



सत्यमेव जयते

ANNUAL REPORT 2013



CENTRAL VIGILANCE COMMISSION



ANNUAL REPORT

01.01.2013 to 31.12.2013



CENTRAL VIGILANCE COMMISSION



Shri Pradeep Kumar
Central Vigilance Commissioner



Shri J.M.Garg
Vigilance Commissioner



Shri Rajiv
Vigilance Commissioner


The 50th 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, 2013 in fulfilling its mandate under the CVC Act, 2003.

Handwritten signature of Pradeep Kumar in black ink.

(PRADEEP KUMAR)
CENTRAL VIGILANCE COMMISSIONER

Handwritten signature of J.M. Garg in black ink.

(J.M.GARG)
VIGILANCE COMMISSIONER

Handwritten signature of Rajiv in black ink.

(RAJIV)
VIGILANCE COMMISSIONER

New Delhi

Dated: the 25th June 2014

ACKNOWLEDGEMENT

The Central Vigilance Commission thanks the Government of India, its Ministries/Departments and other Organizations, the team of Chief Vigilance Officers and Central Bureau of Investigation for their cooperation and assistance.

CONTENTS

CHAPTER	Pages
1. Introduction	1-10
2. Commission's activities during the year 2013	13-27
3. Superintendence over vigilance administration	29-36
4. Areas of concern including non- compliance and delay in the implementation of Commission's advice	37-54
5. Chief Technical Examiner's Organization	57-64
6. Functioning of Delhi Special Police Establishment (Central Bureau of Investigation)	67-76
 APPENDIX	
I Group-wise staff strength and related information	80
II Organization-wise details of prosecution sanctioned and penalties imposed during 2013 in respect of cases where Commission's advice was obtained	81-85
III Work done by CVOs during the period 01.01.2013 to 31.12.2013	86-97
IV Organization-wise list of complaints referred by CVC and pending with CVOs for inquiry and report as on 31.12.2013	98-103
V Organization-wise list of first and second stage advices pending for implementation of Commission's advice	104-110
VI Important irregularities observed during intensive examinations by CTEO	111-115
VII System improvements initiated by various organizations during 2013 on the advice of the Commission/CTEO	116-117

IMAGES – 2013



IAACA Executive Committee Meeting held on 8th – 10th April, 2013 in New Delhi

Signing of Memorandum of Understanding (MoU) between Shri Pradeep Kumar, Central Vigilance Commissioner, and Mr. Abraham Samad, Chairman, Komisi Pemberantasan Korupsi (KPK) of the Republic of Indonesia on 10th October 2013 in the presence of Shri Manmohan Singh, Prime Minister and President of Republic of Indonesia, Mr. Susio Bambang Yudhoyono.



Shri Pradeep Kumar, CVC, Shri R. Sri Kumar, VC and Shri J.M. Garg, VC at the inauguration of Delhi-NCR chapter of Vigilance Study Circle, Delhi, 27th August 2013

ANNUAL REPORT - 2013

AN OVERVIEW

- The Central Vigilance Commission (CVC) was established on 11th February in 1964 by the Government of India by a Resolution as an apex body for prevention of corruption in Central Government institutions and public administration. It functions through a well established vigilance administrative set up, guidelines and manuals.

(Para 1.1)

- The Commission was given statutory status by enactment of CVC Act, 2003 and vested with autonomy and insulation from external influences. After enactment of CVC Act, 2003, the Commission became a multi-member body consisting of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members), to be appointed by the President. The total sanctioned staff strength of the Commission is 296. As on 31.12.2013, the total staff strength in position in the Commission was 230.

(Paras 1.5, 1.15 & 1.16)

- The Commission is entrusted with powers to inquire or cause inquiries, call for any information/ documents from the Central Government and exercise superintendence over the functions of CBI for offences related to Prevention of Corruption Act, 1988.

(Para 1.5)

- The Commission has been empowered through the Lokpal and Lokayuktas Act, 2013 to conduct preliminary inquiry into complaints referred by the Lokpal to it. The Act also has a provision for a Directorate of Inquiry to be set up in Commission.

(Para 1.7)

- The Whistleblowers' Protection Bill, 2011 passed by Parliament, received the assent of the President and has been enacted as Whistle Blowers Protection Act, 2011 (No. 17 of 2014).

(Para 1.11)

- All departments/organisations under Commission's jurisdiction have vigilance units headed by Chief Vigilance Officers (CVO). The CVOs act as an extended arm of the Commission. There are 197 posts of full time CVOs and 410 posts of part time CVOs.

(Paras 1.18 & 1.20)

- The Commission always endeavours for capacity building of the Chief Vigilance Officers to bridge the knowledge gap. Commission organized one induction training course for CVOs, in April 2013. 29 CVOs of Organizations/PSUs/Banks attended the training programmes. The course schedule consisted of various matters related to vigilance administration and anti-corruption strategies including investigation techniques and criminal prosecutions etc.

(Para 1.19)

- The Commission tendered advices in 4801 cases during the year 2013. These include Commission's advice of initiation of major penalty proceedings in 537 cases and minor penalty proceedings in 191 cases as its first stage advice. Similarly, Commission advised imposition of major penalty in 500 cases and minor penalty in 181 cases. Despite increased work load during the year 2013, 78.35 percent of its advices were tendered within one month.

(Paras 2.5, 2.6 & 2.7)

- The Commission recommended grant for sanction of prosecution in 97 cases involving 127 public servants during the year 2013.

(Para 2.8)

- In pursuance of the Commission's advice, the competent authorities granted sanction for prosecution against 176 public servants during the year 2013.

(Para 2.11)

- The Commission received 35332 complaints during 2013. Despite the manifold increase in the volume of work being handled by the Commission, there has been no increase in the staff strength. Complaints received in the Commission are processed electronically through IT enabled core processes to ensure speed and transparency.

