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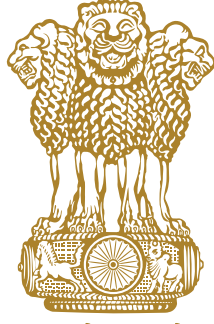
# ANNUAL REPORT

## 2021



**Central Vigilance Commission**





सत्यमेव जयते

# ANNUAL REPORT

01.01.2021 to 31.12.2021



**CENTRAL VIGILANCE COMMISSION**



**ANNUAL REPORT 2021**



## **MESSAGE**

### **CENTRAL VIGILANCE COMMISSION**

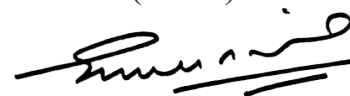
In the past year, the Commission has made concerted efforts in timely disposal of cases. There were a total of 1341 outstanding Departmental Inquiries as on 31.12.2020 which has since reduced to 921 as on 31.12.21. There were 940 cases pending with DA for implementation of Commission's first and second stage advice as on 31.12.20 which has been brought down to 435 pending cases as on 31.12.21. Besides this, prosecution sanction was awarded to 248 officers with as many as 2476 punishments awarded during the year. The Commission had as many as 26403 complaints, out of which 25326 complaints were disposed of with a 96% disposal rate.

To gain a better appreciation of the working of the Vigilance unit of different Chief Vigilance Officers and as a tool of supervision, the Commission decided to conduct Management Audit of Vigilance Units (MAVU). This was taken up in four organizations on a pilot basis at the first instance.

The Commission was also instrumental in issuance of guidelines by Department of Financial Services on Staff Accountability Framework for NPA accounts up to Rs 50 crores in other than fraud cases so as to generate confidence amongst banking fraternity to take business decisions for lending proactively. .

On 20.08.2021, the Commission in consultation with Reserve Bank of India reconstituted the Advisory Board for Banking and Financial Frauds (ABBFF) with four members, including the Chairman. The scope of ABBFF has been expanded to include all level of officers, including Whole Time Directors of Public Sector Banks, Public Sector Financial Institutions and Public Sector Insurance Companies for first level examination of malafide intentions in fraud cases.

A centralized database application was developed in house for data of full time and part time CVOs in the organizations under the ambit of the Commission. This was done for maintaining an active list of organization within the jurisdiction of the Commission. It would also enable an active monitoring mechanism for filling up of vacancies. A similar online application was also created for Independent External Monitors (IEMs).



Numerous other initiatives have been taken up by the Commission in the preceding year. A Joint Conference of CVC and CBI was organized in Kevadia, Gujarat as a run up to Vigilance Awareness Week on 20th October 2021 which saw participation of several eminent personalities and was also attended by all Chief Vigilance Officers. The theme of the conference was “Vigilant India: Leveraging Technology in Structures and Processes”. Hon’ble Prime Minister addressed the event.

I whole heartedly acknowledge the cooperation of the Heads of organizations, the dedication of the Chief Vigilance Officers of different organizations, the commitment of all the officials of different Ministries, Departments and other Public Authorities and the hard work of all the officers of the Commission, towards achieving this end.

The continued efforts and hard work of all involved shall ensure all round progress and development of the country.



**Suresh N. Patel**

Central Vigilance Commissioner



## 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.

The 58th 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, 2021 in fulfilling its mandate under the CVC Act, 2003.



**(SURESH N. PATEL)**  
CENTRAL VIGILANCE COMMISSIONER

New Delhi

Dated: the 06th April, 2022





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## ANNUAL REPORT 2021: AN OVERVIEW

- The Central Vigilance Commission being the apex agency oversees and supervises the vigilance administration of the organizations owned or controlled by Union of India and covered under the advisory jurisdiction of the Commission. As an institution, Central Vigilance Commission has evolved in the last 57 years, since it was first set up through a Resolution of the Government of India in the year 1964. With its rich experience in formulating and implementing policies relating to overseeing Vigilance Administration, the Commission's emphasis is on putting in place an effective mechanism to fight corruption and bring about fair play and transparency  
(Para 1.5)
- The Commission, fully aware of the hope and expectations from it as an apex agency responsible for eradicating corruption from public life, is using its mandate under the Central Vigilance Commission Act 2003 (CVC Act 2003), to achieve the aim of making the system efficient, transparent and accountable.  
(Para 1.7)
- The Commission is the Designated Agency under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution 2004 to undertake or cause an inquiry into complaints received under this resolution and recommend appropriate action thereof. The Commission, in keeping with the spirit of PIDPI Resolution, and in public interest, has laid down a detailed procedure for lodging and handling of complaints. This has been given wide publicity, in order to create awareness and to encourage the public to make complaints/disclosures against corrupt practices.  
(Para 1.15 and Para 1.21)
- The Commission examines the investigation reports furnished by the CVO concerned or the CBI and depending upon the facts of each case and evidence/ records available, advises the organisations concerned for initiation of criminal proceedings and/or regular departmental action for imposition of major or minor penalty, as the case may be, against the public servant(s) concerned. The Commission may also advise either administrative action against the public servant(s) or closure of the case, depending upon facts of the case, by way of its First Stage Advice.  
(Para 1.23)

- 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 based on their merits.  
(Para 2.2)
- The Commission received 2781 cases (including 676 cases carried forward from 2020) and tendered its advice in 2264 cases in 2021. 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.  
(Para 2.11)
- During the year 2021, the Commission approved suitability of 111 officers for appointment to the posts of CVO in various Public Sector Enterprises and other organizations. Further, it also approved 03 officers as full time CVO against encadred posts, and 54 officers for appointment as part-time CVO in various Ministries/ Departments/ Autonomous bodies. During 2021, total 83 posts of full-time CVOs remained vacant for a period of over one month, out of it 61 posts operated on additional charge basis.  
(Para 3.5)
- 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 Prevention of Corruption Act, 1988, to be issued in the name of the President. Total 1143 cases for sanction were handled by the CVOs in the year 2021, out of which sanctions were accorded in 598 cases and declined in 147 cases by competent authorities. Besides, total 398 cases were pending at the end of the year out of which 97 were pending for over six months.  
(Para 3.17)
- During the year 2021, the Commission held six annual sectoral review meetings. The common focus of these meetings were time-bound liquidation of pending cases, systemic improvement, improving participation of women through policy interventions, protection of statutory rights of contractual employees, effective drive against encroachment and unauthorized occupation of residential accommodations, improvement in quality of training, sharing success stories of new initiatives, ensuring timely filing of Annual Immoveable Property Returns by officials, and regular audit of IT systems for cyber security.  
(Para 3.19)

- 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.

(Para 5.1)

- During the year 2021, CTEO undertook intensive examinations of 38 procurement cases, covering 26 Organizations. The value of these procurement cases was over Rs.6306.89 crores. 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 selected procurement contracts, broadly representing spectrum of the core activities of the organisation and report the outcome to the Commission. As reported by the CVOs of 283 organisations, 1913 CTE type examinations of procurement cases were conducted during the year 2021, leading to recovery of Rs. 419.16 lakhs, 103 vigilance cases and 2110 systemic improvements.

(Para 5.7 and Para 5.12)

- The Commission reviews the progress of cases pending for sanction of prosecution with various organizations, under the PC Act, 1988. CBI reported that at the end of the year 2021, 177 cases were pending for grant of sanction for prosecution under PC Act, 1988. However, only 168 cases were pending for prosecution sanction as 09 cases were common to more than one Ministry/ State Government, etc. In these 162 cases pending with Central/State Government and other Departments/Authorities, 641 separate requests had been made for prosecution sanction during the year 2021 as some of the cases involved more than one accused.

(Para 6.19)

- 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. 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. Preventive Vigilance is therefore a tool of management and good governance for the dissemination of systemic improvements and generation of awareness.

(Para 7.1)

- Vigilance Awareness Week 2021 was significant as the Commission commemorated India's journey towards celebrating 75 years of Independence by celebrating Vigilance Awareness

Week from 26th October to 1st November 2021 with the theme of “Independent India @75: Self Reliance with Integrity; स्वतंत्र भारत @ 75: सत्यानिष्ठा से आत्मनिर्भरता.

(Para 8.2)

- A joint conference was held by Central Vigilance Commission (CVC) and Central Bureau of Investigation (CBI) as a run up programme to the Vigilance Awareness Week 2021 on 20th October 2021. The conference was held in the momentous location of Kevadia, Gujarat near the Statue of Unity. The Conference started with the address of the Hon’ble Prime Minister of India, Shri Narendra Modi.

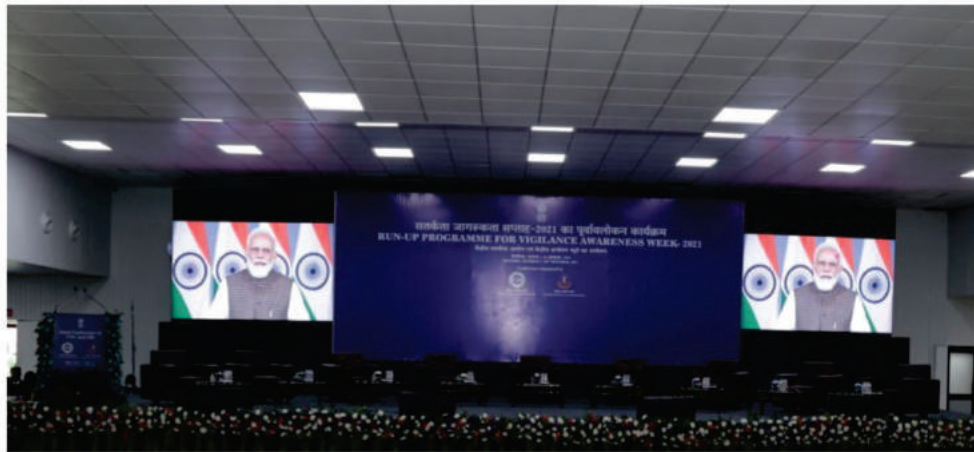
(Para 8.5)

- During Vigilance Awareness Week 2021, all organizations were instructed to give wide publicity and generate maximum awareness about the complaints under Public Interest Disclosure and Protection of Informers (PIDPI). A number of organizations took proactive measures to create awareness of the complaint mechanism of PIDPI. Several organizations had also prepared videos on PIDPI. In recognition of these initiatives, the Commission had called for all these videos, and a few were shown in the Joint Conference of CVC & CBI held at Kevadia, Gujarat.

(Para 8.17.1, Para 8.17.2 & Para 8.17.3)

- The commencement of Vigilance Awareness Week commenced in the Commission with the taking of the Integrity Pledge, led by the Central Vigilance Commissioner and with the participation of all the officials of the Commission. A video on Vigilance Awareness Week which was prepared in house was also broadcasted during the function. The entire proceedings were filmed and telecast by Prasar Bharati.

(Para 8.19)



**Video message of Hon'ble Prime Minister of India at Joint Conference of CVC-CBI, Kevadia, Gujarat**



**CVC, presents Vigilance Manual to Hon'ble Vice President of India**



**CVC and Secretary, CVC with Hon'ble Finance Minister**

## INTEGRITY PLEDGE AT VARIOUS EMBASSIES



Integrity Pledge at Embassy of India Berne



Integrity Pledge at Embassy of India in  
Madagascar and Comoros



Integrity Pledge at Embassy of India in Lebanon



Integrity Pledge at Embassy of India in Kyrgyzstan



Integrity Pledge at Embassy of India in China



Integrity Pledge at Embassy of India in Bhutan

## MANDATE OF THE COMMISSION

- 1.1 During a debate in Parliament in June 1962, many Members of Parliament expressed concern at the growing menace of corruption in administration. In pursuance of the reply to the debate given by Shri Lal Bahadur Shastri, the then Hon'ble Minister for Home Affairs, a committee was set-up in order to review the existing instruments for checking corruption in central services and to advise practical steps that should be taken to make anti-corruption measures more effective. The committee came to be known as the 'Santhanam Committee', as it was formed under the Chairmanship of Shri K. Santhanam, Member of Parliament. The Committee observed that the major causes of corruption were:-
- (i) administrative delays;
  - (ii) Governments taking upon themselves more than what they can manage by way of regulatory functions;
  - (iii) scope for personal discretions in the exercise of powers vested in different categories of govt. servants; and
  - (iv) cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs.
- 1.2 While recognizing the limitations of the existing vigilance arrangements to deal with corrupt activities by public servants and the conspicuous absence of a dynamic integration between the vigilance units in the various Ministries and the Administrative Vigilance Division, the Committee observed that "At present, there is no organic relation between the Administrative Vigilance Division and the Vigilance Officers of the various departments. We understand that in some of the departments the Vigilance Officers are taking a keen interest in their work while in others they do not take their responsibilities in this matter seriously. It is also essential to evolve or apply common standard in matters relating to prosecution, departmental action and the award of punishment. The Committee feels that the time has come to put the entire Vigilance Organization on a proper and adequate basis without in any way undermining the general principle that the Secretaries and Heads of Departments are primarily responsible for the purity, integrity and efficiency of their departments".
- 1.3 Thus, the Central Vigilance Commission (CVC) came into existence in 1964, as an apex body, through the Government of India Resolution of 11.2.1964. The establishment of the Commission was considered essential for evolving and applying common standards in deciding cases involving lack of probity and integrity in public life.

### PRESENT STATUS

1.4 In the wake of the directions of the Hon'ble Supreme Court in 1997, in the Writ Petition filed in public interest by Shri Vineet Narain and others in the Hawala Case, the Government promulgated an Ordinance in 1998. The Ordinance of 1998 conferred statutory status to the CVC and the powers to exercise superintendence over the functioning of the Delhi Special Police Establishment, and also to review the progress of the investigations pertaining to the alleged offences under the Prevention of Corruption Act, 1988, conducted by them. The Bill introduced in the Lok Sabha in 1998 to replace the Ordinance could not be passed. The Bill was re-introduced in 1999 and was referred to the Joint Committee of both the Houses of Parliament. Pending passage of the CVC Bill, the Commission discharged its functions under the GOI Resolution dated April 4, 1999. After the Bill was passed by both the Houses of 2 Parliament and with the assent of the President, the CVC Act, 2003 has come into force with effect from 11.9.2003.

### THE RELEVANCE OF CENTRAL VIGILANCE COMMISSION

- 1.5 The Central Vigilance Commission being the apex agency oversees and supervises the vigilance administration of the organizations owned or controlled by Union of India and covered under the advisory jurisdiction of the Commission. As an institution, Central Vigilance Commission has evolved in the last 57 years, since it was first set up through a Resolution of the Government of India in the year 1964. With its rich experience in formulating and implementing policies relating to overseeing Vigilance Administration, the Commission's emphasis is on putting in place an effective mechanism to fight corruption and bring about fair play and transparency.
- 1.6 Efficient Vigilance Administration, with its aim of transparent, ethical, objective, accountable and responsive system of governance would ensure effective anti-corruption and preventive measures, thereby eliminating the possibility of indulging in corrupt and unfair practices by government servants.
- 1.7 As a result of increased awareness among the citizens who are users of public services, the Central Vigilance Commission has come under greater focus as an agency, which can contribute significantly in eradicating corruption and bring about transparency and objectivity in the conduct of public servants. The Commission, fully aware of the hope and expectations from it as an apex agency responsible for eradicating corruption from public life, is using its mandate under the Central Vigilance Commission Act 2003 (CVC Act 2003), to achieve the aim of making the system efficient, transparent and accountable.

### THE CENTRAL VIGILANCE COMMISSION ACT, 2003

- 1.8 The Central Vigilance Commission Act 2003 (45 of 2003) came into force with effect from 11.09.2003. Some of the salient features of the CVC Act 2003 are:-
- The Commission consists of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);
  - It shall exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI);

- The Central Vigilance Commissioner (CVC) is the Chairperson of the Committee, on whose recommendations, the Central Government shall appoint officers to the posts of the level of Superintendent of Police and above, except Director in CBI;
- The Central Vigilance Commissioner (CVC) is the Chairperson of the Committee, on whose recommendations, the Central Government shall appoint officers to the posts above the level of Deputy Director in the Directorate of Enforcement;
- The Commission shall exercise superintendence over the vigilance administrations of the Ministries, Departments, Corporations and other organizations of the Central Government; and
- The Commission, shall have all the powers of a Civil Court, while conducting an inquiry.

### LOKPAL AND LOKAYUKTAS ACT-2013

- 1.9 The Lokpal and Lokayuktas Bill passed by Parliament received the assent of the President on 1st January 2014 and became The Lokpal and Lokayuktas Act, 2013 (1 of 2014). The Act provides for establishment of a Lokpal for the Union and Lokayuktas for the States, to inquire into allegations of corruption against certain public functionaries and for matters connected therewith.
- 1.10 The Lokpal and Lokayuktas Act, 2013 has amended some provisions of the CVC Act, 2003, which empowers the Commission to conduct preliminary inquiry into complaints referred by the Lokpal in respect of officers and officials of Groups A, B, C & D, for which a Directorate of Inquiry (for making preliminary inquiry) is to be set up in the Commission.
- 1.11 The preliminary inquiry reports on matters referred by the Lokpal, in respect of Group A and B officers, are required to be sent to the Lokpal by the Commission. As per the Act, the Commission is to cause further investigation into references from Lokpal in respect of Gr. C & D officials and decide on further course of action against them.
- 1.12 The Central Government has issued orders on 19.03.2019, constituting the Chairperson and members of the Lokpal of India.

### MANDATE OF THE CENTRAL VIGILANCE COMMISSION

- 1.13 The Central Vigilance Commission is the apex institution of the Govt. of India, mandated to combat corruption and ensure integrity in administration and public services. The mandate of the Commission is laid down in the CVC Act, 2003, wherein the functions and powers are described as under:-
- *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 Code of Criminal Procedure, 1973 for certain categories of public servants -Section 8(1)(a);*
  - *Give directions to the Delhi Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 - Section 8(1)(b);*

- *Inquire or cause an inquiry or investigation to be made on a reference by the Central Government - **Section 8(1)(c)**;*
- *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 Delhi Special Police Establishment (CBI) into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Code of Criminal Procedure - **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)**;*
- *Call for the report of inquiry undertaken by any agency on a reference made by the Commission and to tender advice as to the further course of action- **Section 17**;*
- *Conduct 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.*
- *To undertake or cause an inquiry into complaints received under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution and recommend appropriate action thereof.*

## JURISDICTION OF THE CENTRAL VIGILANCE COMMISSION

1.14 Section 8 (1) (d), read with Section 8 (2) of the CVC Act, 2003, along with subsequent Govt. of India, Department of Personnel and Training (DOPT) notifications, define the jurisdiction of the Commission. The following levels/category of officials are covered under the jurisdiction of the Central Vigilance Commission:-

- *Members of All India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;*
- *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;*
- *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;*
- *Officers of the rank of Scale V and above in the Public-Sector Banks;*
- *Officers in Grade 'D' and above in Reserve Bank of India, NABARD and SIDBI;*
- *Managers and above in respect of General Insurance Companies;*
- *Senior Divisional Managers and above in Life Insurance Corporation of India; and*
- *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.*

## **PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS’ (PIDPI) RESOLUTION – 2004**

- 1.15 The Commission is the Designated Agency under the Public Interest Disclosure and Protection of Informers’ (PIDPI) Resolution 2004 to undertake or cause an inquiry into complaints received under this resolution and recommend appropriate action thereof.
- 1.16 During the hearing of a PIL [Writ Petition (Civil) No. 539/2003], the Hon’ble Supreme Court directed that a mechanism be put in place for acting on complaints from Whistle Blowers. In response to that, the Government of India, vide Gazette Notification No. 371/12/2002-AVD-III dated 21.04.2004, read with Corrigendum dated 29.04.2004, notified the Public Interest Disclosure and Protection of Informers’ (PIDPI) Resolution, 2004.
- 1.17 The resolution authorizes 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.
- 1.18 This Resolution is popularly known as ‘Whistle Blowers’ Resolution. The Commission has been entrusted with the responsibility of keeping the identity of the ‘whistle blower’ secret and to provide protection to them against victimisation. Action can also be taken against whistle blowers who make motivated or vexatious complaints. Under the provisions of PIDPI Resolution, 2004, the Commission is empowered to inquiry or cause inquiry against all categories of officials.
- 1.19 Later, DoPT vide its Resolution dated 14.08.2013 authorised the Chief Vigilance Officers (CVOs) 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 department. The amendment authorizes the Commission to supervise and monitor the complaints received by the Designated Authorities in the ministries/ departments.
- 1.20 DoPT vide O.M. No. 371/4/2013-AVD-III dated 16.06.2014 has laid down the detailed procedure for handling of complaints under the PIDPI Resolution by the Designated Authorities in the ministries/departments of the Central Government.

- 1.21 The Commission, in keeping with the spirit of PIDPI Resolution, and in public interest, has laid down a detailed procedure for lodging and handling of complaints. This has been given wide publicity, in order to create awareness and to encourage the public to make complaints/disclosures against corrupt practices.

### **ADVISORY ROLE OF THE CENTRAL VIGILANCE COMMISSION**

- 1.22 The advisory role of the Commission extends to all matters on vigilance administration referred to it by the organisations of the Central Government. It is mandatory on the part of the organisations to seek the advice of the Commission before proceeding further in a matter in which earlier, a report was called for by the Commission.
- 1.23 The Commission examines the investigation reports furnished by the CVO concerned or the CBI and depending upon the facts of each case and evidence/ records available, advises the organisations concerned for initiation of criminal proceedings and/or regular departmental action for imposition of major or minor penalty, as the case may be, against the public servant(s) concerned. The Commission may also advise either administrative action against the public servant(s) or closure of the case, depending upon facts of the case, by way of its First Stage Advice.
- 1.24 In disciplinary cases involving Group 'A' officers of the Central Government, members of All India Services and such categories of officers where an original order is to be issued by the President, imposing any of the penalties, wherein the Union Public Services Commission (UPSC) is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings.
- 1.25 In respect of those officers, against whom Commission has tendered First Stage Advice, it is not required to be consulted for Second Stage Advice in case 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. Such cases would be dealt at the level of the CVO and Disciplinary Authority (DA) concerned in the organization. However, in all such cases, the CVO is required to forward an action taken report alongwith a copy of final order issued by DA, for Commission's record. All such cases where the Disciplinary Authority proposes to take any action which is at variance with the Commission's First Stage Advice would necessarily have to be referred to the Commission for obtaining its Second Stage Advice.

### **COMPOSITION OF THE CENTRAL VIGILANCE COMMISSION**

- 1.26 The Commission consists of 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 by the Hon'ble President of India, in accordance with the provisions under Section 4 of the CVC Act, 2003, 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. When no such Leader has been so recognized, the Leader of the single largest group in opposition of the Government in the House of the People, shall be a member of the Committee.

- 1.27 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.

## SECRETARIAT AND STAFF COMPOSITION

- 1.28 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 include thirty three officers in the rank of Director/ Deputy Secretary, Officers on Special Duty (Deputy Secretary level) and eight Under Secretaries.
- 1.29 The category-wise staff-strength of the Commission as on 31.12.2021 and related information is given in Appendix- I.

## TECHNICAL WING

- 1.30 The Chief Technical Examiners' Organization (CTEO) is the technical wing of the Commission. The technical wing assists the Commission in formulating policies involving technical aspects and 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 (in the rank of Chief Engineer, CPWD), assisted by eight Technical Examiners (in the rank of Executive Engineer), six Assistant Technical Examiners (in the rank of Assistant Engineer) and supporting staff.

## CHIEF VIGILANCE OFFICERS

- 1.31 Each organization covered under the advisory jurisdiction of the Commission has a vigilance unit headed by the Chief Vigilance Officer (CVO). The CVOs act as extended arms of the

Commission and for all practical purposes represent the Commission in respect of all vigilance matters including that of the junior officials, who are not covered under the normal advisory jurisdiction of the Commission. The CVOs serve as a vital link between the organization and the Commission and it is their primary function to advise the authorities in the organizations for establishing effective systems and procedures and to periodically monitor compliance of the same to minimize systemic failures/loopholes, which provide opportunities for malpractices/irregularities.

- 1.32 The CVOs are required to provide assistance to the head of the organization concerned in all matters relating to vigilance administration by providing appropriate advice/expertise to them. The CVOs are also required to ensure prompt processing of vigilance matters, especially disciplinary cases. The Commission obtains reports at regular intervals from the CVOs. This serves as an effective tool of communication and review between the Commission and CVOs, on all activities pertaining to vigilance administration in the organizations concerned. The Commission holds review meetings with the CVOs of all major departments/organizations in order to ascertain effectiveness of vigilance activities in the organizations and to review the performance of the CVOs.
- 1.33 Likewise, periodical meetings are also held with those organizations where specific vigilance concerns are noticed, to bring about systemic and other required changes to address vigilance related issues and to devise strategic initiatives to promote transparency and accountability in administration. As and when required, the Commission invites the CVOs individually, to discuss important issues relating to their organizations.
- 1.34 Presently, six Departments of the Government of India, namely Central Board of Direct Taxes, Central Board of Indirect Taxes & 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 191 posts of full time CVOs. Vigilance activities in other Ministries/Departments and organisations are looked into by part time CVOs, who are working in the Ministry / Department / Organisations concerned at a sufficiently senior level.
- 1.35 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 and measures. Customized domestic and foreign training programmes are organized for CVOs and other officers connected with the affairs of vigilance administration. Eminent persons with extensive domain knowledge are invited to interact with the CVOs during such trainings. Officers of

the Commission are also nominated / deputed to impart training and share their experience/ expertise with CVOs, vigilance functionaries, etc.

### **RIGHT TO INFORMATION ACT, 2005**

- 1.36 The Right to Information Act, 2005 was passed by the Parliament in June, 2005 to provide the right to every citizen to secure access to information under the control of public authorities concerned, in order to promote openness, transparency and accountability in administration. The Commission has set up an RTI Cell in the Commission to receive and deal with applications from citizens seeking information under the Act. There are forty officers of the rank of Directors/Deputy Secretary/Under Secretary who are presently appointed and functioning as the Central Public Information Officer. An officer of the rank of Additional Secretary (to the Commission) is appointed as the Appellate Authority to consider and decide on appeals preferred by RTI Applicants.



CVC and Secretary, CVC joined by Additional Secretaries and CTEs at the Interactive session with CVOs at Kevadia, Gujarat



Senior Officials of the Commission



CVC administering the Integrity Pledge at Satarkata Bhawan

## COMMISSION'S ACTIVITIES DURING 2021 AND FOCUS AREAS

- 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 based 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.
- 2.3 Commission tender 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.
- 2.4 In order to streamline the complaint handling mechanism at organization level and make it transparent and time-bound, Commission has specified timelines for the CVOs to deal with the complaints received by them. OM dated 19.04.2021 through F No 021-AIS-1(2), Commission has now laid down a time-limit of three months for the organization to examine each complaint and bring it to its logical conclusion. Logical conclusion here implies that a decision has to be taken by the organization to either (a) file a complaint, or (b) register a vigilance case for further investigation or (c) register a non-vigilance/ administrative action case for further investigation. At the end of the third month, if it has been decided to register a case (either vigilance or non-vigilance), a copy of the complaint shall be made available to the concerned employee (wherever name has been mentioned).

## II PUNITIVE VIGILANCE

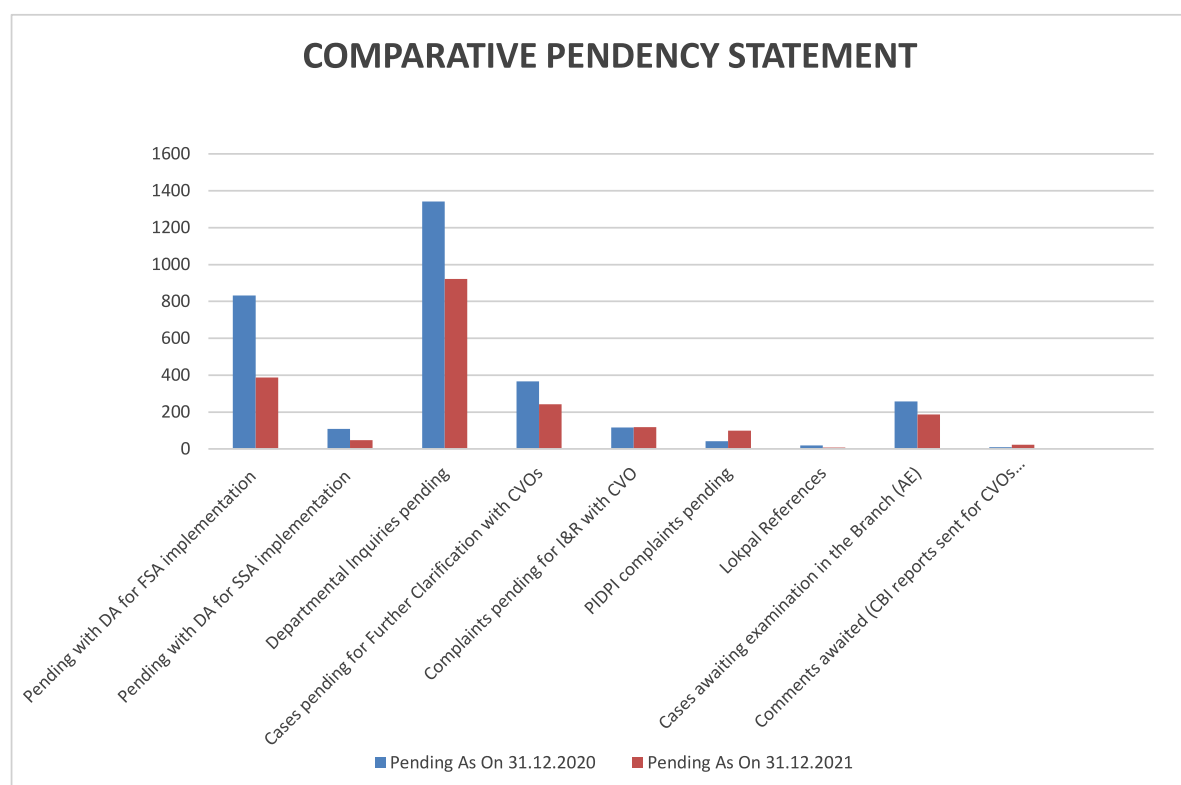
2.5 The Commission is of the view that time-bound and effective punitive action resulting in exemplary punishment adequately punishes wrong doers and deters others from committing such acts of misconduct. Further, the timely completion of investigations and disciplinary proceedings has been an area of priority for the Commission. A drive has been introduced in the year 2020, and continued in 2021, by the Commission for disposal of very old pending vigilance cases and timelines were given to organisations for submitting pending cases for their logical conclusion. This was one of the main focus areas of the Commission during the year. As a result, the pendency was significantly reduced over the period.

### COMPARATIVE PENDENCY STATEMENT

Table 2.1

Category	Cases pending with DA for implementation of Commission's First Stage Advice	Cases pending with DA for implementation of Commission's Second Stage Advice	Departmental Inquiries pending	Cases pending for Further Clarification with CVOs (FI)	Complaints pending for I&R with CVO	PIDPI complaints pending with CVOs	Lokpal References	Cases awaiting examination in the Branch (AE)	Comments awaited (CBI reports sent for CVOs comments)
I	II	III	IV	V	VI	VII	VIII	IX	X
Pending as on 31.12.2020	832	108	1341	366	116	43	19	257	10
Pending as on Date 31.12.2021	387	48	921	242	118	99	7	188	23
<b>Change in pendency</b>	<b>(-) 445</b>	<b>(-) 60</b>	<b>(-) 420</b>	<b>(-) 124</b>	<b>(+)2</b>	<b>(+) 56</b>	<b>(-) 12</b>	<b>(-) 69</b>	<b>(+) 13</b>

Chart 2.1

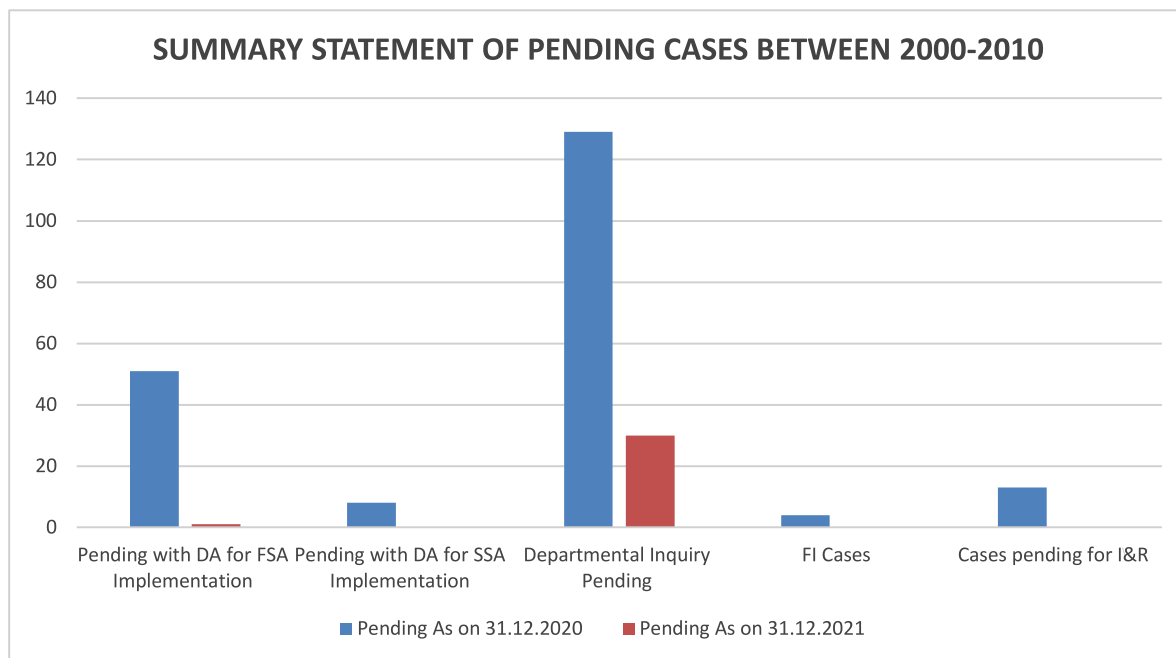


SUMMARY STATEMENT OF PENDING CASES BETWEEN 2000-2010

Table 2.2

I	II	III	IV	V	VI
As on 31.12.2020	51	8	129	4	13
As on 31.12.2021	1	0	30	0	0
Change in Pendency	(-) 50	(-) 8	(-) 99	(-) 4	(-) 13

Chart 2.2

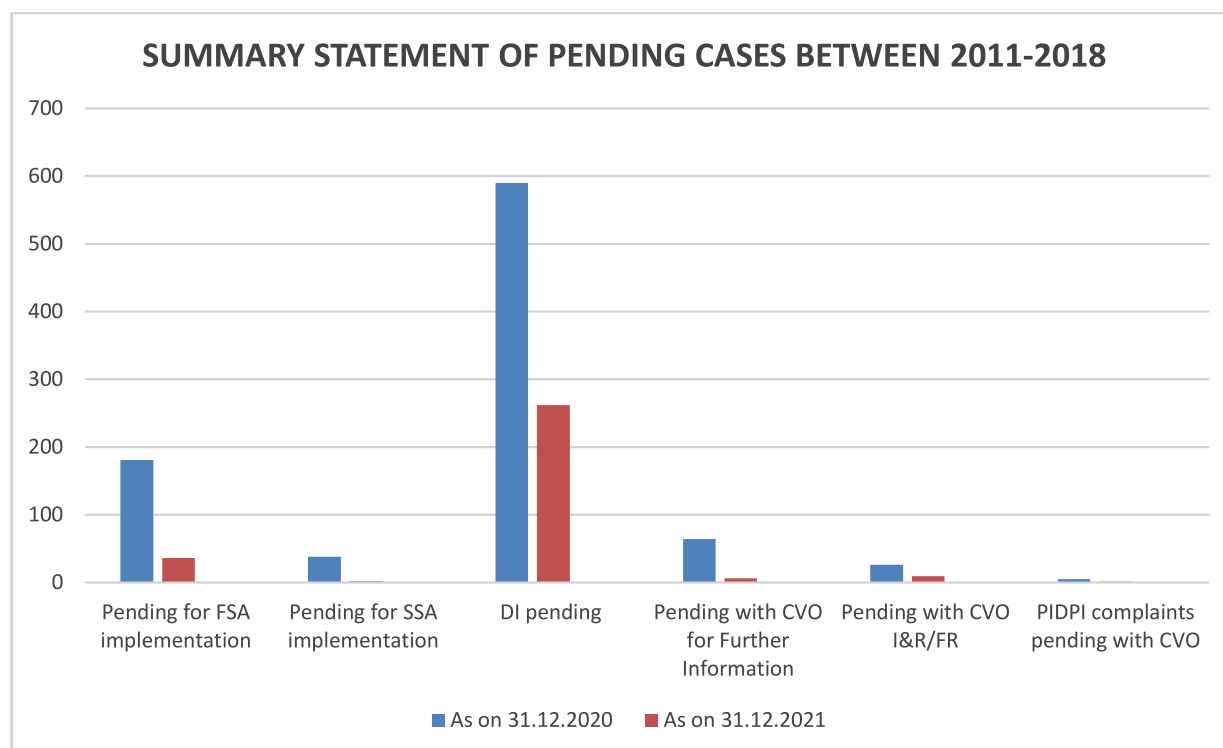


SUMMARY STATEMENT OF PENDING CASES BETWEEN 2011-2018

Table 2.3

	Cases pending with DA for implementation of Commission's First Stage Advice	Cases pending with DA for implementation of Commission's Second Stage Advice	Departmental Inquiries pending	Cases pending for Further Clarification with CVOs (FI)	Complaints pending for I&R/ FR with CVO	PIDPI complaints pending with CVOs
I	II	III	IV	V	VI	VII
As on 31.12.2020	181	38	590	64	26	5
As on 31.12.2021	36	2	262	6	9	1
Change in Pendency	(-) 145	(-) 36	(-) 328	(-) 58	(-) 17	(-) 4

Chart 2.3

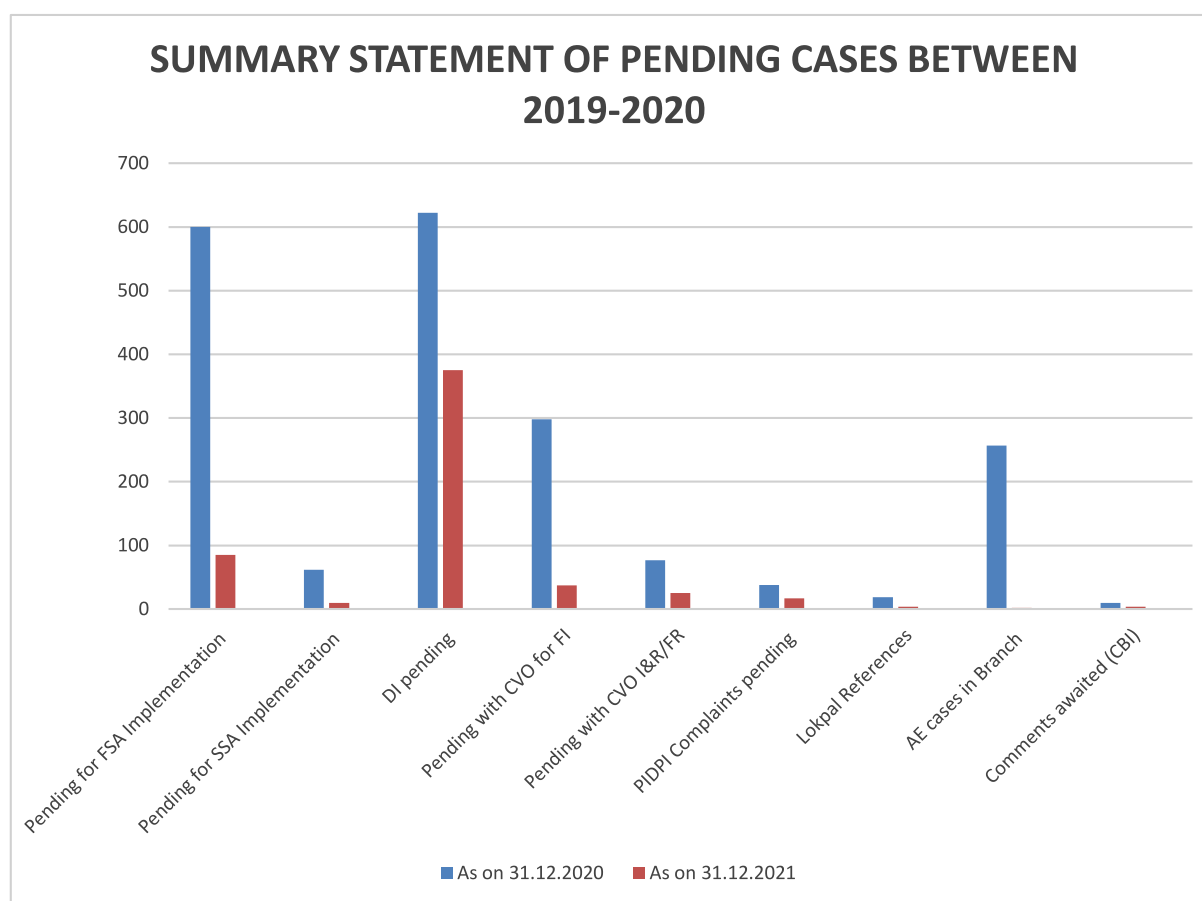


SUMMARY STATEMENT OF PENDING CASES BETWEEN 2019-2020

Table 2.4

Category	Cases pending with DA for implementation of Commission's First Stage Advice	Cases pending with DA for implementation of Commission's Second Stage Advice	Departmental Inquiries pending	Cases pending for Further Clarification with CVOs (FI)	Complaints pending for I&R with CVO	PIDPI complaints pending with CVOs	Lokpal References	Cases awaiting examination in the Branch (AE)	Comments awaited (CBI reports sent for CVOs comments)
I	II	III	IV	V	VI	VII	VIII	IX	X
As on 31.12.2020	600	62	622	298	77	38	19	257	10
As on 31.12.2021	85	10	375	37	25	17	4	2	4
Change in Pendency	(-) 515	(-) 52	(-) 247	(-) 261	(-) 52	(-) 21	(-) 15	(-) 255	(-) 6

Chart 2.4



III Preventive Vigilance

2.6 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.

2.7 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.

2.8 A few illustrations of preventive vigilance measures initiated by the Commission during the year 2021 are discussed in subsequent paras:

2.8.1 It has always been a concern and challenge for the Ministries/ Departments/ PSUs/PSBs and Autonomous Bodies (hereinafter referred to as “public authority”) to procure and execute public projects on time, within approved cost and with good quality. Several such issues and challenges are also reflected in intensive examination of public projects by Chief Technical Examiners’ Organization and CTE type examination by CVOs in their respective organizations. Series of presentations were made from time to time in the year 2020 by the Chief Technical Examiner before the CVC on the findings of the Intensive Examination of various projects. Serious lapses on part of Government employees engaged with these projects as well as lacuna in the existing policies of public authorities were found. Besides this, in all these presentations, major issues identified are time overrun, cost overrun and quality compromises. Commission decided to have stakeholder consultations including CMDs/CEOs of various organizations, Principal Secretary/ Secretary, Public Works Department of States/Union Territories, Secretaries of Ministries/Departments of Government of India, Chief Secretaries of States/Union Territories, Chairman and CEO, Railway Board and Chairman, State Bank of India. The final round of discussions took place in presence of Principal Advisor to Hon’ble Prime Minister, Comptroller and Auditor General of India, Cabinet Secretary, Chief Executive Officer of NITI Aayog etc. Draft Guidelines prepared under the aegis of the Commission were considered by the Committee of Secretaries and after incorporating the views and comments of other ministries and departments, Department of Expenditure issued “General Instructions on Procurement and Project Management” vide No F.1/1/2021-PPD dated 29.10.2021.

#### IV CAPACITY BUILDING AND TRAINING

- 2.9 One of the focus areas of the Commission is to develop the capacity of the officers who join the Vigilance departments. As part of this strategy Commission conducts Induction Training programme for the newly appointed CVOs to empower them to discharge their functions efficiently. Commission also conducts Advance Training in Vigilance Investigation for experienced CVO and Training in Vigilance Administration for the below CVO level officials working in the Vigilance departments. Commission has also organized nationwide training programme of Inquiry Officers and Presenting Officers to build their capacity to handle departmental inquiries in a timely and professional manner.
- 2.10 The engagement strategy of preventive and participative vigilance is 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.

