the file was not put up in time, the appeal against the order of Estate Officer's Court would be time barred. It was only after the remarks of the D.D. (Estate) that file was sent to the Special Counsel to have it examined for preferring an appeal, advice and early necessary action. Therefore, it appears that the delay caused was intentional, in order to favor the respondent and was against the interest of NDMC. The Commission had advised imposition of Minor Penalty on the then Director (Estate). However, the Disciplinary Authority exonerated the officer in violation of the advice tendered by the Commission.

Outcome

The above act of the Disciplinary Authority is against laid down procedure and exonerating a charged officer in complete violation of the consultative mechanism has been treated as a deviation from the Commission's advice and decided to be included in the Annual Report.

S.No.53

Charge

The case relates to a CBI investigation of demand of illegal gratification by certain officials of AICTE for processing a matter of a Technical Institute. CBI had recommended sanction for Prosecution and initiation of Major Penalty proceedings against an official of AICTE under the Prevention of Corruption Act, 1988.

Advice

The Commission had advised sanction of Prosecution as well as initiation of Major Penalty proceedings against an official of AICTE (the charged official) in agreement with CBI's recommendation. Since, the officer was retiring on 30.06.2015, the Commission had advised GNCTD to proceed with the disciplinary proceedings without any delay.

Brief

This case was registered on the basis of a written complaint of the Chairman of the Technical Institute. CBI had investigated the allegations relating to demand of illegal gratification by certain officials of AICTE and in their report CBI had recommended sanction of Prosecution as well as initiation of Major Penalty proceedings against several officials of AICTE. The charged official had been exonerated due to inordinate delay in processing of the case by the department, resulting in the case becoming time-barred under the limitation clause of the Pension Rules.

Outcome

The Commission observed that the case became time-barred under the limitation clause of the Pension Rules due to inordinate delay in processing of this case by the Department. The gross failure in timely action has been viewed seriously by the Commission as an instance of non implementation of its advice.

S.No.54

Charge

The charges against an Assistant Engineer (AE) of MCD was that he deliberately did not take action of demolition and did not even issue work stop notices against unauthorized construction carried out at properties in Pandav Nagar, Delhi.

Advice

The Commission advised initiation of Minor Penalty proceedings against the AE in agreement with the recommendation of MCD.

Brief

The CVO, EDMC has referred a case for Commission's advice regarding unauthorized construction of properties in Pandav Nagar, Delhi in which its advice has been sought for the AE as well as other officials. The charges against the AE was that he deliberately did not take action of demolition, nor were any work stop notices issued against unauthorized construction carried out at properties in Pandav Nagar, Delhi. Further, it is also alleged that the AE had failed to timely book the unauthorised construction and that he did not initiate the process for passing sealing orders against these properties before the DC (South) Zone and that he failed to initiate action for prosecution of owner/builder under the DMC Act. The officer had been exonerated without following the laid down procedure and the Disciplinary Authority had not sought Second Stage/further advice of the Commission before issuing the final order.

Outcome

The above acts of the Disciplinary Authority of complete disregard of the laid down procedure and exonerating the charged officer in complete violation of consultative mechanism, has been treated as a deviation from the Commission's advice.

Appendix VII

(Para 5.9)

Some irregularities observed, prima facie, in course of intensive examinations and scrutiny of various procurement cases during the year:

- i) In a work of construction of staff quarters valued at Rs. 1.06 crore, the consultant was appointed by calling the bids from a panel of five consultants and not through open tendering. The initial award of the work was of Rs. 1.06 crore; later some additional work worth Rs. 1.71 crore was awarded to the same consultant without calling bids even from the panel of five consultants. The matter is being pursued with the concerned CVO.
- ii) In a tender for Installation of Steam Turbine Generator (STG), Back Pressure Turbine Generator (BTPG), Cooling Water System and Power Evacuation System (excluding enabling works) in a steel plant, while evaluating the price bids, bids were loaded with steam consumption by STG and Auxiliary Power consumption by STG & BPTG. If one bidder quoted a very low value of these losses, it might become the lowest bidder. However verifying the low value of losses throughout the life cycle of the plant might not be possible. It was advised that inter-se position of bidders was determined without loading the price implication of these losses since compliance of acceptable limit of losses was asked from the bidders. The matter is being pursued with the organization.
- iii) In a work of 6-laning of highway on BOT Toll basis, the work of shifting of electrical utilities for a total value of Rs. 171 crore has been directly awarded by the concessionaire on the basis of estimates prepared by the utility providers.
 - a) The work of shifting of utilities was not mentioned in the NIT, and other bidders have not had the opportunity to submit bids for this ancillary work. These works have been awarded on nomination basis to the concessionaire and concessionaire subsequently awards them to a sub-contractor at unspecified value and without tendering. There are 112 estimates for utility shifting and some of them have not been completed, despite deposit of supervision charges by the concerned authority to these utility providers.
 - b) The concessionaire has defaulted in paying the mandatory monthly premium as per concessionaire agreement to the authority.
 - c) The concessionaire was required to arrange funds through debt and equity. The debt component of the financing kept increasing and the lending consortium, led by a Nationalised Bank as lead agency kept permitting the concessionaire to withdraw money from the escrow account. There is no tripartite agreement or clause in the concessionaire agreement in this respect and the concessionaire is permitted to withdraw money from the escrow account despite non payment of dues to the authority.