(Paras 2.23 & 2.28)

- As per the Annual Reports received from CVOs, 17,672 penalties, both major and minor, were imposed on all categories of public servants, as a result of punitive action during the year 2013. Major penalties were imposed against 5,106 officers and minor penalties were imposed against 11,749 officers.

(Para 3.5)

- The Commission has increased its engagement in international co-operation with anti-corruption agencies/organizations. An information sharing system developed by the Central

Vigilance Commission - Information Sharing and Analysis Against Corruption (ISAAC) was launched for IAACA during the Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) at Panama City, Panama from 22-24th November, 2013.

(Para 2.31(i) & (ii))

- A Memorandum of Understanding (MoU) between Central Vigilance Commission and Komisi Pemberantasan Korupsi (KPK) of the Republic of Indonesia for International Cooperation on Combating Corruption was signed on 10th October, 2013 by Shri Pradeep Kumar, Central Vigilance Commissioner and Mr. Abraham Samad, Chairman, Komisi Pemberantasan Korupsi, Komisi Pemberantasan Korupsi (KPK).

[Para 2.31(iii)]

- The Commission observes Vigilance Awareness Week every year as an outreach measure for creating awareness against corruption. In the year 2013, Vigilance Awareness Week was observed from 28.10.2013 to 02.11.2013 on the theme of 'Promoting Good Governance – Positive Contribution of Vigilance'.

(Para 2.33)

- The Commission has been advocating transparency, equity and competitiveness in public procurements and Integrity Pact (IP) is an effort in this direction. Commission has approved names for appointment of Independent External Monitors (IEMs) in more than 85 Ministries/ Departments/Organisations so far under the Integrity Pact. The adoption of Integrity Pact has become mandatory for all Ministries/ Departments/Organisations.

(Paras 3.17 to 3.24)

- The Commission has been continuously emphasising on leveraging technology like e-procurement, e-payment etc. for reducing scope for corruption, improving transparency and better project management.

(Para 5.4)

- The Commission reviews the progress of cases pending for sanction of prosecution with various organizations, under the Prevention of Corruption Act, 1988. CBI reported that at the end of the year 2013, a total of 95 sanction requests in 91 cases over three months were pending for grant of sanction for prosecution under PC Act, 1988.

(Para 6.6)

- The Central Vigilance Commissioner and Vigilance Commissioner have been entrusted by the Hon'ble Supreme Court in CA No.10660 of 2010 of Centre for PIL & others Vs Union of India & others on 02/02/2012 to assist the Court in monitoring the investigation being carried out in the 2G Spectrum cases. Commission submitted its observations to the court during the year.

(Paras 6.17 to 6.19)

- In the coal block allocation matters where investigations are being monitored by the Supreme Court of India, the court has directed the two Vigilance Commissioners to send observations/suggestions to the Court in sealed cover within four weeks from the date of receipt of the compilation/reports from CBI.

(Para 6.20)

A delegation from Malaysian Anti-Corruption Commission (MACC) called on Shri Pradeep Kumar, Central Vigilance Commissioner, on 19th November, 2013



CHAPTER - 1

INTRODUCTION

Central Vigilance Commission is the premier integrity institution for overseeing vigilance administration and in implementing policies against corruption. The Commission has been vested with powers to inquire or cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by certain categories of public servants of the Central Government, Corporations, Companies, Societies and local authorities, owned or controlled by the Central Government.

I Background

- 1.1 Central Vigilance Commission was first constituted by the Government of India through a Resolution in the year 1964 as an apex body for prevention of corruption and exercising general superintendence over vigilance administration. The debate in Parliament and concern over corruption led to a setting up of a Committee by Shri Lal Bahadur Shastri, the then Minister for Home Affairs under the Chairmanship of Shri K. Santhanam, Member Parliament to review the existing instruments with a view to prevent corruption in central services and suggest steps for effective anti-corruption measures. The Santhanam Committee identified four major causes of corruption:-
 - (i) Administrative delays;
 - (ii) Government taking upon themselves more than what they could manage by way of regulatory functions;
 - (iii) Scope for personal discretion in the exercise of powers vested in different categories of government servants; and
 - (iv) Cumbersome procedures in dealing with various matters which were of importance to citizens in their day to day affairs.
- 1.2 The recommendations of the Santhanam Committee were considered and the Central Vigilance Commission was set up by the Government of India (Ministry of Home Affairs) vide resolution no. 24/7/64-AVD dated 11.02.1964.
- 1.3 Subsequently, Supreme Court of India, in criminal writ petitions nos. 340-343/1993 (Vineet Narain and others Vs. Union of India and others) popularly known as Jain Hawala case, had inter-alia given directions on 18.12.1997 that statutory status should be conferred upon the Central Vigilance Commission.
- 1.4 Central Vigilance Commission Bill was passed by both the Houses of Parliament and

received the assent of the President on 11th September, 2003. It came on the Statute Book as THE CENTRAL VIGILANCE COMMISSION ACT, 2003 (45 of 2003).