#### V RECEIPT AND DISPOSAL OF VIGILANCE CASES

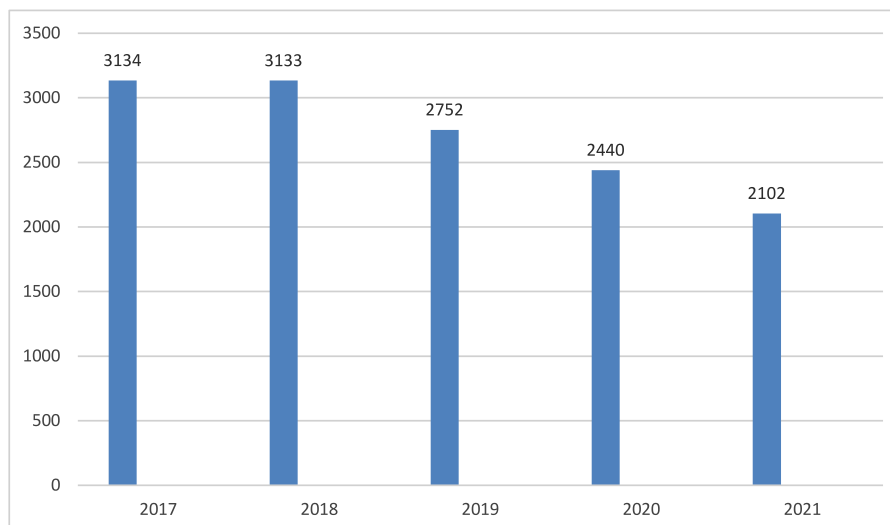
- 2.11 The Commission received 2778 cases (including 676 cases carried forward from 2020) and tendered its advice in 2261 cases in 2021. Commission vide circular No. 08/12/14 dated 03.12.2014 decided that in cases where the Disciplinary Authority (DA) on conclusion of disciplinary proceedings proposes 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 2.5 shows the receipt and disposal of cases in the Commission during 2021.

**Table 2.5**  
**Number of Cases Received and Disposed during 2021**

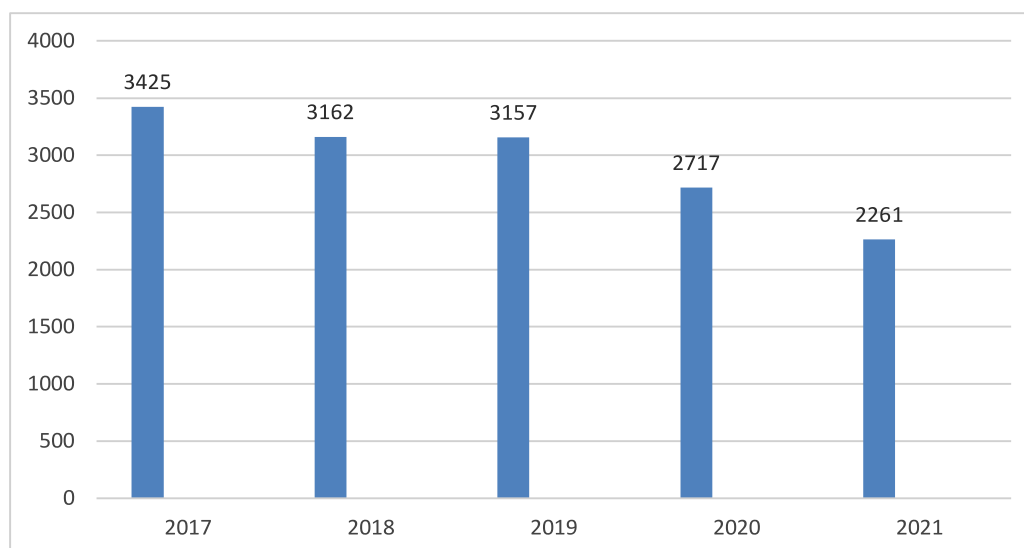
Cases	First Stage Advice	Second Stage Advice	Reconsideration and Miscellaneous	Total
Pending as on 01.01.2021	531	63	82	676
Received	1200	363	539	2102
Total	1731	426	621	2778
Disposed off	1340	351	570	2261
Pending as on 31.12.2021	391	75	51	517

- 2.12 The comparative figures of cases received during the year and disposed in the Commission during the last five years are given in Charts 2.5 & 2.6 respectively.

**Chart 2.5**  
**No. of cases received in the Commission (2017-21)**



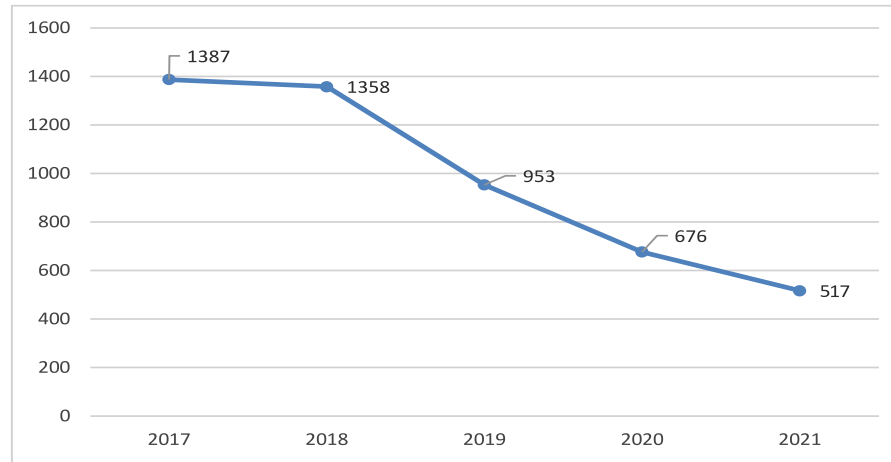
**Chart 2.6**  
**No. of cases disposed in the Commission (2017-21)**



2.13 A Comparative analysis of number of cases pending for disposal at the end of the year (by reducing disposed cases from total cases under examination for a particular year) shows decline in the pendency of such cases from 2017 till 2021. The main attribute for this reduction is the non-acceptance of reconsideration cases of second stage advice and the UPSC second stage advice cases. During 2021, due to Covid pandemic activities of organisations also has come to standstill for considerable time which reduced the number of referred cases to Commission. Chart 2.7 shows the trend in the pending cases for the disposal at the end of the year from 2017-2021.

Chart 2.7

No. of cases pending for the disposal at the end of the year (2017-21)



2.14 The Commission strives to tender advices within the stipulated time period. In some cases, Commission seeks further clarification for better understanding and clarity of the matter, which increases the period of final disposal of the same yet crucial for logical conclusion. Commission also has been making efforts to ensure the timelines for providing cases with full facts through proper training of organisations.

## VI FIRST STAGE ADVICE

2.15 The Commission tendered first stage advice in 1340 cases during 2021 based on the investigation reports of the CBI and the CVOs concerned. Table 2.6 provides the summary of the nature of First Stage Advice tendered by the Commission.

Table 2.6  
First Stage Advice during 2021

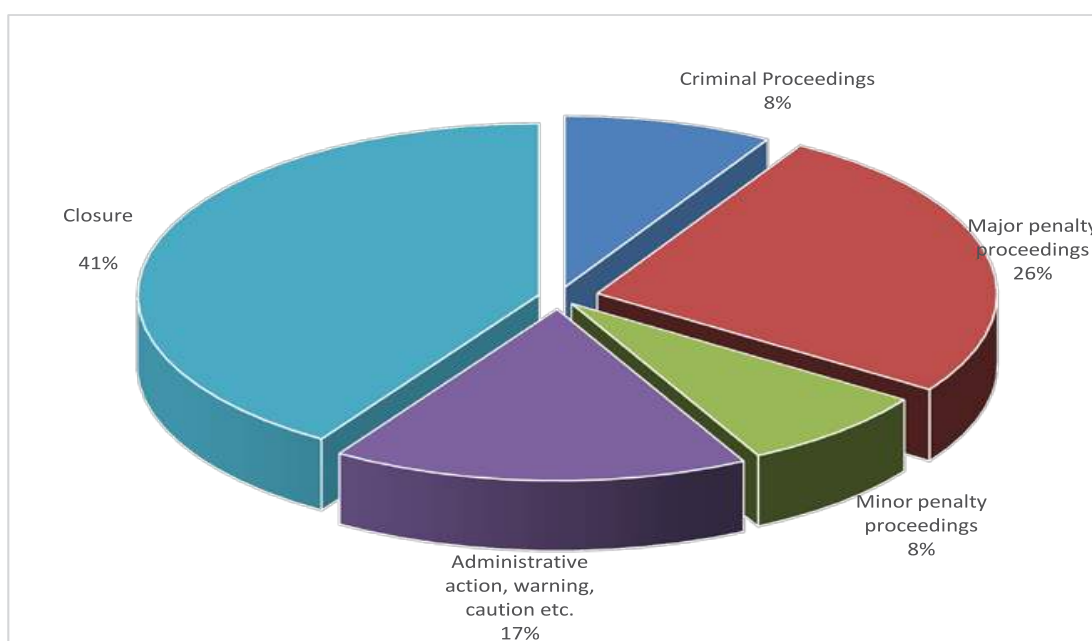
Nature of advice	On the investigation reports of		Total
	CBI	CVO	
Criminal Proceedings	96	17	113
Major penalty proceedings	13	336	349
Minor penalty proceedings	2	103	105
Administrative action, warning, caution etc.	15	210	225
Closure	48	500	548
<b>Total</b>	<b>174</b>	<b>1166</b>	<b>1340</b>

*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.*

2.16 Chart 2.8 provides a summary of various types of First Stage Advice tendered by the Commission in percentage terms.

Chart 2.8

Nature of First Stage Advice during 2021



## VII SECOND STAGE ADVICE

2.17 During the year 2021, the Commission tendered second stage advice in 351 cases. Table 2.7 provides a break-up of the advices tendered by the Commission, on the cases received from various disciplinary authorities at the second stage.

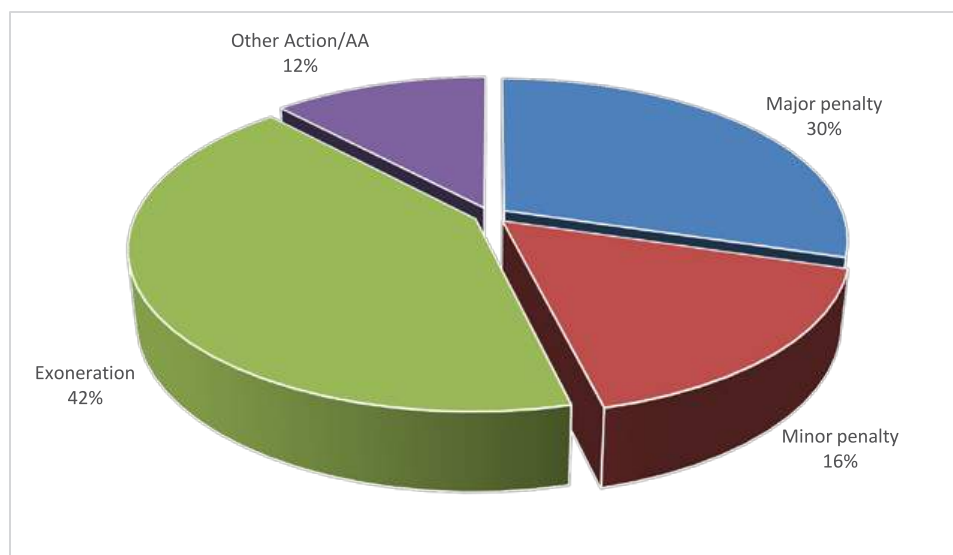
Table 2.7

Second Stage Advice during 2021

Nature of Advice	Cases received for advice
Major penalty	104
Minor penalty	58
Exoneration	147
Administrative action, warning, caution etc.	42
<b>Total</b>	<b>351</b>

2.18 Chart 2.9 provides a summary of various types of second stage advice tendered by the Commission in percentage terms.

**Chart 2.9**  
**Nature of Second Stage Advice during 2021**



## VIII PUNISHMENTS AND PROSECUTION

2.19 In pursuance to the Commission's advice, the competent authorities in various organizations issue sanction for prosecution against public servants and imposed punishments on public servants. Table 2.8 shows the number of officers against whom prosecutions have been sanctioned and punishments awarded during 2017-2021.

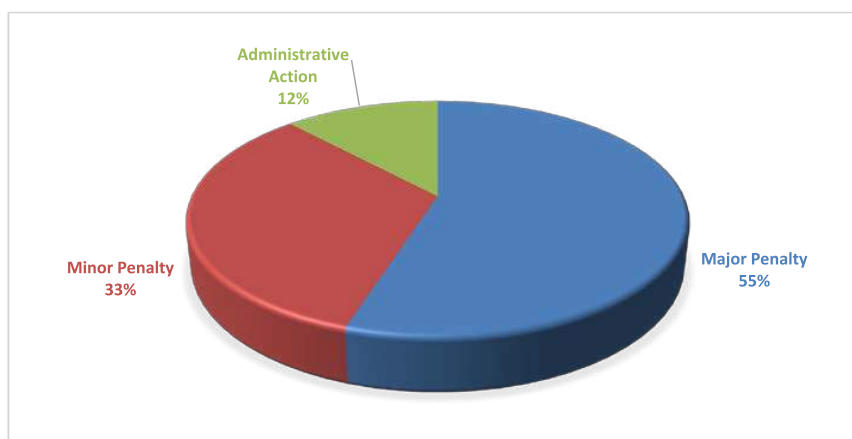
**Table 2.8**

**Prosecutions sanctioned and Punishments awarded to officers (2017 – 2021)**

Year	Prosecution sanctioned to officers	Punishments awarded to officers			
		Major penalty	Minor penalty	Administrative Action	Total Punishments awarded
2017	152	1398	800	391	2589
2018	108	1100	695	350	2145
2019	76	778	503	227	1508
2020	233	1408	759	485	2652
2021	248	1355	815	306	2476

2.20 Chart 2.10 shows the nature of punishments awarded in percentage terms during 2021.

**Chart 2.10**  
**Punishments awarded to Officers during 2021**



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

Sanction for Prosecution	
	One CMS in Ministry of Railways One ACMS in Ministry of Railways One CEE (Construction) in Ministry of Railways One CPRO in Ministry of Railways One GGM/RITES (Rt. CE/SEC) in Ministry of Railways One Chief Engineer in Ministry of Railways One CAO/CON-II/ Malegaon in Ministry of Railways One PCME in Ministry of Railways One Executive Engineer in M/o Shipping One DCE(Mech) in M/o Shipping Four then Secretary in D/o Coal One CMD in D/o Coal One MD in D/o Coal One Additional Secretary in D/o Coal One then CMD, MFL in D/o Fertilizers One CMD (PEC) in M/o Commerce One CEO, SAIL One CCIT in CBDT Five Pr.CIT in CBDT One IRS in CBDT One Commissioner in CBIC, then CVO BCCL One Accountant General in C&AG India One Chief Engineer in Military Engineer Services Two IAS in DoPT

<b>Dismissal/Removal from Service</b>	One CMO in Andaman & Nicobar Administration One Joint Secretary in Central Board of Secondary Education
<b>Cut in Pension</b>	One CE in M/o Railways One CAO in M/o Railways One then Sr. DMO now ACMS/SDR in M/o Railways One GM in D/o Telecom One GMTD in BSNL One Dir (Food), then Chairman in DoP&T One Ex-ED, UCO Bank One Ex-MD & CEO, UCO Bank One Dy. Commissioner in CBDT One CIT in CBDT One Chief Commissioner in CBIC One Commissioner in CBIC One CE(E&M) Retd. in DJB
<b>Reduction of pay to lower stage</b>	One CPO/IR/SCR in Railways One Airport Director in AAI One JT GM in AAI One GM (ATC) in AAI One GM In BSNL One DPS in D/o Posts Two (including then) GMTD in D/o Telecom One Director (T) in HPL One ED (Engg.) in NBCC One IAS, then Chairman in NDMC

- 2.22 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 Punjab National Bank has issued sanction for prosecution in 31 cases, Ministry of Railways in 27 cases, Central Board of Direct Taxes (CBDT) in 19 cases and the Department of Coal in 19 cases.
- 2.23 During the year 2021, punishments were imposed including administrative action taken against public servants by State Bank of India (370), Ministry of Railways (181), Canara Bank (137), Central Board of Indirect Taxes and Customs (96), Punjab National Bank (83), NTPC Ltd. (75), and Indian Overseas Bank (73), being some of the major organizations which took disciplinary action against officials committing misconduct.
- 2.24 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 70 officials by the disciplinary authorities in various organizations.
- 2.25 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

2021 in cases where Commission's advice was obtained by the organizations.

## IX HANDLING OF COMPLAINTS IN THE COMMISSION

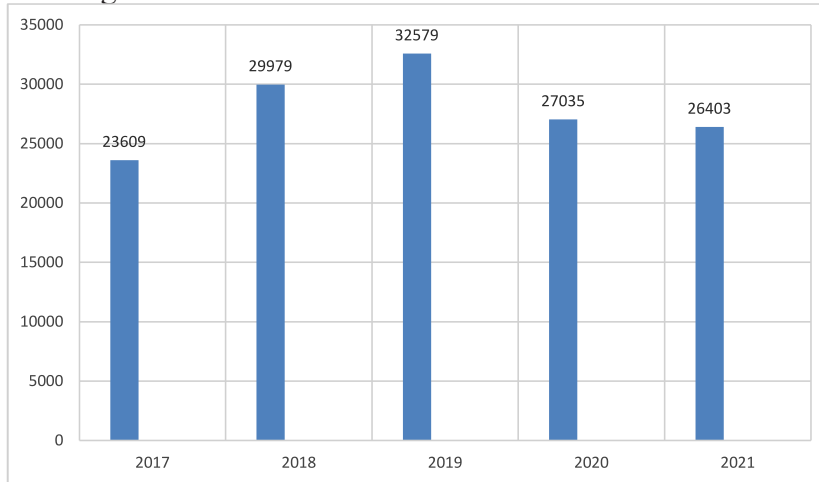
- 2.26 Complaints constitute an important source of information leading to the exposure of misconducts and malpractices. Complaints are received in the Central Vigilance Commission either by post from complainants or through the complaint lodging facilities available on the Commission's website.
- 2.27 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 for submitting report to the Commission expeditiously.
- 2.28 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.
- 2.29 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.
- 2.30 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.
- 2.31 Table 2.9 indicates the nature of complaints received and action taken thereon during 2021.

**Table 2.9**  
**Complaints received and disposed in the Commission during 2021**

Complaints	Nos.
Number of complaints pending as on 01.01.2021	1723
Number of complaints received during 2021	24680
Total number of complaints	26403
Total number of complaints disposed, of which	25326
(a) Anonymous/Pseudonymous (Filed)	7638
(b) Vague/Unverifiable (Filed)	2875
(c) Officials not under CVC / Grievances (Forwarded for necessary action)	14650

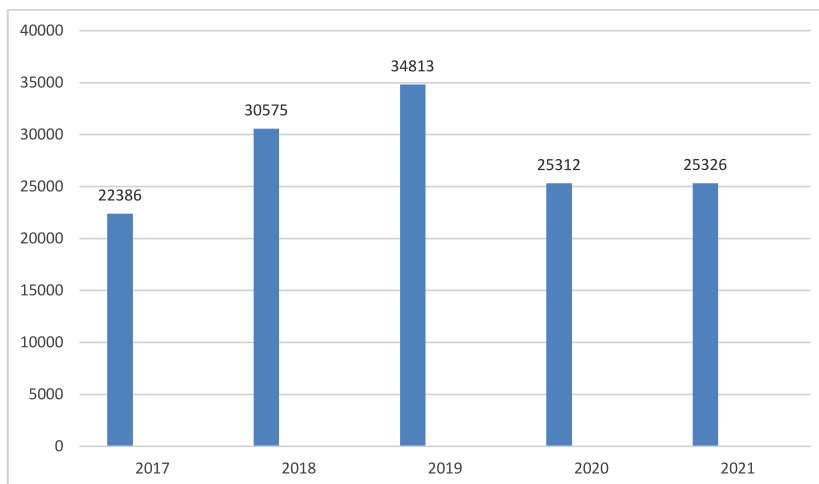
(d) Sent for inquiry/investigation to CVO/CBI	163
Number of complaints carried forward to 2022	1077

2.32 The comparative figures of complaints received and disposed by the Commission during the last five years are given in Chart 2.11 and Chart 2.12 below.



**Chart 2.11**

**No. of complaints received in the Commission (2017-21)**



**Chart 2.12**

**No. of complaints disposed in the Commission (2017-21)**

2.33 After scrutiny of complaints received, the Commission calls for either (a) factual report from concerned organization in case there is prima facie vigilance angle or (b) inquiry / investigation reports from the appropriate agencies in those complaints which contain serious and verifiable allegations and there is a clear vigilance angle. As per the laid down procedure, the factual reports are required to be sent to the Commission within a period of one month and 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.

- 2.34 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.

## **X PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS' RESOLUTION (WHISTLEBLOWER COMPLAINTS)**

- 2.35 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 three months. 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.
- 2.36 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.
- 2.37 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.
- 2.38 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.

- 2.39 Table 2.10 below gives the nature of complaints received under PIDPI Resolution and action taken by the Commission on them during the year 2021.

**Table 2.10**  
**Complaints Received and Disposed under PIDPI during 2021**

<b>Complaints Received and action taken</b>	<b>Nos.</b>
Number of complaints pending as 01.01.2021	35
No. of complaints received during the year	1022
Total number of complaints	1057
Total number of complaints disposed, of which	1052
No. of complaints filed	429
Non-vigilance (Forwarded for necessary action to Departments / Organizations)	446
Sent for inquiry / investigation by CVO/CBI	177
Pending as on 31.12.2021	5

## **XI VIGILANCE CLEARANCE**

- 2.40 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 2021, vigilance clearances were processed and issued by the Commission for the Board level appointments in 518 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 2021, vigilance clearances were accorded in 1893 such cases.

## **XII INTERNATIONAL COOPERATION**

- 2.41 The 12th resumed session of the Implementation Review Group (IRG) was held at Vienna from 6th to 10th September 2021 to review the implementation status of UN Convention Against Corruption by countries. India is being reviewed in the 2nd Cycle of Review which has been extended till Jun 2024. The Indian delegation comprising of representatives from CVC, CBI, ED & DoPT participated in the meeting. Shri P. Daniel, Additional Secretary and Shri Ashok Kumar, Chief Technical Examiner represented the Commission in the meeting through online mode due to the COVID-19 pandemic. The meeting focused on the gaps and challenges in the implementation of chapter V (Asset Recovery) and Chapter II (Preventive Measures) of the Convention.
- 2.42 Shri P. Daniel, Additional Secretary, CVC visited Sharm El-Sheikh, Egypt to participate in the 9th session of the Conference of the States Parties to the United Nations Convention against Corruption held from 13th to 17th December, 2021. The session held wide consultations among

participating countries on strengthening international cooperation in the prevention of and fight against corruption during times of emergencies and crisis response as well as asset recovery.

- 2.43 BRICS had also organised an anti-corruption workshop for university lecturers and the 3rd Anti-Corruption Academic Symposium which took place in Sharm El-Sheikh, Egypt from 9th to 12th December 2021. The event was held in advance of the 9th session of CoSP at Sham El-Sheikh to provide an opportunity for renown academics who are interested in teaching anti-corruption and integrity-related courses to share experiences and approaches and explore how the UNODC educational materials and tools can enrich their curricula. Shri Otem Dai, Secretary, CVC participated in person at Sharm El Sheikh in the said workshop on 12th December, 2021. Shri Ashok Kumar, Chief Technical Examiner, CVC also participated in the said workshop through online mode due to COVID-19 restrictions.

### XIII IT INITIATIVES

- 2.44 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. Some of the IT initiatives taken up during the year are as below:

#### **Creation Of CVO Data Base And Information System**

- 2.44.1 In a proactive approach towards objective assessment of vigilance functions across different organizations, a need was felt for a centralized database of CVOs for maintaining an active list of organizations under the ambit of the commission. This would also enable an active monitoring mechanism for filling up of vacancies. It would also help in facilitating decision making while assigning Additional charges.
- 2.44.2 To serve this purpose, a centralized database application was developed in-house for data of full time and part time data CVOs in the organizations under the ambit of the Commission. This application provides up-to-date reports of
- a) Tenure Completion Data/Alert: Next 03 months, 6 months, 12 months (any periodicity)- Ministry/Deptt wise also
  - b) Data on additional charge arrangement and officers' availability
  - c) Vacancies– Full Time, Part Time
  - d) It also provides easy search by Name, by Appointing Authority, by Ministry, by Organization, and by States etc
- 2.44.3 Besides this, it also facilitates system generated advance notification of tenure completion with reminders for advance action, real time reports on tenure and vacancies. Through this software it is envisioned that there can be monitoring of progress of filling up vacancies and assessment of workload of CVOs, and will also enable the Commission to have information regarding state wise availability of vigilance officers.

#### **Creation Of IEM Data Base And Information System**

- 2.44.4 Integrity Pact provides for independent oversight, through Independent External Monitors (IEMs) for which the Central Vigilance Commission nominates IEMs. As a means of monitoring

the progress of implementation of the same, an inhouse application was developed to implement the IEM database information system. The application facilitates the entry of details for IEMS for empanelment (Name, Date of Birth, Date of Retirement, Date of IEM attaining 70 Years of Age, Qualification, Cadre and batch etc) and nomination (Commission Reference number, Organization, Date of Nomination, date of Appointment and Tenure etc.)

2.44.5 The application provides for the following reports / searches:

- a) Tenure completion data: within 3 months, 6 months, 12 months etc.
- b) IEMs completing 70 Years of age: within 3 months, 6 months, 12 months etc
- c) IEMs working in 3/2/1 Organization(s)
- d) IEMS not working in any Organization
- e) Total number of organizations having IEMs
- f) Search By Name / By Organization / By Ministries

2.44.6 The application also facilitates system generated advance notifications of tenure completion, system generated advance notifications of IEMs completing 70 years of age and bio-data screening during nomination of IEMs. Besides this, it is also envisaged that it would help in streamlining process of filling up vacant posts and enabling timely filling up of vacancies. Through this, it is proposed that the Commission could have a holistic view of implementation of Integrity pact in organizations.

#### **Intranet**

2.44.7 New and improved Bilingual Intranet portal based on latest PHP technology has been implemented in the CVC. All updated information about circular, office orders, achievement, events are available on this portal. The portal also functions as an easy link for all frequently used applications in the commission.

#### **Implementation Of E-Office In Commission**

2.44.8 E-Office application developed by NIC is a generic application based on Central Secretariat manual of Office procedure. This centralized system shall provide enhanced transparency, accountability, productivity, reduced risk of non-compliance to processes, and better collaboration. This is a big step towards digital transformation of work culture in the commission.

2.44.9 E-Office Lite v 7.0 has been selected for implementation in the commission. The process of implementation is in full swing, and E-Office is likely to be fully operational in early 2022.

#### **Implementation Of SOLVE Module For Online Vigilance Clearance**

2.44.10 Inputs of Branches on vigilance status are crucial for processing proposals of ministries / Departments / Cabinet Secretariat for appointment to sensitive posts, appointment/empanelment to the posts of CVO, JS and above level empanelment, additional charge arrangements, extension of tenure of incumbents etc. Considering importance of these proposals for the Gol, an online portal SOLVE has been implemented so that the Branches can furnish their inputs, as and when sought. The online portal provides speedier decision making and cuts out delay of

correspondence and processing

#### **XIV RIGHT TO INFORMATION ACT, 2005**

- 2.45 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.
- 2.46 A statement showing receipt and disposal of references under RTI Act, 2005 during 2017 to 2021 is given in Table 2.11.

**Table 2.11**  
**Receipt and Disposal under RTI Act, 2005 (2017-21)**

Year	Applications received	Disposal	First appeal references received	Disposal
2017	1553	1451	377	354
2018	1260	1179	398	384
2019	1086	1009	392	383
2020	735	665	378	346
2021	762	755	342	350

#### **XV PROGRESSIVE USE OF HINDI**

- 2.47 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 issued bilingually in both Hindi and English. Letters received in Hindi were invariably replied in Hindi.
- 2.48 In compliance with the official language policy of the Union, eight (08) officials were nominated for Hindi typing training under the Hindi Teaching Scheme. Workshops and other training programs could not be organized due to pandemic COVID-19.

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. Due to the COVID-19 pandemic, only Hindi Vocabulary Competition and Speech Competition were organized during the Hindi week in which prizes were distributed by the Commission to the winning participants.



Officers of the Commission



**Hon'ble Lokpal of India, CVC, Director CBI, Chairman SBI and other Dignitaries at Kevadia, Gujarat**

## SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION

### I Vigilance Administration in Organisations

- 3.1 The responsibility of preventing possibility of corruption and promoting culture of honesty in an organisation through probity, fairness and transparency, vests with its 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 renders advice to the Chief Executive in vigilance related matters. The CVO functions as an extended arm of the Central Vigilance Commission. Any vigilance function should aim at upholding the morale of the officials and protecting the value system of the Organisation. 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 Chief Vigilance Officer (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. The vigilance functions 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 verifiable allegations reported to him; processing investigation reports for further consideration of the disciplinary authority; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices and commission of misconducts; examining audit, inspection and other reports from the point of vigilance angle, etc. Though there are several facets of vigilance, yet preventive vigilance measures taken by the CVOs are of substantial significance in reducing occurrence of vigilance cases.
- 3.3 The Chief Vigilance Officers constitute an important link between their organizations and the Central Vigilance Commission. The Commission communicates primarily with the CVOs while tendering advice and seeking reports, clarifications, etc. The Commission's impartial and objective advice aids the Chief Executive Officers/Heads of Organizations in maintaining integrity for effective vigilance administration. In line with its advisory role, the Commission advises the organizations about 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 The Chief Vigilance Officers assist the Heads of the Department/Organisation in all vigilance matters. There are total 191 posts of full-time CVOs in Central Public Sector Undertakings and other organisations under Central Ministries/Departments. Appointment to total 152 such posts is made by DOPT in terms of its OM No. 372/7/2016-AVD-III dated 28.04.2017, after obtaining clearance from the CVC. Besides this, in Public Sector Banks/ Insurance Companies/Financial Institutions CVOs are appointed by Department of Financial Services, Ministry of Finance. Similarly, CVOs of local bodies e.g. New Delhi Municipal Council (NDMC), South DMC, East DMC, North DMC and Delhi Transport Corporation (DTC) are appointed by Ministry of Home Affairs. As the Commission carries out its mandate of superintendence of vigilance administration through the CVOs, it has significant role in empanelment and appointment of full-time CVOs in these organisations. In a few departments viz., CBDT, CBIC, Department of Posts, Ministry of Railways, there are encadred posts of full time CVO. If scale of operation of a particular organization does not justify creation of a full-time post, an officer within the organization, sufficiently senior in rank to be able to report directly to the Chief Executive for vigilance matters, is considered for appointment as part-time CVO for the organisation. The Commission approves name of suitable officer for appointment as part-time CVO, out of a panel proposed by concerned Ministries/Departments/Autonomous Bodies etc., in terms of Commission's Circular No. 020-CVO-10 dated 13/14.08.2020.
- 3.5 During the year 2021, the Commission approved suitability of 111 officers for appointment to the posts of CVO in various Public Sector Enterprises and other organizations. Further, it also approved 03 officers as full time CVO against encadred posts, and 54 officers for appointment as part-time CVO in various Ministries/ Departments/Autonomous Bodies. The Commission has expressed concern about vacancies in these posts and advised concerned organisations for prompt action in this regard. During 2021, total 83 posts of full-time CVOs remained vacant for a period of over one month, out of it 61 posts operated on additional charge basis. Among major organizations the vacancies were reported in ONGC, GAIL, OIL, NRL, THDC, ESIC, CWC, NMDC, SJVNL, ITDC, EPIL, CCI, UCIL, Deendayal Port Trust, etc. Similarly, among public sector banks and insurance companies, the posts of CVO remained either vacant or operated on additional charge basis for more than a month in Bank of Baroda, Bank of Maharashtra, Exim Bank of India, IDBI, IOB, Life Insurance Corporation of India, National Housing Bank, Oriental Insurance Company Ltd., National Insurance Company Ltd., etc. As long duration vacancy in these posts is not conducive for efficient vigilance administration, it is essential that concerted efforts are made by concerned Departments and Ministries for advance action towards filling up existing/anticipated vacancies.

### III Performance of Chief Vigilance Officers

- 3.6 The Commission monitors performance of Chief Vigilance Officers (CVOs) through well-established mechanisms of quarterly progress reports, annual reports and periodic reviews conducted by the Commission in sectoral/zonal meetings. In addition, the Secretary and the Additional Secretaries in the Commission also review the works of CVOs and reconcile pending issues invariably before annual zonal review meetings, and also at periodic intervals. The Commission is appreciative of the efforts made by most of the Chief Vigilance Officers in efficient discharge of their duties.
- 3.7 With a view to prevent harassment of CVOs and protect their functional autonomy, all complaint against them are referred to the Commission for advice. Instructions have also been issued vide Commission's Circular No. 13/3/06 dated 28.03.2006 indicating steps to prevent victimisation of officials working in the vigilance set-up of any Organisation.
- 3.8 The Commission receives complaints electronically on its portal, as well as through post. These are scrutinised, and appropriate decisions are taken in the light of the complaint handling policy. At the close of the year 2021, the Commission had sent 11794 complaints to CVOs for necessary action and out of these 10627 complaints were disposed of by the CVOs (**Appendix III- A(i)**). The above data is based on Quarterly Performance Reports/Annual Reports submitted by CVOs.
- 3.9 The Commission reviews the status of pending complaints with the CVOs, periodically, so that its disposal is expedited. As regards complaints directly received by the CVOs, total 97420 complaints had been received by CVOs during the year out of which 68678 were disposed of by the CVOs of different organisations. Balance 28742 complaints were pending with CVOs at the end of the year 2021, out of which 22262 for more than three months pending with CVOs (**Appendix III- A(ii)**). The above data is based on Quarterly Performance Reports/Annual Reports submitted by CVOs.
- 3.10 Wherever it has been decided after examination of the complaints to conduct vigilance investigation, either on the advice of the Commission or otherwise, the CVO gets it conducted by his officers and decides whether on the basis of the facts disclosed in the investigation report the complaint should be dropped, or regular departmental action be recommended against the public servant, or administrative action viz., warning, caution etc., would serve the purpose. The CVO forwards his report along with his specific recommendations to the disciplinary authority for appropriate decision.
- 3.11 It is expected of CVOs to get investigations completed ideally within a period of three months, or as soon as possible thereafter. At the end of the year 2021, in respect of such complaints which had been referred by the Commission to the CVOs for investigation, reports were awaited in 231 cases out of which 123 were pending for upto one year, 47 for a period between one to three years, and 61 for a period of over three years (**Appendix-IV**).

- 3.12 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 progress of departmental inquiries in terms of the Commission’s Circular No. 19/09/2021 dated 06.10.2021 and brings out inordinate delays to the notice of the concerned disciplinary/administrative authorities for corrective action. In order to bring about efficiency in vigilance administration and to ensure prompt/timely initiation and completion of disciplinary matters where major penalty proceedings have been initiated/are to be initiated, the following timelines have been prescribed for adherence:

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

At the end of the year 2021, out of 2292 departmental inquiries against officers under the jurisdiction of the Commission, 1092 departmental inquiries had been disposed of and 1200 were pending. Out of these, 840 departmental inquiries were pending for over three months, as shown in the table:

Total departmental inquiries against officers (under CVC jurisdiction)	Departmental inquiries disposed of	Departmental inquiries pending	Departmental inquiries pending for more than 3 months
2292	1092	1200	840
(January 2021 to December 2021) Table 3 (Appendix III- B)			

Total departmental inquiries against other employees (not under CVC jurisdiction)	Departmental inquiries disposed of	Departmental inquiries pending	Departmental inquiries pending for more than 3 months
9529	4965	4564	2470
(January 2021 to December 2021) Table 4 (Appendix III- C)			

- 3.13 The CVOs are required to keep a watch over the status of implementation of first stage and second stage advice 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 advice, the matter is pursued with the concerned authorities. There were 244 cases pending for implementation of first stage advice and 69 cases pending for implementation of second stage advice for more than six months as on 31.12.2021 (Appendix-V).

- 3.14 The CVOs are also required to send quarterly progress report to the Chief Technical Examiners' Organisation (CTEO) of the Commission, containing details of major purchases/procurements/works undertaken or being undertaken by the organisations. 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.
- 3.15 Chief Vigilance Officers of Ministries/ Departments/ Organizations are required to submit annual reports of vigilance activities to the Commission every year. The performance of the CVOs for the year 2021, as per information provided in their reports, is reflected in Appendix III (A to F). List of 10 organizations who have not submitted their annual reports are at Appendix III-G.
- 3.16 During the year 2021, major penalty proceedings were initiated in 7360 cases (for all categories of officers) dealt with by the CVOs resulting in imposition of major penalties in 5845 cases and minor penalties or warning in 617 cases. Besides, 898 cases resulted in exoneration. Further, minor penalty proceedings were initiated in 13661 cases which resulted in imposition of minor penalties or warning in 10977 cases. Balance 2684 cases resulted in exoneration. Effectively, minor penalties or warning were imposed in a total of 11594 cases (Appendix III – E and F). These data are based on annual reports submitted online by CVOs of organizations.

No. of cases where major penalty proceedings initiated: 7360	Major Penalty imposed	5845
	Minor Penalty imposed (against initial major penalty proceedings) or warned	617
	Exoneration	898
No. of cases where minor penalty proceedings initiated: 13661	Minor Penalty imposed or warned	10977
	Exoneration	2684
	Effective total number of minor penalties imposed or warned	11594
Table 5 (Major and Minor Penalties: Annexure III E and F)		

#### IV SANCTION OF PROSECUTION

- 3.17 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 Prevention of Corruption 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 on the reference. Total 1143 cases for sanction were handled by the CVOs in the year 2021, out of which sanctions were accorded in 598 cases and declined in 147 cases by competent authorities. Besides, total 398 cases were pending at the end of the year out of which 97 were pending for over six months.

The information is summarized in the table:

Total no. of cases for sanction	Sanctions accorded	Sanctions declined	Pending	Pending for more than 6 months
1143	598	147	398	97

(Table 6: Sanction for Prosecution cases, Appendix III-D)

## V Annual Sectoral Review Meetings

- 3.18 The Commission holds annual sectoral meetings to take stock of vigilance administration of various organisations, and performance of respective CVOs. The review focuses on the extent of compliance of various guidelines/instructions and achievement of prescribed targets. It also provides an opportunity to the organisations to showcase their initiatives and seek guidance from the Commission on specific issues of vigilance administration. These meetings also set the tone for the next year, and help in identification of specific areas which require immediate attention.
- 3.19 During the year 2021, the Commission held six annual sectoral review meetings. The common focus of these meetings were time-bound liquidation of pending cases, systemic improvement, improving participation of women through policy interventions, protection of statutory rights of contractual employees, effective drive against encroachment and unauthorized occupation of residential accommodations, improvement in quality of training, sharing success stories of new initiatives, ensuring timely filing of AIPR by officials, and regular audit of IT systems for cyber security.
- 3.20 In the annual sectoral review meetings total 36 Ministries/Departments/Organisations participated. The Commission appreciated the progress made by them and prescribed target-dates for completion of pending vigilance cases. It was also emphasized that attention should be paid on 'preventive vigilance' measures, people friendly policies, reduction of human interface by use of IT platform, peer-group learning, strengthening and sharing of training infrastructure.
- 3.21 **Annual Sectoral review of Social Sector:** The Commission advised the Ministry of Labour & Employment to focus on preventive vigilance, ensure expeditious finalization of disciplinary cases and early liquidation of pending complaints. It was also advised to initiate disciplinary action against Inquiry Officers (IOs) if found responsible for delay in finalization of inquiries. Measures should be taken for attitudinal change of officials through training, and induction training of 3-4 months with 2-3 days of capsule course on vigilance may be introduced by

all organisations. The Ministry should also ensure women representation in committees for improving their participation.

The Commission noted with concern that 28 departmental inquiries were pending with EPFO and advised the CVO for time-bound disposal. It was also desired that the CVO will regularly examine audit reports for detection of vigilance cases. Similarly, total 08 cases of Employees State Insurance Corporation (ESIC) were pending, and the CVO was advised to ensure time-bound disposal. Regarding investment of surplus PF funds, the Secretary (Min of Labour & Employment) informed that guidelines of Ministry of Finance are strictly followed in this regard. About unclaimed money of PF beneficiaries, it was informed that the amount will become part of the corpus if not claimed. The Secretary also informed that various measures have been taken by the Ministry to strengthen delivery system and assured visible improvement in vigilance administration in near future.

- 3.22 **Annual Sectoral Review of Agriculture Sector :** The review focused on pending disciplinary cases. After detailed discussion on each of the pending cases, specific timelines were prescribed for appointment of IO/PO, and its completion. It was advised that special drive should also be undertaken for liquidation of pending complaints.

The CVO, DAC&FW informed that the lone pending complaint for ‘Investigation and Report’ pertained to Department of Fisheries and early action would be taken in this regard. It was also noticed that First Stage Advice (FSA) in one case had been pending for implementation, and the department was advised to ensure action by September, 2021. During review of three cases pending under ‘Further Information’ category the department agreed to submit reply shortly. The Ministry was advised to focus on training of its officers for skill upgradation and also for adopting women sensitive policies.

- 3.23 **Annual Sectoral Review of Power Sector :** The meeting was held with Ministry of Power and its organisations. The Commission noted that only few cases were pending for the period up to 2018. Regarding release of benefits to persons engaged on outsourced basis the Commission advised for adoption of DBT (Direct Benefit Transfer) like mechanism. Besides this, Integrity Pact should contain clauses on minimum wages, ESIC and EPF etc. It was also observed that ‘Contract Labour Information and Management System (CLIMS)’ of NTPC is a good initiative, and may be replicated across other PSUs. It was also observed that percentage of women in the workforce of Power PSUs ranges from 6.7–20.57% and thus, there is a need for adoption of women friendly policies. The success stories of women leaders may be published in the in-house magazines and displayed on the website. The Commission highlighted the need of strengthening training and including vigilance component in training modules. Besides this, the vigilance staff should be trained to examine digital trails.

It was also observed that large numbers of residential accommodations of DVC were under unauthorized occupation. Besides this, PSUs also face encroachment and land-dispute issues

which should be handled effectively. All land records should be digitized and preserved. The Commission also advised for revision of CSR policies for transparency, and audit reports to be looked into for identification of areas of systemic improvement.

- 3.24 **Annual Sectoral Review of Steel Sector :** The meeting was held with Ministry of Steel and its PSUs. The Commission noted that all cases upto 2018 had been cleared and the organizations should continue with the good work. The Secretary (Ministry of Steel) informed about measures taken for systemic improvement, and ‘V’ shaped recovery shown by steel industry after the COVID 19 pandemic. The focus was on increasing competitiveness of PSUs, as well as enhancing transparency and accountability in the system. The encroachment of land and land-disputes were observed in SAIL, RINL, OMD, MOIL, KIOCL and MECON. The SAIL informed that GIS mapping of all locations will be completed by 2022. The Commission advised that authenticated land records should be digitized and preserved by all, and action should be taken against encroachments and unauthorized occupation.

The Secretary (Ministry of Steel) informed that systems and procedures were being put in place for proper disbursement of CSR expenditure. The Commission advised the Ministry to monitor such revision and ensure transparency in award of CSR work, and also in its implementation. It also was noticed that audit of IT Applications had been pending for FSNL, KIOCL, MOIL. Such audit should be carried out on regular basis for prevention of cyber fraud and hacking. The Secretary informed the Commission that Steel CPSEs had been advised to review benefits for employees of CPSEs viz LTC, leave encashment, Gratuity etc., and ensure that these are as per the guidelines/norms of the DPE. It was also informed that statutory guidelines are followed by all organisations while engaging contractual employees. All organisations were advised to prevent malafide connivance through effective system of inspection and monitoring.

The Chairperson SAIL was congratulated on being the first women chairperson of the prestigious PSU. The Commission advised for adoption of women friendly policies, and include woman member in all Committees.