- d) The project has been delayed beyond the completion date of 17.07.2013 and has not yet been commissioned. No risk and cost provisions were invoked despite these delays. The CAG report has highlighted some issues and the organisation has been asked to analyse these delays and impose liquidated damages, wherever admissible in this case.
- iv) In a work of turn-key implementation of Integrated Port Information System and establishing Data Centre at a cost of Rs. 19.75 crore, the contractor withdrew warranty support from 26.12.2014 to 31.01.2015 during the period of coverage of warranty. The penalty imposed on the contractor should have corresponded to the AMC charges for the concerned duration but instead a nominal penalty (Rs. 85,453) was imposed in this case. Recoveries have been advised by the Commission.
- v) In a case of procurement of smart meters, following irregularities were observed :
- a) The estimate was prepared on the basis of three quotations but the lowest quotation was not considered. Rates were taken from single quotations or without any quote for some items.
- b) Bidders submitting tender fee would be eligible to attend pre-bid conference as per conditions of the tender, thus defeating the purpose of conducting a pre-bid meeting.
- c) Bidders who were System Integrators/EPC contractors, JVs/Consortiums were not invited although the scope of work consisted of design, detail engineering, manufacturing, assembly, factory testing, inspection, supply of smart metering system including packing, forwarding & documentation etc. and providing all related services like survey, assessment and recommendation of sites for the locations for placing data concentrators and ancillary services, billing software and system software, training, commissioning spares etc. The supply experience of the bidders required them to have supplied 50% of tendered quantity in a single purchase order, which appeared restrictive.
- d) The comparison of price bids of Indian and foreign bidders was not kept at an equal footing.
- e) The tender was divided in to two groups based on the type of meter. Insufficient competition seemed to be found as only two bidders had participated in one group and only one bidder participated in the other group.
- vi) In an e-auction case of a Mechanised coal handling Plant (MCHP) having reserve price of about Rs. 41 crores, the highest rates achieved through e-auction were Rs. 23 crores (43.9% lower), accepted by the Board of the organisation. The rates were justified by citing a 27% fall in prices of scrap, which seemed unjustified. The Board had written-off the balance amount of Rs. 18 crores which was beyond their delegated financial powers. The organisation has also accepted payments on instalment basis from the successful bidder without any justification for the loss of interest.

- vii) In a procurement case for a value of Rs. 227 crores in the transportation sector related to SITC of Electrical and Mechanical system including Fire and Hydraulic system, following irregularities were observed:
- a) Higher rates from budgetary quotes were taken at the estimation stage which were greater than CPWD schedule of rates for some items.
 - b) Mentioning of a single make/brand in the approved vendor list.
 - c) Calculation of overhead and profits of contractor and additional charges towards installation @20% and 10% respectively instead of 15% & 5% which was considered at the time of estimation for some items.
 - d) The work was divided in to four lots and price bids were called separately for each lot. As per tender document, price bids of only those technically qualified bidders would be opened in a lot except the bidder who had been awarded the work in previous lot. This seemed to be a restrictive tender practice.
- viii) A finished product is purchased regularly by a CPSE for protecting and storage of its stock. The following irregularities have been observed:
- a) There appears to be formation of a suppliers cartel for this product in this organisation.
 - b) It appears that the product was procured in large quantities without an assessment of requirement.
 - c) There was restrictive condition of using raw material of a former CPSE.
 - d) There seems to be a mismatch in requirement, procurement and utilization of the finished product during the period April 2000 to April 2008. Procurement during this period may be more than the gross total procurement of covers during the subsequent 12 years.
 - g) Since 2005 Rate Contract of the finished product was floated intermittently. In 2005, 8 bidders out of these 17 participating bidders were disqualified during evaluation. Out of the remaining 9 bidders whose price bids were opened, five bidders quoted the same rate. These five bidders had also not indicated the rates of offer for local delivery and without 'C' form which was specific requirement of the price bid. It was decided to go for a fresh tender. However a fresh tender was floated only in December 2007, after a gap of more than two years.
 - h) In subsequent Rate Contracts, technical requirement of weight of finished product was increased from 48 kg to 50 kg and further to 55 kg without any commensurate justification.
 - i) Rates went up from Rs. 3025 per unit in 2001 to Rs. 4100 per unit in 2005 further to Rs. 7924 per unit in 2008. The CPSE has never done a rate analysis on the basis of price increase of the raw material.