II The Central Vigilance Commission Act, 2003

- 1.5 The Central Vigilance Commission Act, 2003 provides for constitution of Central Vigilance Commission to inquire or to cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act 1988 by certain categories of public servants of the Central Government, Corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and for matters connected therewith or incidental thereto. The Act also empowers the Commission to exercise superintendence over the functioning of the Delhi Special Police Establishment (DSPE) now called Central Bureau of Investigation (CBI), insofar as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988) and to give directions to the CBI for discharging responsibility entrusted to CBI under sub-section 1 of Section 4 of the DSPE Act, 1946. The Commission is also empowered to review the progress of investigations conducted by the CBI and the progress of applications pending with the Competent Authorities for grant of sanction for prosecution for offences alleged to have been committed under the Prevention of Corruption Act, 1988. The Commission also exercises superintendence over the vigilance administration of the various Ministries/Departments/Public Sector Enterprises/Public Sector Banks and autonomous organizations under the central government.
- 1.6 The Lokpal and Lokayuktas Bill passed by Parliament received the assent of the President on 1st January, 2014 and came on the statute book as The Lokpal and Lokayuktas Act, 2013 (1 of 2014). The Act provides for establishment of a body of Lokpal for the Union and Lokayuktas for States to inquire into allegations of corruption against certain public functionaries and for matters connected therewith. The jurisdiction of Lokpal includes the Prime Minister, Ministers, Members of Parliament, Groups A, B, C and D officers and officials of the Central Government. The Lokpal has powers to inquire or cause an inquiry or investigation into offences alleged to have been committed under Prevention of Corruption Act, 1988 by the categories of public functionaries prescribed in Section 14 of the Lokpal and Lokayuktas Act, 2013.
- 1.7 The Lokpal and Lokayuktas Act, 2013 has amended some provisions of CVC Act, 2003 and the Commission has been empowered to conduct preliminary inquiry into complaints referred by Lokpal in respect of officers and officials of Groups B, C & D, besides Group A officers. The Commission's additional functions would include conducting preliminary inquiry into the complaints referred by Lokpal in respect of Gr. 'A', 'B', 'C' & 'D' officials for which a Directorate of Inquiry for making preliminary inquiry is to be set up in the Commission. The preliminary inquiry reports in such matters referred by Lokpal in respect of Group A and B officers are required to be sent to the Lokpal by the Commission. Further, as per mandate, the Commission is to cause further investigation into such Lokpal references in respect of Gr. 'C' & 'D' officials and decide on further course of action against them.

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

- *Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or offences under the Cr. PC for certain categories of public servants - section 8(1)(a);*
- *Give directions to the Delhi Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 - section 8(1)(b);*
- *To inquire or cause an inquiry or investigation to be made on a reference by the Central Government - section 8(1)(c);*
- *To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 - section 8(1)(d);*
- *Review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Cr.PC - 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 organizations 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 organizations of the Central Government - section 8(1)(h);*
- *Shall have all the powers of a Civil Court while conducting any inquiry - section 11;*
- *Proceedings before Commission to be judicial proceedings - Section 12;*
- *Call for reports, returns and statements from Central Government/ PSUs/ Organizations under its jurisdiction - Section 18;*
- *Respond to Central Government on mandatory consultation with the Commission before making any rules or regulations governing the vigilance or disciplinary matters relating to the persons appointed to the public services and posts in connection with the affairs of the Union or to members of the All India Services - Section 19.*

Other salient features

- *Multi-member Commission consisting of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);*
- *The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President on the recommendations of a Committee consisting of the Prime Minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the House of the People (Member);*
- *The term of office of the Central Vigilance Commissioner and the Vigilance Commissioners is four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier;*
- *The Central Vigilance Commissioner (CVC) is the Chairperson and the two Vigilance Commissioners alongwith concerned Secretaries of Administrative Ministries are the Members of the Selection Committees, on whose recommendations; the Central Government appoints officers to the posts of the level of SP and above in the CBI and to the posts of the level of Deputy Director and above in the Directorate of Enforcement.*
- *The Committees concerned are also empowered to recommend, after consultation with the Director CBI / Director of Enforcement, the extension or curtailment of tenure of such officials in CBI and Directorate of Enforcement;*
- *The Commission is the designated agency under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution to undertake or cause an inquiry into complaints received under PIDPI Resolution and recommend appropriate action.*

III Jurisdiction of Central Vigilance Commission

- 1.8 According to Sections 8 (1) (d) and 8 (2) (a) of the Central Vigilance Commission Act, its jurisdiction in respect of suo moto inquiry extends to members of All India Services serving in connection with the affairs of the Union, Group 'A' level officers of the Central Government and such level of officers in the corporations, Government companies, societies and other local Authorities of the Central Government as may be notified by the Central Government separately from time to time.

Commission's jurisdiction under the Act

- *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) and above on Central Government DA pattern, as may be revised from time to time, in societies and local authorities owned or controlled by the Central Government.*

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

1.9 The Supreme Court, in response to a PIL directed the Central Government to devise a suitable mechanism to act on the complaints from 'Whistle Blowers' till such time a suitable legislation was enacted to that effect. Therefore, the Central Government through "Public Interest Disclosure and Protection of Informers' Resolution" (PIDPI) dated 21.4.2004 made provisions for action on complaints from "Whistle Blowers". This resolution is popularly known as "Whistle Blowers" Resolution and it designated the Central Vigilance Commission as the agency to receive and act on complaints or disclosure on any allegation of corruption or misuse of office from whistle blowers. The Commission has been entrusted with the responsibility of keeping secret the identity of the complainant lodging a complaint under PIDPI resolution, in order to provide protection to whistle blowers from victimization. It also empowers the Commission to take action against complainants making motivated or vexatious complaints. The limitation of jurisdiction of the Commission under the CVC Act, 2003 to inquire or cause inquiry or investigation largely to Group 'A' officers and such level of officers is not applicable in case of Public Interest Disclosure and Protection of Informers' Resolution 2004.

1.9.1 The Commission had earlier suggested to Department of Personnel & Training that a proper mechanism may be put in place for Ministries/Departments to receive Whistle BLOWER Complaints and also to give due publicity to the scheme of Whistle BLOWER mechanism so that people can lodge complaints. Accordingly, the Department of Personnel and Training (DoPT) vide its Resolution dated 14.08.2013 authorised the Chief Vigilance Officers in the Ministries/Departments to receive written complaint or disclosure of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department. At present, besides the Central Vigilance Commission, all the CVOs of the Ministries/Departments are also the designated authority to receive and take action on Whistle BLOWER complaints.