- 3.25 **Annual Sectoral Review of Fertilizer Sector :** The Commission held Review meeting with the Department of Fertilizers and its PSUs. It was noted that only few cases were pending for the period up to 2018. The Commission observed that long pending vigilance cases result in demoralization and loss of efficiency. Therefore, all possible efforts should be made for early finalization of pending cases and timelines be adhered to in this regard. The Secretary (Department of Fertilizers) informed about IT enabled Integrated Fertilizer Management System (IFMS) which captures end-to-end details of production, movement, availability, requirement, sale, subsidy bill generation and subsidy payment to fertilizer companies.

The Commission observed that many CVOs do not devote due attention to preparation and submission of QPRs, and some of the organisations, viz DoF, FACT and FAGMIL, failed to even submit these periodic reports. All organisations were advised to ensure that these reports

are filed on time. The organizations also confirmed that they follow statutory guidelines for availing outsourced services. The Commission advised them to take adequate measures to ensure effective monitoring and protection of rights of such employees. It was also noted that percentage of women in the workforce of Fertilizer PSUs ranges from 5.28 - 10.1%. The organisations should adopt women friendly policies and focus on improve training of officials. Similarly, land/ building records should be maintained in proper format and effective action be taken against encroachment/illegal occupation of quarters. The complaint handling policy should also be followed strictly by all.

- 3.26 **Annual Sectoral Review of Health Sector:** The Commission appreciated the efforts of Doctors, Supporting Staff and Officials of the Health Sector for their hard work and their contribution towards fight against Covid-19 pandemic and hard work of the Ministry/ICMR for the home-made vaccine. The review meeting was attended by Ministry of Health and Family Welfare, AIIMS, ICMR, NMC, and NBE.

The Commission observed that CVOs were not appointed in many of the organisations, including newly created AIIMS. The vigilance cases of these organisations will therefore, be processed by CVO of the Ministry till appointments are made for these organisations. The Secretary (Ministry of Health and Family Welfare) briefed the Commission about new initiatives of the Ministry towards public service. The Commission observed that many old vigilance cases were pending. The cases pertaining to AIIMS, Delhi, National Medical Commission, Indian Council of Medical Research, National Board of Examination were discussed. The Secretary, Ministry of HFW assured that time bound action would be taken. The Commission observed that patients getting treatment in large hospitals (AIIMS, PGI etc) face difficulty of stay in nearby locality. Therefore, possibility of creating Dhramshala (Rain Basera) with the help of NGO may be explored. The Secretary assured the Commission to strengthen training of medical and para-medical staff and include vigilance module in structured training programmes.

## VI Guidelines/Instructions issued by the Commission during 2021

- 3.27 Under the CVC Act, 2003, Central Vigilance Commission is mandated to exercise superintendence over vigilance administration of the Central Government organisations. The Commission issues guidelines, whenever required, with the intention to streamline the procedures, and improve efficacy of vigilance functioning in the organisations. The important guidelines issued by the Commission during the year 2021 are mentioned in the succeeding paragraphs.
- 3.28 Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis (Circular No 04/04/21 issued vide letter No 005/CRD/019 dated 06.04.2021).

The Central Vigilance Commission has issued guidelines from time to time on public procurement, emphasizing tendering process as the basic need for award of contract. As per

extant guidelines, work may be awarded on nomination basis in some rare and exceptional circumstances. The Commission has reiterated the guidelines in this regard, and directed for reporting of contracts awarded on nomination basis on the websites of concerned organisations, alongwith brief reasons, so that the information becomes available in public domain.

- 3.29 Expeditious disposal of complaints received against employees, having bearing on Vigilance Clearance – Suitable monitoring mechanism – Reg. (OM No 021-AIS-1(2) dated 19.04.2021)

It has been observed that complaints received against an employee remain undecided for a long time without justifiable reasons, which results in withholding of employee's vigilance clearance in an unwarranted manner. Hence, the Commission has issued guidelines for timely action on such complaints by specifying time-schedule for different actions on its processing, and also on the manner of its reporting in the Quarterly Progress Reports of the organisations.

- 3.30 Revised Standard Operating Procedure to deal with Intensive Examination carried out by Chief Technical Examiners' Organisation (Circular No 05/05/21 issued vide letter No 021-VGL-032 dated 06.05.2021).

The Central Vigilance Commission has revised the Standard Operating Procedure (SOP) to deal with Intensive Examination by Chief Technical Examiners' Organisation, and prescribed time schedule for conduct of various activities during such examinations.

- 3.31 Reporting of cases of deviations from the Central Vigilance Commission's advice-reg. (Circular No 10/06/2021 issued vide letter No 021/VGL/036 dated 23.06.2021)

There are occasions when the Disciplinary Authority concerned takes a view which is different from the advice tendered by the Commission. In respect of officers for whom the President is the Appointing Authority, cases of disagreement are to be referred to DoPT for consultation as per existing instructions. The Commission has desired that for the sake of uniformity, cases of disagreement/deviation for non-Presidential appointees, which presently are not reported to the DOPT, shall be reported by the CVOs of the Ministry/Department concerned to the Secretary of the Ministry/Department, under confirmation to the Commission and in a time-bound manner.

- 3.32 Constitution of the Advisory Board for Banking and Financial Frauds (ABBFF) – regarding (Order No 14.08.2021 vide File No 006-MSC-038 dated 19.08.2021)

In view of completion of term of the Advisory Board for Banking and Financial Frauds (ABBFF) on 20.08.2021, the Commission in consultation with Reserve Bank of India has reconstituted the Board with four members, including the Chairman. The scope of ABBFF has been expanded to include all level of officers, including Whole Time Directors of Public Sector Banks, Public Sector Financial Institutions and Public Sector Insurance Companies.

- 3.33 Timely finalization of Departmental Inquiry Proceedings-improving vigilance administration (Circular No 19/09/21 issued vide letter No 000/VGL/018 dated 06.10.2021)

The Central Vigilance Commission reiterated the guidelines for timely finalization of disciplinary matters and prescribed timeline for bringing old pending cases to logical conclusion.

- 3.34 Time limit and procedure for seeking reconsideration of Central Vigilance Commission's First Stage Advice-reg. (Circular No 20/11/21 issued vide letter No 008/VGL/027 dated 25.11.2021)

The Commission has revised the time limit for seeking reconsideration of Commission's First Stage Advice. Now, the proposal for reconsideration of First Stage Advice may be submitted within a period of two months of receipt of such advice.

- 3.35 Timely finalization of Departmental Inquiry Proceedings -improving vigilance administration (Circular No 21/12/21 issued vide letter No 000/VGL/018 dated 03.12.2021)

The Central Vigilance Commission has reiterated the model time limit for departmental inquiries by Inquiry Officers as prescribed vide Circular dated 03.03.1999 and 18.01.2016, for strict compliance and directed the organisations to seek monthly progress report from Inquiry Officers, in a specified format, for the information of Disciplinary Authority and CVO. The CVO has also been advised to actively monitor progress of these cases and take up cases of delay with the Disciplinary Authority.

- 3.36 Management Audit of Vigilance Unit (MAVU) (Circular No. 24/12/21 issued vide letter No. 21/MISC/026 dated 23.12.2021)

In order to exercise effective supervision and to have a deeper insight into the functioning of Vigilance Units of the various organisations, the Commission has decided to conduct 'Management Audit of Vigilance Unit (MAVU)' of organisations covered under the Commission's advisory jurisdiction, at periodical intervals. Initially, four organisations namely (i) Central Board of Direct Taxes (CBDT); (ii) Central Board of Indirect Taxes and Customs (CBIC); (iii) National Highway Authority of India (NHAI); and (iv) Punjab National Bank (PNB) have been identified for MAVU.

- 3.37 Comprehensive guidelines on Complaint Handling Mechanism (Circular No 25/12/2021 issued vide letter No 021/VGL/051 dated 24.12.2021).

The guidelines issued from time to time by the Commission for lodging and handling of complaints has now been compiled and circulated. This will serve as a ready reference, and facilitate in lodging of complaint by citizens.

## SCHOOL STUDENTS PARTICIPATING IN DIFFERENT ACTIVITIES



DAV school prize distribution



JLN college poster making, poetry & elocution competition



Outreach program of PNB at different schools



Murari Lal School competition



NHPC KV, Uri school competition

## 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, tender 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 organisations. 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 organisation 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 2021, there were some significant deviations from the Commission's advice. Whenever the Ministry / Department 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 Ministry / Department finally decide such cases.
- 4.3 Non-acceptance of the Commission's advice or non-consultation with the Commission vitiates the vigilance process and weakens the impartiality of the vigilance administration. However, there are cases of deviation from prescribed procedure or non-acceptance of the Commission's advice. Ministry / Organisation wise cases of deviation from prescribed procedure or non-acceptance of the Commission's advice are briefed as follows:

**4.3.1 Ministry of Railways:****S. No.- 1****Charge**

While working in different official capacities as public servant, the then Chief Personnel Officer (CPO) amassed huge wealth disproportionate to his known source of income by 138.65%. He was found responsible for not intimating or not taking permission of the Department as per extant norms about purchase of assets and investment made by him or his wife and acceptance of gift by his family members.

**Advice**

Commission tendered its First Stage Advice on 07.03.2012 for initiation of Major penalty proceedings against the then Chief Personnel Officer. While tendering Second Stage Advice, the Commission had advised imposition of penalty under Railway Service (Pension) Rules against him.

**Brief**

- (i) During the searches after registration of a case against the then Chief Personnel Officer & others, relating to regular appointments, the CBI came across evidence that while in service from 12.01.1982 to 03.12.2009, he had apparently acquired assets disproportionate to his known source of income by 138.65%.
- (ii) He had not given intimations or taken permission of the Department in respect of immovable assets in the name of his family members, investments made in the name of his wife and children and gifts received from relatives and friends.

**Outcome**

The Disciplinary Authority i.e Railway Board (Member Staff) decided to close the case and accordingly dropped the proceedings against the then Chief Personnel Officer vide order dated 14/10/2020, in deviation to Commission's Second Stage Advice for imposition of penalty under Railway Service (Pension) Rules.

**S. No. -2****Charge**

The then JE/W/C/FDB was found responsible for failure in effecting recovery from a contractor, discrepancy in recording lump-sum measurements leading to excess payment and executing infructuous works in the work "Construction of staff quarters, service building, overhead/ underground water storage tanks etc., between Asoati & TKD Jn cabin".

**Advice**

The Commission in its First Stage Advice had advised initiation of Major Penalty Proceedings against the then JE/W/C/FDB in agreement with Railway Board Vigilance on 14.11.2017.

**Brief**

A Preventive Check was conducted on 09.01.2014, 13.02.2014 & 19.02.2014 by Northern Railway

Vigilance on the work of “Construction of staff quarters, service building, overhead/ underground water storage tanks etc., between Asoati & TKD Jn cabin” which was awarded for a value of Rs.8,04,48,546/- wherein following irregularities were noticed :-

- i. Effecting no recovery on non-compliance of conditions of contract.
- ii. Discrepancy in recording of lump-sum measurements.
- iii. Making excess payment.
- iv. Execution of infructuous works.

### **Outcome**

The Disciplinary Authority (Dy.CE/C/SSB) imposed Major Penalty of “Reduction to lower stage in time scale of pay by two stage for a period of six months without cumulative effect” vide order dated 28.09.2018. The Appellate Authority (CE/C/Survey) decided to impose Minor Penalty “Withholding of an increment of pay for a period of one year without cumulative effect” on 12.03.2019. Finally, the Revising Authority (CAO/Const.II/NR) decided that Minor Penalty of ‘Censure’ be imposed against the Charged Official vide order dated 04.01.2021. The decision of the Appellate/ Revising Authority is in deviation with the Commission’s advice.

### **S. No. -3**

#### **Charge**

The then Senior Divisional Signal and Telecom Engineer (Sr. DSTE)/Co/ALD was served with Minor Penalty Memorandum for not exercising due diligence in scrutiny of credential documents submitted by the bidder in spite of the fact that complaints were received by Tender Committee that the credentials submitted by the bidder were fake.

#### **Advice**

The Commission had advised for initiation of Major penalty proceedings against the then Sr. DSTE and upon reconsideration the Commission had advised for Minor penalty proceedings. At Second Stage Advice dated 22.01.2021, the Commission in agreement with PED(vig.)/ Railway Board, had advised for imposition of Minor penalty against the then Sr. DSTE.

#### **Brief**

A tender for the work of ‘Additional Washing Pit Line berthing 24-Coach length with one stabling line at new coaching complex at Kanpur’ in Allahabad Division of North Central Railway was opened wherein the then Sr. DSTE was a member of Tender Committee (TC) for the said tender. The credential documents submitted by one tenderer were verified twice upon receipt of forwarded complaints regarding fake credentials of the tendering firm & it was observed that signature of the same person as credential issuing official (as per document submitted by tenderer) and as credential verifying official differed on both occasions. These verification documents were available in the tender file. The then Sr. DSTE/Co/ALD, as a member of TC, despite being in knowledge of the complaint regarding fake credentials of tenderer, did not exercise due diligence in the scrutiny of credential documents and obvious discrepancies and went ahead to recommend award of the contract to that tenderer.

### Outcome

The Disciplinary Authority i.e. Director/E(O)/I, Railway Board, in deviation to Commission's advice of imposition of Minor Penalty proceedings, exonerated the then Sr. DSTE from the charges order dated 25.02.2021. The decision of the Disciplinary Authority is in deviation from the Commission's advice.

### S. No. -4

#### Charge

The then Divisional Operations Manager (DOM)(P&S)/Khurda Road being evaluator, was found responsible for violating the Railway Board's instructions in evaluation of answer sheets and extending undue advantage to some candidates to qualify in the examination for selection of Goods Guard.

#### Advice

The Commission had advised initiation of Major Penalty Proceedings against the then DOM (P&S) and reiterated the same in its Second Stage Advice on 19.10.2020.

#### Brief

- (i). The then DOM(P&S), evaluator of answer sheets in the examination for selection of Goods Guard, in violation to Railway Board's instructions enumerated in RBE No.29/2009, had awarded full marks to the corrections/ modifications made in the answer sheets of 50 candidates. 33 candidates would not have qualified or even secured the minimum passing marks, had the corrected/ modified answers not been evaluated/ given full marks.
- (ii). He deliberately evaluated an answer sheet in which the candidate had made clear indications that he had some kind of understanding with the evaluator in violation to the Railway Board's instructions provided in the question paper.
- (iii). He had rounded off the half mark to the next higher mark in the aggregate in 30 cases in violation to Para 9.3 of Railway Board's instructions dated 20.10.1999. Consequently, marks of 8 candidates securing 59.5 marks, was rounded to 60 marks (minimum qualifying marks) and declared qualified in the examination.

### Outcome

General Manager/East Coast Railway, being the Disciplinary Authority, exonerated the then DOM(P&S), on 06.01.2021. Decision of the Disciplinary Authority is in deviation from the Commission's advice.

### S. No. -5

#### Charge

While working as Assistant Engineer (AEN), during a preventive check conducted by Zonal Vigilance/ Eastern Railway on the execution of 'Earthwork in filling/ cutting with required compaction in Railway embankment, supply and spreading of blanketing materials over formation, construction of Minor bridges, gate lodges, retaining walls etc.' pertaining to 3rd line from Boinchi to Shaktigarh, he was found responsible for non-maintenance of concrete cube test registers, inadequate collection of

concrete cube samples at worksites, non-availability of water vat for curing of concrete cubes samples, not ensuring prescribed quality check as per standard guidelines and for inferior quality of concreting work in retaining walls and drain.

#### **Advice**

The Commission, in agreement with the GM/ Eastern Railway and Railway Board Vigilance, tendered its First Stage Advice for initiation of Major penalty proceedings against the AEN. In April 2021, the same was re-iterated in Second Stage Advice of the Commission.

#### **Brief**

A preventive check by the Zonal Vigilance revealed following serious irregularities in the execution of the said work:-

- (i) Non-maintenance of cube-crushing strength register, and progress register of concreting work for RCC M-20 & M-25 concrete.
- (ii) Frequency of sampling of concrete cube of M-25 grade was not maintained as per para 5.2.2 of IS: 456.
- (iii) No water vat/ tank was constructed for curing of concrete cubes though huge quantity of concreting works of different grade have been executed.
- (iv) Neither made the concrete cube samples of grade M-20 and M-25 during casting at site nor carry out necessary test even though huge quantity of concreting work executed at site.
- (v) Testing of samples of concrete by Vigilance showed very much inferior quality of concreting work in retaining wall and drains. Thus, there was failure to ensure quality control check of concrete as per agreement violating the guidelines in force.

#### **Outcome**

Major penalty chargesheet was issued consisting of two charges. The inquiry officer held both charges as proved. Based on the officer's representation, the Disciplinary Authority (DA) held that the officer is only indirectly responsible for the lapses and does not deserve imposition of Major penalty. Thus, in disagreement with Commission's advice, the DA imposed a Minor penalty of 'Reduction of Pay in the same time scale by one stage for six months without cumulative effect'. Decision of the Disciplinary Authority is in deviation from the Commission's advice.

#### **S. No. -6**

#### **Charge**

Workshop Electrical Engineer, Carriage Repair Workshop, Mancheswar (WEE/CRW/MCS) under East Coast Railway (ECoR), was responsible for according approval to place orders to the firm for the cables not covered in approved source of RDSO/RCF/ICF beyond his competency and passing the bills for payment without inspection certificate.

#### **Advice**

The Commission had advised for Minor penalty against him on 24.01.2020 and reiterated the same in its Second Stage Advice on receipt of reconsideration proposal from Railway Board.

### **Brief**

- (i) As per conditions of contract, the contractor was required to supply cable as per Research Design and Standards Organisation (RDSO) specification from RDSO/RCF/ICF approved sources. As per terms and conditions of the contract, prior approval of Dy. CEEW [Chief Electrical Engineer (W)] was required for items not covered under RDSO/RCF/ICF approved sources. However, the then WEE/CRW/MCS not only approved the sample of cable ignoring the RDSO/RCF/ICF approved sources but also approved the items not covered under RDSO/RCF/ICF approved sources, without approval of competent authority i.e, Dy. CEEW.
- (ii) The payment against the supply was to be made only after inspection by RITES/Consignee. However, the payment of on account CC-I and CC-II bills to the contractors was processed by him without inspection certificate from RITES/Consignee or verification of make of materials.

### **Outcome**

The Disciplinary Authority, i.e. GM/ECOR decided to 'exonerate' him vide order dated 24.12.2020 in deviation from the Commission's advice.

### **S. No. -7**

### **Charge**

The then Chief Engineer/P-II/Reasi, now GM/P-II was found responsible for extending undue advantage to the contractor by approving the rate analysis and purchase proposal for an inadmissible non-schedule (NS) item that has led to extra payment of 69 lakhs by the Indian Railways.

### **Advice**

On 16.12.2019, the Commission advised for initiation of Minor penalty proceedings against the then Chief Engineer.

### **Brief**

While working as Chief Engineer/P-II/Reasi, he had approved the rate analysis for NS item no. 13 for lining for elliptical shape of the tunnel no.3. As the operation of NS item was of more than Rs. 50 Lakhs, the proposal was approved by him as per para no. 13 of Standard Operating Procedure (SOP) of Project division. In the approved proposal, it was stated that the lining of elliptical section is not available in the Bill of Quantity (BOQ). However, based on scrutiny of contract documents, it is clear that the agency was very much aware while quoting the bid and prepared for usage of movable steel from works/ gantries or any other suitable shuttering for concrete lining of tunnel for elliptical and other sections of side wall and arch roof in one go or otherwise. Accordingly, they have factored the expenditure towards multiple shape of shuttering/ gantries to be used for tunnel lining at tunnel T-3 while quoting the rate. Further, the use of M30 grade of concrete in place of M20 involved only cost of extra cement quantity which was already getting paid under separate item.

### **Outcome**

The Disciplinary Authority i.e. Director, Way & Works/KRCL issued Minor penalty to him, on

17.03.2020 however, the Appellate Authority i.e. Board of Directors, KRCL exonerated him from the charges on 14.12.2020, in deviation from the Commission's advice.

**S. No. -8**

**Charge**

The then Dy. Chief Engineer (Dy. CE)/C/GTL, failed to conduct frequent field inspections and conducting quality tests for PSC girders, cast for Bridge No. 45 resulting in the failure of 23 PSC girders and allowed payment for CC-I & II bills. Also, with malafide intent, he did not convey this failure of PSC girders involving safety hazards to higher authority and successor. This act has caused Railway a loss of Rs. 93,02,294.

**Advice**

The Commission, at First Stage, had advised for initiation of Major penalty proceedings against the then Dy. CE/C/GTL.

**Brief**

During an investigation by Zonal Vigilance in 2017 for irregularities in the work "Guntkal-Kalluru Gauge Conversion- Construction of Bridge No. 45 across river Pennar with Prestressed Concrete (PSC) girder on well foundation", 23 out of 104 girders were found to be of sub-standard quality, which were paid to the agency and discarded for use at site. Another test report indicated failure of 16 PSC girders out of 20 in core test. The then Dy. CE/C/GTL deliberately suppressed the number of failed girders to vigilance in order to dilute his role in the girder failure. He was also found to have not intimated the same to higher authority and to successor. This act has caused Railway a huge loss of Rs. 93,02,294.

**Outcome**

The Member/ Infra and Disciplinary Authority, in deviation from the Commission's advice of initiation of Major Penalty proceedings, issued 'Counselling' to the then Dy. CE, vide order dated 18.11.2021.

**S. No. -9**

**Charge**

After transfer from the post of Senior Section Engineer/P.Way, the Asst Engineer did not hand over the charge of stores under his custody for two years. He also failed to maintain proper account of stores. In addition, the ASO failed to intimate the administration about the transactions of movable/ immovable properties.

**Advice**

The Commission, in agreement with the Railway Board Vigilance, advised initiation of Major penalty proceedings against the then AEN.

**Brief**

The officer while working as Senior Section Engineer/P. Way was transferred out, but he did not hand

over the charge of stores to his successor. He handed over the charge after more than 2 years, only when the Vigilance carried out investigation into the matter. Thus, he violated Para 135 of Indian Railway Permanent Way Manual. In addition, he did not maintain proper account of stores. His failure resulted in excess of materials worth Rs. 28,39,977/- and shortage of materials worth Rs. 4,77,447/-, when handing over/ taking over statement was prepared, and stock verification was done. The officer also did not maintain proper account of released track materials. Moreover, the officer also failed to inform the administration about the movable and immovable properties purchased by him.

**Outcome**

The Disciplinary Authority (GM/SW Railway) issued Major penalty charge memorandum against the Assistant Engineer and held an inquiry into the charges. After considering the inquiry report, the Disciplinary Authority held the Charged Officer responsible for gross misconduct and serious irregularity. However, vide his Order dated 16.12.2015, the DA imposed a Minor penalty of “reduction to a lower stage by one stage in the same time scale of pay for one year which will not have the effect of postponing the future increment of his pay” on the CO. Subsequently the DA stated on file that, “My intention was to impose Major penalty but due to typing or clerical error, the concluding sentence has not come out correctly.” The DA referred the matter to Railway Board for revision of penalty, but the Railway Board vide OM dated 31.08.2020 communicated to the Commission that the matter has been closed with imposition of Minor penalty. Decision of Railway Board is in deviation from the Commission’s advice of Major penalty proceedings.

**S. No. -10****Charge**

While working as Sr. DMM/SECR/NGP, he was found responsible for irregularities in the procurement of Non-Stock (NS) items. He had approved fixed group of firms in the purchase proposals of NS items against NS requisitions prepared by different consignees of the division and hence failed to maintain healthy competition, accepted offer of lowest suitable tenderer with multiple make/ brands of the items, thereby adding to possibility of lower quality of material and variation in rates of items, accepted tenders at exorbitant higher rates than those in other zonal railways/ divisions and MRPs without verifying from other available sources causing financial loss to the Railways.

**Advice**

The Commission in its First Stage had advised for initiation of Major penalty proceedings against the then Sr. DMM and reiterated the same in its Second Stage advice on 07.12.2020.

**Brief**

- (i) A purchase proposal of local procurement of non-stock items in Nagpur Division of South-East Central Railway was approved by then Sr. DMM/SECR/NGP against NS requisitions submitted by different consignees of Electrical general/SECR/NGP and a fixed group of firms were approved by him in the purchase proposals and thereby he failed to maintain healthy competition among the firms.
- (ii) He accepted offer of lowest suitable tenderer with multiple make/ brands, adding to the

possibility of supply of lower quality of material against higher rate and variation in rates with different brands. By doing this, he has extended undue benefit to the supplier.

- (iii) He accepted tenders at exorbitant higher purchasing rates than those in other zonal Railways/ other divisions of South East Central Railway (SECR) on the basis of budgetary quotation provided by the indenting department and LPR of NGP division without verifying from available sources causing financial loss to Railways.
- (iv) He was responsible for purchase of water bottles at prices higher than their MRPs without verifying its rate from other tenders.

### **Outcome**

The Commission had advised initiation of Major Penalty proceedings against then Sr. DMM whereas the Disciplinary Authority in deviation from the Commission's advice, imposed Minor penalty of 'CENSURE' vide its order dated 19.02.2021.

### **S. No. -11**

#### **Charge**

In the case of tender for disposal/selling of workshop refuse, while working as Production Engineer/UBLS and as the Convenor in Tendering Committee, the official was found responsible for recommending discharge of tender for disposal/selling of workshop scrap on two mutually contradictory reasons of rate reasonability and for fixing of base value of same retendered work lower than the offer on which previous tender was discharged. In the same case, the then Sr. Assistant Financial Advisor/Workshop & Store/Hubli (AFA/W&S/UBLS), as a finance member in Committee to decide on the base value for the sale of scrap of Hubli Workshop and Tendering Committee, was found responsible for similar irregularity. Their acts resulted in lower sale value of workshop scrap in Hubli Workshop, leading to financial loss to Railways.

#### **Advice**

On 30.07.2020, the Commission in its First Stage had advised for initiation of Major penalty proceedings against them and reiterated the same in its Second Stage Advice dated 10.02.2021.

#### **Brief**

- (i) The then Production Engineer/UBLS, as a convenor for the tender dated 27.10.2016 for disposal of workshop garbage/rubbish/mixed scrap at Hubli Workshop, had recommended to discharge the tender on two mutually contradictory reasons of rate reasonability.
- (ii) Later on, he fixed the base value for the same retendered work dated 03.03.2017 lower than the offer on which former tender dated 27.10.2016 was discharged.
- (iii) As finance Member of Committee to decide base value rate for the sale of low value Industrial non-hazardous waste of Hubli Workshop during November 2015, the then Sr. Assistant Financial Advisor/Workshop & Store/Hubli (AFA/W&S/UBLS) had recommended base value rate of the Workshop scrap much lower than the market value for the same.
- (iv) Also, as a finance member of the Tendering Committee for the tender dated 27.10.2016, he had

recommended to discharge the tender of sale of Workshop scrap on two mutually contradictory reasons of rate reasonability.

- (v) Due to their act of omission/commission, work was awarded at lower sale value for the scrap, causing huge financial loss to Railways.

### **Outcome**

The Disciplinary Authority, in deviation with Commission's advice, exonerated both officers vide order dated 23.02.2020 and 19.02.2021 respectively.

## **4.3.2 AIRPORT AUTHORITY OF INDIA**

### **S. No.- 1**

#### **Charge**

On the basis of a complaint, an investigation was carried out by vigilance department of Airport Authority of India (AAI) on the allegations of extending undue favour in pre-qualification to the ineligible bidders in violation of various clauses of NIT.

#### **Advice**

Commission had advised initiation of Major Penalty Proceedings against the then E.D. (Tech), AAI. Commission reiterated its advice for the initiation of Major Penalty Proceedings vide OM dated 04.05.2018.

#### **Brief**

A Major Penalty of "Reduction by one stage in the present time-scale of pay till his superannuation, without cumulative effect with effect from the date of issue of order" was imposed by Disciplinary Authority upon the then ED (Tech). The Charged Officer (E.D-Tech) preferred an appeal to the Appellate Authority i.e., Sub-Committee of the Board against the order of Disciplinary Authority imposing Major penalty upon him. The Appellate Authority substituted the above penalty with a Minor penalty of "Censure" vide order dated 26.03.2021, which is a deviation from the Commission's advice.

#### **Outcome**

The decision of the Appellate Authority for imposing Minor penalty on the charged officer is in deviation from the Commission's advice to initiate Major penalty proceedings against the then ED (Tech).

## **4.3.3 NATIONAL HIGHWAY AUTHORITY OF INDIA:**

### **S. No.- 1**

#### **Charge**

An Intensive Examination (I/E) of National Highway Authority of India (NHAI) project was carried

out by the Chief of Technical Examiners Organisation (CTEO) of Commission for “Four Laning of Parwanoo- Solan Section of NH-22 (now NH-5) from Km. 67.000 to Km. 106.139 under NHDP during August, 2019 in Himachal Pradesh”. In its I/E report, CTEO pointed out certain irregularities on the part of NHAI officials viz., failure to take timely corrective/punitive action against Supervision Consultant and the Contractor for non-installation of VSI Unit in Stone Crusher Plant, Safety lapses at site, Potholes & Cracks in Road and unstable slopes etc.

#### **Advice**

The Commission advised initiation of Major penalty proceedings against the then Project Director and Regional Officer. On reconsideration proposal, the Commission reiterated its earlier advice.

#### **Brief**

As per the I/E report, irregularities related to change in road alignment, which resulted in sharper curves and steeper slopes. The other irregularities related to the thickness of Dense Bituminous Mcadam (DBM), subletting the work by the main contractor and the work not being completed in the stipulated time etc.

#### **Outcome**

Secretary (Road Transport & Highway) & Chairman (NHAI) being the Disciplinary Authority decided to deviate from Commission’s advice initiation of Major penalty proceedings and issued a warning and counselling respectively to two officials viz. Project Director and Regional officer.

The above decision of Disciplinary Authority is in deviation from the Commission’s advice.

### **4.3.4 JAWAHARLAL NEHRU PORT TRUST**

#### **S. No.- 1**

#### **Charge**

This case relates to irregularities done in allotment of land (5 plots) in the tank farm area for creation of liquid storage/ Edible Oil-Bio-Diesel Industries on 30 years lease on ‘As is where is basis’ by the officials of Jawaharlal Nehru Port Trust (JNPT).

#### **Advice**

The Commission advised Major penalty proceedings against the Manager (PP&D) and other three officials of JNPT, M/o Shipping.

#### **Brief**

The Commission after reconsidering the request of M/o Shipping had reiterated its earlier advice for initiating Major penalty proceedings against the officials.

#### **Outcome**

Disciplinary Authority without seeking Commission’s Second Stage Advice exonerated the Manager (PP&D), JNPT in view of his past records and considering the fact that he is already retired. The

decision of the Disciplinary Authority is in deviation from the Commission's advice for initiating Major penalty proceedings against the official.

### **4.3.5 MINISTRY OF PORTS, SHIPPING AND WATERWAYS**

#### **S. No.- 1**

##### **Charge**

This case related to corruption/ malpractices in the recruitment to the post of Assistant Material Manager in Chennai Port Trust (ChPT) during the year 2016. The allegation was that the candidate recruited to the post of Assistant Material Manager was related to one of the officials of ChPT and was recruited in a non-transparent manner by various officers/officials of ChPT viz Chairman (I/C), Secretary, Chief Mechanical Engineer, one Stenographer, Chief Engineer & Materials Manager, Chennai Port Trust.

##### **Advice**

Vide OM dated 28.04.2020, the Commission advised for initiation of Major Penalty Proceedings against Chairman(I/C), Secretary, Chief Mechanical Engineer and the Stenographer.

##### **Brief**

The task of preparing question paper was entrusted to IIT, Chennai besides two internal experts and the entire question paper was allegedly consolidated and finalized by the then Secretary, ChPT. The entire selection process was allegedly stage managed at every level at the behest of Chairman (I/C), Secretary and CME. The answer sheet was corrected and assessed by ChPT officials under the guidance of Secretary.

##### **Outcome**

Disciplinary Authority in this case, has decided to disagree with the advice of the Commission and exonerated. The order was in deviation from the Commission's advice of Major Penalty Proceedings.

### **4.3.6 BANK OF INDIA**

#### **S. No.- 1**

##### **Charge**

A software company was sanctioned working capital facility of Rs.30 crores in the year 2006 and a Short-Term loan of Rs.40 crores in 2008. The company was also sanctioned a corporate loan of Rs.100 crores in 2008 for acquiring another software company at a price of Rs.80 crores and for closing a high interest-bearing loan of Rs.20 crores taken from a private bank. The company requested for immediate disbursement of Rs.20 crores stating that property offered as security for loan is already mortgaged to the private Bank. However, the loan with private bank was not closed and the company diverted the funds for non-intended purpose and siphoned off Rs.80 crores without utilizing the amount for acquisition of another software company. The case was investigated by CBI for fraud committed by the company, its promoters/ directors and bank officials. The CBI had sought sanction for prosecution in respect of an AGM and a Relationship Manager.

**Advice**

The Commission advised grant of sanction for prosecution against the AGM and Relationship Manager.

**Brief**

The Competent Authority to grant sanction for prosecution in the Bank was not inclined to grant sanction even after Commission's advice and referred the case to DoPT through Department of Financial Services (DFS) for their views. DOPT concurred with the advice tendered by the Commission and advised for grant of sanction for prosecution which was conveyed to the CVO of the Bank by Department of Financial Services.

**Outcome**

The Competent Authority in the Bank passed speaking order declining sanction for prosecution in respect of both the officials and conveyed to CBI which was reported to the Commission by the CVO. The Commission has decided to treat the action of Competent Authority in denying sanction as a deviation from the Commission's advice.

**S. No.- 2****Charge**

A partnership firm engaged in trading of gold and diamond jewellery was sanctioned working capital limit of Rs.4.50 crores on 03.08.2012. Subsequently, the borrower was accommodated with Temporary Overlimit. The account was not conducted satisfactorily, and the branch submitted proposal for "Holding on Operations" in the account which was approved in March 2014 subject to creation of additional security of property. Additional security was not given by the borrower and operations in the account was stopped. The account was classified as NPA in July 2014. Audit report revealed there was no stock available and business does not exist. Commission's advice was sought in respect of three (03) officers recommending Major penalty proceedings in respect of a DGM level officer, Minor penalty proceedings in respect of a Sr. Manager and no action for another officer. The main lapses were as under.

- i) Failed to ascertain exact level of business activity of the firm in inspection reports.
- ii) Allowed overlimit/ad-hoc limit without giving credence past unsatisfactory conduct of account.
- iii) Exceeded delegated authority while allowing over limits.
- iv) Vast difference in valuation of property mentioned in two valuation report was accepted while considering the proposal without ascertain the reason for such vast difference in value.
- v) Ignored findings of Stock Audit Report wherein it was mentioned that operations in firm unit had stopped and temporary overlimit was allowed despite this.

**Advice**

The Commission advised for initiation of Major penalty proceedings against the DGM, Minor penalty proceedings against the Sr. Manager and 'no action' against another officer.

### **Brief**

In respect of the DGM against whom Commission had advised Major penalty, the Disciplinary Authority imposed Major penalty of reduction to lower stage in the time scale of pay by one stage for four years during which the officer will not earn increments of pay and on expiry of such period of reduction will have the effect of postponing the future increments of his pay.

### **Outcome**

Aggrieved with the penalty imposed, the DGM preferred an appeal. The Appellate Authority modified the penalty imposed by the Disciplinary Authority to that of 'Minor penalty of Censure' in deviation from the Commission's advice.

### **S. No.- 3**

### **Charge**

Matter relates to irregularities in purchase and installation of Solar Power Packs at various branches of one of the RRB's sponsored by Bank of India.

### **Advice**

The Commission advised for action under Pension Regulations against one of the officials involved in the case.

### **Brief**

Due to non-availability of Grid Power, especially in rural areas branches of Grameen Banks were operational on generator sets. The operation of branches on generator sets was incurring heavy recurring expenses on branches and adding air as well as noise pollution. Therefore, bank decided to install Solar Power Packs initially in 100 branches to provide relief to the staff as well as customers of the Bank. During the process of purchase of first purchase 100 Solar Packs and second purchase of 100 Solar packs, the official committed irregularities in preparing order and subsequent installation. The official placed the order without approval of the competent authority and concealing relevant facts. Specification of solar power packs did not ensured. Misinformed the Board of Directors regarding the placement of work order. Terms and conditions of work order and locations of installations were changed without prior approval of the competent authority.

### **Outcome**

The Commission advised for initiation of Action under Pension Regulations. The Disciplinary Authority, Bank of India has stated that the official was already cautioned. Since the period of four years has already been elapsed from the cause of action and as such no action is possible under Pension Regulations. The Commission observed that Disciplinary Authority has not initiated timely action which resulted in elapse of limitation period and deviated from Commission's advice against delinquent official.

**S. No.- 4****Charge**

Matter relates to irregularities/ fraud in Cash Credit limit. One of the Officials of Bank of India allowed the credit in current account of the borrower and facilitate the private company to divert the fund to other non-lender banks even though OCC account of the company is irregular in the Branch.

**Advice**

The Commission advised for grant of sanction for prosecution against delinquent official in agreement with CBI.

**Brief**

On request of a private company, Rs.27.90 Crores was disbursed under Cash Credit limit on various dates during June 2014 & February, 2015 and the amount of Rs.4.58 Crores was disbursed (under Term Loan Limit). Subsequently, borrower company diverted the working capital funds through a private sector bank where they were operating their Current Account. The borrower Company also diverted the Term Loan funds to its subsidiary company by submitting fake/ forged invoices and siphoned off the funds with a malafide intention to cheat the Bank. Thereby the borrower company caused a wrongful loss of Rs.40.28 Cores to e-State Bank of Travancore and corresponding wrongful gain to themselves. CBI had investigated the matter and sought prosecution against one of the officials of Bank of India.

The Competent Authority, Bank of India has denied grant of sanction for prosecution against its employee.

The Commission observed that Bank of India official has allowed the credit in current account of the borrower and facilitate the company to divert the fund to other non-lender banks despite the fact that OCC account of the company is irregular in the Branch. He has issued a letter dated 31.12.2014 to e-State Bank of Travancore misrepresenting the fact that the remittance of USD 5,00,000 on 18.08.2014 and USD 5,50,000 on 26.08.2014 to another private company for the purpose of ODI capital account transaction. Based on this letter, e- State Bank of Travancore has released the term loan of Rs.2.00 Crore which was used for settling the overdues of Rs.1,88,35,863.26 in CC account with Bank of India and balance Rs.1,64136.24 was auto recovered by the system from the company's loan account on 01.01.2015.

**Outcome**

The Commission advised for grant of sanction against the employee of Bank of India. DoPT also concurred Commission's view and advised for grant of Sanction. The Competent Authority, Bank of India deviated from Commission's advice and denied grant of sanction against delinquent official.

### 4.3.7 INDIAN OVERSEAS BANK

#### S. No.- 1

#### Charge

A proprietorship firm engaged in manufacturing and trading in textiles was sanctioned working capital limit of Rs.2.50 crores by a Public Sector Bank on 25.11.2011. The sales were not routed through the account. Turnover in the account was poor from the beginning. The account became NPA on 30.06.2014. The unit was shut down due to non adherence to Pollution Control Board norms and electricity supply to the unit was also disconnected. While taking recovery action under SARFAESI Act the bank could not take possession of property mortgaged, since it could not be located. The borrower has cheated the bank. The Bank has reported the fraud on 08.05.2019. The Bank sought Commission's advice in respect of 10 officials. The main lapses were as follows;

- i) Not taken action for renewal of the account and allowed feeding of limit in the system and subsequent transactions which was against Bank's guidelines.
- ii) Cheques purchased against expired cash credit limit.
- iii) Exceeded discretionary powers in cheque purchase without reporting to Controlling Authority.
- iv) Resorted to improper method for upgrading the account without Regional Office permission.
- v) Not ensured verification/cross checking of search report of the company and not ensured to check whether the company has filed audited financials in ROC.
- vi) No record of inspection of collateral security.
- vii) Allowed drawing power in the system without ensuring submission of stock statement.
- viii) Failed to ensure generation of CIBIL report of the Directors of the company and study them before sanctioning the limit.

#### Advice

The Commission advised for initiation of Major penalty proceedings against 3 officials including a DGM and action under non-vigilance in respect of 3 officials and no action for 4 officials.

#### Brief

In respect of the DGM level officer, against whom the Commission had advised for Major penalty, the Disciplinary Authority imposed a Major penalty of reduction by one stage in time scale of pay till date of his retirement with further direction that he will not earn increments of pay during the period of this reduction and on expiry of such period the reduction will have the effect of postponing further increment of pay which was in line with the First Stage Advice tendered by the Commission.

#### Outcome

Aggrieved with the penalty imposed, the DGM preferred an appeal. The Appellate Authority modified the penalty imposed by the Disciplinary Authority to that of Minor penalty of 'Censure' in deviation from the Commission's advice.

**S. No.- 2****Charge**

Matter relating to failure of officials in ensuring the credentials of supplier and due diligence of borrower while disbursement of loan and verify the end use of funds and assets created out of term loan financed.

**Advice**

The Commission advised for imposition of Major penalty on one of the employees involved in the case.

**Brief**

A Private health care company was enjoying multiple banking facilities with the Bank. The bank has sanctioned term loan of Rs.30.00 Crores on 02.05.2011 to part finance project expansion consisting of 16 medical and diagnostic centres at different locations of India at a total project cost of Rs.80.00 Crores. The promoters were to contribute an amount of Rs.30.00 Crore. The balance amount of Rs.20.00 Crores was proposed to be financed by another Public Sector Banks/other banks. The term loan was to be secured primarily by first pari passu charge on entire fixed assets of the company with the Bank and other Public Sector Bank for the term loan exposure of Rs.50.00 Crores. However, the financial tie-up with other public sector bank/ other banks did not happen. On 09.11.2011, the Bank permitted release of Rs.17.00 Crores for purchasing of equipment out of the total term loan of Rs.30.00 Crores pending full tie-up and after obtaining term deposits as collateral security to the extent of 25% of total amount of loan till the company bring alternative security and creating the charge of the same. Deposit of Rs.7.50 crores was obtained and term loan of Rs.17.00 crores was released as per sanction. The company has reported that the machineries intended for installation as per the sanction were not supplied by the dealer. The Audited Balance sheet as on 31.03.2012 (after disbursement of Rs.17.00 crores) mentioned the gross value of medical equipment as Rs.1.85 crore only. On 31.12.2013, the Bank reviewed the term loan with drawing powers at Rs.14.00 crore and has permitted the following; (i) the acceptance of collateral security of office (ii) after completion of mortgage formalities, branch to close the deposit amount of Rs.7.50 crores with interest thereon and credit the proceeds into the term loan account.(iii) after crediting the deposit in the loan account, the repayment is to be fixed without altering the original schedule. However, mortgage could not be created due to lack of NOC and other relevant documents. On 25.04.2014, the deposit of Rs.7.50 crore held as collateral security was adjusted in the term loan account. The account became NPA on 30.09.2016 due to assets not created out of term loan and full project not tied up. The officials failed to obtain credit report about the suppliers of machineries. They failed to obtain confirmation from supplier company while releasing Rs.17 Crores. They failed to verify the credentials of supplier and also did not verify the end use of the funds resulting in assets were not being created as per terms of condition.

**Outcome**

The Commission advised for imposition of Major penalty. The Disciplinary Authority had imposed a Major penalty. However, on appeal, Appellate Authority modified the penalty to Minor penalty of ‘censure’ in deviation from the Commission’s advice.

### 4.3.8 SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA (SIDBI)

#### S. No.- 1

##### Charge

Matter relating to irregularities in sanction and disbursement in an advance account.

##### Advice

The Commission advised for imposition of Major penalty on six employees involved in the case.

##### Brief

A company engaged into manufacturing of electrical stamping and laminations, approached the Bank for credit facilities to set up a mega project in 2013. Company had earlier availed loan from the Bank and the same was prepaid in 2012. Promoters of the company had reported to strategise the investment plan in three phases. In the first phase, investment was envisaged at Rs. 30 crores wherein financial assistance of Rs 20 crores was sought. Term loan of Rs. 15 crores and sub-debt of Rs. 5 crores was sanctioned to the company in May 2015. Disbursements were made in five stages between July, 2015 to November, 2016. Account slipped into NPA in May, 2017. Investigation revealed certain lapses on the part of officers involved in sanction and disbursement. Some of the Major lapses were– sub-debt was sanctioned more than the eligibility, investment in P&M was not examined by the dealing officials to reckon MSME status of the borrower, disbursement made without complying sanction terms, inadequate due diligence in respect of a group company, failure in varying the authenticity of bills before making disbursement and not ensuring and use of fund.