- j) In every rate contract till introduction of e-tender, it was observed that rates quoted by successful vendors were the same.
- k) Test/inspection reports were showing the procured finished product to be at variance with the stipulated condition.
- l) Publicity of tender done selectively in selected editions of the press.

The case has been referred for the comments of the organization and comments awaited.

ix) An organisation under a department of central government was using data sets from various data generating agencies of the Government for which it needs technical expertise as well as data centre. The following observations were made :

- a) Only Two bidders participated in the bidding process. One bidder claimed exemption while EMD and RFP document cost for the second bidder was never deposited in government revenue.
- b) The agreement prepared by the vendor has been executed instead of using the prescribed proforma as per the RFP.
- c) Numerous provisions of the RFP have been either altered or deleted, including provisions of payment terms, advances and insurance. New provisions having technical and financial implications have been incorporated in the signed agreement which were not part of the RFP on the last date of submission of bid. Other irregularities were intimated to the organization as well.

The matter has been referred to the organisation and reply is awaited.

x) A CPSE procured medicines on behalf of the government. The CTEO has made the following observations :

- a) The requirement of the medicine was not properly determined and procedure for issue of medicine to end users was not properly laid down. Medicine was procured throughout India from single source and since there were existing stocks in the hospitals and state centres, the delivery schedule was changed at the beginning of the contract itself.
- b) During the site visit to a state centre, it was noticed that accountal and storage of stock was improper.
- c) While submitting payment invoices to the organisation, GST system generated invoices and E-way bills were not submitted by the vendor.
- d) CRC/FAC (Consignment Receipt Certificate/Final Acceptance Certificate) submitted by vendor while submitting bill for payment were found to improper. There was no reference of stock register in the CRC.

- e) One single private laboratory engaged through contract was certifying quality of medicine worth several hundred crores.

The matter was referred to the organization for its response.

- xi) In a work for widening of an existing highway being carried out in Engineering Procurement and Construction mode costing around Rs. 750 crores, following major irregularities were observed :

- a) As per the technical eligibility criteria stipulated in the NIT, past experience of works was eligible where more than 90% of the value of work has been completed and such completed value of work was more than Rs. 345.28 crores. Against this requirement, experience of a work, where a payment of Rs. 668.03 Crores was made, was considered, however the requirement of eligibility criteria of 90% work completion was ignored. Thus, an ineligible bidder was qualified and the contract was awarded to this ineligible bidder. After award of contract, the contractor sub-let many activities of work in the entire stretch of work; as per the contract conditions sub-contracting of any works in more than 70% of the total length of the Project Highway was not allowed.
- b) As per the contract conditions, the contractor was required to construct the road as per the alignment plan, finished road levels (FRLs) and pavement geometry (Thickness of DBM layer) etc. as provided in the contract agreement. However, during execution, wide variations in these parameters were allowed leading to considerable reduction in the scope of work and undue benefit to the contractor.
- c) During execution of work, the scope of work was allowed to be reduced such as width of service lane was varying from 3.5m to 4.0m or lesser and at some stretches it was not provided at all as against a stipulated requirement of 5.5m on both sides of main carriageway for the length of 18.65 km. Also, certain over passes were constructed with two lanes instead of provisions for four lanes, with no corresponding cost adjustment made from the contractor.
- d) The crusher plant installed by the contractor was not equipped with vertical shaft impactor (VSI) unit, which was required as per contract specifications to produce stone aggregate of desired specifications. The samples of road metal taken during the site inspection failed the requirements of flakiness and elongation when tested in an independent laboratory. Serious cracks in the DBM layer were observed in almost the complete stretch of the road under the package. The poor quality of road metal used in the work is one of the reasons for these cracks.
- e) For calculating the pre GST tax liability of the contractor, the component of aggregate was considered as 52% of cost of material and plant and equipment. As per the break up given in price escalation clause, this component cannot be more than 25-30%. Considering higher component of aggregates for working out GST implication is beneficial to the contractor, as there was no tax on aggregate in pre-GST era.