Important Features of the "Whistle-Blowers" Resolution

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

- 1.10 The Commission in keeping with the spirit of PIDPI Resolution had laid down a detailed procedure for lodging complaints. In order to create awareness among the public at large so that they feel encouraged to come forward and make complaints/disclosures wide publicity is regularly made by the Commission.
- 1.11 The Public Interest Disclosure and Protection to Person Making the Disclosures (PIDPPMD) Bill 2010 was introduced by the Central Government in Parliament. The PIDPPMD Bill, 2010 was renamed as “The Whistleblowers’ Protection Bill, 2011” passed by Parliament, received the assent of the President and has been enacted as Whistle Blowers Protection Act, 2011 (No. 17 of 2014).

V Commission's Advisory Role

- 1.12 The advisory role of the Commission extends to all matters on vigilance administration referred to it by the departments/organisations of the Central Government. It is mandatory on the part of the organisations to seek the Commission’s advice before proceeding further in a matter where earlier a report was called for by the Commission.
- 1.13 The Commission examines the investigation reports furnished by the CVO or the CBI and depending upon the facts of each case and evidence/records available, the Commission advises initiation of criminal and/or regular departmental action for major or minor penalty as the case may be against the public servant(s) concerned. In case, disciplinary proceedings are not warranted, the Commission may advise closure of the case or administrative action against the public servant(s) depending upon facts of the case by way of first stage advice.
- 1.14 In cases where the Commission had advised initiation of major penalty proceedings in the first stage, the cases are required to be referred to the Commission for second stage advice on conclusion of the inquiry proceedings, only in those cases where UPSC is not to be consulted for imposition of any penalty. Further, second stage advice, is not required in cases where the Commission had advised initiation of minor penalty proceedings unless, the disciplinary authority concerned propose to exonerate the officer concerned.

VI Present composition of the Commission

- 1.15 In terms of the CVC Act 2003, the Commission consists of a Central Vigilance Commissioner (CVC) as Chairperson and two Vigilance Commissioners (VCs) as Members. The appointment of the CVC as well as that of the VCs is made in accordance with the provisions of Section 4 of the CVC Act, 2003 by the Hon’ble President of India on the recommendations of a Committee consisting of (a) the Prime Minister; (b) the Minister of Home Affairs; and (c) the Leader of the Opposition in the Lok Sabha. As on 31.12.2013, Shri Pradeep Kumar, IAS (Retd.) is the Central Vigilance Commissioner (assumed office on 14.07.2011) and S/Shri R. Sri Kumar, IPS (Retd.) & J. M. Garg, CMD (Retd.), Corporation Bank were Vigilance Commissioners (joined on 08.09.2010). On completion of tenure, Shri R. Sri Kumar, Vigilance

Commissioner demitted office on 27.01.2014. Shri Rajiv, IPS (Retd.) was appointed by the Hon'ble President as Vigilance Commissioner and assumed office on 27.02.2014.

VII Staff Composition

1.16 As per Section 3(4) of the CVC Act, 2003 the Central Vigilance Commission is to be assisted by a Secretary, who is appointed by the Central Government. In addition to the Secretary, the Commission is assisted by four Additional Secretaries (officers of the rank of Joint Secretary to the Government of India) and other staff which includes twenty eight officers in the rank of Director/Deputy Secretary, two OSDs and four Under Secretaries. Officers of the rank of Director/Deputy Secretary also perform the function of Commissioners for Departmental Inquiries (CDIs), to conduct departmental inquiries relating to major penalty proceedings on behalf of the disciplinary authorities in disciplinary cases against senior officers. The category-wise staff strength of the Commission as on 31.12.2013 and related information is at **Appendix- I**.

VIII Technical Wing

1.17 The Chief Technical Examiners' Organization (CTEO) is the technical wing of the Commission. CTEO wing assists the Commission in formulating its views in cases involving tendering in procurement and construction related cases. CTEO wing also undertakes intensive examination of major civil / electrical / horticulture and other projects and major procurements by the Central Government organizations. The wing comprises of two Chief Technical Examiners (of the rank of a Chief Engineer), assisted by eight Technical Examiners (of the rank of Executive Engineer), six Assistant Technical Examiners (of the rank of Assistant Engineer) and supporting staff. The incumbency position of various posts as on 31st December, 2013 is as under:

Post	Chief Technical Examiner	Technical Examiner	Assistant Technical Examiner	Junior Technical Examiner
Sanctioned strength	02	08	06	05
In position	02	07	04	03
Vacancy	00	01	02	02

IX Chief Vigilance Officers

1.18 The Commission's activities concerning inquiry or causing inquiry are ably supported by Chief Vigilance Officers (CVO) who heads the vigilance administration in Departments/Organizations falling under the jurisdiction of the Commission. The CVOs provide assistance to the Chief Executive Officers of the organization concerned in all matters relating to vigilance administration by providing appropriate advice/expertise to them. CVOs are supposed to do vigilance audit of various structures and procedures in the organization and

assist the management in establishing effective internal control systems and procedures, so that systemic failures can be reduced. Speedy processing of vigilance matters, especially the disciplinary cases is an important function of the CVOs. The Commission has a system of obtaining monthly reports and annual reports from the CVOs as an effective tool of communication with them, and holds annual zonal review meetings with the CVOs of all major government departments / organizations as a part of its review and monitoring mechanism. Besides, as and when required, the Commission invites the CVOs individually to discuss important issues relating to their organizations with them. There are posts of full time CVOs as well as part time CVOs.