##### Outcome

The Commission advised for imposition of Major penalty, on ten officials involved in the matter. The Disciplinary Authority imposed Major penalty on one officer while in respect of other nine officials Disciplinary Authority has imposed a Minor penalty of “Censure” which is in deviation from the Commission’s advice.

#### S. No.- 2

##### Charge

Matter relating to placing of deposits by bank with private entity without following SOP resulting massive financial loss to the Bank

##### Advice

The Commission advised for imposition of Major penalty on two of the employees involved in the case.

##### Brief

During the period between 28.08.2017 and 27.11.2017 officers working in Bank’s Treasury and Funds Management vertical, placed a total amount of Rs.1000 Crores as fixed deposits with two inter-related private financial institutions in eight branches. Placing the aforesaid amount as deposits without obtaining any quotations to compare/ negotiate the rates of interest with the institutions, officials

violated terms of the “Manual of SOP for Treasury Operations” of SIDBI. During the financial year 2018, the officials allowed SIDBI’s deposits to be placed only with this particular financial institution without considering the other available options of deposits. Upon maturity of the tenure of deposits, when the proceeds thereof were sought by the Bank, the claims were not honoured by the financial institutions, despite repeated efforts. As a result, the Bank is exposed to a massive financial and reputational loss.

#### **Outcome**

The Commission advised for imposition of Major penalty, on two officials involved in the matter. The Disciplinary Authority “exonerated” both the officials from charges in deviation from the Commission’s advice.

#### **S. No.- 3**

##### **Charge**

Matter relating to violation of guidelines regarding post disbursement visit/end use of funds verification, resulting into fraud and financial loss to the Bank.

##### **Advice**

The Commission advised for imposition of Minor penalty on three of the employees involved in the matter.

##### **Brief**

A Private healthcare company was sanctioned a Term Loan of Rs.143 lac and Sub-Debt under Risk Capital of Rs.127 lac. Loans were disbursed on 24.09.2013 and 28.10.2013 respectively. Post-disbursement inspection was carried out on 17.06.2014 through another branch of the Bank after a gap of nine months. The Inspection team flagged some issues and suggested visit by the loan disbursing branch, but the loan disbursing branch took another three months to visit the unit. Visit report of loan disbursing branch was sketchy, fabricated/pre-fabricated machines were found and later on, after the account turned NPA, those machines altogether disappeared.

Periodical inspection was not carried out as per guidelines, which has allowed the promoters to shift the machines somewhere else or may be disposed off. Borrower was allowed to purchase fabricated machineries, which was against the sanction terms. Officials failed to ensure end use of funds and adequate follow up and monitoring which resulted into financial loss to the bank.

#### **Outcome**

The Commission advised for imposition of Minor penalty on three officials involved in the matter. The Disciplinary Authority “exonerated” all the three officials from charges in deviation from the Commission’s advice.

#### **S. No.- 4**

##### **Charge**

Matter relating to wrongful and excess claim of halting allowance and engaging taxi operator without following prescribed procedure.

### Advice

The Commission advised for initiation of Major penalty proceedings against a senior executive working in the bank.

### Brief

One of the senior executives of the bank misused his official position to derive financial benefits and facilities for personal advantage. The executive had claimed double benefits of Halting Allowance and Halting Allowance proportionate to the lease rental. He also used the taxi hired by the bank for personal use while continuing to claim RVME facility as also the driver salary allowance from the bank.

### Outcome

The Commission advised for initiation of Major penalty proceeding against the executive. The Disciplinary Authority imposed Major penalty after completing departmental proceedings. On appeal, the Appellate Authority modified the Major penalty to Minor penalty in deviation from the Commission's advice.

## 4.3.9 INDUSTRIAL DEVELOPMENT BANK OF INDIA (IDBI)

### S. No.- 1

### Charge

A company engaged in manufacturing of Active Pharmaceutical Ingredients and intermediaries was enjoying credit facility from a Public Sector Bank in the year 2004. The limits were reviewed/enhanced from time to time and the last sanction with enhancement from Rs.25 crores to Rs.40 crores was in the year 2008. In the year 2009, the exposure was reduced by the Bank from Rs.40 crores to Rs.17 crores which was accepted by the company. In 2011 the limits were enhanced to Rs.61 crores. In 2013, the company started facing liquidity constraints due to factors like decline in high margin export business, erosion in margins on Major products, expansion not yielding desired results due to which the company requested to restructure its liabilities which was approved in March 2013. However, the account turned NPA on 30.06.2015.

### Advice

The Bank sought Commission's advice for initiating Major penalty proceedings against 3 officers including a General Manager. The main lapses were:

- i) Suppliers were changed at the time of disbursement for which no approval was obtained. Out of 36 suppliers finalized at the time of appraisal, payments were made to only 5 suppliers and rest payments made to the suppliers who were not in appraisal note.
- ii) Reputation of suppliers of machinery was not commented upon in the memorandum.
- iii) Branch allowed the promoters to route the transaction with non-consortium member banks which resulted into diversion/siphoning of funds.

The Commission advised for initiation of Major penalty proceedings against all 3 officials. On a reference to the Commission seeking Second Stage Advice, the Commission advised imposition of Major penalty on all 3 officials.

#### **Brief**

The Disciplinary Authority imposed Major penalty of reduction to a lower stage in time scale of pay of one increment for a period of one year, with further direction that the officer will not earn increments of pay during the period of such reduction and after expiry of such period, reduction will not have the effect of postponing the future increments of pay in line with nature of penalty advised by the Commission for all the 3 officials.

#### **Outcome**

Aggrieved with the penalty imposed, two AGMs preferred an appeal. The Appellate Authority modified the penalty imposed by the Disciplinary Authority to that of Minor penalty of 'reduction to a lower stage in the time scale of pay by one increment for a period of one year without cumulative effect and not adversely affecting the officer's pension'. This is a deviation from the Commission's advice.

### **4.3.10 BANK OF MAHARASHTRA**

#### **S. No.- 1**

#### **Charge**

Matter relates to irregularities in sanctioning, disbursing and monitoring of credit facilities to a private firm.

#### **Advice**

The Commission advised for imposition of Major penalty on one of the employees involved in the case.

#### **Brief**

Bank has sanctioned LC (Letter of Credit) limit of Rs.5 crores to a proprietary concern with deviation in entry level Credit Risk Rating which was approved by ZLCC (Zonal Level Credit Committee of Zonal Manager). The limit was collaterally secured by equitable mortgage of property worth Rs.684.00 lakhs belonging to another private firm which was also the corporate guarantor of the limits. As per sanction, one LC of Rs.5 crores was issued on 29.03.2016 in favour of an associate group company. The said LC was discharged on 29.06.2016. On the same day another LC for Rs.5.003 crores was issued in favour of another associate of the same group company. This LC was devolved on 18.10.2016. The account was classified as NPA on 31.03.2017. During the recovery proceedings, the collateral security was found to be partly demolished and sealed by Municipal Corporation. Further, the Security was found to be already mortgaged with another Public Sector Bank. Hence the account was declared as fraud on 20.10.2018 and complaint was filed with CBI on 07.09.2020. CBI registered a regular case and matter is under investigation. During the staff accountability examination, lapses were observed against eight

employees of the Bank. Bank has classified lapse on the part of one of the employees as vigilance and initiated Major penalty proceeding on the charges of failure in fulfilment of pre-disbursement terms and conditions of the loan. On completion of inquiry proceedings, the Inquiry Officer has held the charges as partly proved. The Disciplinary Authority proposed imposition of Minor penalty of Censure, the CVO proposed for imposition of Major penalty. In view of difference of opinion between the DA and the CVO matter referred to the Commission for its advice. The Commission had advised for imposition of Major penalty.

### **Outcome**

The Commission advised for imposition of Major penalty, the Disciplinary Authority imposed Minor penalty of 'Censure' in deviation from the Commission's advice.

### **S. No.- 2**

### **Charge**

Matter relating to sanction of loan based on excess valuation of properties without verifying genuineness of value mentioned in valuation report.

### **Advice**

The Commission advised for grant of sanction for prosecution against one of the officers in the Bank.

### **Brief**

CBI had investigated a case relating to fraudulent sanction of loan to a company by the Bank. The investigation revealed that the officer had accepted and recommended for sanction of excess valuation of properties to be obtained as collateral security submitted by panel valuers without verifying the genuineness of the valuation mentioned in valuation report. He had also failed to monitor account operations, resulting in diversion of funds and not disclosed the down grading of risk-based rating from "AAA" to "A".

### **Outcome**

The Commission advised for grant of sanction for prosecution against the official. The Competent Authority has not accepted Commission's advice and referred the matter to DoPT through Administrative Ministry i.e. Department of Financial Services. DoPT advised for grant of sanction for prosecution concurring Commission's advice. However, the Competent Authority, Bank of Maharashtra has not accepted the advice of the Commission.

## **4.3.11 UNITED INDIA INSURANCE COMPANY LIMITED (UIICL)**

### **S. No.- 1**

### **Charge**

Matter relating to recommending and approving of various claim files without verifying the genuineness of the bills submitted by claimants and approving of the claim on fake documents, negligently resulting to financial loss to the company.

**Advice**

The Commission advised for imposition of Minor penalty on the Executive.

**Brief**

One of the Executives of the company committed gross irregularities in settling various bogus claims which caused financial loss of Rs.13.99 lacs to the company. The Commission on First Stage had advised for initiation of RDA Major penalty proceedings and after completion of departmental enquiry advised for imposition of Minor penalty.

**Outcome**

The Commission advised for imposition of Minor penalty on the Executive. The Disciplinary Authority imposed Minor penalty. On appeal, the Appellate Authority modified the Minor penalty to exoneration in deviation from the Commission's advice.

**4.3.12 CENTRAL WOOL DEVELOPMENT BOARD, M/O TEXTILES:****S. No.- 1****Charge**

CBI has registered a case against officers of Central Wool Development Board (CWDB), Jodhpur, Ministry of Textiles regarding gross misconduct, causing wrongful loss of about Rs.35-40 lakhs in various matters.

**Advice**

The Commission vide OM dated 19.11.2018 advised Ministry of Textiles for initiation of Major penalty proceedings against two officers in which one officer was from Railways and on deputation to CWDB Jodhpur. He was relieved of his duties w.e.f. 16/02/2015. Ministry of Textiles forwarded the CBI report, comments of Disciplinary Authority and First Stage Advice of the Commission to Ministry of Railways for taking necessary action in accordance with the advice of the Commission.

**Brief**

The case is relating to the joint surprise check carried out on the basis of a source information at CWDB, Jodhpur by CBI, Jodhpur on 25.10.2013. A case was registered against two officers in the O/o Central Wool Development Board (CWDB), Jodhpur. The main allegations were sanction of payment to persons employed on contractual basis and giving them upgradation without getting approval from Competent Authority of Ministry of Textiles, allowing implementing agency (College of Veterinary and Animal Science, Bikaner) to decide on whether to purchase vehicle or not whereas as per sanction order only hiring of vehicle was allowed and enhancing cost of RAM under Sheep & Wool Improvement Scheme (SWIS) without approval of competent Authority. There was also an allegation against one officer for sanctioning of loan for himself without getting approval from Controlling Officer.

**Outcome**

The Disciplinary Authority i.e. Member (Finance), Railway Board did not agree with the advice of the

Commission and imposed Minor penalty of 'withholding one set of privilege pass' on Charged Officer against Commission's advice of Major penalty. This is in deviation from the Commission's advice.

### **4.3.13 MAHANADI COALFIELDS LIMITED:**

#### **S. No.- 1**

#### **Charge**

There were shortages detected in Departmental Over Burden Removal (OBR) at Samaleswari OCP, IbValley Area, MCL. In both the Over Burden Removal (OBR) Check Measurement i.e. 17th Spell Annual Check Measurement for Departmental OBR for the period 28th July 2016 to 19th July 2017 and Quarterly Check Measurement for Departmental OBR for the Quarter Ending March 2018, shortages were detected. These shortages were due to false reporting of production. Instead of taking appropriate action for recovery of penalty, Project as well as Area official were submitted false and fabricated justifications.

#### **Advice**

The then Manager (Survey), was retiring on 31.03.19, hence Disciplinary Authority, Mahanadi Coalfields Limited (MCL) issued charged memorandum of Major Penalty to him on 21.03.2019. The Commission noted the position. MCL sought the Second Stage Advice of the Commission after completion of inquiry. Commission advised imposition of suitable Major Penalty on 04.03.2021.

#### **Brief**

A mandatory Yearly Over Burden Removal (OBR) (Insitu) Measurement (17th Spell) was conducted for Departmental OBR at Samaleswari OCP, Ib Valley Area MCL from 19.07.2017 to 20.07.2017 by CMPDI, Ranchi. The CMPDI has intimated the measured quantity of OBR (Insitu) as 22,98,126 Cum for the period between 28.07.2016 to 19.07.2017 against reported OBR of 25,89,261 Cum. Thus, there was a shortage of 2,91,135Cum (25,89,261 Cum - 22,98,126 Cum) of OBR at Samaleswari OCP which was beyond the stipulation of the Revised Yellow Book.

Further another mandatory Quarterly Over Burden Removal (OBR) (Insitu) Check Measurement for the Quarter ending March 2018 was conducted for Departmental OBR at Samaleswari OCP, Ib Valley Area MCL from 18.04.2018 to 20.04.2018 by Area Team. In its report, the Area Team has submitted 4,99,908.40 Cum of the measured quantity of OBR (Insitu) against the reported OBR of 7,09,582 Cum for the Quarter Ending March 2018. Thus, there was again a shortage of 2,09,673.60 Cum (7,09,582 Cum - 4,99,908.40 Cum) of OBR at Samaleswari OCP which was beyond the stipulation of the Revised Yellow Book.

It was observed that irregularities, lapses & reckless decision of Officials right from the Project to Area caused loss to the Company with concomitant gain to the explosive supplier due to achievement of normative Powder Factor.

**Outcome**

Charge Memorandums for Major penalty proceedings were issued to the then Manager (Survey) of MCL. The inquiry was held and as 04 charges out of 05, levelled against the then Manager (Survey) were proved in the Inquiry report, Commission, advised imposition of suitable Major Penalty against him.

The Disciplinary Authority decided to impose a Minor Penalty of "Withholding of One Increment for a period of three months without cumulative effect till one day prior to his superannuation". Since the then Manager (Survey) had already been superannuated from the service of the company on 31.03.2019, as such an amount equivalent to penalty was to be deducted from his terminal dues.

In this case the Second Stage Advice of the Commission was not implemented by the Disciplinary Authority.

**S. No.- 2****Charge**

1. The then Chief Manager (F): The Mahanadi Coalfields Limited (MCL) paying authorities reimbursed the UCs (Utilization Certificates) submitted by the NBCC and accepted by the Engineer-in-charge of the construction work and made payment amounting to Rs. 39.17 Crore against 03 nos. of UCs to maintain the advance equivalent to Corporate Guarantee without verifying the documents pertaining to necessary statutory approvals, viz. Approval of Building plan from Bhubaneswar Development Authority (BDA).
2. The then Asst. Manager (Finance), MCL: Reimbursement of Rs. 8.98 lakhs approximately from the Mahanadi Coalfields Limited for vetting of design by Indian Institute of Technology, Roorkee is not justified as the NBCC had to bear all such expenditures. The MCL paying authorities reimbursed the UCs submitted by the NBCC and accepted by the Engineer-in-charge of the construction work and made payment amounting to Rs. 1,18,12,28,067.00 against 8 nos. of UCs to maintain the advance equivalent to Corporate Guarantee without verifying the documents pertaining to necessary statutory approvals, viz. Approval of Building plan from BDA. In the process, the paying authorities also failed to notice about the expiry of the Corporate Guarantee amounting to Rs. 13,88,31,322.00 required to safeguard the advance given to the NBCC for executing the work.

**Advice**

In First Stage Advice the Commission advised initiation of Minor Penalty Proceedings against the then Chief Manager (Finance) and the then Asst. Manager (Finance), Mahanadi Coalfields Limited.

**Brief**

Mahanadi Coalfields Limited awarded the work for 'Construction of Mahanadi Coalfield Limited Institute of Natural Resources and Energy Management (MINREM) to NBCC as Project Management Consultant. The work was to be executed on turnkey basis. MOU was signed between MCL and NBCC in Feb 2013. Estimated cost of the project was Rs. 138 Cr.

The MCL paying authorities reimbursed the UCs submitted by the NBCC and accepted by the Engineer –in-charge of the construction work and made payment amounting to Rs. 1,18,12,28,067.00 against 8 nos. of UCs to maintain the advance equivalent to Corporate Guarantee without verifying the documents pertaining to necessary statutory approvals, viz. Approval of Building plan from BDA. In the process, the paying authorities also failed to notice about the expiry of the Corporate Guarantee amounting to Rs. 13,88,31,322.00 required to safeguard the advance given to the NBCC for executing the work.

### **Outcome**

Minor Penalty of "Censure" was imposed by Disciplinary Authority i.e. CMD MCL, on both the officers vide order dated 21.01.2019. Both the Charged Officers preferred for appeal before the Appellate Authority under CDA Rules, 1978 of CIL i.e. CMD, Coal India Limited. Appellate Authority observed that it is the responsibility of the concerned executives working under Chief Manager (Finance) to bring lapses, if any, to his knowledge and take his advice. In the case against Assistant Manager (Finance), the Appellate Authority observed that the Charged Officers was posted as Management Trainee (Finance) and it is discerned that if there are lapses on the part of Management Trainee, then the senior executives of the department are expected to guide them during their training period.

After considering their appeal, the Appellate Authority, in exercise of the powers conferred on him under Rule 36.1 of CDA Rules, 1978 of Coal India Limited (CIL), has exonerated both executives from the charges vide the orders issued on 12.08.2020 in deviation from the Commission's advice.

### **S. No.- 3**

#### **Charge**

The vigilance department had been receiving report regarding manipulation of Rail In-motion Weighbridges at Mahanadi Coalfields Limited. These weighbridges are owned by Mahanadi Coalfields Limited and are operational at different Railways Sidings under Annual Maintenance Contract (AMC). The Digitizers of these weighbridges were being manipulated using malicious software, without breaking its seal.

#### **Advice**

Commission advised initiation of Minor penalty proceedings against the then Project Officer of Samleshwari OCP, IB Valley Area and the then Project Officer Bhubaneswari, OCP, Jagannath Area on 24.06.2020. Commission reiterated its advice of imposition of suitable Minor penalty on 09.04.2021.

#### **Brief**

The case originated through surprise Inspection by a team of Vigilance Officers against the backdrop of manipulation in Rail In-motion Weighbridges at MCL. It was observed that Rail In-Motion Weighbridges (RIMWBs) at Samaleswari OCP (Open Cast Project), Lajkura OCP and Bhubaneswari OCP were compromised. Malicious software was being used by the AMC contractor, to modify the calibration parameters of the digitizer and to upload range values. AMC contractor was having the

password to access Digitizer through connected PC. Supervising staff of MCL who was responsible for maintenance and operation of Rail In-Motion Weighbridges (RIMWBs) was not having any knowledge about the system and the password to access the system was not in their custody. It was observed that officers have been largely ignorant about the operation of RIMWBs, they have also kept necessary supervision on the activities of AMC contractor and have also failed to notice any malafide action by analysing the reports of RIMWBs.

### **Outcome**

Charge Memorandum for Minor Penalty Proceedings was issued to the then Project Officer of Samleshwari OCP, IB Valley Area and the then Project Officer Bhubaneswari OCP, Jagannath Area.

After going through the facts brought out by the Charged Officers in their replies and other relevant records related to the case, the Disciplinary Authority observed that the device/ software used for the purpose was not valid on its own. Tampering with sealed digitizer, which was seized in vigilance inspection, has not been confirmed till date. Also, no difference was found in the coal stock and no complaint was received from the customer where the rakes were sent. In deviation with the First Stage Advice of the Commission, Disciplinary Authority decided to “Exonerate” the then Project Officer of Samleshwari OCP, IB Valley Area and the then Project Officer Bhubaneswari, OCP, Jagannath Area.

## **4.3.14 EASTERN COALFIELDS LIMITED:**

### **S. No.- 1**

#### **Charge**

Eastern Coalfields Limited (ECL) awarded the contracts for hiring of HEMM for removal of overburden, extraction and removal of coal from Sonepur Bazari Area and Jambad OCP Kajora Area in 2011-12. The contracts were foreclosed and were awarded at higher rates in re-tendering.

#### **Advice**

In First Stage Advice dated 31.08.2018 and 26.06.2019, Commission advised as under:-

- (i) Initiation of Major Penalty Proceedings against 05 Officers of Area office and ECL Headquarter [GM(Mining) – 02 officials, Dy. Manager (Survey) and Asst. Manager (Excv.) ECL HQ]. Two separate charge sheets were issued to Asst. Manager (Excv.), ECL HQ in the cases related to Sonepur Bazari and Jambad OCP Kajora Area.
- (ii) Initiation of Major Penalty Proceedings against 04 Officers of ECL [GM(Mining), Chief Manager Civil, Senior Manager (Finance) and Director (Finance)]. In Second Stage Advice dated 03.12.2020, Commission reiterated its advice of Major Penalty against the then Director (Finance), ECL.

#### **Brief**

Contracts for hiring of HEMM for removal of overburden, extraction and removal of coal from Sonepur

Bazari Area and Jambad OCP Kajora Area were awarded by ECL in 2011-12. During the execution of the wage rates of contract workers were revised as per decision of CIL. Matter was discussed in the 80th CMD's Meet of CIL and subsidiaries. CMD's in the said meeting merely suggested that wherever feasible, the contract may be foreclosed without penalizing the contractor in the event the contractor fails to produce the valid claim against enhanced wages and also not willing to continue work at the existing terms, fresh tender may be floated against the said work. Contracts were foreclosed and were subsequently awarded at higher rates in re-tendering.

### Outcome

- (i) Charge Memorandum for Major Penalty Proceedings were issued to 05 Officers; and all five executives were imposed with the Major Penalty by the CMD / DA, ECL as advised by the Commission.

All the COs (05 Officers) preferred appeal before the Appellate Authority under CDA Rules, 1978 of CIL i.e. CMD, CIL. After considering the appeal, the Appellate Authority decided in deviation with the FSA of the Commission as mentioned below:

- (a) Sonepur Bazari Area: Exonerate all 04 officers as the targeted coal production through the contract was going ahead of schedule and 99.7% of coal production had already been achieved. Hence no loss to the company by foreclosure of the contract.
- (b) Jambad OCP Kajora Area: Imposed Minor Penalty of "CENSURE" against Asst. Manager (Excv.), ECL HQ as the official had completed only 08 month after training closure and was not guided properly by his superiors.
- (ii) Charge Memorandum for Major Penalty Proceedings was issued to 03 officers [the then GM (Mining), chief Manager (Civil), Senior Manager (Finance, ECL)]. After completion of inquiry, the IA concluded the charges as "Proved" in respect of all 03 officers. Major Penalty was imposed by the concerned Disciplinary authority, against all 03 officers, as advised by the Commission.
- (iii) Charge Memorandum for Major Penalty Proceeding was issued to the then Director (Finance), ECL as advised by the Commission. After completion of inquiry, the Inquiry Authority concluded the charges as not proved. Ministry of Coal submitted the case for Second Stage Advice of the Commission. It was observed that being the functional Director of ECL, the then Director (Finance) was responsible for examination of the matter. As no new fact was brought to the notice of the Commission, advice of Major Penalty was reiterated.
- (iv) All the COs (04 Officers) preferred appeal before the Appellate Authority under CDA Rules, 1978 of CIL. CMD, CIL the Appellate Authority in respect of 03 officers [then GM (Mining), Chief Manager (Civil), Senior Manager (Finance), ECL] decided to exonerate all 03 officers as the targeted coal production through the contract was going ahead of schedule and 99.7% of coal production had already been achieved and no loss to the company by foreclosure of the contract. Ministry of Coal, the Appellate authority in respect of the then Director (Finance) decided to exonerate him as the Inquiry report submitted by the Inquiry Officer has not found any

culpability or misconduct on part of the charged Official. Further, the allegation of pecuniary loss to ECL was not established. The decisions of the Appellate Authorities is in deviation from the Commission's advice.

### **4.3.15 WESTERN COALFIELDS LIMITED:**

#### **S. No.- 1**

#### **Charge**

The then GM (S&M) of Western Coalfields Limited (WCL), did not exercise his right to disqualify the bidder, cancel the Letter of Intent (LOI) and/ or terminate the agreement, as per the clause 5.5.2 and clause 6.5 of the scheme document and signed the linkage Fuel Supply Agreement on 13.05.2017.

#### **Advice**

In First Stage Advice dated 09.01.2019, Commission advised initiation of Major Penalty Proceedings against the then GM (S&M) of WCL.

#### **Brief**

WCL signed Fuel Supply Agreement through Letter of Assurance (LOA) route with a firm. The validity for signing of LOA for signing of FSAs up to 18.09.2012 but the FSA was signed on 13.08.2014, which was beyond the validity of LOA. The then GM (S&M) WCL raised objection against the firm's participation in the linkage auction for submitting wrong information and securing the linkage auctioned quantity but issued Letter of Intent (LOI) on 17.09.2016. His successor (CO) did not exercise his right to disqualify the bidder, cancel the LOI and/ or terminate the agreement, as per the clause 5.5.2 and clause 6.5 of the scheme document and signed the linkage Fuel Supply Agreement on 13.05.2017.

#### **Outcome**

Charge Memorandum for Major penalty proceedings was issued to the then GM (S&M) of WCL; and Major Penalty was imposed by the CMD / Disciplinary Authority, WCL as advised by the Commission.

Charged Officer preferred appeal before the Appellate Authority under CDA Rules, 1978 of CIL i.e. CMD, Coal India Limited (CIL). After considering the appeal, the Appellate Authority decided in deviation with the advice of the Commission as mentioned below:

Even if the decision of issuing LOI to M/s SCML by WCL was incorrect then GM (S&M), CIL has empower to cancel the LOI and right to disqualify M/s SCML by taking action as per the provision of Clause 5.5.2 and 6.5 of Scheme Document. The LOI was already issued by the then GM (S&M), WCL prior to the joining of the appellant as GM (S&M). On the strength of issuance of LOI, he signed the Fuel Supply Agreement with the approval of Competent Authority.

The Appellate Authority Exonerated to the GM from the charges levelled against him in deviation from the Commission's advice.

**4.3.16 CENTRAL COALFIELDS LIMITED:****S. No- 1****Charge**

Central Coalfields Limited (CCL) finalized a contract to extract coal and remove OBR from Sirka OCP, Argada Area for a period of 05 Years (06.11.2013 to 05.11.2018). The contractor worked for about 03 years and stopped their working midway (04.11.2016). The performance of the contractor was poor from the beginning. During this 03 years period the contractor has produced only 08% of coal and 60% of OBR.

**Advice**

In First Stage Advice the Commission advised initiation of Minor Penalty Proceedings against 04 officers.

**Brief**

CCL Finalized a contract to extract coal and remove OBR from Sirka OCP, Argada Area for a period of 05 Years (06.11.2013 to 05.11.2018). The contractor failed to meet the production target from the start of the contract. The deployment of HEMMs and pumps were not as per NIT. They have worked for two shifts even if they were failing in achieving the coal extraction and OB removal target.

The contractor worked for three years and on some pretext or the other stopped working. In the three years it had produced about 8% of coal and about 60% of OBR (pro rata target). The contract was underperforming for a long period, but still no one took the decision to propose for cancellation of the contract, though there was express provision for cancellation of contract in the GTC. The Project and Area Management were grossly negligent in dealing with the contract.

**Outcome**

Charge Memorandums for Minor Penalty Proceedings were issued to 04 officers; and all four executives were imposed with the Minor Penalty by the CMD / Disciplinary Authority, CCL as advised by the Commission.

One of the CO, the then Area GM preferred for appeal before the Appellate Authority under CDA Rules, 1978 of CIL i.e. CMD, CIL. After considering the appeal, the Appellate Authority decided to "Exonerate" the then Area GM in deviation from the Commission's advice.

**4.3.17 BHARAT COKING COAL LIMITED:****S. No.- 1****Charge**

1. The then Assistant Manager (P), North Tisra, Lodna Area: Bharat Coking Coal Limited (BCCL) Personnel Department Officials were authorized for dealing with PF/ pension matter, processed and forwarded one irregular and undue withdrawal of Coal Mines Provident Fund (CMPF)

claim to Coal Mine Provident Fund Organisation (CMPFO) in violation to the provisions of para 63A of CMPF scheme, 1948 during the year 2013 without verifying the eligibility of beneficiary employee notwithstanding the manipulation/ tampering/ overwriting in date of birth and retirement columns.

2. The then Assistant Manager (P) Bagdigi Colliery, BCCL: BCCL Personnel Department officials authorized for dealing with PF/ pension matter in bagdigi/ Bararee Colliery processed and forwarded 27 irregular and undue withdrawal of CMPF claim to CMPFO in violation to the provisions of para 63A of CMPF scheme, 1948 during the year 2014-16 without eligibility of beneficiary employee notwithstanding the manipulation/ tampering/ overwriting in date of birth and retirement columns.

### Advice

In First Stage Advice dated 13.02.2020, Commission advised initiation of Major Penalty Proceedings against two Astt Manager(P) of BCCL.

### Brief

The Coal Mines Provident Fund Organization (CMPFO) has been entrusted with responsibility of administering the Coal Mines Provident Fund and Miscellaneous Provision Act, 1948 and different schemes framed there under. CVO, CMPFO forwarded a list of refund claims in respect of employees of Bastacolla Area, Lodna Area, EJ Area and EWZ, Sudamdih under BCCL which were settled irregularly under Para 63A of CMPF Scheme, 1948, to CVO, BCCL for further investigation in the matter.

It has been observed that these 297 irregular and undue claims of BCCL employees were processed and forwarded under the signature of BCCL's authorised officers and dealing staff to Coal Mines Provident Fund Organisation (CMPFO), Dhanbad, for settlement of the claims by providing wrong/ tampered, date of birth and date of retirement/ date of termination in claims forms of beneficiaries' employees to make them wrongfully eligible for withdrawal under the above-mentioned scheme. Overwriting in entry of crucial details like date of birth/date of retirement/ termination which were crucial in determining the eligibility under the mentioned provision has also observed in many claim forms with/ without countersignature of dealing officials.

### Outcome

Major Penalty of "Reduction to a lower stage in the scale of pay by one stage for a period of one-year w.e.f. 01.06.2021 to 31.05.2021" was imposed by Disciplinary Authority i.e. CMD, BCCL on both the officers vide order dated 27.05.2021. Both the COs preferred appeal before the Appellate Authority under CDA Rules, 1978 of CIL i.e. CMD, Coal India Limited. Appellate Authority observed in the case against Assistant Manager(P), Bagdigi Colliery that CO forwarded on humanitarian ground without any malafide intention only one application for medical advance for treatment of handicapped son of the applicant which was not considered by CMPFO but the manipulation was done on the application in collusion with dealing clerk and it was forwarded again under Para (63A) of CMPF Scheme and subsequently it was approved and amount was disbursed form O/o APM Lodna Area. The Appellate

Authority observed in the case of the Assistant Manager(P), North Tisra Colliery, Lodna Area that the CO signed the documents for educational loan of the applicant for the higher education of 26 years old daughter which was genuine and the cutting and overwriting/ manipulation was made in the claim form of education loan in the 90% withdrawal before retirement by dealing clerk. After considering their appeal, the Appellate Authority, in exercise of the powers conferred on him under CDA Rules, 1978 of CIL, has exonerated both executives from the charges vide orders issued on 27.05.2021 in deviation from the Commission's advice.

### **4.3.18 MADRAS FERTILIZERS LIMITED:**

#### **S. No.- 1**

#### **Charge**

Madras Fertilizers Limited (MFL), finalized the road transport contract in 2014-15. The then DGM (Finance) was charged with following.

- (i) Charged Officer as TEC Member, recommended for extension of Road Transport Contract 2014-15 for a period of 12 months (3+9), thereby perpetuating the high rates at which the contract was concluded. This resulted in company incurring avoidable additional expenditure.
- (ii) The value of the extended TCR proposal dated 20.07.2015 was Rs. 14.94 Cr. which requires approval of Board of Directors. The same was not incorporated in the proposal.

#### **Advice**

In First Stage Advice dated 16.07.2019, Commission advised initiation of Major Penalty Proceedings against the then DGM (Finance). In the Second Stage Advice (SSA) dated 11.03.2021, Commission reiterated its advice of imposition of suitable Major Penalty against the then DGM (Finance).

#### **Brief**

Following irregularities were observed in the contract for road transport finalized by MFL in 2014-15.

- (i) Pre-Qualification criteria was made stringent, resulting in possible restriction in competition.
- (ii) Road Transport Contract 2014-15 was extended for a period of 12 months (3+9), thereby perpetuating the high rates at which the contract was concluded.
- (iii) Power for extension of contract having value more than Rs. 10 crores lies with the MFL Board. Approval from the Board was not sought.

#### **Outcome**

After completion of inquiry, Inquiry Authority concluded that only 01 charge out of the 02 charges against the then DGM(F), MFL is proved. Disciplinary Authority concluded that the quantum of penalty should be commensurate with the gravity of the misconduct and it should not be harsh and disproportionately excessive. Disciplinary Authority imposed Minor Penalty of "CENSURE" against the then DGM(F), MFL in deviation from the Commission's advice.

**S. No.- 2****Charges**

Charge against the then DGM (Maintenance) and DGM(F&A), Madras Fertilizers Limited (MFL) in the matter of procurement of Oil-Free Screw Compressors in MFL are as below.

- (i) Discharging of first-time tender on flimsy ground of base price of L-1 being higher than that of L-2 in spite of fact that comparison was to be done on landed price basis.
- (ii) Calling second tender at revised estimate of Rs. 4.55 Cr which was higher than the price discovered in discharged tender (Rs. 3.78 crores), in spite of no change in technical parameters and also that retendering was resorted to, for getting the best price.
- (iii) In second call of tender mid-way changes was made in technical specifications and requirements after opening of technical bids having financial implication to the tune of 50-60 Lakh. Revised price bids were called subsequently.
- (iv) Rejection of other four bids on one ground or other, leaving a resultant single tender.
- (v) Accepting revised price bid again from the resultant single firm.
- (vi) Awarding the tender to resultant single firm @ Rs. 7.98 crores as against the earlier L-1 quote of Rs. 3.78 crores.

**Advice**

In First Stage Advice dated 27.07.2018, Commission advised initiation of Major Penalty Proceedings against the then DGM (Maintenance) and DGM(F&A), MFL. Commission reiterated its advice of Major Penalty while conveying the Second Stage Advice.

**Brief**

MFL initiated the procurement of Oil Free Screw Compressors in 2012-13. The said procurement was initiated citing urgency of requirement; however, the process was manipulated and delayed to favour a particular firm. The tender was cancelled by Board due to vigilance enquiry in the matter.

**Outcome**

Disciplinary Authority concluded that there are many violations happened in this procurement. Out of 06 charges only 01 charge was proved against the then DGM (Maintenance) and 02 charges were proved against DGM(F&A). Disciplinary Authority considered it as a lapse on the part of COs. Considering the gravity of the misconduct, motive of the misconduct and recurrence of misconduct, and track record of the employee and any other extenuating circumstances appearing in favour of the employee, Disciplinary Authority, imposed Minor Penalty of “CENSURE” against the then DGM(Maintenance) and DGM(F&A), MFL, vide order dated 20.07.2020. The decision of Disciplinary Authority is in deviation from the Commission’s advice.

**4.3.19 DEPARTMENT OF ATOMIC ENERGY****S. No.- 1****Charge**

Irregularities in Shaft Sinking Works at Bagjata and Mohuldih Mine - UCIL.

**Advice**

The Commission advised initiation of Major Penalty Proceedings against DGM and Additional Manager (Accounts), UCIL on 25.07.2018 as First Stage Advice.

On receipt of reconsideration proposal, the Commission had reiterated its earlier advice for initiation of Major Penalty Proceedings against DGM and Additional Manager (Accounts) on 16.10.2018.

**Brief**

The case related to irregularities involving issuance of bid in the name of one partner instead of JV, Extension of time period and completion dates without the approval of the competent authority and without withholding the LD money, accepting the PBG of lesser duration than that stipulated in NIT, awarding work to firm despite poor works performance in other mine, allowing bank guarantees to get lapsed, payment of service tax without proof and extension in price escalation clause's applicability without approval by the Board.

**Outcome**

The Disciplinary Authority in disagreement with the Commission's advice and without consulting the Commission had imposed Minor penalty of "Censure" on Additional Manager (Accounts) vide order dated 28.09.2019. Similarly, in case of DGM (Finance), the Disciplinary Authority i.e. Board of UCIL has decided in March, 2019 that no action is to be taken against him. In this case no charge sheet has issued to DGM(Finance). The decision of Disciplinary Authority's is in deviation from the Commission's advice.

**4.3.20 NUCLEAR POWER CORPORATION OF INDIA LIMITED:****S. No.- 1****Charge**

The Scientific Officer/D, Scientific Officer/G(GS), Scientific Officer/G(CTC), Scientific Officer/G, Scientific Officer/H ACE (Reactor), and Scientific Officer/H+/CE (E&US), Nuclear Power Corporation of India Limited (NPCIL) were found responsible for wrong technical evaluation and review leading to qualification of firm as L-1 which otherwise should have been disqualified.

**Advice**

In First Stage Advice dated 23.05.2019, the Commission advised initiation of Major Penalty Proceedings against Scientific Officer/D, Scientific Officer/G(GS), Scientific Officer/G(CTC), Scientific Officer/G,

Scientific Officer/H ACE (Reactor), and Scientific Officer/H+/CE (E&US), NPCIL in agreement with the recommendation of Disciplinary Authority and CVO, NPCIL.

### **Brief**

Case is related to design, engineering, supply, transportation, handling storage at site, erection, testing and commission of electrical system equipment's, accessories and associated civil works required for construction of 33 KV outdoor sub-station near 220 KV Grid Substation, RAPP 5 & 6 NPCIL, Rawatbhata, Rajasthan site.

Chairman and Members of Technical Evaluation Committee wrongly considered gross value mentioned in the certificate issued by Power Grid Corporation of India Limited (PGCIL) for their incomplete work which was being carried out by the L-1 Firm at Raibareli, Uttar Pradesh; breaching the NIT stipulations, as the work done was for non-NPCIL units and improperly recommended for opening of Part-II Bid (Financial Bid) of L1 Firm.

### **Outcome**

The Commission advised Major Penalty proceedings against all the 6 COs and Charge Sheet also issued by Disciplinary Authority (DA). After completion of inquiry, Inquiry Authority concluded that the charges are not proved/ partly proved respectively. Findings of the IA were not accepted by the DA and disagreement memo were issued on 13.11.2020 to all the 6 COs. DA further imposed "Major Penalty on all the COs vide order dated 18.01.2021 and 19.01.2021 respectively.

All the 6 COs, preferred the Appeal to the Board of Directors, NPCIL / Appellate Authority against the penalty order issued by the Disciplinary Authority, praying therein to exonerate them from the charges levelled against them.

The Board of Directors, NPCIL being the Appellate Authority considered the Appeals in the 204th meeting of the Board of Directors, held on 14th July, 2021 and concluded that all 6 COs have not done any act which is violating the NPCIL (Conduct Rules) 1994 and the Tender Evaluation Committee has followed the PQ criteria indicated in NIT. Appellate Authority "Exonerated" all 6 COs from the charges. The decision of Appellate Authority is in deviation from the Commission's advice.

## **4.3.21 NTPC LIMITED:**

### **S. No.- 1**

#### **Charge**

Irregularities in "Recruitment process undertaken by NTPC SRHQ for appointment of Junior Mazdoors (W0) for land oustees of Ramagundam STPS".

#### **Advice**

The Commission advised imposition of suitable Major penalty on AGM(HR), DGM (HR) and then Manager (HR) on 21.05.2021 as Second Stage advice.

### **Brief**

The HR officials at SRHQ while processing the recruitment for appointment of Junior Mazdoors (W0) for land oustees of Ramagundam STPS went ahead for preponement of interview against the backdrop of written commitment given by NTPC to Ministry of Power 03.11.2015 that only written test will be conducted.

In spite of information available in public domain on the subject, the HR officials went ahead with preponement and conducted the interview from 26.12.2015 to 31.12.2015.

The HR Officials also failed to organize the process in a transparent manner i.e. the merit lists were signed twice by all members on 29.04.2016 after four months of the interviews on 31.12.2015. Also, they failed to adhere to Clause no.15.3 of NTPC Recruitment Policy and Procedure i.e. Dispatch of Call letters ten clear days prior to beginning of interview and failed to adhere Clause no. 7.1 of NTPC Policy on facilities to be given to land oustees dated 19.06.1980, which implies as follows “Priority List-A would be” candidates who have lost more than one acre and “Priority List-B will be” candidates who have lost their house or less than one acre. Wherever sufficient number of candidates meeting the qualifying marks are not available in Category-A, candidates have to be drawn from Category -B in the order of merit in the panel. By not following the above, they conducted Interview for Priority List-A Candidates and Priority List-B candidates at the same time.

### **Outcome**

The Disciplinary Authority did not implement the Commission's Second Stage advice for imposition of suitable Major penalty on them and in deviation to the Commission's advice “Exonerated” all three officials from the charges levelled against them.

### **4.3.22 DEPARTMENT OF COMMERCE (SUPPLY DIVISION)**

#### **S. No.- 1**

#### **Charge**

It was alleged that officials of DGS&D and NIC in connivance with a private company, were providing e-tendering services to other government organizations without calling fresh tenders in the guise of para 5(viii) of the Ministry of Finance's OM dated 10.01.2007.

#### **Advice**

Commission had advised initiation of Major penalty proceedings against the then Dy. Director, DGS&D.

### **Brief**

The misconduct on the part of officials of DGS&D for promoting a particular private company as vendors for other Departments of Government of India, who approached DGS&D for assistance in selecting a vendor for E-tendering. The action of promoting a particular private company by these officials had caused undue benefit to the firm.

Commission advised initiation of Major penalty proceedings against the then Deputy Director (Supply) of DGS&D. Disciplinary Proceedings had been initiated against him and charge sheet dated 9.10.2014 was issued. The Inquiry officer had submitted his report in 2016. Disciplinary Authority after consideration of the Inquiry Report and other relevant facts & circumstances of the case, had issued final order dated 19.10.2016 to drop the two charges against the then Deputy Director (Supply) DGS&D.

#### **Outcome**

The Disciplinary Authority had issued order for dropping the charges without taking Second Stage Advice of the Commission. The Disciplinary Authority (DA) has passed the order contrary to the advice tendered by the Commission without following due process. This is a deviation from the Commission's advice.

### **4.3.23 NEHRU YUVA KENDRA SANGATHAN, D/O YOUTH AFFAIRS:**

#### **S. No.- 1**

#### **Charge**

It was alleged that a case against the Youth Coordinator, Raigarh, Chattisgarh of Nehru Yuva Kendra Sangathan (NYKS) was registered by CBI for possessing disproportionate assets to the known source of income and for not providing intimation to the department regarding acquisition of the assets by him and related transaction of obtaining loan from number of persons.

#### **Advice**

Commission had advised initiation of RDA for Major penalty proceedings against the Youth Coordinator, Raigarh, Chattisgarh of NYKS.

#### **Brief**

The misconduct on the part of official of NYKS was that he was in possession of disproportionate assets to his known source of income and for not providing intimation to the department regarding acquisition of the assets and related transaction of obtaining loan from number of persons.

Commission advised initiation of Major penalty proceedings against the Youth Coordinator, Raigarh, Chattisgarh of NYKS. Disciplinary Proceedings had been initiated against him and charge sheet dated 6.10.2012 was issued. The Inquiry officer vide letter dated 30.07.2018 had submitted his report to the Disciplinary Authority. Disciplinary Authority had issued final order dated 02.01.2019 to exonerate the charged officer from the charges framed against him.