- f) As per contract conditions, payment of adjustment for price escalation was to be restricted at the due date of project milestone. However, in spite of failure of the contractor to achieve the milestones on due dates, the payment of price escalation was made to him considering the current indices, without any approval of extension of time by the competent authority. This has resulted into over payment of around Rs. 10 crore. Further, as the base year of indices was changed from 2004-2005 to 2011-12 by the Ministry of Commerce & Industry, Govt. of India, the payment of adjustment for price escalation was made by adopting a higher linking factor than published by Economic Advisor to Government of India, Ministry of Commerce & Industry, which resulted in an overpayment of around Rs. 6 crores to the contractor till date of inspection.
- g) Stipulated date of completion of the work was 21.03.2018; but till the date of inspection in August 2019, only 75% of work was stated to be complete. None of the milestones could be achieved by the contractor. In spite of delay on part of the contractor due to deployment of lesser resources, dates of the milestones were revised. The contractor failed in meeting the revised target dates, but despite this no action was taken against him.
- xii) In a work for construction of residential buildings costing around Rs. 260 crores by a Government department, the following major irregularities were observed:
- a) As per the contract Conditions, in case of any change and/or any new ordinance by the Government related to the taxes which are levied at certain percentage rate of contract sum/amount termed as 'taxes directly related to contract value', if contractor is required to pay to or claim from the concerned authorities, then the same was to be adjusted or reimbursed by the department. In view of this condition, the department paid an additional payment of around Rs. 8.70 crores for the changes in the rates of Diesel, Royalty, taxes on cement, steel and other materials. This additional payment to the contractor was not admissible as these changes are not related to the 'taxes directly related to contract value'. For dealing with variation in rate of these items, separate escalation clause was provided in the contract and separate payment was being made under this clause as well. Thus, undue benefit of Rs. 8.70 crores was extended to the contractor.
- b) The exemption of the service tax on such projects, applicable at the time of bid submission was withdrawn by the Government in April 2015. Subsequently in March 2016, the exemption was restored by the Government retrospectively. However, even after a lapse of more than three years, recovery of Rs. 3.90 crores from the contractor on account of reimbursement earlier made for the service tax paid by them during the period from April 2015 to March 2016 was not made on the grounds that the contractor could not get refund from the Service Tax Department. The ground for not making recovery from the contractor is not valid as the responsibility for getting refund from the Service Tax Department was with the Contractor and this cannot be shifted to the Department.

- c) As per the tender drawings, the contractor was required to provide aluminum windows having provision of sliding jali, which is not possible without at least three track aluminum frames. However, an additional payment of Rs. 3.8 crores was being made for this purpose as there was lack of clarity in the tender drawings in this regard. This additional payment is not admissible as per the contract condition which states that the lump sum quoted amount of the contractor included all minor details which are obviously and fairly intended and which may not have been specifically referred to in the tender document.
 - d) The work was scheduled to be completed on 25.04.2012, but till October 2019 progress of work was stated as 80.63%. In spite of such an inordinate delay on the part of contractor, extensions were granted repeatedly without levy of compensation or imposition of liquidated damages. Repeated extensions without any action is depriving the proposed users from the intended benefit from the project apart from loss to the Government in terms of escalation being paid to the contractor.
- xiii) In a work of construction of Medical College campus and residences costing around Rs. 90 crores by a CPSE, the following major irregularities were observed:
- a) The selection of the consultant was done using Quality Based Selection (QBS) method i.e. based on technical scores only and the price bids were not taken from the bidders. This method for selection of consultant is not permitted as per extant guidelines of the Government and of the Commission, which prescribe selection of consultants based on competitive bidding method. The evaluation criteria for the technical scores of the bidders was arbitrarily fixed such as provision of 10 marks was kept for minimum turnover of Rs. 5.0 crores; whereas, the fee payable under the contract was Rs. 1.95 crores only, out of 8 bidders, only 4 bidders could meet this requirement; provisions of 5 marks for experience of works in Rajasthan and 5 marks for experience of works outside Rajasthan was kept, which is arbitrary as the requirement was to have experience of similar works irrespective of its location in India. Further, in stage II, evaluation was done based on presentation by the bidders, which had a provision of 50 marks. The evaluation criteria of presentation was subjective, as break up of 50 marks was not given in the tender document and the individual marking was not given by the committee members. The bidder who was finally selected by the PSU was assigned marks for experience of works which were incomplete; whereas experience of only completed works was required to be considered and an ineligible bidder was qualified. After, award of contract the bidder was given undue benefit as GST @18% was being paid over the permissible payment to the consultant whereas their fee was inclusive of service tax and any other taxes and cess leviable. A large number of extra items and deviation in the quantities was done during the execution of the work which shows that consultant had not prepared the estimate properly as per site requirements and had not carried out proper soil investigation of the site.
 - b) The contractor was also being extended financial benefit due to payment for

inadmissible items of a value of more than Rs. 1.5 crores, which were items of work already included in the schedule of items for the work.