- 1.19 The Commission endeavours in capacity building of CVOs and other officers engaged in vigilance activities. For this purpose, the Commission conducts induction training modules for CVOs and vigilance functionaries for equipping them with the latest vigilance/ anti-corruption tools. Eminent persons with immense domain knowledge are invited to interact with the CVOs during such trainings. One such training course for newly inducted CVOs was conducted by the Commission in April, 2013 in which 29 CVOs attended. CBI Training Academy at Ghaziabad also conducts training courses for CVOs besides regular attachment programs and workshops.
- 1.20 Presently, six departments of the Government of India, namely Central Board of Direct Taxes, Central Board of Excise & Customs, Central Public Works Department, Department of Telecom, Department of Posts, Ministry of Railways and a majority of the Public Sector Enterprises, Public Sector Banks and Insurance Companies have full-time CVOs, while others have part-time CVOs. There are 197 posts of full time CVOs and 410 posts of part time CVOs. Vigilance activities in Ministries / Departments and other organizations are looked into by part-time CVOs, who are working in the concerned Ministry / Department / Organizations at sufficient seniority level.
- 1.21 During the year 2013, the Commission considered the suitability of 62 officers recommended by the administrative authorities for appointment to the post of CVOs in different organizations including names of 88 officers for appointment as part time CVOs in various Departments/Ministries/Autonomous Bodies.
- 1.22 The Commission accorded 315 vigilance clearances for Board Level appointments. In addition to this, clearances were also accorded to 2094 officers of Group 'A' services for various purposes (like empanelment, appointment to statutory bodies, appointment to tribunals etc.).

X Right to Information Act, 2005

- 1.23 In order to fulfil 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.

1.24 A total of 2316 applications (includes 111 brought forwarded from the previous year) were received, out of which 2211 applications were disposed off according to the provisions under the Act during the year 2013. Further, 496 appeal cases (includes 19 applications brought forward from the previous year) as first appeal were filed with the Appellate Authority of the Commission out of which 470 appeal cases were disposed off. Further, 227 appellants (includes 113 applications brought forward from the previous year) filed appeals before the Central Information Commission (CIC) out of which 117 appeals have been disposed. At the end of the year 2013, 105 RTI applications and 26 appeals to the Appellate Authority of the Commission were pending for disposal. A comparative statement showing receipt and disposal of references under RTI Act, 2005 during 2011 to 2013 is given as under:-

Year	Applications received	Disposal	First appeal references received	Disposal
2011	2440	2296	527	484
2012	2441	2330	511	492
2013	2316	2211	496	470

XI Progressive Use of Hindi

- 1.25 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 Reports 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 to in Hindi.
- 1.26 Meetings of the Official Language Implementation Committee of the Commission are held regularly. Special emphasis is given for Hindi training and employees were also nominated for training in Hindi typing.
- 1.27 The Commission organizes Hindi Week in the month of September every year. During the year under report, the message of the Central Vigilance Commissioner was circulated in the Commission on the occasion of Hindi Day and a Hindi Essay Competition was organized in which prizes were distributed by the Commission to the winning participants.



*Inauguration of IAACA Executive Committee Meeting
on 8th April 2013 – New Delhi*



*During the signing of Memorandum of Understanding between
CVC and Komisi Pemberantasan Korupsi (KPK) of the Republic
of Indonesia for International Cooperation on Combating
Corruption on 10th October, 2013*



Shri J.M. Garg, Vigilance Commissioner releasing special issue of PNB Vigil – Newsletter on the occasion of Vigilance Awareness Week – 2013 at Punjab National Bank, New Delhi

Shri R.Sri Kumar, Vigilance Commissioner, at the inaugural meeting of Vigilance Study Circle, Kerala Chapter at Kochi



Shri R.Sri Kumar, Vigilance Commissioner, addressing the participants at the Xth Anniversary Celebrations of Vigilance Study Circle, Hyderabad

CHAPTER - 2

COMMISSION'S ACTIVITIES DURING THE YEAR 2013

- 2.1 One of the biggest challenges the country is facing today is corruption, which is a major obstacle in its growth. Corruption has now acquired transnational dimensions. It not only increases transactional costs but also distorts decision making and results in misplaced priorities. A multi-disciplinary approach for tackling corruption is therefore, needed.
- 2.2 The Central Vigilance Commission has been entrusted with the task of exercising superintendence over vigilance administration and implementing Government policies against corruption. Over the years the Commission has acquired immense experience in over-seeing vigilance administration of various organisations. The Commission has been stressing on various preventive, punitive and participative measures to mitigate the corruption levels. The Commission's role, as a probity institution, became more crucial after the Supreme Court judgement in the Vineet Narain Case popularly known as Jain Hawala case. It is the endeavour of the Commission to ensure transparency and accountability in public administration. The Supreme Court of India has also reposed confidence in the independent and impartial functioning of CVC and in the recent past asked the Commission to assist the Court in monitoring investigations conducted by CBI in some important matters of corruption.
- 2.3 In order to ensure systemic improvements, the Commission has laid down guidelines for promoting strong internal control mechanisms for transparency, fair play, objectivity in matters related to public administration. These guidelines are based on the Good governance principles. The Commission has been stressing on predictive, proactive and participative vigilance measures in addition to building up public awareness to fight corruption.
- 2.4 The Commission has also been emphasising the use of technology for bringing about transparency through adopting extensive use of technological solutions for public service delivery and functional activities especially public procurements and contracts by all organisations.