#### **Outcome**

The Disciplinary Authority had issued order for dropping the Charges without taking Second Stage Advice of the Commission. The Disciplinary Authority (DA) has passed the order contrary to the

advice tendered by the Commission without following due process. This was in deviation from the Commission's advice.

#### **4.3.24 INDIRA GANDHI NATIONAL OPEN UNIVERSITY (IGNOU)**

##### **S. No.- 1**

##### **Charge**

One Regional Director and One Assistant Director of Indira Gandhi National Open University (IGNOU) were allegedly committed malpractice and irregularities in Bachelor of Education (B.Ed) Admission at IGNOU Centre.

##### **Advice**

The Commission in agreement with the Disciplinary Authority had advised for initiation of Major Penalty proceedings against the then Regional Director and Assistant Director of IGNOU.

##### **Brief**

After conducting Departmental Inquiry, the Inquiring Authority had held that the charges of supervisory lapses and other irregularities were proved on the part of the charged officials.

##### **Outcome**

Disciplinary Authority (DA) i.e. Board of Management had considered the Departmental Inquiry Report and had decided in its 134th meeting held on 04.05.2019 that the then Regional Director should be censured for his failure to exercise the adequate supervisory control. In respect of Assistant Director, the DA also decided that he should be censured for his failure to perform his professional duty at the level expected to him. The IGNOU had not sought Second Stage Advice of the Commission. The order of the DA was in deviation with the Commission's advice of Major Penalty proceedings.

##### **S. No.- 2**

##### **Charge**

One Regional Director of Indira Gandhi National Open University (IGNOU) was found responsible for irregularities in engaging security guards, hiring for vehicles from a non-existing firm, passing out fake bills etc.

##### **Advice**

The Commission in agreement with the Disciplinary Authority had advised for initiation of Major Penalty proceedings against the then Regional Director, IGNOU.

##### **Brief**

After conducting Departmental Inquiry, the Inquiring Authority had held that the charges against the charged official were proved on the two article of charges out of four charges.

##### **Outcome**

Disciplinary Authority (DA) i.e. Board of Management had considered the Departmental Inquiry

Report and had decided in its 136th meeting held on 08.08.2019 for closure of the case after recovery of the amount from the charged official without seeking Second Stage Advice of the Commission. This Order of the DA was in deviation with the Commission's advice of Major Penalty proceedings.

### **4.3.25 DELHI JAL BOARD**

#### **S. No.- 1**

#### **Charge**

Special Audit team has detected procedural lapses/ irregularities in procurements/ repairs/ renovations of proprietary items in EE(SDW)-V Division of Delhi Jal Board (DJB) for the period of 2011-12 to 2013-14.

#### **Advice**

The Commission in agreement with the Chief Vigilance Officer/ Disciplinary Authority had advised initiation of Major penalty proceedings against 10 officers vide OM dated 15.03.2017.

#### **Brief**

It has inter-alia been concluded in the investigation report that there are many irregularities in the 69 contract agreement/ work files. In Some cases, estimates were not prepared in scientific manner. Rule 54 of GFR has not been followed while processing of estimate file for proprietary model. The proposals were initiated while showing urgency for various repairs/ renovations on seeking ex-facto approval of the then CE. The CE had not objected the proposals and approved the cases which indicate that he has acted with behest of the concerned officials and private firms which appear to be a planned arrangement. Work orders were issued on the same date when bills were received in the division. In a case work was executed on exorbitant high rates based on bills of firm which eventually led to substantial loss to DJB. The proposals were initiated on collecting single quotation of firm and further purported that these are the quotations of manufacturer or authorized dealers which were required in the proprietary cases. The quotation was not received from the manufacturer. The authorized dealer had directly given the quotation which was not even diarized with the division.

The Commission in agreement with the DJB advised initiation of Major penalty proceedings against 10 officials and Disciplinary Authority imposed the penalty as per advice of the Commission.

#### **Outcome**

After the imposition of the penalty, 03 out of 10 Charged Officers -02 AEs and 01 AAO preferred appeal against the order of Disciplinary Authority. The Appellate Authority (AA) "Exonerated" all the three COs from the charges made against them in deviation from the Commission's advice.

### S. No.- 2

#### Charge

It is alleged that estimates were prepared by the concerned officials after collecting only one quotation from the market and without conducting market survey. In the estimates, few makes were chosen as per their conveniences and no specific reasons for the said choice, such as proven technologies performance etc. had been recorded in the work files.

#### Advice

The Commission in agreement with the Disciplinary Authority had advised initiation of Major penalty proceedings against SE (E&M) and AEs (E&M) vide OM dated 15.12.2016.

#### Brief

The case had emanated on the basis of an investigation into a special audit report in r/o EE (SDW)-XI Division of DJB. The investigation revealed that estimates were prepared by the concerned officials after collecting only one quotation from the market and conducting market survey.

The Commission in agreement with the Disciplinary Authority advised initiation of Major penalty proceedings against 07 officers including one SE (E&M) and two AEs (E&M).

#### Outcome

After the imposition of the penalty, the three out of 09 Charged Officers [1 SE and 2 AEs] have preferred an appeal against the order of the Disciplinary Authority before the Appellate Authority. The Appellate Authority considering all facts and circumstances of the case, has “Exonerated” all the three COs from the charges made against them in deviation from the Commission’s advice.

### S. No.- 3

#### Charge

It is alleged that Special Audit team has detected some irregularities in procurements/ repairs/ renovations of proprietary items in EE(SDW)-VI Division of DJB for a period of 2011-12 to 2013-14.

#### Advice

The Commission in agreement with the CVO/ Disciplinary Authority had advised initiation of Major penalty proceedings against seven officers and initiation of Minor penalty proceedings against four officers vide OM dated 14.07.2017.

#### Brief

It has inter-alia been concluded in the investigation report that there are many irregularities in the 50 contract agreement/ work files. Some works have been initiated on single offer basis through no urgency of work has been found reflected. In some cases, there are no details of measurement and

only lump sum quantities have been taken. In some cases, test certificated of materials procured have been found available in the file whereas in some cases, procurement vouchers of materials not found available. Vat @ 12.50% has been released to the contractor without verifying whether the same has been deposited with the VAT Department or not. Proprietary articles certificate is not found available in some cases whereas in some, payments have been released without the acknowledgement from the manufacturer. Manufacturer's guarantee certificates were not obtained. In some cases, Division has procured CRA make equipment for the gas distribution system at Nilothi STP. The equipment under these CAs have been procured without one month period from the same supplier with each work order amounting just below Rs. 10.00 lakhs. Thus, the work was split to bring the work within the power of CE to avoid the authority competent to accept the same without splitting of work. The Commission in agreement with the DJB advised initiation of Major penalty proceedings against seven officials and Minor penalty proceedings against four officials.

#### **Outcome**

After imposition of the penalty, 03 out of 11 Charged Officers -01 SE and 02 AEs preferred appeal against the order of Disciplinary Authority. The Appellate Authority (AA) "Exonerated" all the three COs from the charges made against them in deviation from the Commission's advice.

#### **S. No.- 4**

#### **Charge**

It is alleged in a reference from Delhi Jal Board (DJB) that Audit team has detected procedural lapses besides irregularities in purchases of equipment and spares/repairs/ renovations works in the EE(SOW)-III Division of DJB during 2010-11 and onwards.

#### **Advice**

The Commission in agreement with the CVO/ Disciplinary Authority had advised initiation of Major penalty proceedings against SE (E&M) and AE (E&M) vide OM dated 28.12.2017.

#### **Brief**

It has inter-alia been concluded in the investigation report that Charged Officers (COs) extended undue financial benefit to the contractors of these works and caused corresponding financial loss to the Department. The Commission in agreement with the DJB advised initiation of Major penalty proceedings against SE (E&M) and AE (E&M).

#### **Outcome**

After imposition of the penalty, the two Charged Officers (COs) [SE(E&M) and AE (E&M)], preferred appeal against the order of Disciplinary Authority. The Appellate Authority considering all facts and circumstances of the case has "Exonerated" both the COs from the charges made against them in deviation from the Commission's advice.

**4.3.26 DELHI STATE INDUSTRIAL & INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED****S. No.- 1****Charge**

The case was based on inquiry report carried out by vigilance branch, Delhi State Industrial & Infrastructure Development Corp. Ltd. (DSIIDCL) for the allegation of unauthorized cutting of trees.

**Advice**

The Commission vide OM dated 20.12.2018 advised for initiation of Major penalty proceedings against two officers in agreement with Disciplinary Authority (DA) and Chief Vigilance Officer (CVO), DSIIDC.

**Brief**

The instant case had emanated on the basis of inquiry carried out by vigilance branch, DSIIDC. one Assistant Director while working in Horticulture Division, during the year 2015-16 failed to discharge his duties with absolute integrity and devotion in as much as he allowed authorized cutting of the tree (from ground level) and failed to take prior approval of the competent authority for cutting of the trees at DSIIDC Land, Okhla Phase-III. He also failed to get approval of the concerned Tree Officer before cutting of the trees. Further, the wood received from the tree cutting was removed from the site in clandestine manner without informing any supervisory authority or without taking permission from the Competent Authority of DSIIDC.

The Commission had advised Major penalty proceeding against him. Further, the Commission vide OM dated 16/12/2020 had advised to impose “penalty of reduction to a lower stage in the time scale of his pay for a period of one year. During the period he will not earn any increment of pay. However, on expiry of this period the reduction will not have the effect of postponing the future increment of his pay”. DSIIDC had imposed the same.

**Outcome**

After imposition of the penalty, AD (Horticulture) preferred Appeal before the Board of Directors being Appellate Authority against aforementioned penalty. The Board of Directors decided to revise the penalty Order dated 14.01.2021 and exonerated the AD (Horticulture) from the charges in deviation from the Commission’s advice.

**4.3.27 NORTH DELHI MUNICIPAL CORPORATION:****S. No.- 1****Charge**

One School Inspector (Physical) together with one Assistant Director, Education (Physical) indulged in

corrupt activities such as purchasing on the basis of fake bills, causing wilful financial loss to teachers in CPF/NPS matters etc. Another UDC was responsible for pre audit checks and proper scrutiny of the bill, has failed in performing his duties.

#### **Advice**

In its First Stage Advice, the Commission in agreement with CVO, North DMC advised initiation of Major penalty proceedings against the School Inspector (Physical) and UDC & initiation of Minor penalty proceedings against AO and AAO vide Commission's OM dated 01.12.2017. In its Second Stage Advice, the Commission in disagreement with the recommendation of Disciplinary Authority (DA) had reiterated its earlier advice of imposition of Major penalty on the School Inspector (Physical) and UDC.

#### **Brief**

The case refers to a Public Interest Disclosure and Protection of Informers (PIDPI) complaint received in the Commission against Asst. Director of Education (Physical) and others working in Rohini Zone, North DMC alleging irregularities in procurement of buses in Delhi Darshan tour.

The Commission in agreement with CVO, North DMC advised initiation of Major penalty proceedings against the School Inspector (Physical) and UDC. The Corporation being the Disciplinary Authority, decided to exonerate the School Inspector and UDC.

In its Second Stage Advice, the Commission in disagreement with the recommendation of Disciplinary Authority (DA) had reiterated its earlier advice of imposition of Major penalty on the two COs.

#### **Outcome**

The Corporation has resolved to exonerate the two COs vide its Resolution No. 46. The Disciplinary Authority has exonerated both the COs vide order dated 07.04.2021 in deviation from the Commission's advice.

#### **S. No.- 2**

#### **Charge**

One JE who was deputed to inspect the property and take action, failed to comply with the direction and therefore he was responsible for dereliction of duties on his account.

#### **Advice**

The Commission in agreement with CVO, MCD advised initiation of Major penalty proceedings against the JE on 28.03.2005.

#### **Brief**

On receipt of a complaint regarding unauthorized construction and misuse of basement for commercial purposes in residential premises in Kailash Colony, New Delhi, MCD demolished unauthorized portion

of construction on 3rd floor on 28.01.2002 and issued vacation notice the occupants of the other floors i.e. Ground, 1st and 2nd so as to complete demolition of the unauthorized portions. In response, occupants of Ground, 1st and 2nd floors approached the Delhi High Court. The Court directed for carrying out rectification. In this context, the CO was directed to inspect the property and submit action taken report. The CO, however, failed to do so. For this Commissioner, MCD approved initiation of Major penalty proceedings against him. The Disciplinary Authority (DA) on the basis of reply of the CO, report of IO and fact of record that demolition action could not be taken due to inaction of CO, proposed Major penalty proceedings against him.

The Commission in agreement with CVO, MCD advised initiation of Major penalty proceedings against the CO vide OM dated 28.03.2005. Subsequently, the CO was repatriated to DDA, where the Disciplinary Authority of CO in DDA [Commissioner (P) DDA], exonerated the CO from the charges and ordered to close the case vide order dated 11.05.2009 which was in deviation to Commission's advice.

### **Outcome**

Disciplinary Authority of CO in DDA [Commissioner (P) DDA], exonerated the CO from the charges and ordered to close the case in deviation from the Commission's advice.

### **4.3.28 NBCC (INDIA) LIMITED**

#### **S. No.- 1**

#### **Charge**

One DGM (Engg.) was responsible for taking no action against main contractor for sub-contracting the entire work to other two agencies without following the due procedure specified in the agreement with main contractor, executing the work and checking /forwarding the bills of the two sub-contractors who had no legal terms with NBCC for the said work, poor quality of concreting work and use of sub-standard material at site.

#### **Advice**

The Commission in agreement with CVO, NBCC advised initiation of Major penalty proceedings against the DGM (Engg.). On reconsideration request of CVO, NBCC, the Commission reiterated its First Stage Advice.

#### **Brief**

CVO, NBCC and CVO, IIT, Mandi was advised to carry out detailed investigation in r/o various paras and submit action taken report along with proposal for First Stage Advice of the Commission. The Commission advised CVO, NBCC to initiate Major Penalty Proceedings against DGM (Engg.) and other charged officials. CVO, NBCC forwarded the case for reconsideration of Commission's First stage advice. The Commission reiterated its initial recommendation for initiation of Major Penalty Proceedings against the CO.

**Outcome**

Disciplinary Authority i.e. CMD, NBCC recommended no action and exonerated the DGM deviating from Commission's advice dated 09.09.2021.

**4.3.29 ANDAMAN AND NICOBAR ADMINISTRATION:****S. No.- 1****Charge**

Four officials [One the then Executive Engineer (EE), one Assistant Engineer (AE) and two Junior Engineers (JE)] of Andaman and Nicobar Administration were found responsible for improper recording of the measurement of work and supervisory lapses etc. It was also alleged that in order to favour the contractor, bills were prepared by manipulating the dates and no action was taken for getting test check done of the recorded measurement by the then Assistant Engineer and the then Executive Engineer.

**Advice**

The Commission had advised initiation of Major penalty proceedings against the four charged officials of Andaman and Nicobar Administration.

**Brief**

After conducting Departmental Inquiry (DI), the Inquiry Authority (IA) had held that the charges of supervisory lapses and other irregularities were proved on the part of the then EE and the then AE. The Commission in agreement with the Disciplinary Authority had advised in its Second Stage Advice for issuance of displeasure to the then EE and imposition of Minor penalty upon the then AE. Further, DI was conducted against the two JEs and IA held that charges against these two charged officers are not proved.

**Outcome**

Disciplinary Authority (DA) had considered the Departmental Inquiry Report and decided to exonerate the two JEs without seeking Second Stage Advice of the Commission. This order of DA was in deviation with the Commission's advice of Major penalty proceedings against the two charged officials (JEs).

**4.4** Ministry/ Organisations wise summary of cases of deviation from prescribed procedure or non-acceptance of the Commission's advice are tabulated below as Table 4.1.

Table 4.1

S. No.	Name of the Department/ Organization	No. of Deviation Cases
1	Ministry of Railways	11
2	Airport Authority of India	1
3	National Highways Authority of India	1
4	Jawaharlal Nehru Port Trust	1
5	Ministry of Ports, Shipping and Waterways	1
6	Bank of India	4
7	Indian Overseas Bank	2
8	Small Industries Development Bank of India	4
9	Industrial Development Bank of India	1
10	Bank of Maharashtra	2
11	United India Insurance Company Limited	1
12	Central Wood Development Board	1
13	Mahanadi Coalfields Limited	3
14	Eastern Coalfields Limited	1
15	Western Coalfields Limited	1
16	Central Coalfields Limited	1
17	Bharat Coking Coal Limited	1
18	Madras Fertilizers Limited	2
19	Department of Atomic Energy	1
20	Nuclear Power Corporation of India Limited	1
21	NTPC Limited	1
22	Department of Commerce (Supply Division)	1
23	Nehru Yuva Kendra Sangathan, D/o Youth Affairs	1
24	Indira Gandhi National Open University	2
25	Delhi Jal Board	4
26	Delhi State Industrial & Infrastructure Development Corporation Limited	1
27	North Delhi Municipal Corporation	2
28	NBCC (India) Limited	1
29	Andaman and Nicobar Administration	1
	<b>Total</b>	<b>55</b>

## 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 Disciplinary Authority 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. In a sizeable number of cases the Commission has noted that the Department of Personnel & Training is not approached for resolution of differences of opinion between the Commission and the Disciplinary Authority, in those cases of officers for whom the appointing authority is the President.
- b. It has been noticed in some cases that the Disciplinary Authority issued a recordable warning after conclusion of the formal inquiry. As per the instructions of DoPT, either the charges are to be dropped or one of the statutory penalties is to be imposed on conclusion of the formal inquiry.
- c. In some cases, reported from certain CPSEs exhibit general ignorance of rules/procedures in respect to the irregularities observed in either pre-tender planning or post contract execution. In some CPSEs the Commission observed violations in evaluation of tenders from the Bid Evaluation Criteria specified in the notice inviting tenders, specifically about qualification of bidders on the financial parameters.
- d. In case of allotment/ changes in constitution of retail dealerships in CPSEs, the Commission has also observed that due procedure has not been followed while approving reconstitution of the dealerships from the accepted one at the time of allotment of the dealership.
- e. In a case received, the Commission observed that some officials entered into a criminal conspiracy with Assessee for setting aside the assessment orders passed by the Authorities in respect of scrutiny assessment of many companies for different years and ordered for reassessment by ignoring huge tax liabilities.

### III DELAYS IN DISCIPLINARY PROCEEDINGS

- 4.6 The Commission has been impressing upon the organisations about the need for prompt action in matters relating to vigilance. The Commission emphasises expeditious enquiry into complaints in order to determine the accountability for an improper action and the finalisation of the disciplinary proceedings within the prescribed time-schedule. These factors not only contribute to the efficiency of the organisations 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 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. Commission has been giving timeline in First Stage Advice, as per prescribed time schedule of disciplinary proceedings, it gives positive result and delay in disciplinary proceedings has reduced. A list of factors contributed in causing delay in disposal of cases is as under:
  - a. Many cases seeking the advice of the Commission are not received in the proforma prescribed by the Commission and/ or 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.
- 4.7** The Commission considers it imperative that instances of suspected malpractices are timely examined 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 sensitise the organisations 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 concerned organisations normally take more than the prescribed time for implementation of Commission's advice. Issue of charge sheet is delayed, and many a time, 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 CCS (Pension) Rules becomes an infructuous exercise even if the misconduct is not time barred.
- 4.10** 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 appeal against the orders or fail to take action in compliance thereof. Inaction on part of the Departments sometimes leads to contempt of Court.

## 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 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 on 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 5.0 crores and above for civil and turnkey works, supply contracts, Public Private Partnerships, sale of scrap and land etc., Rs 1.0 crores 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 2021, 348 organisations submitted their QPRs. At times, intensive examination is also undertaken based on complaint alleging specific misconduct / irregularities.

- 5.7 During the year 2021, CTEO undertook intensive examinations of 38 procurement cases, covering 26 Organizations. The value of these procurement cases was over Rs.6306.89 crores as summarised below.

Table –A

## Intensive examinations conducted by CTEO during the year 2021

Organization	No. of Organisations	No. of Intensive Examinations
Government Departments	10	13
Autonomous Bodies	1	1
Public Sector Undertakings	15	24
<b>Total</b>	<b>26</b>	<b>38</b>

- 5.8 Some of the organizations where intensive examinations were undertaken in the year 2021, are Delhi Development Authority (DDA), Public Works Department (PWD) Delhi, Centre for Development of Telematics ( C-DoT), National Highways Authority of India (NHAI), Indian Oil Corporation Ltd (IOCL), NBCC India Ltd., Hindustan Petroleum Corporation Limited (HPCL), Northern Railway, Rail Vikas Nigam Limited ( RVNL), RITES Ltd, Delhi Metro Rail Corporation Limited ( DMRC), Military Engineering Services( MES), Air Port Authority of India (AAI), Hospital Services Consultancy Corporation Limited ( HSCC), Central Electronics Ltd. (CEL), Rural Electrification Corporation Limited ( REC), East Central Railway (ECR), Engineers India Limited ( EIL), Delhi State Industrial & Infrastructure Development Corporation Limited (DSIIDC ), Post Graduate Institute of Medical Education & Research(PGIMER),Chandigarh and Green Gas Limited, etc.
- 5.9 On completion of intensive examination of the selected procurement cases, 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 from 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, over-payments, quality deficiencies, time and cost overruns, tax avoidance, non-compliance of statutory and other norms etc. are included in the report. Some of the important irregularities observed during the intensive examinations carried out during 2021 are at Appendix VI.

- 5.10** Intensive examination reports after approval of Secretary, CVC are forwarded to the CVO of the organisation for obtaining comments/action taken report from Management/officials concerned in respect of the observations raised in the report. Cases of irregularities, with perceived vigilance angle, are referred to the CVOs for detailed vigilance investigation and for fixing of responsibility. 19 such cases were referred to the CVOs during the year. The action taken on the observations in the intensive examination report resulted in a large number of systemic improvements, besides punitive action against erring officials. Recovery of Rs 163.01 crores was also effected by the Organisations concerned from the contractors/ suppliers/service providers based on the observations in intensive examination report. Some of the cases, which were referred to CVOs for detailed vigilance investigations during 2021 are listed at Appendix VII.
- 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 systemic improvements were on the issues like introduction of provision for the Insurance Policies in future contracts, proper scrutiny of the estimates submitted by the consultants and approval of the same by the competent Authority, price bid comparative statement downloaded from website to be in a non-editable format, Estimate prepared by the consultants may be scrutinised by the department and approval from the competent authority, rationalisation of the eligibility criteria, removal of inconsistency in respect of action to be taken against the bidder(s) in open and limited tenders for quoting wrong /abnormally low/absurd rates etc. Some of the significant systemic improvements are listed at Appendix VIII.

### **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 selected procurement contracts, broadly representing spectrum of the core activities of the organisation and report the outcome to the Commission. As reported by the CVOs of 283 organisations, 1913 CTE type examinations of procurement cases were conducted during the year 2021, leading to recovery of Rs. 419.16 lakhs, 103 vigilance cases and 2110 systemic 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 281 vigilance / complaint cases, referred to it.

### **V IMPORTANT INITIATIVES TAKEN BY THE CTEO:**

- 5.14** Under the guidance of the Commission, CTEO during 2021, in continuation of the efforts towards emphasis on preventive vigilance, provided technical inputs to various organizations towards capacity building and sensitizing officials about various aspects of vigilance; especially, areas pertaining to tenders and contracting, estimation of rates, legal aspects in contracting, etc. were covered in training programs and seminars organised by various organisations during the year.

**JOINT CONFERENCE OF CVC-CBI ON 26.10.2021**



L to R - Sh. Subodh Jaiswal, Director CBI, Sh. Suresh N. Patel, CVC, Justice Sh. Pinaki Chandra Gosh, Hon'ble Chairperson Lokpal, Sh. IP Gautam, Hon'ble Member Lokpal, Smt. Sangeeta Singh, Gujarat State Vigilance Commissioner, Sh. Dinesh Khara, Chairman SBI



Sh Otem Dai, Secretary CVC and Sh Subodh Jaiswal, Director CBI



A view of the participants at the Joint Conference

## SUPERINTENDENCE OVER CENTRAL BUREAU OF INVESTIGATION

### 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. Because 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 received from CBI regarding misconducts in cases against officers within the jurisdiction of the Commission and advising the Disciplinary Authorities to initiate 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 (except Director) 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 2021 is given below:

(A) **Registration of cases:**

Year	Total Case	Regular Case	Preliminary Inquiries
2020	676	589	87
2021	747	680	67

6.8 A total of 102 cases were registered for demand of bribe by public servants for showing favour and 40 cases for possession of disproportionate assets were registered during the year. Out of 747 cases, 133 cases were taken up on the directions of the constitutional Courts and 37 cases on the requests of State Governments/Union Territories.

(B) **Investigation:**

Year	Cases pending (Both Regular Cases and Preliminary Enquiries)
2020 end	1117
2021 end	982

6.9 During 2021, investigation was finalised in 798 RCs and 86 PEs. 328 cases were pending for investigation for more than one year as on 31.12.2021.

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

No of court cases where judgement was received in 2021: 360	Resulting in Conviction : 202
	Resulting in Acquittal : 82
	Resulting in Discharge : 15
	Disposed for other reasons : 61

6.10 The conviction rate during the year was 67.56% against 69.83% in 2020. At the end of the year 2021, 10232 Court cases were pending in various Courts.

### IV CASES DEALT WITH UNDER P.C. ACT DURING THE YEAR 2021:

6.11 A gist of cases dealt by the Central Bureau of Investigation under PC Act 1988 during the year 2021 is as under:

**Table 6.1**  
**Cases dealt under P.C. Act during 2021**

<b>Sl. No.</b>	<b>Particulars</b>	<b>Cases</b>
<b>1</b>	<b>Registration</b>	<b>457</b>
	No. of Public Servants involved in these cases	549
	No. of Gazetted Officers involved in these cases	221
<b>2</b>	<b>Disposal from investigation</b>	<b>504</b>
	i) Departmental Action as well as Prosecution	86
	ii) Prosecution only	350
	iii) Departmental Action only	10
	iv) Such Action	3
	v) Closed	51
	vi) Otherwise disposed of	4
<b>3(a)</b>	<b>Disposal from Trial (Court Case wise)</b>	<b>245</b>
	(i) Conviction	129
	(ii) Acquittal	63
	(iii) Discharge	12
	(iv) Otherwise disposed of	41
<b>3(b)</b>	<b>Break up of No. of Public Servants and Private Persons involved in cases disposed of from trial</b>	
	(i) Conviction	291
	(ii) Acquittal	299
	(iii) Discharged	48
	(iv) Otherwise disposed of	141
<b>4</b>	<b>Total No. of cases under investigation (as on 31.12.2021)</b>	<b>645</b>
<b>5</b>	<b>No. of pending Trials (Court Case wise)</b>	<b>6697</b>

- 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 due to covid-19 pandemic
- (b) delay in investigation due to work overload,
- (c) inadequacy of manpower,
- (d) delay in obtaining responses to Letters Rogatory (LRs),
- (e) verification of documents/title deeds, etc., in disproportionate asset cases,
- (f) delay in obtaining forensic reports from forensic laboratories and reports from other experts,
- (g) delay in receipt of prosecution sanction from competent authorities, etc.,
- (h) delay in supply of departmental records by the concerned Department,
- (i) time taken in scrutiny of voluminous records, especially in economic offences and bank fraud cases, and
- (j) time spent in locating and examining witnesses living in distant places.

**Table 6.2**  
**Pending PC Act cases under investigation as on 31.12.2021**

LENGTH OF PENDENCY	AS ON 31.12.2021
Less than one year	317
More than one year but less than 2 years	162
More than two years but less than 3 years	71
More than three years but less than 5 years	60
More than 5 years	35
<b>TOTAL</b>	<b>645</b>

#### **Disposal of cases under trial before Courts**

- 6.13** The Commission, during monthly meetings with CBI, takes note of the large number of cases pending trial in different courts for long periods. As on 31.12.2021, 6697 cases were pending trial out of which 275 cases are more than 20 years old.

**Table 6.3**  
**PC ACT CASES PENDING TRIAL**

LENGTH OF PENDENCY	AS ON 31.12.2021
Less than 3 years	1399
More than 3 years and upto 5 years	811
More than 5 years and upto 10 years	2273
More than 10 years and upto 20 years	1939
More than 20 years	275
<b>TOTAL</b>	<b>6697</b>

Table 6.4

**Appeals and Revisions pending in PC Act cases in various courts as on 31.12.2021**

	High Court		Supreme Court		Total
	CBI	Accused	CBI	Accused	
Appeal	608	9090	56	181	9935
Revision	348	691	0	0	1039
<b>Total</b>	<b>956</b>	<b>9781</b>	<b>56</b>	<b>181</b>	<b>10974</b>

**Age wise Analysis of pending Appeals and Revisions**

Age	APPEALS	REVISIONS	TOTAL
Less than 2 years	1466	357	1823
More than 2 but less than 5 years	2414	404	2818
More than 5 but less than 10years	3473	192	3665
More than 10 but less than 15 years	1677	72	1749
More than 15 but less than 20 years	548	10	558
>20 years	357	4	361
<b>Total</b>	<b>9935</b>	<b>1039</b>	<b>10974</b>

## 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.
- 6.15** 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 cognisance 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.

- 6.16** 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.
- 6.17** 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.
- 6.18** 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.
- 6.19** 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 2021, 177 cases were pending for grant of sanction for prosecution under PC Act, 1988. However, only 168 cases were pending for prosecution sanction as 09 cases were common to more than one Ministry/ State Government, etc. In these 162 cases pending with Central/State Government and other Departments/Authorities, 641 separate requests had been made for prosecution sanction during the year 2021 as some of the cases involved more than one accused.

Table 6.5

## Ministry-wise PC Act Cases Pending for Prosecution Sanction as on December 31, 2021

Ministry	Cases	Officers involved	Pending for more than three months as on 31-12-2021	
			Cases	Officers involved
Ministry of Coal and Mines	4	11	2	4
Ministry of Comm. And IT (Dept. of Post)	1	1	0	0
Ministry of Commerce and Industry	1	1	0	0
Ministry of Corporate Affairs	2	2	2	2
Ministry of Defence	8	19	5	12
Ministry of Education	3	4	1	1
Ministry of External Affairs	3	4	1	2
Ministry of Finance (Custom and Central Excise)	12	67	5	7
Ministry of Finance (Department of Revenue)	2	2	1	1
Ministry of Finance (Department of Financial Services)	65	325	28	182
Ministry of Finance (Income Tax)	3	3	1	1
Ministry of Food & Supply	1	2	1	2
Ministry of Health & Family Welfare	1	1	0	0
Ministry of Housing and Urban Affairs	3	4	1	1
Ministry of Labour & Employment	3	3	0	0
Ministry of Minority Affairs	1	2	1	2
Ministry of Ocean Development	1	3	0	0
Ministry of Personnel, Public Grievances and Pensions	6	8	5	7
Ministry of Power	1	1	0	0
Ministry of Railways	11	30	1	9
Ministry of Road Transport & Highways	1	4	0	0
Ministry of Rural Development	1	1	0	0
Ministry of Science and Technology	1	2	0	0
Ministry of Steel	1	1	0	0
Ministry of Tourism	1	1	0	0
Ministry of Youth Affairs & Sports	2	2	0	0
Ministry of Union Territories	1	1	0	0
Lok Sabha	2	5	2	5
Government of Bihar	1	1	1	1
Government of Chhattisgarh	2	6	2	5
Government of Delhi	4	36	4	36
Government of Himachal Pradesh	1	4	1	4
Government of Jammu and Kashmir	5	8	4	5
Government of Jharkhand	2	4	2	4
Government of Karnataka	1	5	1	4
Government of Madhya Pradesh	2	3	1	2
Government of Maharashtra	2	40	2	40
Government of Tamil Nadu	1	1	1	1
Government of Uttar Pradesh	8	15	6	10
<b>Total</b>	<b>171*</b>	<b>633</b>	<b>82**</b>	<b>350</b>

\*Total of only 168 cases are pending prosecution for sanction as 3 cases are common to more than one organisation

\*\* Total of only 78 cases are pending prosecution for sanction as 4 cases are common to more than one organisation

- 6.20** 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.
- 6.21** The Commission also takes note of the pendencies with the Ministries/Departments for previous approval sought under Section 17A of the PC Act, 1988 (as amended in 2018) and follows up with the concerned Ministries/Departments on quarterly basis for its expeditious disposal. As on 31.12.2021, 121 such references were pending involving 350 officers.
- 6.22** 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. REVIEW OF PENDING CASES AGAINST OFFICERS OF CBI

- 6.23** 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 31-12-2021, 55 departmental cases against Group A officers and 20 cases against Group B and C officials were pending at various stages against CBI personnel.

**Table 6.6**  
**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
55	10	06	06	06	27

Breakup of the total pending cases are:

- |   |           |
|---|-----------|
| (i) Inquiry in progress at various stages | 39        |
| (ii) Pending with DA (DoPT) for decision  | 16        |
| <b>Total</b>                              | <b>55</b> |

### 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
20	07	02	01	01	09

Breakup of the total pending cases are:

(i) Pending with DOPT for final orders	0
(ii) Inquiry in progress at various stages	20
<b>Total</b>	<b>20</b>

**Group B and C**

**VII. Manpower**

**6.24** The total sanctioned strength of CBI as on December 31, 2021 was 7273 against which 5740 officials were in position with 1533 posts lying vacant. The vacancy position is given in Table 6.7.

**Table 6.7**

**Overall vacancy position of CBI as on 31.12.2021**

Designation of posts	Sanctioned Strength	Actual Strength	Vacancy
Executive Ranks	5000	4052	948
Law Officers	370	270	100
Technical Officers	162	68	94
Ministerial Staff	1671	1326	345
Canteen Posts	70	24	46
<b>Grand Total</b>	<b>7273</b>	<b>5740</b>	<b>1533</b>

**VIII. Monthly Review Meetings with Director CBI and Review of specific Cases**

**6.25** 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.

**6.26** 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.

## IX. Appointment for certain posts in CBI

**6.27** 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 (except Director) 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 seven times in the year 2021 and made their recommendations to the Central Government in respect of various appointments, proposals for extension of tenure, etc.

## X. Others

**6.28** As a run up programme to the Vigilance Awareness Week 2021, a joint conference was held by Central Vigilance Commission (CVC) and Central Bureau of Investigation (CBI). The conference was held at Kevadia, Gujarat on 20.10.2021. The conference started with the address of the Hon'ble Prime Minister of India, Shri Narendra Modi.

**6.29** The conference was attended by eminent personalities: (a) Justice Shri Pinaki Chandra Ghose, Hon'ble Chairperson, Lokpal of India (b) Dr. I P Gautam, Hon'ble Member, Lokpal of India (c) Shri Suresh N Patel, Central Vigilance Commissioner (d) Shri S K Jaiswal, Director, Central Bureau of Investigation (e) Dr. J. M. Vyas, Vice Chancellor, National Forensic Sciences University and (f) Ms Sangeeta Singh, State Vigilance Commissioner, Gujarat.

**6.30** Apart from the above, the conference was also attended by these officials: (a) Special Director, Additional Directors, Joint Directors, Director of Prosecution, and other officials from CBI (b) Heads of Anti-Corruption Bureau of various states (c) CVOs (103 in number) of various organisations from across various departments & PSUs & Public Sector Banks under Government of India (d) Senior officials from the Central Vigilance Commission.

**6.31** The conference deliberated on the subject – Vigilant India- Leveraging Technology in Structures and Processes. After the panel discussion, deliberations on various vigilance related issues were held with the CVOs of various organisations by the Commission and its officials



Sh. Suresh N Patel, CVC addressing the gathering at ONGC

## 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 Vigilance Awareness Week - 2021 was 'Independent India @ 75: Self Reliance with Integrity'. Preventive Vigilance plays a key role in eradicating corruption, establishing good governance and best business practices through higher levels of transparency and organizational efficiency. Preventive vigilance can be achieved with alertness and can be strengthened through technology and experience sharing. Along with technology and alertness- simplicity, clarity, transparency in the processes is also key for preventive vigilance. 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. The Commission has encouraged organizations to develop a preventive vigilance environment by institutionalizing a robust Induction and Mid-career training programme for the officers and staff and further emphasized the need for inclusion of a strong preventive vigilance module in all the training programmes.
- 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 Global Positioning System (GPS) enabled devices / Radio Frequency Identification (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. At the same time any prolonged delay in awarding punishment

to wrong doers sends negative signal to other people in the organization who are working as per norms and following systems and procedures.

- (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. 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 five years. Some of the significant initiatives taken in this direction include the following measures :

- (i) **Guidelines on Preventive Vigilance:** The Commission had included a chapter on preventive vigilance in the Vigilance Manual-2017 for the guidance of organisations. The Vigilance Manual-2017 has been further updated in the year 2021 and a new Chapter on e-Vigilance has been added in the updated version of Vigilance Manual-2021. 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) **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 prepared indicative preventive vigilance modules which have been shared with various training institutions who are conducting induction training programmes for the newly inducted officers and mid-career training programme for in-service officers in Government and PSUs/PSBs. The Preventive Vigilance training module has now been institutionalised in the induction and mid-career training programmes of most of the Government/PSU/PSB training institutes.

- (iii) **Dissemination of Good Practices:** For dissemination of good practices adopted by organisations in the area of preventive vigilance, the Commission has published the fifth compilations in the form of booklets on preventive vigilance initiatives taken by different organizations during the year 2020-21. The Initiatives on Preventive Vigilance Booklet has been released by the Commission during the Joint Conference of CVC and CBI held at Kevadia, Gujarat on 20.10.2021.
- (iv) **Standard Operating Procedures (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. During the Vigilance Awareness Week – 2021 all the organizations have been asked to review an update their manuals, SOPs etc as a special drive.
- (v) **Inculcating Ethical Behaviour among Employees and the Public:** The Commission's Vigilance Awareness Week (VAW) activities are a significant step for awareness generation among all stake holders, particularly the students and youth through outreach activities. Commission has propagated that all organizations must send their officers and staff during the induction and mid-career training for exposure to the good practices adopted in organizations like National Dairy Development Board and Delhi Metro Rail Corporation and to village life for inculcating attitudinal change.
- (vi) **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. Commission has also organized nationwide training programmes for Inquiry Officers and Presenting Officers to build their capacity to handle departmental inquiries in a timely and professional manner.
- (vii) **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.
- (viii) **Scrutiny of Audit Reports by Chief Vigilance Officers (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.

**(ix) 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 following points were observed:

- 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 non-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, which may be simplified for reducing the delays.

**(x) Continuous Revision of Manuals:** The Commission in this regard as given certain instructions such as:

- CVOs to ensure that the organisations have prepared Manuals on important areas of their functioning
- These manuals to contain topics such as contracts, procurements, recruitment etc.
- These manuals are to be regularly 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.