- xiv) In a turnkey contract costing around Rs. 620 crore for construction of a housing complex, the following major irregularities were observed:
- a) The design of buildings was in the scope of the contractor's work. The payment to the contractor was linked with the plinth area of all the buildings and the contractor provided building plans with higher plinth area by increasing the sizes of balconies from stipulated 10 sqm to more than 20 sqm. Providing higher area in balconies is advantageous to the contractor, since cost of construction of balconies is much lower than the cost of construction of other components of buildings, but as per the payment terms the same rate was applicable for the balconies as well. Thus, the contractor was benefitted by allowing this increase in the sizes of balconies. This decision is not acceptable technically as it was taken after the foundation of buildings was cast without considering loading of this increased area of balconies.
 - b) One of the eligibility criteria mentioned in the original NIT was for having experience of "Successfully completed works of multistoried building with minimum G + 6 stories with RCC Columns, beams, slabs during the last seven years". This criterion was diluted through corrigendum by adding the term "OR, the cumulative cost of works of any nature should not be less than Rs. 280.00 crores in any three years during last five years". Due to this modification in this criterion the definition of similar work mentioned the criteria become ineffective. Further, the modified eligibility criteria was not as per the usual practice of the organization. The intensive examination showed that the criteria benefitted the lowest bidder in this case.
 - c) The contract was awarded in Pre-GST era. Therefore, as per section 171 of the GST Act, the contractor was required to pass on the benefit gained by him due to implementation of GST to the employer and the employer was required to compensate the contractor in case of extra liability. For working out the actual impact of GST, a CPWD circular was evenly applicable in the organization, as the organization follows CPWD rules and procedures for all of its works. The actual tax liability of the contractor in pre-GST era was to be worked out based on analysis of rates and quantity of each and every item of BOQ. However, in this case the organization worked out the pre-GST tax liability of the contractor as 6% of gross value of work done based on arbitrarily assessed balance quantities and rates of materials and reimbursed Rs. 3.47 crores (i.e.12% of value work done after commencement of GST) on account of impact of GST so worked out. The amount reimbursed by the organization was on higher side when compared with the CPWD procedure to be followed.
 - d) A land of 5-acre area was to be provided by the organization to the contractor free of cost for a specific purpose of setting up the casting yard for prefab members. But the organization provided the land measuring 5 acre to the contractor free of cost even

though the contractor used cast-in situ technology for construction of buildings. This land was being used by the contractor for other purposes such as labour huts and installation of batch mix plant etc. for which he was required to arrange land at his own cost.

- xv) In a project for doubling of a Railway line costing around Rs. 95 crores being carried out by a zonal railway following major irregularities were observed:
- a) For various grades of concrete the cement content was on higher side. For M15 grade, the cement content was 380kg/cum; for M25 grade, it was 410kg/cum and for M30, it was taken as 430kg/cum. One of the reasons for higher cement content in concrete was not using plasticizer, cost of which was to be borne by the contractor. Thus, on the one hand, the contractor saved cost of plasticizer and on the other hand the department had to bear avoidable cost of excess cement.
 - b) The invoices of cement made available during inspection were for lesser quantity brought to site. Details of the invoices were not matching with the entries in the cement registers. Some of the invoices did not possess details of vehicles used for transportation of cement to the godown. Availability of invoices for lesser quantity raises doubt over the actual quantity of cement consumption.

The structural steel of primary producers in the work was to be used as per contract conditions. Use of secondary structural steel was permitted only in special circumstances after seeking approval of the Engineer-in-Charge with reduced rate @85% of the quoted rate. However, structural steel members of secondary producers were used in the work without any approval and cost reduction.

- xvi) In a work of embankment for a project of doubling of a Railway line costing around Rs. 260 crores being carried out by a CPSE, no actual measurement of steel reinforcement was being recorded. Payment was being made on the basis of Bar Bending Schedule (BBS). Comparison of the BBS of a minor bridge of 7.14 m length with the relevant structural drawings revealed that shear links considered in BBS at all four corners of box culvert were neither required nor were feasible to place at such locations. An extra payment for Rs. 10477/- has been made to the contractor on this account in segment of box culvert. Further, at another location, the payment made was even more than the quantity mentioned in BBS. An overpayment of Rs. 1,14,235/- was made due to entering the total quantity in three parts at this location. This overpayment could have been avoided had the actual measurement been taken during execution of work.
- xvii) In the work of Ore Tailing Beneficiation plant being carried out in Engineering Procurement and Construction mode costing around Rs. 280 crores, following major irregularities were observed:
- a) Offers were received from two separate consortiums in response to the open tender enquiry under global competitive bidding,. However during technical evaluation offer of one consortium was not unresponsive, being a conditional offer. Accordingly, a proposal was submitted to the Board to authorize the CMD to finalize the contract. The proposal was put

up in such a manner as if the responsive offer was from an individual firm and not from a consortium of two firms and the individual firm was sole technology provider in this field. Based on this misrepresentation of facts, the Board approved the proposal for authorizing the CMD to finalize the contract with the sole technology provider firm who was a partner of the responsive consortium. After obtaining the Board's approval the existing price bid of the responsive consortium was ignored and fresh price bid was sought from individual sole technology provider firm, which gave the firm an opportunity to submit a revised offer knowing that there was no competition in this tender. It is relevant that the previous offer of the responsive consortium could not be produced during inspection despite repeated requests. Thus, the contract was awarded in a clandestine manner.