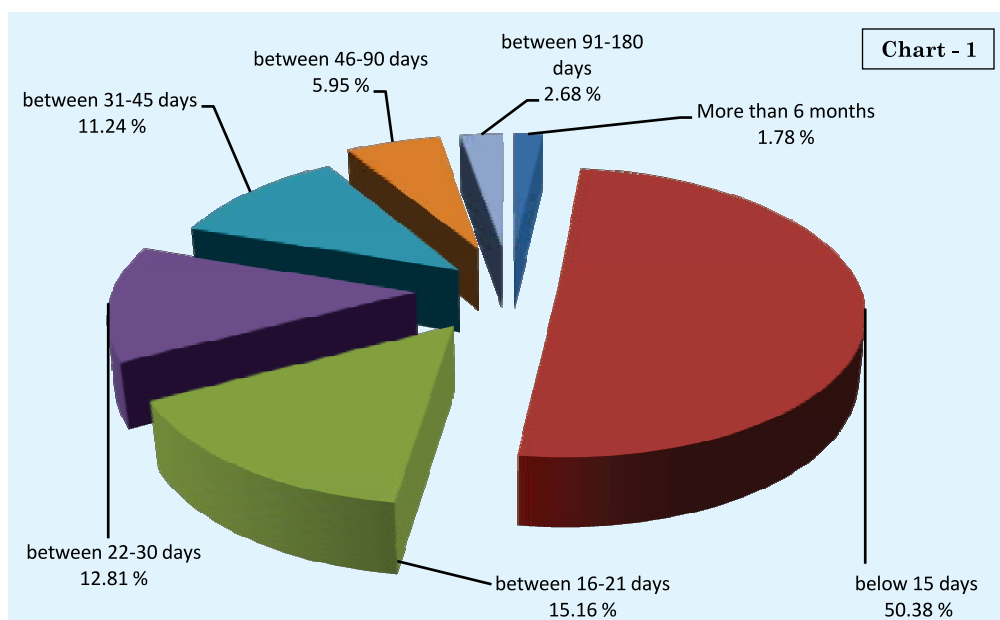
I Receipt and Disposal of Vigilance Cases

- 2.5 The Commission received 6927 cases (5423 cases received during the year and 1504 cases brought forward from the previous year) and tendered its advice in 4801 cases in the year 2013. This includes cases disposed of by the Commission as first stage and second stage advice and also reconsideration requests. Penalties were imposed on a total of 2680 officers by various organizations under the jurisdiction of Commission during 2013.

II Advice on vigilance cases by the Commission

2.6 The Commission strives to tender advices within the stipulated time period. In the year 2013, more than 78.35 percent of its advices were tendered within four weeks of receipt of the cases. It has been the Commission's experience that many a times the organizations either fail to provide complete facts relating to the vigilance case or their recommendations or inputs are not supported by logical reasoning. This necessitates the Commission seeking further clarifications, causing delay in tendering advice. The breakup of time taken by the Commission in tendering advice is given in Chart-1.

Time taken for giving first and second stage advice for cases in the year 2013



III First stage advice cases

2.7 In 2441 cases, the Commission tendered its first stage advice during the year 2013. Out of these 2441 cases, 170 cases were based on the investigation reports of the CBI and 2271 cases were based on investigation reports forwarded by the CVOs concerned. In the cases investigated by the CBI, the Commission advised launching of prosecution in 36.47 percent cases, major penalty proceedings in 20 percent cases and minor penalty proceedings in 3.52 percent cases. In the cases investigated by the CVOs concerned, the Commission advised initiation of major penalty proceedings in 22.14 percent cases and minor penalty proceedings in 8.15 percent cases. In the remaining cases, initiation of regular departmental action were not found to be warranted, as prima-facie, the allegations were either not established conclusively or were merely procedural in nature. Table- 1 provides the summary of the nature of advice tendered by the Commission at first stage.

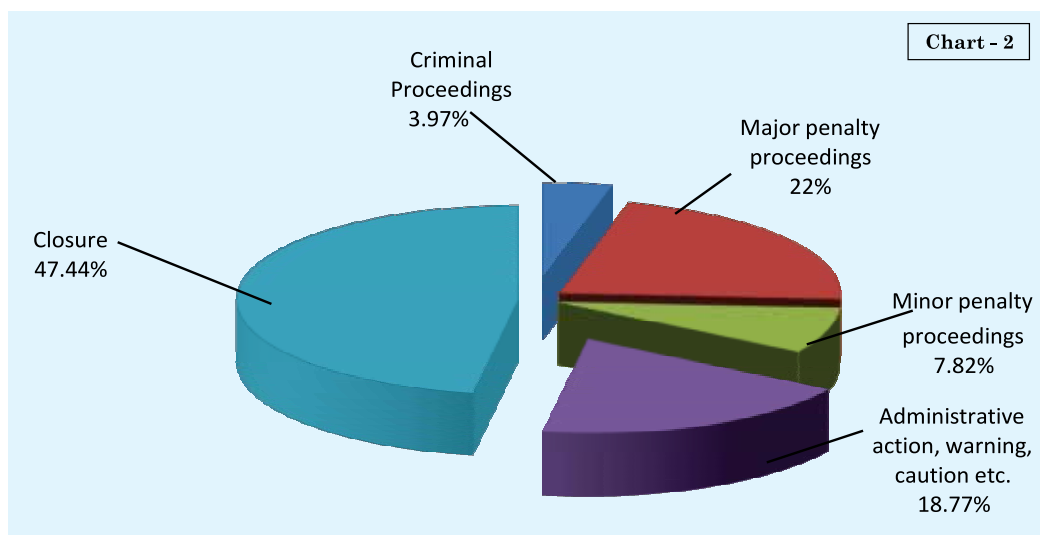
Table – 1

First Stage Advice Cases during 2013

Nature of advice	On the investigation reports of		Total
	CBI	CVO	
Criminal Proceedings	62	35	97
Major penalty proceedings	34	503	537
Minor penalty proceedings	06	185	191
Administrative action, warning, caution etc.	31	427	458
Closure	37	1121	1158
Total	170	2271	2441

2.8 The Commission recommended criminal proceedings in 97 cases involving 127 public servants, which is around 4% of the cases where investigation reports had been received from the CBI and the CVOs concerned during the year 2013. Chart-2 provides a summary of various types of advice tendered by the Commission at first stage in percentage terms.

First Stage Advice



IV Second stage advice cases

2.9 During the year 2013, the Commission tendered second stage advice in 900 cases. While the Commissioners for Departmental Inquiries (CDIs) of the Commission conducted inquiry in 37 cases, in the remaining 863 cases the inquiries were conducted by the departmental inquiry officers appointed by the respective disciplinary authorities. Table-2 provides a break-up of the advices tendered by the Commission, during the year 2013, on the cases received from various disciplinary authorities at the second stage.