**(xi) 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.

**(xii) 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:

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
1.	<b>Central Board of Direct Taxes (CBDT)</b>	<p>The Department has already implemented successfully the Faceless Assessment, E-Payment of taxes, E-filing of Income Tax Returns, E-Processing &amp; E-tracking of Income Tax Returns, E-Delivery &amp; E-tracking of Refunds and E-filing &amp; E-Processing of Tax Deducted at Source (TDS) etc.</p> <p>(i) Department has made its Appellate Proceedings faceless by notifying Faceless Appeal Scheme, 2020 and finally, Faceless Appeal Scheme, 2021 thereby making the appellate proceeding also faceless. To make the process transparent, the following process notified:</p> <p>The National Faceless Appeal Centre shall assign the appeal for disposal to a Commissioner (Appeals) of a specific appeal unit through an automated allocation system. All communication between the Commissioner (Appeals) and the appellant or any other person or the Assessing Officer under this Scheme shall be through the National Faceless Appeal Centre. Exchange of communication exclusively by electronic mode.</p>
		<p>(ii) The only point of physical verification for transactions except verification by Investigation Directorate has also been made faceless by notifying e-Verification Scheme, 2021 which covers faceless information collection from the assessee and its verification. The Scheme shall be applicable to deal with the mismatch of the information uploaded to the taxpayer's registered account. This Scheme is notified under a provision in Income Tax Act 135A that proposes faceless information gathering aimed at imparting efficiency, transparency, and accountability by eliminating the interface between the income-tax authority and the assessee. It also seeks to optimize the use of the CBDT department's resources.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
2.	<b>Central Board of Indirect Taxes and Customs (CBIC)</b>	<p>(i) Instruction dated 03.02.2021 to all field formations issued by Director General (DG) Export Promotion of CBIC wherein it was categorically explained that in case of B-17 bond executed by Export Oriented Units(EOU)/Software Technology Park(STP)/Electronic Hardware Technology Parks(EHTPs) in capacity of Proprietorship or partnership firm, surety cannot be given by Proprietor/ partner himself. Such sureties must be given by an independent legal entity other than the Proprietor/ Partner of the concerned Proprietorship/ Partnership EOU firm. It was therefore instructed to review all the B-17 bonds issued in violation of the circular no. 66/98-Customs dated 15.09.1998 executed in their respective jurisdictions.</p> <p>(ii) Instructions dated 19.07.2021 issued by Ad.V Section of Directorate General of Vigilance (DGoV) to all the field formations and Directorates and uploaded on CBIC website regarding appropriate and timely use of Enforcement of Attendance of Witness and Production of Witnesses) Act, 1972 wherein the witnesses mentioned in the Annexure-IV of the Charge Memorandum are not appearing.</p> <p>(iii) Instructions dated 16.12.2021 issued to DG Systems to make stringent checks before exercising the Forceful removal of Export General Manifest (EGM) error option and to explore exchange between Custodian's system and the Indian Customs Electronic Gateway (ICEGATE) so that the registration of goods for export would be possible only after arrival of the cargo and issuance of carting order would be confirmed by the Custodian in the system.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
3.	<b>Mangalore Refinery and Petrochemicals Ltd. (MRPL)</b>	<p>(i) <b>Attendance Guidelines and Procedures:</b> There was no limit on occasions and duration of attendance regularization. After a detailed system study, the recommendation was provided to the management to remove the ambiguity and contradictory provisions in attendance guidelines. As per the recommendations, new consolidated guidelines are issued and implemented with transparency. All loop holes were plugged, timings were defined and the duration and occasions of attendance regularization within a month are fixed for all employees. It has drastically improved punctuality across all departments and locations.</p> <p>(ii) <b>House Building Advance Processing System:</b> Substantial delay and discretion were observed in processing the House Building Advance. After conducting a system study, systemic improvements were conveyed to reduce the processing time and discretion in House Building Advance Processing system. The house building advance processing system is made online from November 2021. This has significantly reduced the processing time and discretion.</p> <p>(iii) <b>Recovery of excess Overtime payments and Conveyance Maintenance &amp; Running Expenditure (CMRE):</b> Excess Overtime payment for the period of 01.01.2017 to 31.01.2021 were identified due to loopholes in the system. As per the systemic improvement suggested, the loopholes were plugged and the recovery of excess amount of Rs. 11,50,308/- is carried out. Similarly, the CMRE claims in the year 2020-21 during COVID-19 Work from Home period were scrutinized and the excess payments beyond the policy were identified. Excess amount of CMRE paid of Rs. 49,73,151/- is recovered. The system is rectified and any possibility of wrong payments in future is eliminated.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
4.	<b>Bharat Petroleum Corporation Ltd. (BPCL)</b>	<p>(i) In order to deliver quality assurance, BPCL Retail has introduced Global Positioning System (GPS) based Electro Mechanical (EM) locking system for tank lorries replacing conventional mechanical locks to prevent malpractices (in-transit pilferage/adulteration) and to ensure safe and secure movement of petroleum products from supply location to its customers. Two numbers EM locks are mapped with each tank lorry (one Lock for tank Lorry's discharge valve box and other lock for tank lorry's compartments). An electronic key is given to each customer.</p> <p>The geo-fencing of petroleum terminals of BPCL premises of retail outlets / industrial dealers is mapped on the EM locks portal hosted on a server. Vehicle Tracking System (VTS) is integrated with EM Locking System which sends location (Latitude &amp; Longitude) of tank lorries to EM Locking System.</p> <p>A mobile application has been provided to the dealers to authenticate electronic key for opening EM Locks. EM Locks can be opened at dealers premises through an One Time Password (OTP) based authentication, which can happen only within the dealers geo fenced area, for enabling electronic key to open EM locks.</p> <p>(ii) Fuel price at all Energy stations (petrol pumps in common parlance) change daily in line with change in international crude prices &amp; exchange rate fluctuations. Daily prices for each fuel dispensed from BPCL Energy Stations are downloaded and implemented every morning at 6 am across our network. This ensures that each fuel transaction for any fuel at any of the 19,000 energy stations PAN India is at correct price. IRIS – Bharat Petroleum's Digital Nerve Centre, enables monitoring of this price updation across network and locks the nozzle/s where price does not get updated. This ensures correct price each time, every time.</p>
5.	<b>Indian Oil Corporation Ltd. (IOCL)</b>	<p>i) A systemic improvement to ensure loading of truck within their load carrying capacity as mentioned in the registration certificate has been implement by IOCL by introducing checks in SAP to ensure this provision.</p> <p>ii) IOCL has introduced maker-checker concept for change of parameters like diesel price/mileage in System Applications and Products in Data Processing (SAP) wherein maker shall be State Office Operation and checker shall be State Office Finance.</p> <p>iii) IOCL has introduced e-locking system in Tank trucks for transportation of Benzene and now no Benzene tanker truck is being operated without e-locking.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
6.	<b>Oil India Ltd. (OIL)</b>	<p>(i) It was observed in Oil India Ltd. that initiation of procurement of various goods/services was being done citing “operational urgency”, however, urgency was not reflected in the later part of the procurement and process like technical evaluation, award of contract etc. and in execution of the jobs. OIL Management has introduced a new functionality in the Enterprise Resource Planning (ERP) system wherein at the time of creation of Purchase Requisition, user department has to capture “special operation urgency” to ensure timely completion of procurement and execution.</p> <p>(ii) A system study on arbitration cases was carried out wherein it was observed that whenever any dispute is raised by any vendor/customer, the same is dealt by user department, which is further escalated to litigation if the matter remains unresolved after discussion/negotiations at their end. OIL Management has now issued an SOP for dealing with the disputes which stipulates formation of a multifunctional Dispute Resolution Committee (DRC) to evaluate each case and advise a way forward to the management. DRC may recommend seeking independent legal opinion if deemed fit.</p> <p>(iii) Delay was observed in refund of bid security/EMD to the bidders. To address this issue a system has been developed in ERP wherein auto e-mail will be triggered to respective purchase group before one month of expiry of Earnest Money Deposit (EMD)/Performance Bank Guarantee (PBG) for monitoring of timely refund.</p>
7.	<b>Engineers India Ltd. (EIL)</b>	<p>In EIL the Conduct, Discipline and Appeal (CDA) Rules had a provision for filing of Annual Property Return by the employees once in two years which was not in line with provisions in CDA Rules of other CPSEs. EIL management has now modified the applicable conduct rules of EIL for submission of Immoveable Property Returns on annual basis by all EIL employees.</p>
8.	<b>Hindustan Petroleum Corporation Ltd. (HPCL)</b>	<p>The process of verification of bitumen invoices submitted by road contractors to Public Works Department (PWD) and other Government organisations was an offline activity. HPCL has developed an in-house module for online verification for bitumen invoices and access has been given to more than 300 government organisations to use the same. This will provide a real time online access for verification of bitumen invoices and will eliminate the possibility of submitting multiple copies of the same invoices in different works.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
9.	<b>Oil &amp; Natural Gas Corporation (ONGC)</b>	ONGC has made systemic improvements in processing of bids and has issued internal instructions to evaluate the tenders strictly as per the Bid Evaluation Criteria (BEC) / Terms and Conditions specifically stated or referred in that tender. Evaluation of tender shall not be based on presumptions or past practices. The instructions also stipulate that bid evaluation criteria along with metrics will be brought before competent authority for approval.
10.	<b>Indian Bureau of Mines (IBM)</b>	<p>(i) Indian Bureau of Mines (IBM) has an Online System for Star Rating of Mines which has two layers, first providing self evaluation templates for mine operator followed by validation of the filled-in template through IBM. It is a user-friendly evaluation system which instantly awards the points based on the information filled by mine operator and shall be published and accessed under public domain. It provides for transparent mechanism to disseminate information amongst stakeholders or public and gives a platform for exchange of ideas and best practices adopted in various mines.</p> <p>(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.</p> <p>(iii) A project namely Mines Surveillance System (MSS) undertaken jointly by IBM and the Department of Electronics and Information Technology under the Digital India programme has been introduced to develop a system for detection of incidence of illegal mining by use of space technology and surveillance of area upto 500 m outside the lease boundary</p>
11.	<b>Mineral Exploration Corporation Ltd. (MECL)</b>	<p>Following System Improvements are undertaken in MECL:</p> <p>(i) Full monthly payment to the contract employee should be made timely as per the Labour Act and Terms &amp; Conditions of the Work Order and Employees' Provident Fund (EPF) &amp; Employees' State Insurance (ESI) Payment should be done as per the terms &amp; conditions of the Work Order.</p> <p>(ii) A proper Escalation/Review Matrix may be prepared and circulated to Project Manager, Zonal Managers and concerned HoDs for timely settlement of observations of Internal Audit Wing (IAW) in line with the framed guidelines of company and reflect the same in Key Performance Areas (KPA) of officers for fixing the responsibility for delay.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
		<p>(iii) Necessary SOPs for processing of tenders must be maintained with the approval of the Competent Authority. Deviation of time limits in the process from the SOP must be got approved from Competent Authority. Any clarification regarding proposal submitted by the Indenting Division be sought in one go within a specified number of days provided in the SOP.</p> <p>(iv) Care should be taken in preparation and issue of Supply Order to avoid any further amendment and avoid legal issues. Reasonable request of suppliers for any amendment in Supply Order should be addressed immediately by Purchase &amp; Contract (P&amp;C) Division to the Competent authority for approval to avoid delay.</p> <p>(v) Use of Government e-Marketplace (GeM) may be considered to minimize the timelines and maintaining transparency in procurements.</p>
12.	NALCO	<p>Following System Improvements are undertaken in NALCO:</p> <p><b>(i) Petrol Storage &amp; Distribution at Alumina Refinery</b></p> <p>(a) The underground tank for petrol storage needs a periodical cleaning (may be once a year); so that the water entrapped or sludge formed throughout the year can be removed.</p> <p>(b) The Petrol Pump area must be monitored through CCTV cameras to create awareness and to have a continuous watch on any illegal activities (if any) going on inside the Petrol Pump area.</p> <p>(c) There must be a periodical rotation of working staff in Petrol Pump to improve the transparency in the system.</p> <p><b>(ii) Brick Ash Plant</b></p> <p>For ensuring proper mixing as per specified quantities, four suitable measuring containers are advised to be fabricated for four different ingredients used for brick manufacturing i.e. Ash, Sand, Lime &amp; Cement.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
13.	NHPC Ltd.	<p>Considering the hardship vis-à-vis unforeseen circumstances encountered during execution of Hydro projects and to avoid the delay due to cash crunch to the contractor, a suitable provision has been incorporated in the Standard Bid document of NHPC:</p> <p>“A need based special advance limited to 2.5% of Accepted Contract Amount can be released to the Contractor at any time during execution of the contract for the payment of labour, construction materials, Repair &amp; Maintenance (R&amp;M) of machinery and POI, etc.”</p> <p>Circumstances when such advance can be released along with recovery mechanism has also been mentioned under the relevant clauses of bid document.</p>
14.	Industrial Financial Corporation of India (IFCI)	<p>(i) A detailed SOP was prepared and implemented on Workflow Chart to examine the Staff Accountability, formulation of Internal Advisory Committee and handling the complaints, disciplinary action in Non Performing Assets (NPA) accounts, etc.</p> <p>(ii) In terms of the Commission’s Circular No.02/03/2019 dated 11.03.2019, Board has approved and implemented the revised mechanism of Whistle Blower system in IFCI, wherein Whistle Blower Complaints are to be made to the Audit Committee, which includes direct access of the Chairman of Audit Committee by Whistle Blower.</p> <p>(iii) IFCI has implemented Document Management System (DMS) to digitize all the important documents of IFCI including workflow process movement of e-notes and vigilance clearance through online system.</p> <p>(iv) IFCI has taken license of MS Office 365, which will provide email security and authentications at various levels, wherein the sender and the receiver both are authorised during email transmission and emails are encrypted during the end-to-end transmission. Further MS Office 365 is being used to prevent unauthorised user access and data security is also ensured.</p> <p>(v) Trainings on “PROGRAMMES ON ETHICS” and Gender Sensitization &amp; POS were conducted in the month of January 2021 and December 2021 respectively.</p>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
15.	<b>Punjab National Bank (PNB)</b>	<ul style="list-style-type: none"> <li>(i) The Bank has started maintaining digital form of records pertaining to Request for Proposals (RFPs).</li> <li>(ii) Bank's Procurement Policy, 2021 incorporates reasonableness of bid prices in relation to prevailing market rates. Also to get optimal cost, bank is conducting reverse auction in all the RFPs.</li> <li>(iii) The importance of exposure visits and Preventive Vigilance sessions have been incorporated in all the Mid-Career Training as well as induction programmes of newly joined Management Trainees.</li> </ul>
16.	<b>UCO BANK</b>	<ul style="list-style-type: none"> <li>(i) Allotment of Staff Quarters of Bank using IT initiatives has been implemented by Bank and link has been provided in Human Resources Management System (HRMS) portal for allotment of Staff quarters.</li> <li>(ii) The Policy for "Digitalization of Old record" has been approved by Board on 29.12.2021.</li> </ul>
17.	<b>Bridge &amp; Roof Co.(India) Ltd. (B&amp;R)</b>	<ul style="list-style-type: none"> <li>(i) Leveraging of Technology                             <ul style="list-style-type: none"> <li>(a) Document management system is developed and deployed in online system Portal.</li> <li>(b) HOD login for Asset Management System is implemented.</li> <li>(c) Visitor Management System is developed.</li> <li>(d) BG Monitoring System implemented.</li> <li>(e) Online empanelled vendor list/other documents is available in Company's Portal.</li> </ul> </li> <li>(ii) Systemic Improvement                             <ul style="list-style-type: none"> <li>(a) In order to avoid disbursing of adhoc business advances to the contractor in uncontrolled and at regular interval at project sites, B&amp;R has taken the policy initiative that disbursing of adhoc business advances to a contractor under a particular contract agreement can be permitted maximum twice subject to the provisions incorporate in the contract agreement and in line with the Company's DOP Manual.</li> <li>(b) B&amp;R adopted the policy of procurement of high value item on consideration of the generic material specification and of relevant code and standard without specifying any particular brand.</li> <li>(c) B&amp;R has issued on office order to prepare a master plan since inception of the project activities, awarded to the company by various clients and the same to be duly approved by the concerned HOD as well as Director (Project Management) &amp; CMD for subsequent awarding of a contract in reasonable and justified manner.</li> </ul> </li> </ul>

S No.	Name of the Organisation	Systemic improvement undertaken by the organisation
18.	<b>Nuclear Power Corporation India Ltd. (NPCIL)</b>	To strengthen the system for investment of NPCIL Employees Provident Fund following amendments are incorporated: <ul style="list-style-type: none"> <li>(i) Multi-tier systems for investment of NPCIL EPF &amp; ENCPF fund.</li> <li>(ii) Investment Approving Committee made of 03 Directors in place of Director (F) or CMD.</li> <li>(iii) EPF &amp; ENCPF surplus funds are restricted to Government or Government Guaranteed Securities or Government backed Securities only and made through Public Tendering mode.</li> <li>(iv) Existing investments in Corporate Debt securities which were downgraded from its original rating on the date of purchase have been sold through public tendering mode.</li> </ul>

#### IV Systemic Improvements suggested by the Commission in various cases:

7.7 The Commission had suggested various systemic improvements to various organizations in the year 2021, while tendering advice in the cases. Some of the systemic improvements suggested by the Commission are given below:

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
1.	<b>Central Public Works Department (CPWD)</b>	In a case related to Dynamic Architectural (Howrah Illumination of Rabindra Setu Bridge) with synchronized Light and sound show taken out by CPWD, irregularities were observed in declaring any work as Emergent and deviation in existing contracts. Commission advised CPWD that: <ul style="list-style-type: none"> <li>(i) There should be an Annual Limit on the powers delegated to officials for award of works on the basis of Spot Quotations, for works declared as “Emergent” by the Chief Engineer/or any other authority, in terms of Para 1.5(1)(x) of the CPWD Works Manual 2019.</li> <li>(ii) Chief Engineer should obtain approval of Additional Director General (ADG), before declaring any such work as emergent, acceptance of which lie in his own financial power.</li> <li>(iii) All works declared “Emergent” in terms of Para 1.5(1)(x) of the Manual, should be published on e-tender portal, for ensuring wider participation and competitive rates.</li> <li>(iv) Details of works awarded on the basis of spot quotation should be compiled by each Zonal/Project Head (CE/SE) on Quarterly basis and submitted to ADG/SDG.</li> </ul>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		<p>(v) Provisions of deviation/substitution/extra items in a contract must be utilized exclusively within the scope of particular work and in no case be extended to other works under any circumstances.</p> <p>CVO, CPWD informed the Commission that necessary action has been taken in respect of systemic improvements related to Emergent works and Deviation in existing contracts as under:-</p> <p>(i) In the proposed delegation of financial powers, annual limit for emergent works has been proposed for EE and SE.</p> <p>(ii) Before declaring a work as “emergent” provision has been made to record certificate by the competent authorities. In view of recording of above certificate by CE, prior approval of ADG may not be insisted upon. Necessary amendment has been made in CPWD Works Manual, 2019.</p> <p>(iii) Since emergent work is required to be taken up immediately and concerned authority declaring work as emergent is required to record a certificate as mentioned in para (ii) above, it has been left to competent authority to decide the mode of calling quotations supported with reasons. Necessary amendment has been done in CPWD Works Manual, 2019.</p> <p>(iv&amp;v) Necessary amendment has been made in CPWD Works Manual, 2019.</p>
2.	<b>Central Board of Indirect Taxes and Customs (CBIC)</b>	<p>(i) In a case related to acceptance of illegal gratification by Customs officials from passengers of Maitree Express [an international Passenger Train running between Kolkata and Dhaka (Bangladesh)] at the time of checking and then allowing the passengers to board the train, Commission observed that this was being done by manipulating CCTV cameras installed there and non compliance of the relevant instructions of CBIC that it is mandatory on the part of the officers/officials to declare the cash in their possession in excess of Rs. 5000/- before taking over their duties and the supervisory officer is supposed to check it.</p> <p>Commission advised Department of Revenue/CBIC that:</p> <p>(a) Declaration of these posts sensitive and enforcement/implementation of transfer after prescribed time may be followed. If the duration is three years, possibility of reducing it can be done/explored.</p> <p>(b) Frequent checks to be made at the borders and frequency and outcome of these checks may be maintained at a centralised computer of CVO, CBIC.</p> <p>(c) Appropriate steps may be taken so that this type of fraud can be eliminated.</p>
		<p>(ii) In a case, Commission observed that gold jewellery worth Rs. 16 crore for which Bill of Entry (BE) was filed for export to Dubai was illegally diverted to Domestic Tariff Area(DTA) at an Airport by an exporter. Sealed cover parcels of the gold jewellery were handed over by Custom Officials to the exporter outside the security area in violation of guidelines and the exporter handed over those sealed parcels to his father who boarded in a domestic flight alongwith sealed covers. On further investigation, it was revealed that in the past also, exporter had committed such fake exports.</p>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		<p>It was observed that Public Notice No. 36/2001 dated 30.07.2001 detailing the procedure for export of Gems and Jewellery as Personal Carriage through ACC, Kolkata Airport was issued in 2001. A considerable time has passed since then and a lot of changes in Customs law and Procedure have taken place. Therefore, Commission advised CBIC to re-examine the matter and to formulate the detailed procedure for export of Gems and Jewellery as Personal Carriage through ACC, Kolkata Airport and suitable Public Notice in this regard may be issued.</p>
3.	<b>Ministry of Railways</b>	<p>i) In a case of contract for provision of Optical Fiber Cable (OFC) based digital communication system, work was awarded to a firm. The contract had three schedules- Schedule A for supply, Schedule B for supply and installation/execution and Schedule C for supply of non-schedule items (NS). The payment conditions given in the contract for all Schedules were: 80% of the accepted cost of the items to be paid on receipt of the equipment, 10% on installation and remaining 10% on commissioning. Same payment schedule was used for such items which were all about execution of works. It was observed that there was a flaw in payment conditions in Schedule B. While Schedule A and C were purely about supply of items, Schedule B was about execution of work. Even for items where execution was main component, 80% of the payment was released on basis of supply of items which were of small value. The error came to notice when the contract had to be terminated for unsatisfactory performance. 80% of payment for supply of HDPE pipe was released only after receipt of pipes (which constituted a minor component of the total value of work), whereas the actual work involved digging, track-crossing, laying of HDPE pipe, inserting telecom cables and levelling. The concerned Railway officials failed to detect the ambiguity in the payment conditions for three different schedules having different nature. This resulted in overpayment.</p>
		<p>Commission advised Railway Board to examine the matter and, if found suitable, the following para may be inserted in the Railway Procurement Manual for implementation:  “Payment schedule would be fixed in such a manner which co-relates with the quantity and quality of the work performed. A certificate by the inspecting authority in this regard may be produced before releasing of payment”.</p>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		<p>(ii) In a case, serious irregularities were observed in the work of substructure and foundation of two bridges; namely reinforcement of pile cap of piers at both bridges exposed at several locations, loss of concrete in pile cap of piers, gap between piles and pile caps of piers, depth of pile and grade of concrete found less than that of recorded length and grade and both bridges were constructed without approved drawings. This resulted in a loss of Rs 3.35 crore. Test reports of IIT Patna and Research Designs and Standards Organisation (RDSO) have confirmed these irregularities.</p> <p>Commission observed that the said work was inspected by Chief Engineer and still defects were not detected. Commission advised Chairman, Railway Board to constitute a committee of senior officers to look into the inspections done by Chief Engineer, Section Engineer, Executive Engineer etc. so that inspections become really effective and appropriate, defects and irregularities can be identified, and corrective measures be taken on time.</p>
4.	<b>Ministry of Road Transport &amp; Highways (MoRT&amp;H)</b>	<p>In a case of engagement of Consultants, it is observed that the Consultant company deployed fresh/inexperienced personnel in the projects of MoRT&amp;H, National Highway Authority of India (NHAI)/ National Highways and Infrastructure Development Corporation Ltd. (NHIDCL) whereas bids are quoted considering the involvement of experienced key personnel.</p> <p>Commission advised CVO, MoRT&amp;H to implement Systemic Improvements as under:</p> <ul style="list-style-type: none"> <li>(i) To replace paper based attendance with Aadhar based Bio-metric Attendance or Geo-tagged selfie-based attendance;</li> <li>(ii) Salary of Key Personnel should be paid/deposited in their accounts instead of making cash payment.</li> <li>(iii) Project Director (PD) &amp; Regional Officer (RO) be advised to carry out regular interactions with Key Personnel to ascertain their contribution in execution of projects and surprise inspection be carried out a least once in a month to check their presence at site.</li> </ul>
5.	<b>Rural Electrification Corporation Ltd. (RECL)</b>	<p>In a work of construction of prestigious headquarter building of an organization, it was observed that Architect agency was selected on the basis of a work done by another Architect firm in which the Principal Architect of said Architect agency was a partner. Since the criteria for considering experience gained by a partner in partnership firm was not available explicitly in the Expression of Interest (EOI) document, CVO, concerned was advised to take up the matter with the Management of the organization for systemic improvement to incorporate the criteria for considering the experience gained by a partner in partnership firm in future EOI/tenders to avoid such situation.</p>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
6.	Northern Coalfield Ltd. (NCL) Ministry of Coal	<p>(i) In the Intensive Examination carried out by CTEO for the work of supply, installation, commissioning of CCTV Surveillance system in different projects, units at Northern Coalfield Ltd. alongwith 4 years Comprehensive Annual Maintenance Contract (CAMC) a number of irregularities were observed and Commission advised the following systemic improvements:</p> <p>(a) The CCTVs and other accessories, though covered in AMC, but has been observed that remains faulty and takes longer time in replacement in cases not covered under AMC, viz. damage due to lightening, burn etc. As the CCTVs are most important part of IT initiative, the replacement must be ensured by management immediately.</p> <p>(b) There is no upper limit to declare such items as Repair Not Possible (RNP) by vendor against lightening or burn etc. These mostly happen when earthing is not proper, which apparently in CCTV tender of NCL, was done by the same vendor as part of Supply, Installation, Testing and Commissioning (SITC) project of CCTV and IT initiative. Therefore, declaration of RNP by the vendor per year beyond a permissible limit should not be allowed and there should be provision in the tender document for the upper limit of RNP.</p> <p>(c) Presently GPS are installed in internal vehicles carrying coal from Stock to siding. However, all the internal coal carrying vehicles should have GPS installed and should be under geo fencing monitoring. Therefore, there is a need to have GPS installed in the coal carrying vehicles from face/mine to stock also.</p> <p>(d) The vehicles for carrying OB should also be fitted with GPS where path is common for OB and Coal transportation.</p> <p>(e) RFID tags need to be provided to the vehicles with defined number of trips as per requirement. Manual operation of boom barrier to be avoided as far as possible.</p>
		<p>(f) At present the data of weighbridges are transferred to central billing system manually and subsequently. Arrangements be made for online and instant transfer of weighbridge data to central billing system (Coalnet) automatically.</p> <p>(g) Once weighbridge is linked with central billing system, the RFID tags can be used more effectively, by making printing of weighment challans only through RFID reader linked printers and camera in operation. This will also reduce the human intervention at weigh bridge and auto updation of dispatch orders will take place. Use of RFID in vehicle in NHAI toll for authentication and debit of charges may be referred for analysis and upgradation in existing system.</p> <p>(h) CCTV footage and its functionality are being checked manually at control systems at different levels. Network Management System (NMS) need to implement for all network elements for monitoring (viz. pinging of different network elements at regular interval through NMS software etc.) and alert message to be generated and escalated as per accountability matrix. The alert messages should also be escalated automatically to HQ incharge and respective Director after a particular period if not addressed during that period.</p>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		<p>(ii) In a case related to NCL, it was observed that one firm was supplying Mining Spares since last 25 years as a manufacturing unit and ancillary to NCL but since last 10 years, they have stopped manufacturing but taking contracts &amp; supply orders in crores every year from Coal India Subsidiaries like SECL, ECL, NCL, CCL etc., Singareni, Railway and availing all privileges granted to Ancillary and under Make in India program of Govt. of India.</p> <p>Commission advised Ministry of Coal to constitute a committee of CVOs, Ministry of Coal, Coal India Ltd. (CIL) and NCL to work on systemic improvements. The committee of CVOs recommended following systemic improvements:</p> <p>(i) Ancillary status granted to all companies prior to issue of new purchase manual 2020 of CIL, in all subsidiaries which has completed three years, to be reviewed immediately and for other companies which are yet to complete three years, immediately after three years in accordance with provisions of new purchase manual 2020.</p> <p>(ii) NCL may issue necessary instruction to all concerned to ensure that the eligibility conditions are followed by technical scrutiny members/ technical committee.</p>
		<p>(iii) In case no performance certificates or completion certificate is submitted by the bidder, provision should be made for submission of the proof payment of the items supplied against supply order/purchase order by the bidder along with the self-certificates.</p> <p>(iv) A nodal officer in each subsidiary of CIL may be designated for verification of credential/documents from other subsidiary of coal India in respect of any tender as single point of contact for verification.</p> <p>Commission has further advised that the recommendations of the Committee of CVOs must be qualified with riders that in case a bidder don't submit the Performance Certificate/Completion certificate, the bidders should provide the final amendment/final time extension/ Taking Over Certificate (TOC) in support of their past performance, alongwith the proof of payments and other documents as required during the bid.</p>
7.	State Bank of India (SBI)	<p>Asst. Manager of one branch lodged a complaint alleging unauthorised use of his Core Banking System (CBS) ID and password by employee of insurance company for micro insurance business, on the instructions of the Chief Manager of the branch. Investigation revealed that CBS credentials of the complainant were unauthorisedly used by the insurance company employee for micro insurance transactions. Customer's consent or willingness was not obtained from the account holders for debiting their accounts towards payment of insurance premium for coverage under Micro Insurance Policy. Investigation revealed that the practice of sharing CBS credentials was prevailing at some branches. The Commission observed that sharing of CBS ID/password of an official and allowing access to the CBS system to employees of insurance company is a grave matter and can lead to multiple cases of fraud resulting in financial and reputational loss to the</p>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		bank. The Commission advised CVO, SBI for issuance/reiteration of guidelines prohibiting sharing of CBS ID/ Password/allowing access to the CBS system to employees of Insurance company and compliance in this regard may be checked by concurrent auditor and also during branch visit by controlling authorities. The Bank has reiterated guidelines in this regard.
8.	<b>Punjab National Bank (PNB)</b>	While examining a case, it was observed that an official failed to comply with the extant guidelines issued by Bank in respect of the due diligence of borrower as well as securities charged to Bank as inspection was not carried out properly, resulting in mortgaged property not enforceable being without clear cut demarcation. The Commission advised to issue necessary guidelines with regard to inspection of immovable properties proposed to be charged and enforceability of the same to be ascertained including demarcation before release of credit facilities. Same has been implemented by the Bank.
9.	<b>Oriental Insurance Company Limited (OICL)</b>	One Motor Vehicle Policy was issued in favour of one person covering his vehicle for a period of one year from 14.08.2016 to 13.08.2017. During the policy period, the RC of the said vehicle was transferred in the name of another person on 08.03.2017. The endorsement for transfer of interest was passed on 19.05.2017 at 15.19 PM without pre-inspection of the said vehicle. The vehicle met with an accident on 19.05.2017 at 3 AM (night of 18.05.2017) resulting in Own Damage Claim which was settled for Rs.2,07,000/-, thus causing loss to the company. The Commission advised to issue suitable preventive vigilance guidelines in respect of underwriting practices in various fields in Insurance Business to control the recurrence of such types of events in future and upload the same on the Organization website. The system improvement has been implemented by addition of Pre-Inspection window in case of transfer of ownership of vehicle in the Integrated Non-Life Insurance Application Software (INLIAS) system and also put on the Organization website.
10.	<b>Central Bank of India (CBI)</b>	A company engaged in cold chain business was granted credit facilities by a Bank under consortium. While examining the role of concerned officials in various irregularities in company's account, the Commission desired to get the role of branch inspectors also examined, who had failed to point out irregularities in the account during inspection. This issue was further expanded to include Third Party Professionals (TPPs). Accordingly, the Commission advised to include accountability aspects of inspecting officials and Third Party Professionals while seeking FSA of the Commission. Bank has reviewed the Staff Accountability Policy and the revised format contains information on any malpractice/ misconduct by professionals like Chartered Accountants/Advocates/ Valuers resulting in frauds.
11.	<b>Canara Bank</b>	Complaints were made by Gold Loan customers of one branch regarding shortage of Gold items in the gold packets, which they had pledged with the branch.

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		<p>During 100% re-appraisal of Gold Loan packets at the Branch, it was found that Gold items were missing in 153 packets and branch found discrepancies in some more packets, while the customers were checking their gold packets. It was reported that the Jewel Appraiser had committed theft of customers' gold. Jewel Appraiser used to remove Gold items while appraising the jewels. While preparing the Gold Loan application and the Loan pass card, the Jewel Appraiser excluded the items which he had taken out. The Gold Loan packets were not checked by the Branch In-charge / Officials in the presence of the Borrower and the Jewel Appraiser. While checking the Gold Loan packets, as the Gold items inside the packet tallied with the application and loan pass card, the officials failed to notice that the Jewel Appraiser had fraudulently removed the jewels. The Commission advised to take appropriate action so that such types of frauds do not happen in future and during Branch inspections, the aspect of obtaining loan pass card duly signed by Borrower, appraiser &amp; Bank officials to be kept with gold packet, need to be ensured. Bank has taken additional control measures to prevent occurrence of such instances in future and a new vertical headed by a General Manager at Head Office formed to monitor Gold loan portfolio.</p>
12.	UCO Bank	<p>As a preventive vigilance measure, bank had investigated into cash/transfer/deposit transactions of staff accounts and observed that there were several transactions in some of the staff accounts, which are suspicious in nature and also disproportionate to self/family income of the staff. The Commission advised the bank to develop an auto alert system in CBS. Bank has informed that as soon as cash/transfer transactions in staff accounts exceeds the threshold limits, immediately an alert through mobile message will reach HR Dept. functionaries and appropriate action will be initiated without delay and will stop further transactions.</p>
13.	Bank of India (BoI)	<p>A Private Limited Company incorporated in Hong Kong engaged in acquisition of Coal Mines at Indonesia and marketing coal to various countries was sanctioned limits to the tune of USD 30 Mio. The limit was released without ensuring the compliance of terms and conditions stipulated in the sanction and without doing due diligence. End use of the funds was not ensured. Packing Credits were not adjusted from the proceeds of the goods exported. Company diverted the loan proceeds to its associated company. While tendering advice in respect of erring officials, as a systemic improvement measures, the Commission advised that Centre Specific Credit policy in respect of each overseas centre may be prepared. Separate staff accountability policy for overseas centre may also be implemented.</p>
14.	The New India Assurance Company Ltd. (NIACL)	<p>(i) A fraud was reported in Insurance industry to the tune of Rs.200 Crore by an Assistant Manager. The account had been utilised for a number of Tax as well as Non-Tax transactions by the employee to various bank accounts of Citibank, BOB, SBI, Standard Chartered Bank, RBL, IDBI and Axis Bank. Citing Pandemic conditions, permission for online operation of the bank account (token) was obtained by him. Tokens obtained from bank for Initiator and Authorizer roles with</p>

S. No	Name of the Organisation	Systemic improvement suggested by the Commission
		two factor authentication were misused by him alone. Among the documents seized from the desk of the officer, a notebook containing password of other authorizers were found. OTP received by others were freely shared to him. Further, an account with another Bank was maintained for the purpose of cheque payments for satisfying
		court awards and payment to some of the utilities. He has drawn around 288 DDs based on forged authorisation letters in favour of his known beneficiaries and misappropriated around Rs.129 Crore from the Company Account. Another Bank account was used for regular payment through NEFT. It is noticed that while making payments by NEFT, local masters were created by retaining the correct beneficiary name but the beneficiary account numbers were changed to the Officer's and his relatives accounts. The Commission advised that Masters of Co-Insurance Companies can be added/modified/ deleted only with Head Office approval. New Office addition/deletion/modification of co-insurance can only be done by Co-insurance team at Head Office on recommendation of Regional Office. Bank Reconciliation should be system driven.
		(ii) A package policy was issued to M/s IDFC First Bank Ltd. for one year period. At the time of renewal, the proposal was submitted to Head Office for approval of renewal quotes and in turn Head Office conveyed the sanction to Divisional Office. However, while renewing the policy, Divisional Office charged lower premium against the approved premium of Head office, thereby caused a loss to the company to the tune of Rs.1,07,17,988/- . As a systemic improvement measure, the Commission advised that underwriting checks to be introduced in all polices to ensure that premium charged rates are the same as approved by Head Office and Head Office to check that polices are issued with compliance of Head Office approved rates.
15.	<b>Indian Council of Agricultural Research (ICAR)</b>	In a case related to ICAR, the Commission observed that an over-age candidate to the post of Technical Assistant was selected by Central Institute for Research on Buffaloes (CIRB). Commission advised the CVO to undertake systemic improvement measures for non-occurrence of such cases in future. In this regard ICAR has intimated that the concerned authorities have been advised to use IT enabled systems for putting necessary cross checks and filters, so that candidature of overage / ineligible candidates are rejected. The concerned authorities were advised to issue necessary guidelines/direction for recruitment at various posts in the Council through online applications only. Further, the concerned authorities were also advised to review powers vested with the Institute Management Committees (IMCs) regarding age relaxation.

**OFFICERS OF THE COMMISSION  
DURING VIGILANCE AWARENESS WEEK**



Sh. Suresh N Patel, CVC at SBI



Sh. Suresh N Patel, CVC presenting Vigilance Manual to Sh. Justice Pinaki Chandra Ghose, Hon'ble Chairperson Lokpal



Release of Staff Accountability Circular for Bank Officials on 29.10.2021



Sh. Suresh N Patel, CVC with Sh. Dinesh Khara Chairman of SBI



Sh Suresh N Patel, CVC at GAIL



Sh. Suresh N Patel, CVC at ONGC

## OFFICERS OF THE COMMISSION DURING VIGILANCE AWARENESS WEEK



Secretary, CVC at CIL



Addl. Secretary, CVC at IDBI



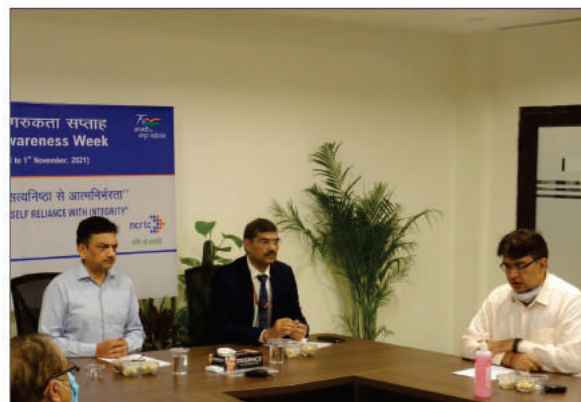
Addl. Secretary, CVC at Union Bank



Secretary, CVC presenting Preventive Vigilance Booklet to Director, CBI



Chief Technical Examiner, CVC at NBCC



Chief Technical Examiner, CVC at NCRTC

## OFFICERS OF THE COMMISSION DURING VIGILANCE AWARENESS WEEK



National Mineral Development Corporation



Central Warehousing Corporation



Ministry of Civil Aviation

## PARTICIPATIVE VIGILANCE AND VIGILANCE AWARENESS WEEK

### I INTRODUCTION

- 8.1** The Commission has always acknowledged that one of the key steps towards tackling the menace of corruption is by raising public awareness to inculcate ethical values and reduce society's tolerance towards corruption. One of the primary means towards soliciting the participation of the public is through the observance of Vigilance Awareness Week. Every year Vigilance Awareness Week is celebrated in the week in which the birthday of Sardar Vallabhbhai Patel (31st October) falls.
- 8.2** Vigilance Awareness Week 2021 was significant as the Commission commemorated India's journey towards celebrating 75 years of Independence by celebrating Vigilance Awareness Week from 26th October to 1st November, 2021 with the theme of "Independent India @75: Self Reliance with Integrity; स्वतंत्र भारत @ 75: सत्यनिष्ठा से आत्मनिर्भरता..."

### II MESSAGES OF SUPPORT BY DIFFERENT DIGINITARIES

- 8.3** **The President of India**, in his message to the Commission, expressed his happiness in seeing that the Central Vigilance Commission is taking necessary steps to bring the citizens together to strengthen our commitment towards progress and self-reliance while remaining rooted in our ideals.
- 8.4** **The Vice-President of India** expressed his hope to see all the citizens and stake holders collectively participate in large numbers in the fight against corruption. He also stated the need to come together to reiterate the ideals of integrity, transparency and accountability and strive towards embracing the values that have guided us in our journey so far.

**The Prime Minister of India**, in his message, voiced his trust in citizens of the country. He urged everyone to always remember one thing - nation first. He further emphasized the importance of the Central Vigilance Commission promoting integrity, transparency, and accountability in public life in the journey towards a better life for its citizens.

Messages of encouragement and support were also received from the following Hon'ble Central Ministers:

Sl. No.	Name of Ministers	Designation
1.	Sh. Rajnath Singh	Minister of Defence
2.	Sh. Amit Shah	Minister of Home Affairs; and Minister of Cooperation
3.	Sh. Arjun Munda	Minister of Tribal Affairs
4.	Sh. Dharmendra Pradhan	Minister of Education; and Minister of Skill Development & Entrepreneurship
5.	Sh. Mukhtar Abbas Naqvi	Minister of Minority Affairs
6.	Sh. Giriraj Singh	Minister of Rural Development; and Minister of Panchayati Raj
7.	Sh. Jyotiraditya M. Scindia	Minister of Civil Aviation
8.	Sh. Raj Kumar Singh	Minister of Power; and Minister of New & Renewable Energy
9.	Sh. Hardeep S Puri	Minister of Petroleum and Natural Gas, and Minister of Housing and Urban Affairs
10.	Sh. Bhupender Yadav	Minister of Environment, Forest and Climate Change; and Minister of Labour and Employment
11.	Dr. Mahendra Nath Pandey	Minister of Heavy Industries
12.	Sh. Parshottam Rupala	Minister of Fisheries, Animal Husbandry & Dairying
13.	Sh. G. Kishan Reddy	Minister of Culture; Minister of Tourism; and Minister of Development of North Eastern Region
14.	Sh. Rao Inderjit Singh	Minister of State (independent charge) of the Ministry of Statistics and Programme Implementation; Minister Of State (Independent Charge) of the Ministry of Planning; and Minister of State in the Ministry of Corporate Affairs
15.	Dr. Jitendra Singh	Minister of State (independent charge) of the Ministry of Science & Technology; Minister of State (Independent Charge) of the Ministry of Earth Sciences; Minister of State in the Prime Minister's Office; Minister of State in the Ministry of Personnel, Public Grievances and Pensions; Minister of State in the Department of Atomic Energy and Minister of State in the Department of Space

### III JOINT CONFERENCE OF CVC & CBI AT KEVADIA, GUJARAT

**8.5** A joint conference was held by Central Vigilance Commission (CVC) and Central Bureau of Investigation (CBI) as a run up programme to the Vigilance Awareness Week 2021 on 20th October 2021. The conference was held in the breath taking and apt location of Kevadia,

Gujarat near the Statue of Unity. The Conference started with the address of the Hon'ble Prime Minister of India, Shri Narendra Modi.

**8.6** In his address, the Prime Minister emphasized the need to strengthen the system through technology and alertness by bringing in simplicity, clarity and transparency in different processes which will go a long way in strengthening the different initiatives of preventive vigilance. The Prime Minister also acknowledged the updates which has been brought about in the Vigilance Manual and made special mention of the additional chapter on e-vigilance. He stated that while perpetrators of crime find new ways every day and every month, but we always have to stay two steps ahead of them.

**8.7** The joint conference was also addressed by :-

1. The Hon'ble Chairperson, Lokpal of India
2. The Central Vigilance Commissioner
3. The Director, CBI

The conference deliberated on the subject – Vigilant India; Leveraging Technology in Structures and Processes.

**8.8** The panel discussion was moderated by Shri Manoj Shashidhar, Joint Director CBI. The panellists included eminent personalities such as Dr I. P. Gautam, Member of Lokpal of India, Shri Otem Dai, Secretary, CVC, Shri Dinesh Khara, Chairman, State Bank of India, Dr. J. M. Vyas, Vice Chancellor, National Forensic Sciences University (NFSU), Shri Praveen Sinha, Special Director, CBI, Dr. N. K. Chaudhary, Dean, NFSU, Shri Sandeep Baldava, Senior Partner, Forensic and Integrity Services, E&Y India, and Shri Anisetty Anjaneyulu, Founder ESF Labs Ltd.

**8.9** After the panel discussion, the Commission interacted with the Chief Vigilance Officers who had come to attend the conference. There were deliberations on various vigilance related issues.

#### **IV DIFFERENT ACTIVITIES CONDUCTED DURING VIGILANCE AWARENESS WEEK (VAW), 2021**

**8.10** The observance of Vigilance Awareness Week commenced with the taking of the integrity pledge by public servants in the Ministries/ Departments/ Central Public Sector Enterprises (CPSEs)/ Public Sector Banks (PSBs) and all other organizations on 26th October, 2021 at 1100 hrs. As per reports received, a total of 437 organizations participated and a total number of in-person 59,28,089 pledges were taken.

**8.11** As a special ongoing initiative of the Central Vigilance Commission, individuals and organizations were also encouraged to take e-pledges for which certificates are issued to the participants. As on date, approximately 14,601,691 individuals and 218,495 organizations have taken the e-pledge as per portal.

**8.12** The Central Vigilance commission has encouraged all organizations to conduct workshops, sensitization and training programs. This was to promote various measures which would increase awareness amongst the employees and other stake holders on policies/procedures of

the Organization. As per the reports received, all organizations have fully participated in the same.

- 8.13** To further encourage such measures, the Commission has also advised the organizations to conduct different outreach programmes at the Community level. It was also encouraged to organize evening choupals/meetings with different cultural activities such as street plays etc, on the theme of Anti Corruption. A number of organizations conducted various outreach activities with different schools, colleges & other educational institutes. A number of competition such as essay writing, quizzes, debates, slogan, poster making, etc were conducted in different parts of the country. A total of 8,835 schools and 30,35,011 school students were involved in different activities. At the college level, a total of 2,280 colleges/ educational institutes with 1,48,574 college students were involved.
- 8.14** Further, organizations also organized “Awareness Gram Sabhas” with meetings at different levels to increase awareness against corruption. During this time, anti-corruption messages in vernacular languages were also encouraged for display at the meeting. A total number of 15,302 Gram Sabhas were organized during Vigilance Awareness Week, 2021.
- 8.15** All this was done while keeping in mind the social distancing norms as mandated by various guidelines issues by the Government for prevention of spread of Covid-19.

### V FOCUS AREAS

**8.16** Internal (House-keeping) activities:

- 8.16.1** Keeping in mind the prevailing conditions brought about by the Covid-19 pandemic, the Commission continued to focus on internal house-keeping activities as was done in the previous year. An 11-point agenda was circulated in this regard which included the following:
- a. Land Management
  - b. IT application for allotment of houses/quarters etc.
  - c. Payments and other benefits to persons working in outsourced services in the organizations
  - d. Management of Assets
  - e. Complaints pending for Investigation & Report
  - f. Vigilance cases pending for further clarification
  - g. Disposal of pending major Penalty Proceedings
  - h. Disposal of pending minor Penalty Proceedings
  - i. CTE type Inspections
  - j. Preventive Vigilance measures undertaken
  - k. Whether prescribed policy for management is adhered to if the organization runs schools, Hospitals etc.
  - l. Gender sensitization issues
  - m. Leveraging Technology- IT usage and E-governance
  - n. Rules, Regulations and guidelines to be updated.

- o. Scrutiny of Audit reports
- p. Systemic improvements

## 8.17 PIDPI

- 8.17.1** During Vigilance Awareness Week 2021, all organizations were instructed to give wide publicity and generate maximum awareness about the complaints under Public Interest Disclosure and Protection of Informers (PIDPI). Two posters in this regard were prepared by the Commission and circulated to all the organizations. The organizations were encouraged to display these at all offices. Organizations were also informed to get these posters translated to local languages, wherever possible.
- 8.17.2** A number of organizations took proactive measures to create awareness of the complaint mechanism of PIDPI. Several innovative initiatives were taken. Some organizations such as Mangalore Refinery and Petrochemicals Limited and EPFO issued booklets on PIPDI, while others such as NTPC Ltd prepared radio jingles for widespread dissemination of information. Other initiatives such as organizing Padhyatras and distributing pamphlets were also taken up. Apart from these, a number of training programs, awareness camps and Gram Sabhas were also conducted.
- 8.17.3** Several organizations had also prepared videos on PIDPI. In recognition of these initiatives, the Commission had called for all these videos, and a few were shown in the Joint Conference of CVC & CBI held at Kevadia, Gujarat.

## 8.18 Clearance Drive

- 8.18.1** The occasion of Vigilance Awareness Week was also considered to be the ideal time for clearing old pending cases in a focused manner. In this regard, the two months of September and October 2021 were designated to clear outstanding Further Information cases (FIs), Implementation of First Stage and Second Stage Advices (FSAs and SSAs), Investigation and Reports (I&Rs), Factual Reports (FRs), Complaints (PIDPI and non- PIDPI), Prosecution Sanctions, Departmental Inquiries (DIs) and comments awaited on CBI Reports (CAs) in respect of all organizations and departments.

## VI ACTIVITIES IN THE COMMISSION

- 8.19** The commencement of Vigilance Awareness Week commenced in the Commission with the taking of the Integrity Pledge, led by the Central Vigilance Commissioner and with the participation of all the officials of the Commission. A video on Vigilance Awareness Week which was prepared in house was also broadcasted during the function. The entire proceedings were filmed and telecast by Prasar Bharati.

During Vigilance Awareness Week, officers of the Commission also participated in several outreach activities in various organizations. All officials were encouraged to be a part of the various workshops, sensitization programs, and other such events.