- b) In open tender invited on global basis, one of the eligibility criteria for bidders was average financial turnover in the last three financial years to be Rs. 50.00 crores. This eligibility requirement for turnover was not as per the extant policy of the organization, which prescribed the average turnover to be 30% of the estimated cost put to tender and accordingly the eligibility requirement should have been Rs. 88.38 crore. Perusal of the bid of the responsive consortium shows that combined turnover of both the consortium members was Rs. 50.56 crores, of which the turnover of the sole technology provider was only Rs. 8.43 crores. It appears that the arbitrary figure of Rs. 50 crores as the requirement of average annual turnover was fixed merely to qualify the same consortium. This deviation taken from the prescribed procurement policy was further set aside while finalizing the contract with the sole technology provider. As a result, financial standing of the contractor was not assessed in this contract. The Commission has noted that this firm did not possess the financial credentials commensurate with the size of the project.
- c) As per contract agreement, the agency was to submit Bank Guarantee against Performance Security equivalent to 5% of the basic contract value which was Rs. 12.18 crores. The organisation asked agency to submit performance security for Rs. 8.49 crores. The agency was also required to furnish a Performance Bank Guarantee equivalent to 10% of the basic contract value but this was not submitted by the agency.
- d) The Organization has paid to the contractor interest free advance amounting to Rs. 2.33 crores without any supporting bank guarantee and interest bearing advance amounting to Rs. 8.50 crore. There is no provision in the contract agreement to pay such advances to the contractor. Till the date of inspection only Rs.1.0 crore has been recovered against the total advance of Rs.10.83 crore paid to the contractor. Payment of such advances beyond contract conditions need to be seen in the context of previously highlighted irregularities in the award of the contract.
- e) In the intermittent trials, quantity/quality of the envisaged products could not be achieved. This raised doubt on the genuineness of the test results on output product of the pilot project based on which this entire scheme costing around Rs. 280 crores was conceived. Apart from the failure to achieve the target of quality/quantity of the products containing precious metals; there are serious glitches in the functioning of the plant. Design proposed by the agency was not agreed by the proof checking consultant engaged

by Organization in respect of certain components of plant. But, Organization allowed the contractor to go ahead with their own design. Finally, these components put in place by the contractor are not functioning and are also contributing to the delay in commissioning of the plant.

- f) There is a delay of around one and half years in commissioning the plant which has not been commissioned till date. At the time of the award of this work, the organization had overlooked the offer of the other consortium on the ground that the project need to be commissioned as early as possible so as to reap the benefit of early production of precious metals extract. However, this has not been realized in the execution of the contract subsequently.

Appendix VIII

(Para 5.10)

Cases arising out of intensive examinations and taken up for detailed vigilance investigations by the respective CVO with approval of the CVC:

- i) In a work of turn-key implementation of integrated port information system and establishing a data centre in a port at a cost of Rs. 19.75 crore, the successful bidder did not possess the required authorization from the original developer for the database software on the date of bidding, which was a qualifying requirement for the tender. However this bidder was permitted a relaxation and was also the lowest bidder for the work. Another bidder for the same work filed a complaint and the organization has been advised to identify the officials responsible for this lapse and initiate disciplinary action .
- ii) In a work of construction of low cost housing for slum dwellers at a village in Delhi at a cost of Rs. 161.90 crore, the eligibility conditions forming part of the special conditions of NIT for the electrical component of work were not discussed in the technical evaluation minutes of the tender. Thus the qualification of a contractor by the Technical Evaluation Committee was not in order. The organization has accepted that the bidder was declared qualified by misrepresenting facts. Since the members of the Technical Evaluation Committee are responsible, the Commission has advised initiation of disciplinary action.
- iii) In a work of construction of additional rooms and renovation of a boys hostel , the contract was awarded at a value of Rs. 2.56 crore (Rs. 1.86 crore for construction of new rooms and renovation of rooms and Rs. 70 lakhs for construction of boundary walls). But payment was made in excess of the tendered cost ; payments of Rs. 3.52 crore was made with further Rs. 50 lakhs pending at the time of the examination of the work. This revision in cost was not brought before the governing body of the organization. The organization has been advised to fix responsibility for this serious lapse and to initiate disciplinary proceedings.
- iv) In a tender case related to AMC work of various installations floated by a CPSE, the following lapses were observed:
 - a) Two different dates were indicated for last date of submission of application in the press as well as in the online version of the NIT. The notice period stipulated in the press version of the NIT was in violation of extant guidelines. There were other irregularities noticed such as an inflated estimate and splitting of the work into seven different tenders.
 - b) Three firms were not found ineligible for issue of tender documents, however the reasons for their ineligibility were not recorded .
 - e) Six shortlisted firms were eligible to submit their price bids for the seven works tendered. All these bidders were awarded works and the same bidders have been awarded the contract consecutively for the last ten years, suggesting cartel formation in this case.

- f) There appears to be an inordinate delay of about one year and six months in awarding the tenders to the successful bidders.
- h) There was no deliberation on record regarding the justification of rates while awarding of tenders opened 1.5 years ago, even though the validity of the offers had expired and EMD was returned.

The case was referred for detailed vigilance investigation by the Commission.