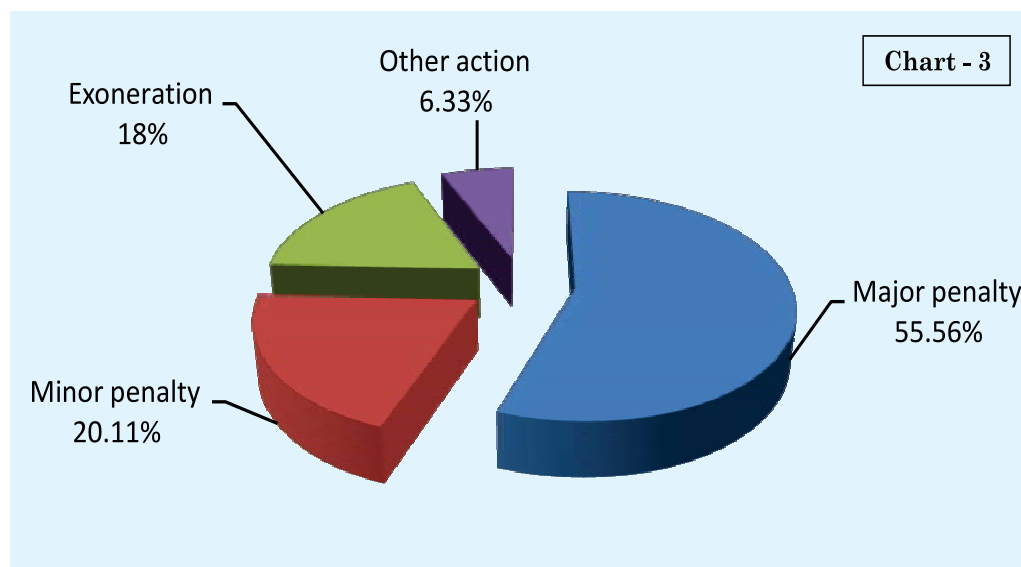
Table – 2

Second Stage Advice Cases during 2013

Nature of advice	On CDI's Reports	On cases received from CVOs	Total
Major penalty	25	475	500
Minor penalty	09	172	181
Exoneration	02	160	162
Other action	01	56	57
Total	37	863	900

2.10 The Commission while tendering its second stage advice, recommended imposition of major penalty in 500 cases (constituting 55.56 percent of the total) and minor penalty in 181 cases (constituting 20.11 percent of the total) during the year 2013. In 18 percent of the cases, the charges could not be proved conclusively. The percentage figures regarding various actions advised by the Commission has been indicated in Chart-3.

Second Stage Advice Cases



V Punishments and Prosecution

2.11 In pursuance to the Commission's advice, the competent authorities in various organizations, issued sanction for prosecution against 176 public servants. Major penalties have been imposed on 1113 public servants and minor penalties on 1141 public servants during 2013 (Table-3 and 3(A)). The nature of punishments awarded in percentage terms during the year has been indicated in Chart-4.

Table – 3

Punishments Awarded

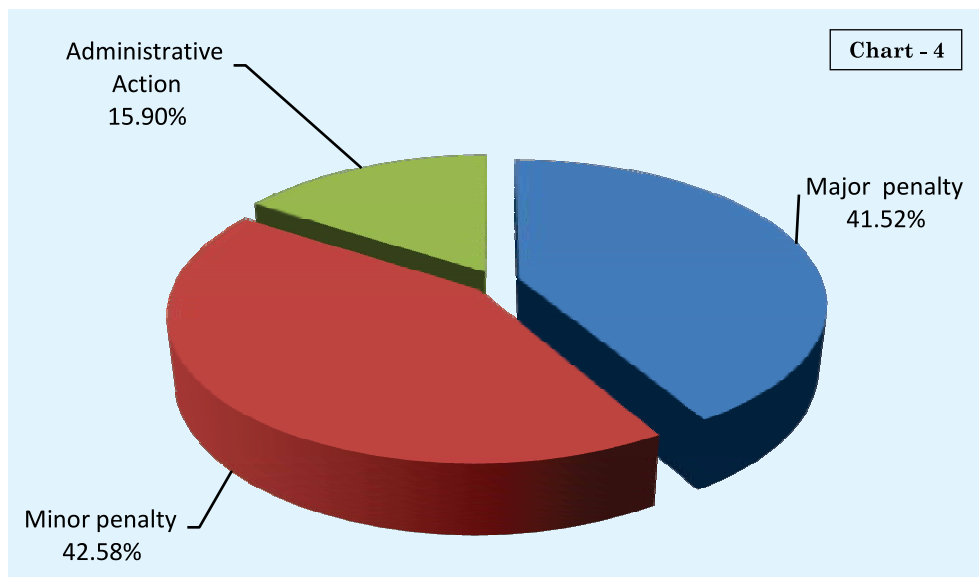
Year	Punishments awarded			
	Major penalty	Minor penalty	Administrative Action	Total
2009	876	947	381	2204
2010	994	1269	457	2720
2011	897	1039	376	2312
2012	1051	1125	331	2507
2013	1113	1141	426	2680

Table – 3(A)