CULTURAL ACTIVITIES DURING VIGILANCE AWARENESS WEEK



DFCCIL Nukkad Natak in collaboration with Hansraj Dramatics Society



NF Railway Nukkad Natak



Northern Railways Nukkad Natak



Northern Railways Nukkad Natak



Padhyatra of Controller of Communication Accounts



UCO Bank Nukkad Natak Bhagalpur

**INTEGRITY PLEDGE & OTHER ACTIVITIES UNDERTAKEN BY DIFFERENT ORGANIZATIONS DURING VIGILANCE AWARENESS WEEK**



ITBP Pledge



Union Bank of India Ladakh VAW Unity Run



WCL Rath Yatra



CCI Ltd PIDPI outreach



Gram Sabha



## VIGILANCE ACTIVITIES AT DIFFERENT ORGANIZATIONS



ESIC PIDPI booklet release in MoLE



Mangalore refinery and Petrochemicals Ltd. PIDPI booklet



Western Coalfields Limited VAW 21



Release of magazine at DFCCIL



Release of Magazine Suchita MOIL Ltd



Syama Prasad Mookherjee Port Kolkata

## 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. 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 accordingly taken up by the commission on a continuous basis for updating and refining the skill sets and knowledge base of the CVOs and Vigilance Officers.
- 9.2**
- i) As per the Training Policy, opportunities for training are made available to officers posted in the Central Vigilance Commission and Vigilance Department of the organizations. To reinforce the importance of vigilance as a tool for good governance, officers working in vigilance and other departments of the Central Public Sector Enterprises, Public Sector Banks/Insurance Companies are also nominated for select training programmes.
  - ii) Induction training is being imparted to newly appointed CVOs to equip them to discharge their functions efficiently. Besides induction trainings, short-term thematic trainings, workshops and refresher courses are also being organized to build professional competencies among CVOs and officers posted in the Vigilance Department.
  - iii) Commission's Officers/officials 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.
- 9.3**
- i) During 2021, the Commission continued and enhanced the training initiatives launched in 2016 by providing training at reputed institutes to its officers and CVOs within the framework of the training policy. Irrespective of the outbreak of COVID-19 pandemic, keeping in mind, the safety of the participants, the Commission continues to impart training to the participants online which includes Induction Training Course for CVOs,

Advance Training on Vigilance Investigation, IOs/POs training, customized programme for the Commission Staff etc.

- ii) Apart from the domestic training, the Commission believes that the 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. However, this year, the International Trainings could not be organized as per the directive from Department of Personnel & Training due to outbreak of COVID-19 pandemic.
- iii) The Commission has also focused on exposure visits and institutionalization of Preventive Vigilance Module as a part of Induction and Mid-Career Training Programme across all the Government Organizations including Public Sector Undertakings and Public Sector Banks. The Preventive vigilance modules have been shared with various training institutions who are conducting induction training programmes for the newly inducted officers and mid-career training programme for in-service officers in Government and PSUs/PSBs. Ministry of Railways, NTPC Ltd, Steel Authority of India Ltd., Oil and Natural Gas Corporation, National Police Academy, National Academy of Customs, Indirect Taxes and Narcotics, Department of Post, and various other organizations have commenced the training on Preventive Vigilance Module.
- iv) The Commission is of the firm view that apart from preventive vigilance the officers/executives, who join any Government organization must also be exposed to institutions which are known for their Best Practices or to the village, both at induction and mid-career training stage to inculcate attitudinal changes and ethics. Commission has developed 5 days' exposure visit modules for the induction training and 3 days' exposure visit module for the mid-career training. During the year, Delhi Metro Rail Organization has conducted 4 online training programmes on Attitudinal changes and ethics.
- v) The Commission, in consultation with Ministry of Rural Development has also developed the village exposure visit module for bringing in Attitudinal change during induction and mid-career training stage. The village exposure visits of the Officer/managers of Public Sector Banks and Public Sector Undertakings will be conducted through the Rural Self Employment Training Institutes or any other suitable training institute as per the module prepared by the Commission.

**9.4** Apart from the regular training programme, this year the Commission's primary emphasis has been on the training of IOs/POs of Govt. organizations including PSUs/PSBs through National Police Academy, Institute of Secretariat Training and Management (ISTM), Hindustan Petroleum Corporation Limited, CBI academy, Central Academy for Police Training and National Productivity Council.

## II TRAINING PROGRAMMES FOR VIGILANCE FUNCTIONARIES

- 9.5 Induction Training for Part Time CVOs:** The Commission has organized a three day on-line Induction Training Programme for Part Time CVOs of all the Institutions/ Organizations/ Academies etc. under the Ministry of Human Resource Development in two phases. In phase I, the participants had undergone two days Induction course from 22nd to 23rd Feb, 2021 and in Phase II after a gap of one month a one day session was organized with the prospective of review of earlier two days, feedback and half an hour test etc on 25th March, 2021. This training programme was attended by 45 participants. The training comprises exposure to the topics like Provisions of Conduct Rules, CCA/CDA Rules (Appeal/Review/Revision), Roles, Duties and Functions of CVOs, CVC : Overview (Mission & Evolution) complaint handling mechanism and First & Second Stage Advice, PC Act After Amendment, Role of CVOs in Preventive Vigilance, Vigilance clearance Guidelines & Procedure, Preventive Vigilance in Procurement, Interface with CVC/CBI/CVO, Best Practices in Anti-Corruption Initiatives and Overview of Departmental Enquires.
- 9.6 Induction Training for Full Time CVOs:** As the newly appointed CVOs come from varied backgrounds and services, with some working in vigilance administration for the first time, there is a constant requirement to impart in- depth training in important aspects of vigilance administration. A three (3) days online Induction training Course was organized through National Police Academy, Hyderabad for 24 CVOs from 25th to 27th August, 2021. The course provided an opportunity to newly appointed CVOs to get in depth knowledge on the role and functions of the Central Vigilance Commission and other vigilance related matters. The programme also equips 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.
- 9.7 Advance Training Programme on Vigilance Investigation:** The Commission has organized an online Advance Training on “Vigilance Investigation” from 20th to 22nd December, 2021 at the National Police Academy, Hyderabad for 29 officers nominated by the Commission which comprises full time CVOs of various Govt. Organization and PSEs. This training covered areas like Challenges in the field of Procurement, Current Global Trends in Economic Offence and Forensic Audit, Vigilance in Financial Sector, Critical Examination for Prosecution Sanction, Digital Forensic, Digital Evidence & Evidence Appreciation, Conduct of Departmental Inquiries, monitoring Expeditious finalization and improving quality of report, Interaction between CBI & CVOs & Investigation of Corporate fraud, Examination of Audit, Inspection reports etc from Vigilance Angle and Challenging to Cyber Security. Apart from these areas, the participants were divided into groups and each group shared best practices as well as area of improvement of their organization which leads to peer learning.

## III TRAINING PROGRAMMES FOR THE COMMISSION’S STAFF

- 9.8** i) Apart from the training imparted to CVOs and vigilance functionaries of various Ministries/ PSUs/Banks, the Commission also organizes training for its own staff in order to widen

their knowledge and skill base and enhance their efficiency. In this context, the Commission nominates its officers and staff for training programmes offered by National Productivity Council (NPC). During 2021, 5 officers have undergone residential programme conducted by National Productivity Council. Apart from this, the Commission has also nominated its 05 officers to attend the Online Training-cum-Workshop on “New Modules/Version of GeM on 07th September, 2021. Details of the training programmes attended by the nominated officers are tabulated below: -

Sr. No.	Description	Dates	Participants
<b>Training Programme at National Productivity Council</b>			
1	Residential Training Programme on “Effective office Administration & Financial Management” at Leh, Ladakh	19th to 23rd July, 2021	1
2	Residential Training on "E-procurement of Goods and Services & related GFR Rules" at Goa	13th to 17th Sept, 2021	2
3	Residential Training Programme on “Effective Office Administration & Financial Management” at Port Blair	20th to 24th Dec, 2021	2
<b>Others</b>			
4	Online Training-cum-Workshop on “New Modules/Version of GeM”	07th Sept, 2021	5

- (ii) United Nations Office on Drugs and Crime (UNODC) had organized training for focal points and Governmental experts participating in the 2nd cycle of the mechanism for the Review of the implementation of the United Nations Convention Against Corruption (UNCAC) on 2nd – 3rd September, 2021 through virtual mode. The training has been attended by Sh P. Daniel, Additional Secretary and Sh Ashok Kumar, Chief Technical Examiner.

#### IV Training Programme for Inquiry Officers/Presenting Officers (IOs/POs)

- 9.9 Over a period of time, the Commission has observed delays in departmental inquires. The delays could be because of lack of knowledge of conducting inquires, preparation of memorandum of chargesheet, documents supporting statement of imputation and witnesses. This comprehensive training of Inquiry Officers and Presenting Officers is conceived by the Commission with a vision to train potential IOs and POs across geography to ensure that a trained pool of IOs/POs are available with the organizations, who could be entrusted the departmental inquiries, to reduce the time taken in finalization of the Departmental Inquiries.

- 9.10** The Commission has formulated a three day uniform online Training Programme for IOs/POs of the Government organizations including PSUs/PSBs. To roll out the IO/PO training, Commission has identified a number of training institutions namely Institute of Secretariat Training and Management (ISTM), Hindustan Petroleum Corporation Limited, CBI Academy, Central Academy for Police Training and National Productivity Council who would be conducting the training of IO/PO on the basis of uniform training module prepared by the Commission.
- 9.11** The Commission has received 5262 nominations from 179 organizations. The first batch was conducted on 09th to 11th August, 2021 and till 31.12.2021, training of 20 batches have been conducted to train 711 officers as IO/PO. The detailed tabulated summary of training programme conducted in the year 2021 is specified below:

<b>Numbers of Officers undergone IOs/POs Training 31.12.2021</b>				
<b>Sr. No.</b>	<b>Academy/ Organisation/ Institute</b>	<b>Dates</b>	<b>No. of Participants attended</b>	<b>Participating Organisations</b>
1	National Productivity Council	09th to 11th August, 2021	30	Indian Bank
		07th to 09th Sept, 2021	30	Central Mfg. Technology Institute, Indian Institute of Management Amritsar, Indian Institute of Management Kashipur, Indian Institute Of Tropical Meteorology, Jawaharlal Nehru University, NIT Tadepalligudem, NIT Uttarakhand, NIT Yupia, Indian Institute of Management Sambalpur, Indian Institute of Management Shillong, Indian Institute of Management Visakhapatnam, NIT Sikkim, Visvesvaraya NIT, Indian Institute of Management Bangalore, Indian Maritime University, Chennai, Nagaland University ,Central University of Rajasthan ,NIT Silchar

## CHAPTER 9

		06th to 08th Oct, 2021	30	Mizoram University ,IIT Kharagpur, NIT Meghalaya, NIT Agartala, Indian Institute of Mass Communication, Centre for Cultural Resources and Training, Energy Management Centre, All India Institute of Speech & Hearing, Indian Institute of Packaging, NIT Warangal
		15th to 17th Nov, 2021	25	Central Institute of Higher Tibetan Studies, IIT Ropar, IIT Jodhpur, NIT Mizoram, IIT Gandhinagar, Nagaland University, Banaras Hindu University, Maulana Azad NIT (MANIT) Bhopal, Lakshmi Bai National Institute of Physical Education (LNIFE), Shri Lal Bahadur Shastri Rashtriya Sanskrit Vidyapith
2	Hindustan Petroleum Corporation Limited	11th to 13th August, 2021	39	GSL(12), HPCL(12) and HCL(15)
		06th to 08th Sept, 2021	37	Manganese Ore (India) Limited, Andrew Yule & CO. Ltd, Coal India Ltd. Cotton Corporation Of India, Fertilizer & Chemicals Travancore Ltd, Garden Reach Ship-Builders & Engineers Ltd. Rural Electrification Corp. Ltd, Dredging Corp. Of India Ltd. Mineral Exploration Corporation Limited, Rashtriya Chemicals & Fertilizers Ltd. Engineers India Limited, Metal Scrap Trade Corporation Limited, HPCL
		22nd to 24th Sept, 2021	33	Eastern Coalfields Ltd, Central Mine Planning and Design Institute Ltd. Mahanadi Coalfields, Metal Scrap Trade Corporation Ltd. Food Corporation of India, HPCL
		25th to 27th October, 2021	44	Northern Coalfields Ltd. Southern Eastern Coalfields Ltd. Bharat Electronics Ltd.

		10th to 12th Nov, 2021	59	Mangalore Refinery and Petrochemicals Limited, Power Grid Corporation of India, National Hydro Electric Power Corporation, HPCL, ONGC, Indian Oil Corporation Limited, Engineering Projects India Ltd.
		15th to 17th Dec, 2021	62	Dedicated Freight Corridor Corp Of India Ltd, DDA, DMRC, IRCON, ESIC, BHEL, Oriental Insurance Co. Ltd. RAIL TEL, GAIL, SAIL, IOCL,
3	CBI Academy	16th to 18th August, 2021	30	United India Insurance
		01st to 3rd Sept, 2021	25	Ministry of Housing and Urban Affairs
		14th to 16th Dec, 2021	60	National Mineral Development Corporation
4	ISTM	25th to 27th August, 2021	30	Union Bank of India
		08th to 10th Sept, 2021	21	Bank of Baroda, State Bank of India
		20th to 22nd Oct, 2021	23	CBI and Punjab National Bank
		27th to 29th Oct, 2021	33	Indian Overseas Bank, Bank of Maharashtra
5	CAPT	04th to 06th Oct, 2021	31	Department of Telecommunication
		20th to 22nd Oct, 2021	33	CPWD
		27th to 29th Dec, 2021	36	Neyveli Lignite Corporation Limited
			<b>711</b>	





# APPENDIX

**APPENDIX**

## Appendix-I (Para 1.29)

### Group wise staff strength and related information as on 31.12.2021 in CVC

	Group A	Group B	Group C (Other than MTS)	Group C (Multi Tasking Staff)	Total
Sanctioned Strength	65	108	69	73	315
Officials in position	59	96	42	57	254
Percentage vacancy	9.23%	11.11%	39.13%	21.91%	19.36%

## Appendix-II (Para 2.29)

### Department-Wise Details of Punishments Imposed During 2021 in Respect of Cases Where Commissions Advice Was Obtained

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
1	AIRPORT AUTHORITY OF INDIA	2	11	23	16
2	ALL INDIA COUNCIL FOR TECHNICAL EDUCATION	0	1	0	0
3	ANDAMAN & NICOBAR ADMN	1	3	5	0
4	BANK OF BARODA	6	10	4	0
5	BANK OF INDIA	1	39	18	0
6	BANK OF MAHARASHTRA	0	12	3	0
7	BHAKRA BEAS MANAGEMENT BOARD	0	0	1	1
8	BHARAT COKING COAL LTD.	0	34	0	0
9	BHARAT HEAVY ELECTRICALS LTD.	0	7	29	1
10	BHARAT SANCHAR NIGAM LIMITED	0	10	0	0
11	BORDER ROADS DEVELOPMENT BOARD	0	3	0	0
12	BRAHMAPUTRA BOARD	0	1	0	0
13	BRIDGE & ROOF CO. (INDIA) LTD	0	6	0	0
14	BUREAU OF INDIAN STANDARDS	0	3	0	0
15	CANARA BANK	8	113	22	2
16	CEMENT CORPORATION OF INDIA LTD	0	1	0	0
17	CENTRAL BANK OF INDIA	2	25	3	0
18	CENTRAL BOARD OF DIRECT TAXES	19	21	10	3
19	CENTRAL BOARD OF EXCISE & CUSTOMS	10	72	21	3
20	CENTRAL BOARD OF SECONDARY EDUCATION	0	1	0	0
21	CENTRAL BUREAU OF INVESTIGATION (CBI)	4	1	0	0

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S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
22	CENTRAL COALFIELDS LTD	0	14	4	0
23	CENTRAL COUNCIL FOR RES. IN AYURVEDA & SIDDHA	0	2	0	0
24	CENTRAL COUNCIL FOR YOGA & NATUROPATHY	0	0	2	0
25	CENTRAL PUBLIC WORKS DEPARTMENT	1	1	6	1
26	CENTRAL WAREHOUSING CORPN. LTD	0	0	2	0
27	CHANDIGARH ADMN.	1	0	0	0
28	CHENNAI PORT TRUST	0	4	0	0
29	COCHIN PORT TRUST	0	1	0	0
30	COIR BOARD	0	0	1	0
31	COMPTROLLER & AUDITOR GENERAL OF INDIA (CAG)	3	0	0	0
32	COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH	0	3	6	0
33	D.S.I.D.C	0	2	1	0
34	DAMAN & DIU ADMN	0	1	0	0
35	DAMODAR VALLEY CORPORATION	0	2	0	1
36	DELHI DEVELOPMENT AUTHORITY	0	5	4	0
37	DELHI JAL BOARD	0	14	5	0
38	DELHI TRANSCO LTD. IPGCL	0	5	0	0
39	DEPARTMEN OF COAL	19	18	12	1
40	DEPARTMENT OF AGRICULTURE & COOP.	0	3	0	0
41	DEPARTMENT OF ATOMIC ENERGY	0	0	0	22
42	DEPARTMENT OF COMMERCE (SUPPLY DIVISION)	0	0	2	0
43	DEPARTMENT OF ECONOMIC AFFAIRS	0	0	3	0
44	DEPARTMENT OF FINANCIAL SERVICES (DFS)	4	3	0	3
45	MINISTRY OF HEAVY INDUSTRIES	0	2	3	0

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S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
46	DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION	3	3	0	0
47	DEPARTMENT OF POSTS	0	22	2	0
48	DEPARTMENT OF REVENUE	1	0	0	0
49	DEPARTMENT OF SECONDARY & HIGHER EDUCATION & DEPTT. OF ELEMENTARY EDU. AND LITERACY	0	4	3	0
50	DEPARTMENT OF TELECOMMUNICATIONS SERVICES	0	5	5	0
51	DEPARTMENT OF YOUTH AFFAIRS & SPORTS	0	2	0	1
52	DEPARTMENT OF FERTILIZERS	2	1	2	0
53	DEPARTMENT OF HEALTH	2	2	0	0
54	DEPTT. OF DEFENCE PRODUCTION & SUPPLIES	0	13	3	0
55	DEPTT. OF EXPENDITURE	0	0	1	0
56	DEPTT. OF OFFICIAL LANGUAGE	0	0	1	0
57	DEPTT. OF STEEL	0	0	1	1
58	EASTERN COALFIELDS LTD.	1	12	2	0
59	ELECTRONICS CORPN. OF INDIA LTD.	0	5	1	32
60	EMPLOYEES PROVIDENT FUND ORGN.	3	7	0	0
61	EMPLOYEES STATE INSURANCE CORPORATION	1	2	0	0
62	ENERGY EFFICIENCY SERVICES LIMITED	0	0	1	2
63	ENNORE PORT TRUST	0	0	1	0
64	EXPORT INSPECTION COUNCIL OF INDIA	0	9	0	0
65	FERTILIZERS & CHEMICALS TRAVANCORE LTD	2	3	0	0
66	GAS AUTHORITY OF INDIA LTD.	0	1	0	0
67	GIC OF INDIA	0	1	0	0
68	GOVT. OF NCT OF DELHI	0	10	1	0
69	GOVT. OF PUDUCHERRY	0	1	1	0

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S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
70	HINDSUTAN COPPER LTD.	0	1	0	0
71	HOSPITAL SERVICES CONSULTANCY CORPN. LTD	0	0	5	0
72	HOUSING & URBAN DEV. CORPN. LTD.	0	0	9	0
73	IFCI LTD	0	1	0	0
74	INDIA TOURISM DEVELOPMENT CORPN. LTD	0	0	0	1
75	INDIAN BANK	4	49	10	0
76	INDIAN COUNCIL OF AGRICULTURAL RESEARCH	0	11	7	1
77	INDIAN COUNCIL OF MEDICAL RESEARCH	0	0	1	0
78	INDIAN OIL CORPN. LTD	0	0	3	2
79	INDIAN OVERSEAS BANK	10	72	1	0
80	INDIRA GANDHI NATIONAL OPEN UNIVERSITY	0	1	2	0
81	INDUSTRIAL DEVELOPMENT BANK OF INDIA	1	4	4	0
82	INTELLIGENCE BUREAU (IB)	0	0	1	0
83	KANDLA PORT TRUST	0	0	1	0
84	KENDRIYA VIDYALAYA SANGATHAN	0	1	0	0
85	KHADI & VILLAGE INDUSTRIES COMMISSION	0	9	2	0
86	KOLKATA PORT TRUST	0	3	1	0
87	LIFE INSURANCE CORPORATION	0	22	21	0
88	M.C.D	1	15	5	1
89	M.C.D EAST DELHI	0	13	2	4
90	M.C.D SOUTH DELHI	0	11	2	0
91	MADRAS FERTILIZERS LTD.	0	1	0	7
92	MAHANADI COALFIELDS LTD.	0	2	39	1
93	METALLURGICAL ENGG. CONSULTANTS INDIA LTD.	0	0	0	13
94	MILITARY ENGINEERING SERVICES	1	6	2	0
95	MINISTRY OF CIVIL AVIATION	0	0	3	13
96	MINISTRY OF COMMERCE	1	4	0	0

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S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
97	MINISTRY OF DEFENCE	1	2	3	0
98	MINISTRY OF ENVIRONMENT AND FORESTS	1	0	0	0
99	MINISTRY OF EXTERNAL AFFAIRS	1	3	0	0
100	MINISTRY OF HOME AFFAIRS	8	8	0	1
101	MINISTRY OF HOUSING & URBAN AFFAIRS	0	19	8	2
102	MINISTRY OF INFORMATION & BROADCASTING	3	0	0	0
103	MINISTRY OF INFORMATION TECHNOLOGY	0	0	1	0
104	MINISTRY OF LABOUR	2	0	0	0
105	MINISTRY OF NEW AND RENEWABLE ENERGY RESOURCES	0	0	1	0
106	MINISTRY OF PERSONNEL, P.G & PENSIONS	3	1	0	0
107	MINISTRY OF POWER	0	0	0	2
108	MINISTRY OF RAILWAYS	27	89	64	28
109	MINISTRY OF SHIPPING	1	1	0	0
110	MINISTRY OF SMALL SCALE INDUSTRY & AGRO & RURAL INDUSTRIES	0	1	2	0
111	MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT	0	0	0	1
112	MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION	0	1	0	1
113	MINISTRY OF TEXTILES	5	0	1	0
114	MUMBAI PORT TRUST	0	5	0	0
115	NATIONAL AGRICULTURAL COOPERATIVE MARKETING FEDERATION OF INDIA LTD (NAFED)	0	0	2	0
116	NATIONAL BOARD OF EXAMINATIONS	0	2	0	0
117	NATIONAL BUILDINGS CONSTRUCTION CORPN.	0	1	14	0

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S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
118	NATIONAL COUNCIL FOR TEACHERS EDUCATION	0	1	0	0
119	NATIONAL HIGHWAYS AUTHORITY OF INDIA	0	3	4	1
120	NATIONAL HYDRO-ELECTRIC POWER CORPN. LTD.	1	0	3	7
121	NATIONAL INSTITUTE OF FASHION TECHNOLOGY	0	3	1	0
122	NATIONAL INSTITUTE OF TECHNOLOGY JAMSHEDPUR	0	1	0	0
123	NATIONAL INSURANCE CO. LTD.	0	1	0	0
124	NATIONAL PROJECTS CONSTRUCTION CORPN. LTD.	2	0	0	0
125	NATIONAL SC & ST FINANCE & DEV. COPRN.	0	1	0	0
126	NATIONAL THERMAL POWER CORPN. LTD.-NTPC	0	23	14	38
127	NAVODAYA VIDYALAYA SAMITI	0	3	0	0
128	NEHRU YUVA KENDRA SANGATHAN	0	4	2	0
129	NEW DELHI MUNICIPAL COUNCIL (NDMC)	0	14	6	1
130	NEW INDIA ASSURANCE CO. LTD.	0	0	0	0
131	NEW MANGALORE PORT TRUST	0	6	0	0
132	NEYVELI LIGNITE CORPOATION LTD.	0	0	1	2
133	NORTH EASTERN ELECTRIC POWER CORPN.	0	18	0	1
134	NORTHERN COALFIELDS LTD.	0	1	1	0
135	NUCLEAR POWER CORPORATION OF INDIA LTD	0	6	0	0
136	OIL & NATURAL GAS CORPN. LTD.	0	2	1	6
137	ORDNANCE FACTORY BOARD	0	4	0	8
138	ORIENTAL INSURANCE CO. LTD.	0	13	2	0
139	PAWAN HANS HELICOPTERS	0	0	2	0
140	PMS OFFICE	0	1	0	0

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S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
141	POWER FINANCE CORPN. LTD	0	1	0	0
142	POWER GRID CORPN. OF INDIA LTD.	0	17	8	1
143	PRASAR BHARATI	0	7	6	9
144	PROJECTS & EQUIPMENT CORPN. OF INDIA LTD.	0	4	1	0
145	PUNJAB & SIND BANK	3	3	1	1
146	PUNJAB NATIONAL BANK	31	65	18	0
147	RAIL INDIA TECHNICAL & ECONOMIC SERVICES LTD.	0	3	2	0
148	RASHTRIYA ISPAT NIGAM LTD.	0	0	2	0
149	RURAL ELECTRIFICATION CORPN. LTD	0	0	3	0
150	SCOOTERS INDIA LTD	0	3	0	0
151	SECURITY AND EXCHANGE BOARD OF INDIA	0	0	1	0
152	SOFTWARE TECHNOLOGY PARK OF INDIA	0	3	0	0
153	SOUTH EASTERN COALFIELDS LTD.	0	9	0	40
154	SPMCIL	0	1	1	0
155	SPORTS AUTHORITY OF INDIA	1	0	0	1
156	STATE BANK OF INDIA	12	135	233	2
157	STEEL AUTHORITY OF INDIA LTD.	6	1	19	13
158	TUTICORIN PORT TRUST	0	0	1	0
159	UCO BANK	11	42	1	0
160	UNION BANK OF INDIA	15	17	19	1
161	UNITED INDIA INSURANCE CO. LTD.	0	0	16	4
162	UNIVERSITY GRANTS COMMISSION	0	1	0	0
163	URANIUM CORPN. OF INDIA LTD.	0	1	0	0
164	WESTERN COALFIELDS LTD.	0	21	14	2
	<b>TOTAL</b>	<b>248</b>	<b>1355</b>	<b>815</b>	<b>306</b>

**Appendix III-A (i)**  
**(Para 3.8)**

**Details of Complaints sent by CVC for NA to CVOs in 2021**

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	79	59	20	14
2	BANKS	768	725	43	5
3	CBDT	78	55	23	15
4	CBIC	165	131	34	1
5	CHEMICALS & FERTILIZERS	56	32	24	17
6	CIVIL AVIATION	41	38	3	0
7	COAL	463	446	17	3
8	COMMERCE & INDUSTRY	25	23	2	2
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	79	77	2	1
10	DEFENCE	640	632	8	0
11	DEPARTMENT OF ATOMIC ENERGY	155	104	51	32
12	EARTH SCIENCES	11	5	6	6
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	187	159	28	28
14	FINANCE	153	130	23	14
15	GOVT. OF NCT OF DELHI	787	729	58	0
16	HEALTH & FAMILY WELFARE	46	27	19	14
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	74	72	2	0

## APPENDIX

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
18	HOUSING AND URBAN AFFAIRS	511	395	116	76
19	HUMAN RESOURCE DEVELOPMENT	592	589	3	3
20	INFORMATION & BROADCASTING	111	99	12	3
21	INSURANCE	273	272	1	0
22	JAL SHAKTI	11	9	2	1
23	LABOUR	512	504	8	0
24	LOCAL BODIES EXCEPT G.N.C.T.D.	1260	1247	13	6
25	MHA	213	195	18	14
26	MINES	49	48	1	0
27	MINISTRY OF AYUSH	40	35	5	0
28	MINISTRY OF CORPORATE AFFAIRS	4	2	2	2
29	MINISTRY OF CULTURE	64	64	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	31	25	6	0
31	MINISTRY OF EXTERNAL AFFAIRS	9	3	6	5
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	23	16	7	6
33	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	9	4	5	4
34	MINISTRY OF TEXTILES	40	26	14	14
35	MINISTRY OF TRIBAL AFFAIRS	5	2	3	3

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
36	MISCELLANEOUS	42	33	9	9
37	NEW AND RENEWABLE ENERGY	2	0	2	1
38	PERSONNEL, P.G. & PENSIONS	824	413	411	385
39	PETROLEUM	235	217	18	8
40	POSTS	191	191	0	0
41	POWER	134	119	15	1
42	RAILWAYS	2023	1999	24	1
43	ROAD TRANSPORT & HIGHWAYS	73	61	12	3
44	RURAL DEVELOPMENT	3	2	1	1
45	SCIENCE & TECHNOLOGY	112	100	12	0
46	SHIPPING	69	61	8	5
47	SOCIAL JUSTICE & EMPOWERMENT	2	2	0	0
48	STEEL	169	161	8	1
49	TELECOMMUNICATION	284	241	43	15
50	UNION TERRITORIES OTHER THAN DELHI	34	25	9	0
51	YOUTH AFFAIRS & SPORTS	33	23	10	9
	<b>Total</b>	<b>11794</b>	<b>10627</b>	<b>1167</b>	<b>728</b>

\* Local Bodies (except GNCTD) includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

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

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

**Appendix III-A (ii)**  
**(Para 3.9)**

**Details of Complaints received by CVOs and dealt with by CVOs in 2021**

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	212	165	47	34
2	BANKS	5562	5162	400	85
3	CBDT	1941	934	1007	778
4	CBIC	876	748	128	16
5	CHEMICALS & FERTILIZERS	127	108	19	15
6	CIVIL AVIATION	4060	3984	76	17
7	COAL	4209	3924	285	106
8	COMMERCE & INDUSTRY	130	113	17	8
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	1043	935	108	56
10	DEFENCE	1576	1512	64	15
11	DEPARTMENT OF ATOMIC ENERGY	353	303	50	27
12	EARTH SCIENCES	27	9	18	18
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	159	155	4	4
14	FINANCE	1403	1235	168	60
15	GOVT. OF NCT DELHI	3917	3513	404	16
16	HEALTH & FAMILY WELFARE	185	150	35	16
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	266	251	15	1

**APPENDIX**

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
18	HOUSING AND URBAN AFFAIRS	3911	3098	813	560
19	HUMAN RESOURCE DEVELOPMENT	1080	924	156	95
20	INFORMATION & BROADCASTING	126	110	16	2
21	INSURANCE	801	790	11	0
22	JAL SHAKTI	88	38	50	41
23	LABOUR	3886	3672	214	49
24	LOCAL BODIES EXCEPT G.N.C.T.D.	6357	5779	578	465
25	MHA	37457	15072	22385	19104
26	MINES	152	137	15	0
27	MINISTRY OF AYUSH	29	25	4	0
28	MINISTRY OF CORPORATE AFFAIRS	166	93	73	69
29	MINISTRY OF CULTURE	44	43	1	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	105	97	8	1
31	MINISTRY OF EXTERNAL AFFAIRS	138	78	60	42
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	12	12	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	12	11	1	1
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	44	43	1	0

## APPENDIX

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
35	MINISTRY OF TEXTILES	104	89	15	14
36	MINISTRY OF TRIBAL AFFAIRS	9	5	4	4
37	MISCELLANEOUS	36	8	28	27
38	NEW AND RENEWABLE ENERGY	11	11	0	0
39	PERSONNEL, P.G. & PENSIONS	503	199	304	267
40	PETROLEUM	2456	2158	298	115
41	POSTS	512	511	1	0
42	POWER	525	466	59	9
43	RAILWAYS	8980	8663	317	3
44	ROAD TRANSPORT & HIGHWAYS	459	384	75	9
45	SCIENCE & TECHNOLOGY	349	301	48	6
46	SHIPPING	479	436	43	24
47	SOCIAL JUSTICE & EMPOWERMENT	16	10	6	2
48	STEEL	950	865	85	5
49	TELECOMMUNICATION	943	836	107	33
50	TOURISM	75	69	6	0
51	UNION TERRITORIES OTHER THAN DELHI	448	384	64	0
52	YOUTH AFFAIRS & SPORTS	111	60	51	43
	<b>Total</b>	<b>97420</b>	<b>68678</b>	<b>28742</b>	<b>22262</b>

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

**Appendix III-A (iii)**  
**(Para 3.15)**

**Details of Complaints received in respect of all Categories of officers/  
employees in 2021**

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	291	224	67	48
2	BANKS	6330	5887	443	90
3	CBDT	2019	989	1030	793
4	CBIC	1041	879	162	17
5	CHEMICALS & FERTILIZERS	183	140	43	32
6	CIVIL AVIATION	4101	4022	79	17
7	COAL	4672	4370	302	109
8	COMMERCE & INDUSTRY	155	136	19	10
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	1122	1012	110	57
10	DEFENCE	2216	2144	72	15
11	DEPARTMENT OF ATOMIC ENERGY	508	407	101	59
12	EARTH SCIENCES	38	14	24	24
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	346	314	32	32
14	FINANCE	1556	1365	191	74
15	GOVT. OF NCT DELHI	4704	4242	462	16
16	HEALTH & FAMILY WELFARE	231	177	54	30
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	340	323	17	1

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S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
18	HOUSING AND URBAN AFFAIRS	4422	3493	929	636
19	HUMAN RESOURCE DEVELOPMENT	1672	1513	159	98
20	INFORMATION & BROADCASTING	237	209	28	5
21	INSURANCE	1074	1062	12	0
22	JAL SHAKTI	99	47	52	42
23	LABOUR	4398	4176	222	49
24	LOCAL BODIES EXCEPT G.N.C.T.D.	7617	7026	591	471
25	MHA	37670	15267	22403	19118
26	MINES	201	185	16	0
27	MINISTRY OF AYUSH	69	60	9	0
28	MINISTRY OF CORPORATE AFFAIRS	170	95	75	71
29	MINISTRY OF CULTURE	108	107	1	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	136	122	14	1
31	MINISTRY OF EXTERNAL AFFAIRS	147	81	66	47
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	35	28	7	6
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	12	11	1	1
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	53	47	6	4
35	MINISTRY OF TEXTILES	144	115	29	28

## APPENDIX

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
36	MINISTRY OF TRIBAL AFFAIRS	14	7	7	7
37	MISCELLANEOUS	78	41	37	36
38	NEW AND RENEWABLE ENERGY	13	11	2	1
39	PERSONNEL, P.G. & PENSIONS	1327	612	715	652
40	PETROLEUM	2691	2375	316	123
41	POSTS	703	702	1	0
42	POWER	659	585	74	10
43	RAILWAYS	11003	10662	341	4
44	ROAD TRANSPORT & HIGHWAYS	532	445	87	12
45	RURAL DEVELOPMENT	3	2	1	1
46	SCIENCE & TECHNOLOGY	461	401	60	6
47	SHIPPING	548	497	51	29
48	SOCIAL JUSTICE & EMPOWERMENT	18	12	6	2
49	STEEL	1119	1026	93	6
50	TELECOMMUNICATION	1227	1077	150	48
51	TOURISM	75	69	6	0
52	UNION TERRITORIES OTHER THAN DELHI	482	409	73	0
53	YOUTH AFFAIRS & SPORTS	144	83	61	52
	<b>Total</b>	<b>109214</b>	<b>79305</b>	<b>29909</b>	<b>22990</b>

\* Local Bodies (except GNCTD) includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

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

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

## Appendix III-B (Para 3.12)

### Details of Departmental Inquiries against officers (under CVC Jurisdiction) in 2021

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	8	6	2	2
2	BANKS	629	454	175	72
3	CBDT	192	73	119	112
4	CBIC	269	70	199	147
5	CIVIL AVIATION	19	15	4	4
6	COAL	65	38	27	14
7	COMMERCE & INDUSTRY	29	15	14	14
8	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	9	1	8	5
9	DEFENCE	62	17	45	35
10	DEPARTMENT OF ATOMIC ENERGY	11	5	6	0
11	FINANCE	20	7	13	13
12	GOVT. OF NCT DELHI	20	10	10	5
13	HEALTH & FAMILY WELFARE	27	17	10	9
14	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	20	15	5	5
15	HOUSING AND URBAN AFFAIRS	109	35	74	53

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S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
16	HUMAN RESOURCE DEVELOPMENT	17	7	10	3
17	INFORMATION & BROADCASTING	68	30	38	28
18	INSURANCE	46	34	12	7
19	JAL SHAKTI	0	0	0	0
20	LABOUR	59	11	48	28
21	LOCAL BODIES EXCEPT G.N.C.T.D.	78	23	55	38
22	MHA	40	17	23	19
23	MINES	10	5	5	5
24	MINISTRY OF AYUSH	0	0	0	0
25	MINISTRY OF CORPORATE AFFAIRS	3	1	2	2
26	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	2	2	0	0
27	MINISTRY OF EXTERNAL AFFAIRS	2	1	1	1
28	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	2	1	1	1
29	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	10	2	8	3
30	MINISTRY OF TEXTILES	9	2	7	5

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S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
31	MISCELLANEOUS	1	0	1	1
32	PERSONNEL, P.G. & PENSIONS	57	5	52	45
33	PETROLEUM	6	2	4	1
34	POSTS	26	16	10	10
35	POWER	68	49	19	6
36	RAILWAYS	161	47	114	98
37	ROAD TRANSPORT & HIGHWAYS	6	4	2	2
38	SCIENCE & TECHNOLOGY	25	5	20	14
39	SHIPPING	42	18	24	7
40	STEEL	11	5	6	0
41	TELECOMMUNICATION	41	16	25	25
42	TOURISM	1	1	0	0
43	UNION TERRITORIES OTHER THAN DELHI	10	9	1	1
44	YOUTH AFFAIRS & SPORTS	2	1	1	0
	<b>Total</b>	<b>2292</b>	<b>1092</b>	<b>1200</b>	<b>840</b>

\* Local Bodies (except GNCTD) includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

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

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

### Appendix III-C (Para 3.12)

#### Details of Departmental Inquires against other employees in 2021

S. No.	Department/Sector	Total Recieved	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	16	9	7	3
2	BANKS	3342	2095	1247	288
3	CBDT	201	62	139	108
4	CBIC	451	161	290	183
5	CHEMICALS & FERTILIZERS	31	20	11	7
6	CIVIL AVIATION	15	4	11	9
7	COAL	161	76	85	36
8	COMMERCE & INDUSTRY	14	10	4	2
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	171	98	73	32
10	DEFENCE	167	88	79	38
11	DEPARTMENT OF ATOMIC ENERGY	28	12	16	10
12	EARTH SCIENCES	1	1	0	0
13	FINANCE	29	11	18	13
14	GOVT. OF NCT DELHI	67	23	44	35
15	HEALTH & FAMILY WELFARE	29	17	12	8
16	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	26	14	12	1
17	HOUSING AND URBAN AFFAIRS	32	9	23	20
18	HUMAN RESOURCE DEVELOPMENT	85	15	70	55
19	INFORMATION & BROADCASTING	10	4	6	6
20	INSURANCE	349	263	86	35
21	LABOUR	224	120	104	81

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S. No.	Department/Sector	Total Recieved	Disposal	Pending	Pending for more than 3 months
22	LOCAL BODIES EXCEPT G.N.C.T.D.	432	208	224	149
23	MHA	89	37	52	22
24	MINES	5	1	4	4
25	MINISTRY OF CORPORATE AFFAIRS	1	0	1	1
26	MINISTRY OF CULTURE	1	0	1	0
27	MINISTRY OF EXTERNAL AFFAIRS	8	2	6	6
28	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	22	6	16	1
29	MINISTRY OF TEXTILES	32	24	8	7
30	MISCELLANEOUS	1	0	1	1
31	PERSONNEL, P.G. & PENSIONS	36	16	20	15
32	PETROLEUM	99	53	46	19
33	POSTS	2125	855	1270	950
34	POWER	17	13	4	3
35	RAILWAYS	889	495	394	175
36	RURAL DEVELOPMENT	2	1	1	1
37	SCIENCE & TECHNOLOGY	45	34	11	10
38	SHIPPING	46	20	26	17
39	SOCIAL JUSTICE & EMPOWERMENT	3	0	3	1
40	STEEL	21	9	12	1
41	TELECOMMUNICATION	128	63	65	57
42	TOURISM	2	0	2	2
43	UNION TERRITORIES OTHER THAN DELHI	76	16	60	58
	<b>Total</b>	<b>9529</b>	<b>4965</b>	<b>4564</b>	<b>2470</b>

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

### Appendix III-D (Para 3.17)

#### Detail of request for Prosecution Sanction received and disposed by organization in 2021

Sl. No.	Department/Sector	Total Case for sanction	Sanctioned	Refused	Pending	Pending for more than 6 months
1	BANKS	551	224	114	213	78
2	CBDT	23	16	0	7	4
3	CBIC	116	62	2	52	3
4	CIVIL AVIATION	1	1	0	0	0
5	COAL	27	20	0	7	0
6	COMMERCE & INDUSTRY	8	8	0	0	0
7	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	9	8	0	1	0
8	DEFENCE	40	21	14	5	1
9	EARTH SCIENCES	1	0	0	1	0
10	ENVIRONMENT, FOREST & CLIMATE CHANGE	3	0	0	3	1
11	FINANCE	13	4	1	8	0
12	GOVT. OF NCT DELHI	40	18	3	19	3
13	HEALTH & FAMILY WELFARE	6	4	1	1	0
14	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	1	1	0	0	0
15	HOUSING AND URBAN AFFAIRS	14	5	1	8	2
16	INFORMATION & BROADCASTING	6	6	0	0	0
17	INSURANCE	19	10	6	3	0
18	JAL SHAKTI	3	2	0	1	0

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Sl. No.	Department/Sector	Total Case for sanction	Sanctioned	Refused	Pending	Pending for more than 6 months
19	LABOUR	34	22	1	11	0
20	LOCAL BODIES EXCEPT G.N.C.T.D.	61	26	0	35	0
21	MHA	26	19	0	7	1
22	MINISTRY OF CULTURE	3	3	0	0	0
23	MINISTRY OF EXTERNAL AFFAIRS	5	2	0	3	0
24	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	1	1	0	0	0
25	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	10	9	1	0	0
26	MINISTRY OF TEXTILES	6	6	0	0	0
27	PERSONNEL, P.G. & PENSIONS	4	3	0	1	0
28	PETROLEUM	5	5	0	0	0
29	POSTS	34	34	0	0	0
30	POWER	3	3	0	0	0
31	RAILWAYS	32	27	0	5	0
32	ROAD TRANSPORT & HIGHWAYS	6	5	0	1	0
33	SHIPPING	4	0	2	2	2
34	STEEL	14	14	0	0	0
35	TELECOMMUNICATION	9	7	0	2	2
36	TOURISM	2	1	0	1	0
37	UNION TERRITORIES OTHER THAN DELHI	3	1	1	1	0
	<b>Total</b>	<b>1143</b>	<b>598</b>	<b>147</b>	<b>398</b>	<b>97</b>

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

### Appendix III-E (Para 3.16)

#### Details of punishment awarded (all categories) in Minor Penalty Proceedings in 2021

S. No.	Department/Sector	Reduction to lower stage	Postponement / with holding of increment	Recovery from pay	With holding of promotion	Censure / Warning	No Action
1	BANKS	349	183	73	1	568	53
2	CBDT	0	1	0	0	6	3
3	CBIC	14	1	0	0	31	20
4	CHEMICALS & FERTILIZERS	1	0	0	0	5	1
5	CIVIL AVIATION	0	3	1	0	31	0
6	COAL	3	29	0	0	66	4
7	COMMERCE & INDUSTRY	0	3	0	0	2	0
8	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	87	34	783	0	81	14
9	DEFENCE	7	5	0	0	31	0
10	DEPARTMENT OF ATOMIC ENERGY	0	18	0	0	2	1
11	FINANCE	0	1	2	0	5	0
12	GOVT. OF NCT DELHI	4	0	0	0	2	0
13	HEALTH & FAMILY WELFARE	3	0	0	0	3	3
14	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	22	2	1	1	66	0
15	HOUSING AND URBAN AFFAIRS	7	3	0	0	18	1
16	HUMAN RESOURCE DEVELOPMENT	8	9	0	0	15	0
17	INFORMATION & BROADCASTING	0	2	0	0	5	0
18	INSURANCE	21	12	34	1	602	81
19	LABOUR	6	12	0	0	19	2

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S. No.	Department/Sector	Reduction to lower stage	Postponement / with holding of increment	Recovery from pay	With holding of promotion	Censure / Warning	No Action
20	LOCAL BODIES EXCEPT G.N.C.T.D.	10	13	251	0	223	11
21	MHA	1	19	30	0	1195	2201
22	MINES	0	0	0	0	2	0
23	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	0	0	0	0	1	0
24	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	3	0	0	0	0	0
25	MINISTRY OF TEXTILES	1	4	0	0	4	1
26	PERSONNEL, P.G. & PENSIONS	0	1	0	0	1	2
27	PETROLEUM	0	4	11	0	70	12
28	POSTS	666	1135	647	26	1381	81
29	POWER	6	5	0	0	27	2
30	RAILWAYS	0	1401	1	4	453	185
31	ROAD TRANSPORT & HIGHWAYS	0	0	0	0	2	3
32	SCIENCE & TECHNOLOGY	1	1	0	0	3	0
33	SHIPPING	0	5	0	0	8	0
34	SOCIAL JUSTICE & EMPOWERMENT	0	1	0	0	0	1
35	STEEL	17	0	1	0	6	0
36	TELE COMMUNICATION	2	7	1	0	20	2
37	UNION TERRITORIES OTHER THAN DELHI	0	1	0	0	0	0
	<b>Total</b>	<b>1239</b>	<b>2915</b>	<b>1836</b>	<b>33</b>	<b>4954</b>	<b>2684</b>

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

### Appendix III-F (Para 3.16)

#### Details of punishments awarded (all categories) in Major Penalty Proceedings in 2021

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
1	AGRICULTURE	1	0	1	0	1	0	4
2	BANKS	92	346	1594	783	32	48	78
3	CBDT	17	7	6	3	0	2	29
4	CBIC	17	20	61	39	2	10	42
5	CHEMICALS & FERTILIZERS	0	0	5	2	1	1	10
6	CIVIL AVIATION	0	0	7	0	0	0	0
7	COAL	0	8	78	21	3	4	18
8	COMMERCE & INDUSTRY	1	5	7	1	0	0	2
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	2	13	52	8	12	27	12
10	DEFENCE	7	7	38	12	0	5	24
11	DEPARTMENT OF ATOMIC ENERGY	0	1	8	7	2	0	2
12	FINANCE	0	3	2	1	0	0	2
13	GOVT. OF NCT DELHI	6	6	8	1	2	0	9
14	HEALTH & FAMILY WELFARE	0	3	2	2	0	0	1

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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
15	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	0	0	33	0	2	0	0
16	HOUSING AND URBAN AFFAIRS	8	1	14	0	0	3	4
17	HUMAN RESOURCE DEVELOPMENT	0	4	5	1	0	6	3
18	INFORMATION & BROADCASTING	3	0	4	0	0	0	4
19	INSURANCE	10	45	206	22	0	13	5
20	JAL SHAKTI	0	0	0	0	0	0	0
21	LABOUR	16	10	1	33	18	6	14
22	LOCAL BODIES EXCEPT G.N.C.T.D.	31	62	91	73	3	55	92
23	MHA	0	54	43	192	39	63	279
24	MINES	0	2	0	1	0	1	0
25	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	0	1	1	0	0	0	0
26	MINISTRY OF EXTERNAL AFFAIRS	0	0	1	0	0	0	1
27	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0	0	0	1

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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
28	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	4	3	2	2	0	0	2
29	MINISTRY OF TEXTILES	1	1	3	5	1	2	0
30	PERSONNEL, P.G. & PENSIONS	2	4	3	7	3	4	4
31	PETROLEUM	0	6	22	7	11	22	9
32	POSTS	37	209	239	61	80	37	128
33	POWER	1	3	64	2	0	3	10
34	RAILWAYS	0	69	741	2	69	12	91
35	ROAD TRANSPORT & HIGHWAYS	0	0	2	0	0	0	3
36	SCIENCE & TECHNOLOGY	5	5	1	1	0	1	2
37	SHIPPING	2	3	10	3	7	1	6
38	STEEL	0	0	7	1	0	1	2
39	TELE COMMUNICATION	11	0	11	2	0	2	5
40	TOURISM	0	0	0	1	0	0	0
	<b>Total</b>	<b>274</b>	<b>901</b>	<b>3373</b>	<b>1296</b>	<b>288</b>	<b>329</b>	<b>898</b>

\* Local Bodies (except GNCTD) includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, North, East & South MCD and NDMC.