- v) In procurement case of CCTV surveillance system along with 4 years comprehensive annual maintenance contract at an estimated cost of about Rs. 12 crores, the following irregularities were observed :

- a) Three of the brands which were selected to submit bids had not qualified as they failed to offer the model of CCTV specified. The specifications of the tender itself did not take into account all the eligible brands available for such a work. The basis for the eligibility of nine brands for participation in the tender was not specified. Two out of the seven bidders who had participated in the tender were found eligible.
- b) The works of CCTV surveillance system which includes supply, installation, commissioning & maintenance of four years, was dealt as per the Purchase Manual instead of the Works Manual.
- c) There was no reasoning recorded in file for the basis of the provenness criteria.
- d) Changes were made in the specifications during re-tendering although the estimate for the work was not revised.
- e) The time extension granted to contractor without imposition of liquidated damages was at variance of the stipulated conditions of the contract.
- f) No measurement has been recorded for various items of execution like cables, HDPE pipes, poles etc. which led to improper execution & monitoring of the work.
- g) Instruments of a value of Rs. 555,226.00 (excluding taxes) have been purchased for maintenance of the surveillance system although 4 years maintenance was in the scope of the contract after completion of one-year warranty period.
- h) No training has been provided by contractor to the officials of the organization as required in terms of the terms & conditions of the contract.

The case was referred for detailed vigilance investigation by the Commission.

- vi) In a work of Civil and structural works of a Thermal Power Plant costing around Rs. 230 Crores, tenders were invited as per single bid system. After opening of bids, the lowest bidder was disqualified on the ground that the bidder did not possess required experience of carrying out pile work of 600mm diameter or more using rotary hydraulic piling rigs. As per records, the bidder submitted an experience certificate issued by their client along with necessary related records these were not accepted by the tender accepting authority. The second lowest bidder did not fulfil the eligibility criteria on the grounds of not having completed the required quantity of structural steel work in erection in one year, but this bid was held as eligible on the basis of a sub-contractor's certificate, stating that the firm

had actually executed more than the required quantity of steelwork but the same was not billed. Thus differential treatment was done for both the bidders in the evaluation of the bids. The contract was awarded to the L2 bidder at a price higher by Rs. 9.0 crores than the original L1 bidder, causing potential loss to the PSU. The work was not completed in the scheduled time period despite grant of mobilization advances and deferring recoveries of these advances and no action was taken against the contractor for delay of more than 6 years. The firm was issued certificate of satisfactory performance of this work which enabled the firm to be qualified for award of another work by the same organization.

- vii) In a contract for construction of ash dyke package for a thermal power project, costing around Rs. 140 Crores being carried out by a CPSE, following issues have been considered having perception of vigilance angle:
- a) During preparation of DPR, the estimated cost was Rs.118.66 crores (April 2014) which was revised to Rs.148.61 crores (April 2015) during NIT stage. In the 1st call of tenders the bid of the lowest bidder (Rs.163.30 crores) was rejected. The estimated cost was revised to Rs.174.26 crores and in the second call open e-tenders were invited where the lowest offer was Rs. 139.80 crores. This offer was accepted by the CPSE and the contract was awarded to the lowest bidder. The intensive examination of this work found the revision of estimated cost to be unacceptable and the reasons furnished for the revision (increase in rates of sand which is the main constituent in the tender) as unacceptable since these were not supported by proper documents and supporting records.
 - b) After award of the contract, the successful bidder did not submit bank guarantees required prior to commencement of the work. They were submitted after a delay of 492 days. Even after raising the issue, an amount Rs.27.40 Lakhs has been retained instead of making recoveries from the contractor.
- viii) In a work for construction of a new campus for an educational institute costing around Rs. 145 Crores, the following major irregularities were observed:
- a) In the tender, bidders had to quote overall percentage 'above/at par/below' with respect to the estimated cost. As per provision given in 'Instructions to Tenderers', cost percentage quoted in words was to be given preference in case of discrepancy between words and figures. The price quoted by L1 bidder was (-) 6.3% in figures and 'Six point three percent only' in words. While in the figure price quoted was clearly mentioned in minus in words bidder has not mentioned whether price quoted is plus or minus. There was a discrepancy between words and figures in the quoted price of the bid and in this situation, preference was to be given to the price quoted in words as per the conditions of the tender. However, in this case the price quoted in words was ignored and this bid became the lowest bid which was subsequently awarded the contract. Further, during currency of the contract, this discount of 6.3% was waived off by the organization to compensate the contractor for the increase in market prices due to purported delay not attributed to the contractor, and when there was no price escalation clause in the tender conditions. Total financial implication of this waiver is around Rs. 2.80 crores.

- b) While framing the estimate of the work, some items such as brick work, plinth protection, sand filling in plinth, European water closet, etc. were intentionally made as non DSR items at higher rates so as to inflate the estimate; whereas these items were available in the DSR 2007. Analysis of rates for these non schedule items was also not furnished during inspection to prove correctness of such items.
 - c) As per schedule item of design mix cement concrete of M25 grade; the rate quoted was with cement content of 410kg/cum; but as per cement consumption statement, cement content in M25 mix was only 372kg/cum and 390.21kg/cum, there was no recovery made for using lesser cement.
- ix) In the work for construction of residential units being executed by a CPSE at a cost of around Rs.215 crore, following irregularities having perception of vigilance angle were observed:
- a) The structural drawings prepared by the consultant were not in conformity with the relevant BIS code for seismic design. Moreover, during execution, these drawings were not followed and the constructed buildings were in deviation from the relevant BIS code for seismic design. Further, no proper treatment of expansion joint was provided at site resulting in heavy leakage of water from such expansion joints.
 - b) As per Soil Investigation Report, the water table was observed at 2.10m to 2.40m below ground level; whereas, the raft foundation was to be laid at a level more than 10 m below ground level. For making the sub-structure water proof, an item of cementations crystalline based waterproofing system to be done on the bottom of the raft foundation in wet condition was incorporated in the BOQ and an amount of Rs. 74,34,891/- was paid against this item. This payment seems to be questionable since application of this item from bottom of the raft foundation is neither possible nor is this item suitable for application at such locations. Further, there was a deviation of 80% in the quantity of this item.
 - c) Serious compromises in quality were observed such as cracks in the structural members, exposed and rusted reinforcement steel, falling of slab panels, peeling out of plaster, heavy leakage and seepage in the basement, hollow sounding tiles, improper lines and levels and resulting uneven and rough surface of RCC members due to poor quality of shuttering. The overall quality of the work was found very poor and the structural soundness was also doubtful.
 - d) As per the Mix design given by IIT Delhi, plasticizer @0.5% and 0.8% was to be added in the Concrete of grade M-25 and M-30, respectively. On going through the record of Batch Reports, it was observed that concrete was being produced without adding admixture as prescribed.
 - e) As per provision given in contract agreement, the secured advance for perishable items were to be payable on production of a comprehensive insurance cover for full cost of such material. It was observed that the secured advance was paid to the contractor for perishable items such as Cement, Tiles etc. without submission of the required comprehensive insurance cover.

Appendix IX

(Para 5.11)

System improvements undertaken during the year, consequent to CTEO's observations made in course of intensive examinations:

- i) In a work of construction of staff quarters valued at Rs. 1.06 crore, the name of sub-contractors for electrical and firefighting works were not furnished by the bidders while submitting the bids for composite work tender. Subsequently the successful bidders submitted the name of these sub-contractors which were approved by officials of the organization. The criteria for selection of these sub-contractors were not mentioned in NIT. This issue was taken up during the intensive examination and it was advised to issue necessary guidelines in this regard so that selection of sub-contractors may be made in a transparent manner, using criteria notified in the concerned NIT. The system improvement has been carried out and will be incorporated in all future tenders.

The experience certificates being submitted by prospective bidders as credentials of qualifying the Pre Qualification conditions were being considered without mentioning the name and designation of authority issuing them. It has been advised that experience certificates may be considered only when they bear the name and designation of the authority issuing them.

Credentials for technical and financial qualifying criteria were being considered by the organization for incomplete works. This was in violation of Commission's guidelines on the matter where only completed works may be considered for qualifying the PQ conditions. An instruction has been issued that subsequently only completed works will be considered for qualifying the Pre Qualification conditions for works up to Rs. 25 crore after an intensive examination.

- ii) In a work of design, supply, installation, testing and commissioning of 4MW Solar Power system at premises of one port at a cost of Rs. 23.68 crore, there was no provision of imposing penalty for late submission of Performance Bank Guarantee by the bidder. However a corresponding clause exists in civil work contracts. Uniform conditions for this aspect of the contract has been introduced in all future contracts after coming to notice during an intensive examination.
- iii) In a work of design, supply, installation, testing and commissioning of 15 electrically operated Rubber Tyred Gantry Cranes (e-RTGC) at a cost of Rs. 161.03 crore, a clause in the Performance Bank Guarantee format made the encashing of PBG conditional, which has been advised to be deleted by issuing a system improvement.
- iv) In a case of procurement of medicines, the following systemic improvement was suggested:
- a) The medicine is being procured throughout India from a single source of purchase, and this is to be taken regularly by a patient for long periods of time the government

agency has been advised to explore the possibility of developing a unified software which is platform independent with central data for procurement, receipt, storage and distribution of medicines at all levels in the hospital hierarchy. The present system of record keeping is manual and the software developed for monitoring this medicine is inadequate.

- b) Where the purchases of items are being made with regular periodicity, the organization should make efforts to explore market verifiable rates or develop a relevant index for purchase.
- c) Care to be taken to keep valid Performance Bank Guarantees throughout the period of contract.
- d) Qualification criteria should not be unduly restrictive especially in procurement of IT products/software.
- e) GST payment to the vendor must be checked vis-a-vis actual documents.





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