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

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

### Appendix III-G (Para 3.15)

#### List of Organisations which have not submitted all 4 QPRs ONLINE

S. No	Name of Organisation
01	AGRICULTURE
02	ALL INDIA INSTITUTE OF MEDICAL SCIENCES
03	BHARAT PUMPS & COMPRESSORS LTD
04	CENTRAL PULP & PAPER RESEARCH INSTITUTE
05	CENTRAL RAILSIDE WAREHOUSE COMPANY LIMITED
06	DEPARTMENT FOR PROMOTION OF INDUSTRY & INTERNAL TRADE
07	DEPARTMENT OF FINANCIAL SERVICES
08	HANDICRAFTS & HANDLOOMS EXPORT CORPN.OF INDIA LTD
09	HINDUSTAN FERTILIZER CORPORATION LTD
10	HLL LIFECARE LTD.
11	MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION

**APPENDIX - IV**  
**(Para 3.11)**

**Organisation-wise list of complaints referred by Commission and pending with CVOs for Inquiry and Report as on 31.12.2021**

S. No.	Name of Department	Complaints Pending for Investigation		
		Upto One Year	Between One-Three years	More than Three years
1	Aligarh Muslim University	0	0	1
2	All India Institute of Medical Sciences	0	1	1
3	Archaeological Survey of India	2	1	0
4	Bhakra Beas Management Board	1	0	0
5	Bharat Coking Coal Ltd	1	0	0
6	Bharat Heavy Electricals Ltd	0	0	1
7	Bharat Petroleum Corpn Ltd	2	0	0
8	Bharat Sanchar Nigam Limited	3	0	0
9	Border Roads Development Board	0	0	3
10	Border Roads Organisation	1	0	0
11	Brahmaputra Board	0	0	1
12	Bridge & Roof Co. (INDIA) Ltd	0	0	1
13	Central Bank of India	1	0	0
14	Central Board of Direct Taxes	4	0	0
15	Central Board of Excise & Customs	6	1	0
16	Central Public Works Department (CPWD)	0	3	1
17	Central Warehousing Corpn. Ltd	1	0	0
18	Chandigarh Administration	1	0	0
19	Chennai Port Trust	0	1	0
20	Coal India Ltd	0	0	1
21	Cochin Shipyard Ltd	1	0	0
22	Controller General of Defence Accounts	1	0	0
23	Council of Scientific & Industrial Research	2	0	0

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S. No.	Name of Department	Complaints Pending for Investigation		
		Upto One Year	Between One-Three years	More than Three years
24	Delhi Development Authority (DDA)	0	0	1
25	Delhi Jal Board	2	0	0
26	Delhi Transport Corpn.	3	0	0
27	Department of Coal	0	0	1
28	Department of Disability Affairs	0	2	0
29	Department of Fertilizers	0	0	1
30	Department of Health	4	8	2
31	Department of Heavy Industry	1	0	0
32	Department of Mines	0	1	0
33	Department of Posts	1	0	0
34	Department of Revenue	0	1	1
35	Department of Science & Technology	0	0	1
36	Department of Space	1	0	0
37	Deppt. of Economic Affairs	0	1	0
38	Deppt of Chemicals & Petrochemicals	1	0	0
39	Deppt of Fisheries	0	1	0
40	Deppt of Industrial Policy & Promotion	2	0	0
41	Deppt. of Atomic Energy	1	0	0
42	Deppt. of Sec & Higher Edu, Elementary Edu & Literacy	0	6	3
43	Employees Provident Fund Organisation	3	0	1
44	Employees State Insurance Corporation	1	0	0
45	Food Corporation of India	2	0	1
46	Govt of NCT of Delhi	3	5	5
47	Heavy Engineering Corporation Ltd	1	0	0
48	HMT Ltd	0	0	1
49	Housing and Urban Development Corporation	1	0	0
50	Indian Bank	1	0	0

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S. No.	Name of Department	Complaints Pending for Investigation		
		Upto One Year	Between One-Three years	More than Three years
51	Indian Council of Agricultural Research	2	0	2
52	Indian Instt. of Management	1	1	0
53	Indian Oil Corpn Ltd	4	0	1
54	Indian Railway Catering and Tourism Corporation (IRCTC)	2	0	0
55	Insurance Regulatory and Development Authority (IRDA)	1	0	0
56	Jawarharlal Nehru University	0	0	1
57	Kolkata Port Trust	1	0	0
58	LIC India	1	0	0
59	M.C.D	1	0	6
61	Mangalore Refineries And Petrochemicals Ltd	1	0	0
60	Mazagon Dock Limited	1	0	0
62	MCD South Delhi	0	1	1
63	Medical Council of India	0	1	1
64	Military Engineering Services	2	0	0
65	Ministry of Commerce	0	0	2
66	Ministry of Culture	0	0	2
67	Ministry of Defence	2	0	0
68	Ministry of Environment and Forests	1	1	0
69	Ministry of Home Affairs	2	0	0
70	Ministry of Housing and Urban Affairs	0	0	3
71	Ministry of Information Technology	1	0	0
72	Ministry of Petroleum & Natural Gas	0	0	1
73	Ministry of Power	5	0	2
74	Ministry of Railways	22	0	0
75	Ministry of Rural Development	0	0	1
76	Ministry of Skill Development & Entrepreneurship	0	1	0

## APPENDIX

S. No.	Name of Department	Complaints Pending for Investigation		
		Upto One Year	Between One-Three years	More than Three years
77	Ministry of Small Scale Industry & Rural Industries	0	0	1
78	Ministry of Statistics & Programme Implementation	0	2	0
79	Ministry of Tribal Affairs	0	0	1
80	Ministry of Water Resources	0	1	0
81	National Aluminium Co. Ltd-NALCO	0	1	0
82	National Council for Teachers Education	0	1	0
83	National Highway Authority of India	1	0	0
84	National Instt. of Educational Planning & Administration	0	0	1
85	New Delhi Municipal Council (NDMC)	0	3	0
86	Northern Coalfields Ltd	2	0	2
87	NTPC Ltd	1	0	0
88	Nuclear Power Corporation of India Ltd	0	0	1
89	Oil & Natural Gas Corporation (ONGC)	1	0	1
90	Power Grid Corpn. of India Ltd	1	0	0
91	Rashtriya Ispat Nigam Ltd	0	0	1
92	RVNL	1	0	0
93	Sashastra Seema Bal	0	1	0
94	SPMCIL	1	0	0
95	Steel Authority of India Ltd	1	0	0
96	The State Trading Corporation of India Ltd	0	0	1
97	Union Bank of India	5	0	0
98	University Grants Commission	2	0	0
99	University of Delhi	0	1	0
100	Visakhapatnam Port Trust	2	0	0
101	Western Coalfields Ltd	0	0	1
	<b>Total</b>	<b>123</b>	<b>47</b>	<b>61</b>

**APPENDIX - V**  
**(Para 3.13)**

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

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
1	Air India	1	0
2	Andaman & Nicobar Administration	3	1
3	Bank of India	1	0
4	Bharat Heavy Electricals Ltd (BHEL)	1	0
5	Bhartiya Reserve Bank Note Mudran Ltd	1	0
6	BPCL	1	0
7	Bureau of Indian Standard	2	0
8	Central Bank of India	3	0
9	Central Board of Direct Taxes (CBDT)	17	0
10	Central Board of Indirect Taxes & Customs	33	44
11	Central Board of Secondary Education	1	0
12	Central Public Works Department (CPWD)	3	0
13	Chennai Port Trust	1	0
14	CIL	1	0
15	COIR BOARD	1	0
16	Controller General of Accounts	1	0
17	Controller General of Defence Accounts (CGDA)	1	0
18	Council for Advancement of Peoples	0	1

## APPENDIX

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
19	Council of Scientific & Industrial Research (CSIR)	1	0
20	Delhi State Industrial and Infrastructure Development Corporation Ltd (DSIIDC)	3	0
21	Delhi Urban Shelter Improvement Board (DUSIB)	2	1
22	Department of Consumer Affairs	1	0
23	Department of Atomic Energy	2	0
24	Department of Coal	5	1
25	Department of Commerce	1	0
26	Department of Defence Production (DDP)	1	0
27	Department of Economic Affairs	1	0
28	Department of Education	7	0
29	Department of Fertilizers	5	3
30	Department of Fisheries	1	1
31	Department of Financial Services	1	0
32	Department of Health	4	0
33	Ministry of Heavy Industries	1	0
34	Department of Industrial Policy & Promotion (DIPP)	7	0
35	Department of Investment and Public Asset Management	1	0
36	Department of Legal Affairs	1	1
37	Department of Mines	2	0

**APPENDIX**

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
38	Department of Personnel and Training	1	1
39	Department of Public Distribution	1	0
40	Department of Revenue	3	0
41	Department of Telecom	3	0
42	Department of Youth Affairs and Sports	1	1
43	Deptt of Bio Technology	1	0
44	Deptt of Steel	1	0
45	DTL/IPGCL	2	0
46	Employees Provident Fund Organization	2	0
47	FACT	1	0
48	Food Corporation of India	1	0
49	Government of National Capital Territory of Delhi (GNCTD)	5	0
50	Govt. of Puducherry	1	0
51	Hindustan Paper Ltd	1	0
52	IDBI Bank	1	0
53	Indian Bank	2	0
54	Indian Council of Agricultural Research	0	1
55	IIT-KANPUR	1	0
56	Indian Overseas Bank	3	0
57	Kolkata Port Trust	1	0
58	KRIBHCO	1	0
59	Krishak Bharati Cooperatives Ltd.	1	0

## APPENDIX

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
60	Mahanadi Coalfields Ltd.(MCL)	0	1
61	Maulana Azad National Institute	1	0
62	MCD East	2	0
63	MCD North	1	0
64	MCD South	5	0
65	Military Engineering Services	3	0
66	Ministry of Ayush	1	0
67	Ministry of Commerce	1	0
68	Ministry of Earth Sciences	0	1
69	Ministry of External Affairs	3	0
70	Ministry of Home Affairs	4	1
71	Ministry of Housing & Urban Affairs -M/o HUA	4	0
72	Ministry of Personnel PG & Pensions	2	0
73	Ministry of Railways	17	4
74	Ministry of Skill Development	1	0
75	Ministry of Statistics & Programme Impl.	1	1
76	Ministry of Textiles	2	0
77	MRPL	1	0
78	National Agricultural Coop Mkt. Federation	1	0
79	National Cooperative Consumers' Fed.	2	0
80	National Council for Teachers Education	1	0
81	National Highways Authority of India	9	1

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
82	National Institute of Electronics & Information Technology (erstwhile DOEACC Society)	1	0
83	National Institute of Fashion Technology (NIFT)	1	0
84	National Insurance Co. Ltd.	1	0
85	National Projects Construction Corp.	0	1
86	Navodaya Vidyalaya Samiti	1	0
87	New Delhi Municipal Council (NDMC)	1	0
88	New India Assurance Co. Ltd	2	0
89	NFL	1	0
90	Nuclear Power Corporation of India Limited (NPCIL)	0	1
91	Oriental Insurance Co. Ltd.	1	0
92	SIDBI	4	2
93	State Bank of India	7	0
94	Union Bank of India	2	0
95	United India Insurance Co. Ltd	2	0
96	University Grants Commission	2	0
97	Videsh Sanchar Nigam Limited (VSNL)	3	0
	<b>Total</b>	<b>244</b>	<b>69</b>

## APPENDIX - VI

(Para 5.9)

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

- 1) **In a work of construction of residential quarters costing around Rs. 96.0 crores, following major irregularities were observed:**
  - a) Stipulated date of completion of the work was 23.01.2014, but after passing more than 7 years from due date of completion, work was still under progress and 58% of work was stated to be completed till September,2021. In spite of various letters including show-cause notices issued to the agency by the department for slow progress of the work, extension of time has been granted to the agency till 27.11.2021 without levy of compensation and price variation amounting to Rs.17.30 crore has been paid to the contractor.
  - b) Site office, furniture, Computer with Internet connection & Telephone which were required to be provided by the contractor at his own cost were not provided to the organisation and no cost adjustment for the same was done by the organisation.
  - c) The impact of GST has not been worked out which was essentially required as per anti-profiteering measures under Section 171 of CGST Act, 2017.
  - d) Mandatory test of materials such as water, slump test of concrete, tiles, Kota stone, Marble stone, silt content of sand etc was not carried out.
- 2) **In a work of construction of residential were observed flats costing around Rs. 180 crores carried out in design and built mode, following major irregularities were observed:**
  - a) Residential towers and basement for parking were to be constructed at separate locations. Instead of constructing the basement at separate location, the same has been constructed beneath the towers with common foundation. No cost adjustment has been made for not providing separate foundation for basement.
  - b) The Architectural and structural data/parameters, details of functional requirement and complete specifications including preliminary drawings were to be finalized before the call of tenders. But these parameters were decided after the finalization of the tender.
  - c) Barricading was to be provided in accordance with the environmental consideration / NGT guidelines and cost of the same was included in the quoted amount of the contractor. Payment for Rs.55.70 Lacs had been made to the contractor for providing barricading as an extra item. Thus, undue benefit has been passed on to the contractor by making inadmissible payment.
- 3) **In a Highway construction work, costing around Rs. 738.0 crores, following major irregularities were observed:**
  - a) Only 260 meters approaches of Vehicular Underpass were constructed against the sight

distance requirement of 360 meters long approaches. Although negative change of scope has been made for constructing approaches of lesser length and deducted from the bill of concessionaire, but this has resulted in compromise with the design speed and safety of road users.

- b) About 77% of the total work was completed in piecemeal and not in a continuous stretch but the provisional completion certificate was issued mentioning remaining works in the punch list. However, toll is being charged from the road users for the incomplete stretch of road.

**4) In a work of construction of all-weather comfort integrated building at high altitude costing around Rs. 16 crores, following major irregularities were observed:**

- a) The scope of the work consists of construction of integrated buildings at high altitude with specialized features viz Solar Heating System, Radiant Under Flooring Heating System, Geothermal Fresh Air system and Solar Photo Voltaic System to maintain inside temperature (+) 22°C throughout the year even when outside temperature dips to (-) 40°C. The work was assigned to a PSU on nomination basis without ascertaining their experience and capability to execute such a highly specialized work.
- b) While inviting tenders for the consultancy work, PSU did not prescribe criteria for the bidders to have experience of specialized works viz Solar Heating System, Radiant under Flooring Heating System, Geothermal Fresh Air system and Solar Photo Voltaic System. As a result, experience and expertise of the consultant was not assessed.
- c) Minimum outdoor ambient temperature was considered by consultant for design of the heating system as (-) 25.6° C in place of (-) 40° C. This has resulted in non-achievement of desired inside temperature of (+) 22° C.

**5) In a work of construction of residential complex and OPD for AIIMS around Rs.274.0 crores, following major irregularity was observed:**

Secured advance against material brought at site was to be paid to the contractor @ 90% of full assessed rate of the material, taking into the consideration the quoted rate of contractor for complete BOQ item (i.e material cost + labour cost). Secured advance was paid to the contractor for reinforcement steel brought at site based on purchase invoice rate which was even more than the rate of complete BOQ item.

**6) In an Infrastructure work costing around Rs.300 crores, following major irregularities were observed:**

- a. Due to adoption of wrong reference date for Price Variation Clause, an overpayment of Rs.57.50 Lakh was made to the contractor.
- b. As per terms and conditions of contract agreement with consultant, if the key personnel are replaced for the reasons other than the permanent long-term disability or death, then remuneration was to be reduced by 5%/10%/15% based on replacement of 20%/33%/50% respectively and if total replacement is beyond 66%, then the employer was to initiate higher penalty/termination/debarment up to 02 years against the consultant. But in this

case, five key personnel out of six (i.e. more than 66%) were replaced, but no action was taken against the consultant even reduction in remuneration was not done.

- 7) **In a work of Interceptor Sewers for abatement of pollution costing around Rs. 700 crores, following major irregularities were observed:**
- a) The Organisation appointed a PSU on nomination basis as Project Management Consultant (PMC) and Execution Agency on a higher fee @ 9% of actual cost of work. Appointing the agency on nomination basis is against of CVC's guidelines.
  - b) Stipulated date of completion of the work was three years but the work could be completed in nine years. Various letters were written to the contractor stating that delay was attributable to the contractor. Even then, no liquidated damage was imposed on the contractor.
  - c) Work was awarded to a consortium firm including one Indian construction agency (lead partner) and one foreign agency having share of 60% and 40% respectively. Both agencies were jointly and severally responsible for the execution of the project. But during construction stage, involvement of foreign agency could not be ascertained through any documentary evidence and the work was being executed by a third party stated to be sub-contractor of the consortium.
- 8) **In a building construction work costing around Rs. 25 crores, following irregularities were observed:**
- a) As per contract agreement, Price Variation indices of series 2004-05=100 were to be taken. But after April 2017, indices of only 2011-12 series were available; these indices were to be converted into old series indices by applying conversion factor. But different conversion factors were taken, resulting in a base index (Wo) calculated on lower side and monthly indices (WI) calculated on higher side, causing over-payment to the contractor.
  - b) As per IS : 13592, UPVC Type-B pipes were to be used for disposal of soil and wastewater, but UPVC Type -A pipes were used for the same. UPVC Type -A pipes can be used for disposal of rainwater and ventilation purpose only. Thus there was quality compromise as well as cost implications.
  - c) Various structural members as mentioned in the drawing were missing in trusses. Rafter bracings double angles of 65x65x6 mm size were not provided at 16 locations. Single Angle of 90x90x6 mm size was provided as King Post of the truss (central vertical member) against the requirement of double angle of 90x90x6 mm size.
- 9) **In an EPC contract for office building costing around Rs. 140 crores, following major irregularities were observed:**
- a) As per the contract agreement with Architectural and Engineering Consultant, preparation of detailed structural design and drawings for all the components of the scheme was in the scope of Consultant. While, preparing NIT, the Consultant transferred his scope of work of preparation of detailed structural design and drawings for all the components of the scheme to the scope of work of the contractor. Since, design and drawings were provided

by the contractor, related recoveries should have been made from the Consultant's Bills but were not made.

- b) For dry stone cladding on the walls, MS supporting frame was used instead of specified stainless steel frame. Apart from this, supporting frame for dry stone cladding was not provided up to 2nd floor & stones were fixed directly on the wall with the cramps.

**10) In a work of construction of Institute of Medical Sciences, costing around Rs.1155 crores, following major irregularity was observed:**

For supply and installation of HVAC, a firm was approved even when the firm was not meeting the eligibility criteria of having executed similar nature of work i.e., HVAC systems of chiller capacity 1600 TR. Firm had submitted work experience certificates for max 1000 TR chiller HVAC systems only. Also in the approval noting, the similar nature of work criteria was evaluated with 80% of the required capacity of the chiller i.e., 80% of 1600 TR whereas at no place in the eligibility criteria, evaluation against 80% capacity of the equipment was mentioned.

**11) In a work of construction of Mild Steel Vertical Storage Tanks & miscellaneous pipeline work, costing around Rs. 78.60 crores, following major irregularities were observed:**

- a) After few extensions of time, it was decided to partially short close the ongoing work due to poor performance of the contractor. The leftover work was decided to be done at Risk and Cost of the contractor. The work, other than the portion of work, which was agreed to be done by contractor's vendors/sub-contractors through direct payment methodology, was split into two works and limited tenders were called for. Further, again due to issues observed leading to delay in getting the work executed through the firm's vendors/sub-contractors, the remaining portion was also awarded through Limited Tender to a new party at risk and cost of the contractor.

Limited Tender is called when the work is of specialized nature. Since the work was initially awarded through Open Tender with participation of good number of bidders, the reason for changing the mode of tender to Limited Tender was not in order. Also, case involved splitting of the work which is violation of the guidelines of public procurement.

- b) The same organization did tender as per its Engineering Manual provisions; 'Limited Tender with minimum 06 bidders empanelled against a public tender and where the minimum techno-commercially acceptable response comes from 03 or more, such Tenders shall be deemed as 'open tender' and Delegation of Authority for open Tenders shall be used for approval'. For limited tenders, the bidders qualified against the techno-commercial offer of last 01 year were taken as the empanelled list for the limited tender. However, going for limited tender, prevents the other prospective bidders from participating in the tender. Therefore, limited tender cannot be considered as equivalent to open tender since lot of firms are kept deprived from participating in the tenders and which is against the principles of public procurement.

**12) In a work related to laying of Raw Water Pipeline, costing around Rs. 44.51 crores, following major irregularity was observed:**

The work was awarded at 12% higher rate. The tender evaluation committee had offered no justification of the reasonability of the quoted rates but straightway recommended the lowest offer for acceptance at 12% higher rates. The organisation has provision in their manual of considering higher L1 quoted rates up to 20% of the estimated value of the work as reasonable. In such high value tenders, awarding the work at up to 20% higher rates, without any justification is not in order.

**13) In a work related to construction of composite tanks, costing around Rs. 163 crores, following major irregularity was observed:**

For a composite tanks work, beyond a time, extension of time was not given to the contractor. However, the work execution was continued beyond the date and even the payment of bills was done. In absence of validity of the contract, the contractor continued to work, and payments were released which is not in order.

**14) In a work of Comprehensive maintenance of HVAC plant, costing around Rs. 3.5 crores, following major irregularity was observed:**

For the work of Comprehensive maintenance of HVAC plant of an organization, the pre-qualifying criteria was changed just 02 days before the bid initial opening date and only one bidder participated thereafter. PQC was changed to facilitate the entry of a particular firm which is highly objectionable.

**15) In a coach furnishing work, costing around Rs. 53.60 crores, following major irregularities were observed:**

- a) A coach furnishing tender involved works related to electrical, seats and berths, partitioning, doors, windows, modular toilets with plumbing and fittings, flooring, firefighting, signages and notices, coach insulation, LED lightings, passenger display boards, etc. However, the PQC was framed in favour of approved vendors of FRP panel. Organisation has justified the PQC considering that the FRP works require specialised manufacturing facilities. Since all works were of specialised nature, it can be understood that the FRP main contractor shall have sublet the other works to other vendors. On similar grounds, the other approved vendors (other than approved vendors for FRP) could have sublet the FRP work, had they been allowed to participate.
- b) The bids were called through open tender but only approved regular vendors of an organisation were allowed to participate in the bid and other firms were not allowed to participate, even if they were eligible. Restricting the participation to only approved vendors make the tender logically a Limited Tender and not Open Tender. However, approvals and sanctions were processed for Open Tender.

**16) In a procurement case of electric buses, by one PSU, costing around Rs. 392.26 crores, following major irregularities were observed:**

- (a) Increase in the estimated cost during retendering from Rs.179.62 crores to Rs. 223.07 crores without any proper justification.

- (b) Also, PSU has not defined some of major parameters, such as range & battery capacity in the specifications mentioned in the tender document which have major effect on the price of electric buses.
- (c) As per Minimum Eligibility Criteria, the tenderer should submit authorisation from one or multiple OEMs of electric buses who meet the specifications prescribed in tender document. One bidder submitted authorization of two OEMs and contract was awarded to that bidder. However, contractor requested PSU to permit change in OEM other than that was approved during award of the contract. PSU allowed this change for procurement of the electrical buses from new OEM which is a post contract deviation.

**17) In a tender of Rate Contract for hiring of agencies by a PSU, for providing Diploma Engineers & Degree Engineers costing around Rs.14.40 crores, following major irregularities were observed:**

- (a) PSU had floated open tender for empanelment of manpower agencies for providing technical manpower (Diploma/Degree Engineers) for a period of 03 years. 04 firms were empanelled for providing 120 Diploma/Degree Engineers as and when required. However, the methodology for splitting of Manpower among the empanelled agencies was not defined in the bid document. During evaluation stage, PSU approved one methodology for distribution of Manpower, leading to ambiguity and discretion in the distribution. Till the date of Intensive Examination, 50 Diploma/Degree engineers were engaged through one agency & 11 Diploma/Degree engineers through second agency. No manpower was engaged through the remaining 02 agencies.
- (b) As per bid document, necessary insurance to cover accident risk for employee's loss of life, material or the third party, was to be arranged by the agency at its own cost. But it was noticed that reimbursement of insurance premium was being made by PSU. Further, it was observed that there was no insurance cover for manpower arranged by one empanelled agency and there was a gap period of 21 months (out of contract period of 36 months) for insurance cover by another empanelled agency.
- (c) As per contract's Terms & Conditions, the contractor was to furnish particulars of the manpower to be deployed in organisation such as Photo ID, Address Proof, Passport size photograph, police verification, Experience certificates as applicable, etc. The agency was to be responsible for the credentials/acts of the manpower deployed. During Intensive Examination, PSU was not maintaining any records of the above documents in their office.

**18) In a procurement contract of medical equipment, by a Govt. Hospital through GeM costing around Rs. 2.81 crores, following major irregularities were observed:**

- (a) In an online bidding through GeM, 06 firms had submitted their technical bids. Procurement section sent the case file to the user department for preparation of comparative statement of technical bid evaluation. User department decided to have the demonstration of eligible bids to ascertain the quality of medical equipment. During demonstration, only

one firm was technically qualified. However, there was no clause in the tender document for demonstration of the equipment as a qualifying criterion.

- (b) 02 firms were technically disqualified since they had not come for demonstration. However, reason for non-participation in the demonstration by these firms was not deliberated in the file.
- (c) One of the parameters of technical specification for type of technology was turbine technology indicated in the tender document. One firm/seller made query/request for consideration of compressor technology also. Buyer (Hospital) allowed both Turbine and Compressor technology in the bid document through a corrigendum. However, during demonstration, one firm was technically disqualified since the firm had quoted for compressor technology.

**19) In a Procurement case related to Mechanized cleaning and housekeeping work costing around Rs. 30.53 crores, following irregularities were observed:**

- a) PBG was submitted after a delay of more than 03 months. But Organization did not take action according to tender clause of annulment of the award and forfeiture of the tender security. No penalty was imposed on the contractor for late submission of PBG.
- b) Validity of the Insurance Policy was not available for almost 03 months. This is a very serious lapse as the contract was running without the availability of Insurance Policy.
- c) To avoid conflict of Interest in the tendering process, the members of the Tender Committee were to give an undertaken that none of them had any personal interest in the Companies/Agencies participating in the tender process. But the undertaking was not given by the Tender Committee members in the Technical as well as Financial Evaluation Reports/Minutes.

**20) In a Procurement case related to selection of Agency for providing technical manpower costing around Rs. 30.00 crores, following irregularities were observed:**

- a) Pre-bid meeting was held but no minutes were prepared showing the queries raised and clarifications given by the organization during the pre-bid meeting. No record of queries raised by the various bidders was available/processed in the file.
- b) 05 corrigenda were issued without the approval of Competent Authority.
- c) Bid opening date was extended through corrigendum despite receipt of 12 offers. The due date was extended without any justification and approval of Competent Authority.
- d) In eligibility criteria, Average Annual Turnover of the bidders was changed to 02 years against the requirement of 03 years as per prevalent guidelines.
- e) As per GFR rule 149, the procurement of goods and services by the Ministries/Departments is mandatorily to be done through GeM portal for goods and services available on GeM. But tendering was not done through GeM Portal.

**APPENDIX - VII**  
**(Para 5.10)****Cases arising out of intensive examinations and taken up for detailed vigilance investigations by the respective CVO:**

- 1) In a work of construction of Tunnel for Railway track costing around Rs. 313 crores, following major irregularities were observed:**
  - a) As per contract agreement, if variation is above 125%, fresh tender is to be called and if calling of fresh tender is not practicable then negotiation is to be held for arriving at the reasonable rates for additional quantities. In the instant case, negotiations were held for the variations and subsidiary agreements were signed. For price variation, these varied quantities were also considered for the payment, whereas these were not payable as the rates were negotiated as per the prevailing market rates.
  - b) From the record of cube test register, it was observed that various cube test results of mix M25 & M30 were not meeting the required criteria of compressive strength as per IS : 456, table 11. This was inspite of using abnormally higher cement content in the design mix. Further, out of four sets of samples of concrete cores collected in presence of representative of CVO, test results of three samples were not found satisfactory. No conclusive action was taken for the substandard work.
  - c) Cement content of 470 kg/cum and 490 kg/cum was used for M25 & M30 mix respectively, whereas as per clause 8.2.4.2 of IS: 456, maximum cement content is limited to 450 kg/cum unless special consideration has been given in design to the increased risk of cracking due to drying shrinkage in thin sections, or to early thermal cracking and to the increased risk of damage due to alkali silica reactions. In this work no special consideration was taken and thus adding cement content more than the maximum permissible limit was not in order.
- 2) In a work of construction of academic building costing around Rs.268.54 crores, following major irregularities were observed:**
  - a) As per manual/circular of the organization, all designs proposed for the project shall have to comply with GRIHA-4 specifications. But Organization has not incorporated these provisions in the Contractor's agreement. As a result, measures required to be followed during construction stage viz. topsoil conservation, preservation and protection of landscape, efficient water use, reduction of hard paving, utilization of fly ash, segregation and disposal of construction waste etc. were not implemented.

- b) It was observed that almost 9 months (265 days) of delay was found recorded on account of delay in submission of drawings & details by the Architect. The bearing capacity considered, by the Architect, for design of Academic Blocks, was found inadequate during execution stage. Accordingly, plate load tests were got conducted and structural drawings were revised resulting avoidable expenditure of Rs.5.5 lacs occurred for conducting plate load test. The avoidable expenditure of Rs.5.5 lacs and delay in project was solely attributable to the default in services of the Architect.
- c) In a work, scope of work was defined to ‘carry out demolition of existing buildings and re-routing of service lines etc. During the execution stage, more than 13 months (393 days) hindrances i.e delay in removal/ shifting of utility/ service line and dismantling of old buildings are recorded in hindrance register against the contract period of 22 months. Organization was therefore responsible for removal of bottlenecks of such nature. Any delay on such account would therefore be attributable to Organization.
- d) Tender was invited based on the detailed estimate prepared by the Architect, without carrying out technical sanction. In terms of the GFR, (Rule 129 of the then GFR 2005), no work should commence until a detailed estimate is prepared and technically sanctioned by the Competent Authority. But in the instant case, technical vetting of the detailed estimate was not carried out as substantial deviation in the quantities of several agreement items has occurred during execution. Non-scheduled items having substantial amount (almost 40 %) of the estimated cost, were not supported with the quotations. Correctness of the rates was not verified as rate of few items seem to be on much higher side. Quotations were appeared to have been obtained from one vendor only (against minimum three). Organization has awarded the work to a financial unsound agency. As per the Clause 15 of tender, Organization reserved the right to assess the capabilities and capacity of the bidder to perform the contract, but the organization did not assess the capability of the agency before awarding the work.
- 3. In a work of Renovation of Boys Hostel costing around Rs. 2.52 crores, following irregularities were advised for detailed vigilance investigation:**
- a) Extra works amounting to Rs. 55.90 lakhs were executed without the sanction of competent authority. Also, measurement books were written for quantities much beyond the sanctioned variations.
- b) Work of casing-caping wiring was done instead of conduit wiring and no financial implication was assessed, nor any recoveries/adjustments were done from the contractor’s bills, causing loss to the organisation.

c) Inflated Estimate was made for the renovation of 27 rooms and accordingly, the work was awarded at higher rates causing loss to the organisation.

**4. In a procurement contract for Polyester Staple Fibre (PSF) costing around Rs. 33.71 crores, following irregularities were observed and detailed vigilance investigation was advised:**

- a) Reconciliation of payment made to various suppliers through cheque was not being done.
- b) Due to late payments made to the PSF suppliers, the organisation had to pay additional interest at the rate of 12% per annum.

**5. In a work of Utility and Offsite facilities costing around Rs. 1143.9 crores, following irregularity was observed and detailed investigation was advised:**

Due to poor performance of the contractor, the PBG was to be encashed. However, the officials of the organisation delayed the PBG encashment. Meanwhile, the concerned firm approached NCLT. Now, the amount towards PBG encashment is held up causing loss to the organisation.

**6. In a tender of Supply, Installation, Testing and Commissioning of LPG Carousel at various LPG Plants costing around Rs 67.24 crores, following irregularities were observed:**

- a) It was observed that, for equipment supplied by Vendor for 48 station carousel, 'Brand Stamping' was different in many of the equipment for the same OEM for sticker pasting, built-in mark, engraved mark, casted mark of an OEM with same origin of country.
- b) E-way bill indicates the place of delivery as an Indian city and the place of dispatch as a foreign country. As per supply documents, the country of origin and the port of loading country were different. There was no document of carriage which could define that material was received from the country, as mentioned in the contract.
- c) The estimated cost put to tender was Rs. 115.67 crores for 17 carousels (14-24 stations, 2-48 stations, 1-72 stations). This estimate was revised on 12.02.2018 to Rs. 117.88 crores in the name of revision of custom duty with exchange rate as applicable on 09.02.2018. Further, after conducting negotiation with single vendor, cost was reduced from Rs.119.69 crores to Rs.113.06 crores and the scope of work was reduced to 13 carousels (12 no. of 24 stations & 1 no. of 48 stations) and awarded cost was worked out as Rs. 67.24 crores. It shows that whole process was based on presumptions/assumptions instead of real fact and figures. The requirement might have increased with passage of time and with increased demand but reducing the requirement of the tender quantity was questioned, and detailed vigilance enquiry was advised.

**7. In a tender of Supply of medicines and pharmacy services for hospital costing around Rs 24 crores, following irregularity was observed:**

PQC adopted was not the same as stipulated in bid document at the time of tender opening and PQC was revised after evaluation of technical bid and assessment of techno-commercial strength of all the participating bidders. Though, 02 bidders out of 09 bidders had already qualified the technical criteria, still the organisation considered the response to be poor and instead of cancelling the whole tender process and calling tender afresh, PQC was changed through a corrigendum issued subsequently and bidders were asked for submission of revised documents with new offers which led to technical qualification of few additional bidders. PQC was changed such that revised financial criteria became more relaxed and technical criteria became more restrictive, resulting in qualification of one additional bidder.

**8. In an LSTK tender for supply, engineering, erection, and commissioning of fertiliser plant costing around Rs. 34 crores, following irregularity was observed:**

In a PSU, a work was awarded at 21.58% higher than the approved estimate rate without any rate justification. It was also noted that estimation of the project was done based on just one quotation which was violation of PSU's Work manual. During price recommendation, Tender Evaluation Committee neither discussed about the rate reasonability nor compared with the estimate with detailed analysis. Case was advised for detailed vigilance investigation.

**9. In a tender for supply of a defence system, costing around Rs. 229 crores following irregularity was observed:**

In a contract, there were 08 Bank Guarantees (BG), out of which 04 were Down Payment Bank Guarantee (DPBG) and remaining 04 were for PBG. It was noted that 05 BGs were found to have lesser validity period than the validity required as per BG format. Two different clauses were indicated in respect of BG validity. As per terms and conditions of contract, DPBG should be valid for due performance of deliveries and PBG to be valid till warranty period. But as per BG formats, DPBG and PBG should be valid till scheduled completion date and scheduled expiry date of the warranty period of last equipment plus two months respectively.

**APPENDIX - VIII****(Para 5.11)****Systemic improvements undertaken during the year, consequent to CTEO's observations made in course of intensive examinations:**

- 1) In a Public Sector Undertaking, under insurance clause of the tender, nothing was said about the insurance policies like workmen compensation policy, insurance against theft /damage etc. and personal accident insurance. This issue was highlighted during the Intensive Examination and systemic improvement was issued by the department.
- 2) In a tender, the price bid comparative statement downloaded from the website (after reverse auction) was available in editable excel format and was prone to tampering. The issue was highlighted during the Intensive Examination and systemic improvement was issued by the department.
- 3) In a tender, qualifying eligibility criteria being set in the tenders were different from the qualifying criteria being set for enlisting firms for similar work. The issue was highlighted. After advice from CTEO, systemic improvement was issued by the department.
- 4) In a tender, the qualifying eligibility criteria was changed from 03 years to 07 years to make it more relaxing. However, the eligibility condition became stringent due to the use of word 'regularly' as bidders were now required to manufacture & supply materials on regular basis for at least last 07 years instead of last 03 years. This issue was highlighted and after advice from CTEO, systemic improvement was issued by the department.
- 5) In an Annual Rate contract through Limited Tender, one organisation claimed that e-tendering was adopted for calling of tender but e-tendering system adopted was not as required under accepted norms of e-tender. In the instant case, during comparative statement preparation, lowest vendor was excluded at the discretion of dealing officials on the ground of absurd/exorbitantly low rate quoted by the vendor. No punitive action was taken against that vendor except issue of a simple warning to the vendor. The vendor was not even debarred from future tendering. This tender was a limited tender and there was no provision in Purchase policy of the organisation to address wrong/ absurd/abnormally low quote in a limited tender whereas similar provisions existed for Open Tenders. On raising this issue in the Intensive Examination, systemic improvement was issued by the organisation to remove the inconsistency.
- 6) In the contract of an organization related to site grading works of a Refinery, some issues were highlighted. On raising this issue in the Intensive Examination, the organization have issued systemic improvement guidelines to avoid such things in future contracts:
  - a) In case of projects involving consultants, the estimate prepared by consultant are accepted without any further scrutiny. As the role of consultant is only advisory in nature, the onus is on Department to verify and approve the estimates. Hence, it is advised to include suitable conditions in PMC contract that consultant should provide details/basis of estimates for tenders. Also, it is advised that such estimates prepared by consultant are scrutinized and specifically approved by the Department.

- b) While procuring equipment/machineries etc. from bidder/ manufacturer/ OEM, it is advised to include appropriate clause, as applicable, in the tender documents to get confirmation on the following:
- i) Dates/details regarding ‘End of sale’ and ‘End of after sales service and spares’ for various sub-assemblies/main components of the products offered and,
  - ii) Certificate/declaration that technology supplied, if any, is latest and not obsolete.
- c) In execution of jobs, it is advised that recording of delays along with reasons are not being done properly. It is advised that records in this regard should be maintained (viz. hindrance register), to quantify the delays and also to ascertain the agencies responsible for delays.
- d) Deductions to be made from Contractors under various heads (to quote a few, charges towards materials, services, utilities, etc., penalties levied for non-compliance to tender conditions, delays in execution etc.) are not getting effected in running bills. There are cases where the quantum of deduction is not worked out till final bill settlement. It is advised to devise methodologies to effect appropriate deductions from running bills without waiting for final contract closure.
- e) In tenders for civil jobs like site grading, tree cutting, area clearing etc., estimates were made without taking into account the type of timber, rates applicable and disposal methodology. It is advised to review these aspects and involve/seek expertise from state/ central agencies while preparing estimates and disposal methodology.
- f) It is observed that the estimate is getting revised in cases where there are changes in statutory levies. Revision of estimate subsequent to floating tender is not desirable. Hence, it is advised to configure the estimation process to factor the changes in statutory levies, if any, instead of revising the estimate.
- g) In tenders various set of conditions are mentioned – General Purchase Conditions (GPC)/ General Conditions of Contract (GCC)/Special Purchase Conditions (SPC) / Special Conditions of Contract (SCC) etc. However, the order of precedence is not always mentioned. It is advised that the precedence of conditions be mentioned in the tender documents, to ensure clarity.
- h) It is observed that clear scope of work (viz. activities to be done, manpower requirement, provision of tools and tackles, frequency of visit/ checking, number of equipment/ sites covered, penalties for non-conformance to contract conditions, documentations required, etc.) is not defined for Comprehensive Annual Maintenance Contract (CAMC)/ Annual Maintenance Contract (AMC) with vendors. It is advised that clear scope of work be defined for CAMC/AMC.
- i) It is observed that in cases where vendor’s representatives / supporting staff are stationed during warranty/ guarantee period for technical / operational requirements, payments for such deployments are accounted under the heading of CAMC/ AMC charges. This creates apprehensions about applicability of guarantee/ warranty clause. It is advised that payments for such manpower deployment during warranty period should not be accounted as CAMC/ AMC charges.





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