Prosecutions Sanctioned

Year	Prosecution sanctioned (number of officers)
2011	183
2012	199
2013	176

**Imposition of Penalties during 2013
Nature of Punishment (% Share)**



2.12 A few cases of deterrent actions taken against senior officers based on the Commission's advice are:-

Action Taken	Details of officials
Sanction for Prosecution	<p><i>Nine IAS officers, Ministry of Personnel, P.G & Pensions</i> <i>Two IPS officers, Ministry of Home Affairs</i> <i>One Divisional Railway Manager, Ministry of Railways</i> <i>Chairman, RRB Allahabad, Ministry of Railways</i> <i>One Financial Advisor & Chief Accounts Officer, M/o Railways.</i> <i>One General Manager, Oriental Insurance Company Ltd.</i></p>
Dismissed/Removed from Service	<p><i>Two IRS officers, Central Board of Direct Taxes,</i> <i>One Commandant of CRPF, Ministry of Home Affairs</i> <i>Sr. Divisional Medical Officer, Ministry of Railways</i> <i>One General Manager, MMTC Ltd.</i> <i>One Deputy General Manager, MMTC Ltd.</i> <i>One Deputy General Manager, Delhi Transco Ltd.</i></p>
Compulsory retired from Service	<p><i>One Section Engineer, Bureau of Indian Standards</i></p>
Cut in Pension	<p><i>One IRS officer, Central Board of Direct Taxes</i> <i>Two Chief General Managers, Bharat Sanchar Nigam Ltd.</i> <i>One General Manager, Canara Bank,</i> <i>Four Chief Engineers, Delhi Development Authority</i> <i>One Chief Engineers, Delhi Jal Board</i> <i>One Director, Delhi Urban Shelter Improvement Board</i> <i>One Chief Medical Officer, New Delhi Municipal Council</i> <i>One Regional Director, Employees State Insurance Corporation</i> <i>One Director (Planning), Department of Heavy Industry</i></p>
Reduction of Pay to lower stage	<p><i>Four General Managers, Department of Telecommunications.</i> <i>Three General Managers, Airport Authority of India</i> <i>One General Manager, Food Corporation of India</i> <i>Three General Managers, Punjab National Bank</i> <i>Four General Managers, Syndicate Bank</i> <i>Two General Managers, UCO Bank</i> <i>Two General Managers, Union Bank of India</i></p>

2.13 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 Central Board of Excise & Customs has issued sanction for prosecution in 37 cases, Ministry of Railways in 25 cases, UCO Bank in 13 cases, Central Board of Direct Taxes in 11 cases, Punjab National Bank in 10 cases and Syndicate Bank in 6 cases. **Appendix-II** provides organization-wise breakup of the number of cases wherein either sanction for prosecution has been accorded or a penalty has been imposed on the public servants during the year in cases where Commission's advice was obtained by the Organisations.

2.14 During the year 2013, the maximum number of punishments imposed including administrative action taken against public servants are Ministry of Railways (600), Bank of Baroda (153), Central Board of Excise & Customs (128), State Bank of India (127), Department of Telecommunications and Services (124), Syndicate Bank (110), Punjab National Bank (80), Union Bank of India (77), Vijaya Bank (73), Indian Oil Corporation Ltd (71) and Delhi Development Authority (65).

2.15 An analysis of the penalties so imposed, reveals that major penalties of the higher order, viz. dismissal, removal and compulsory retirement from service were inflicted on 74 officers by the disciplinary authorities in various organizations.

VI Pendency

2.16 During the year 2013, out of a total of 6927 cases received (including 1504 brought forward), the Commission disposed of 4801 cases – leaving a pendency of 2126 cases at the end of 2013 (Table-4).

Table – 4

Number of Cases Received and Disposed of during the Year – 2013

Cases	Investigation Reports (1st stage)	Inquiry Reports and minor penalty cases (2nd stage)	Other Reports/ cases of reconsideration etc.	Total
Brought forward	1158	225	121	1504
Received	2941	943	1539	5423
Total	4099	1168	1660	6927
Disposed of	2441	900	1460	4801
Percentage of disposal	59.55	77.05	87.95	69.30
Carried forward to 2014	1658	268	200	2126

(Out of 2126 cases pending at the end of 2013, 961 cases were pending for want of further clarifications from Departments/comments on CBI reports from the concerned organisations.).

2.17 The Commission continuously monitors all aspects relating to the examination of cases and dispatch of advices of cases in its internal meetings with the various wings of the Commission. The pendency in the Commission is attributable to the posts of Deputy Secretaries/Directors which remained vacant during the year under report.

VII Handling of Complaints in the Commission

2.18 Complaints are received in the Central Vigilance Commission either by post from complainants or through the complaint lodging facilities available on the Commission's website or through toll free number provided by the Commission. The complaints are also referred from other organizations engaged in fight against corruption. The Chief Technical Examiners Organization of the Commission, while conducting inspections of works/ procurements etc., looks into the aspects of lapses and irregularities which may become a vigilance reference subsequently.

2.19 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 organisations, in-house journals, publications and also to organise seminars/sensitizations etc. to inculcate greater awareness so as to encourage public and insiders to come forward and lodge/report information of corrupt practices or misuse of office to the Central Vigilance Commission. Sometimes, the complaints are addressed to the Commission while forwarding copies of the same complaint to other authorities concerned, thus disclosing the identity of the complainant while also seeking protection under PIDPI. At times, even separate complaints are lodged containing similar allegations to authorities other than the Commission thereby compromising the secrecy and safety of the complainant. Even so, the Commission has issued guidelines asking the organizations not to subject the complainant to any kind of harassment because of his having lodged a complaint, even if, at any time, the identity of the complainant gets revealed through any source.

2.20 The Commission has laid down 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 appropriate agency to conduct investigation into the matter and report to the Commission expeditiously. After examining the report from the organization concerned, the Commission advises them about further appropriate 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.

VIII General Complaints

2.21 The Commission recognizes the importance of complaints as a good source of information. This is reflected in the increasing number of complaints being received in the Commission. However, many of these complaints received by it pertain to procedural lapses and

administrative violations or even against officers not within the jurisdictions of the Commission. Scrutiny of the complaints received in the Commission indicates that numbers of complaints on which inquiry/investigation reports have been called from the concerned Chief Vigilance Officers form a small proportion.

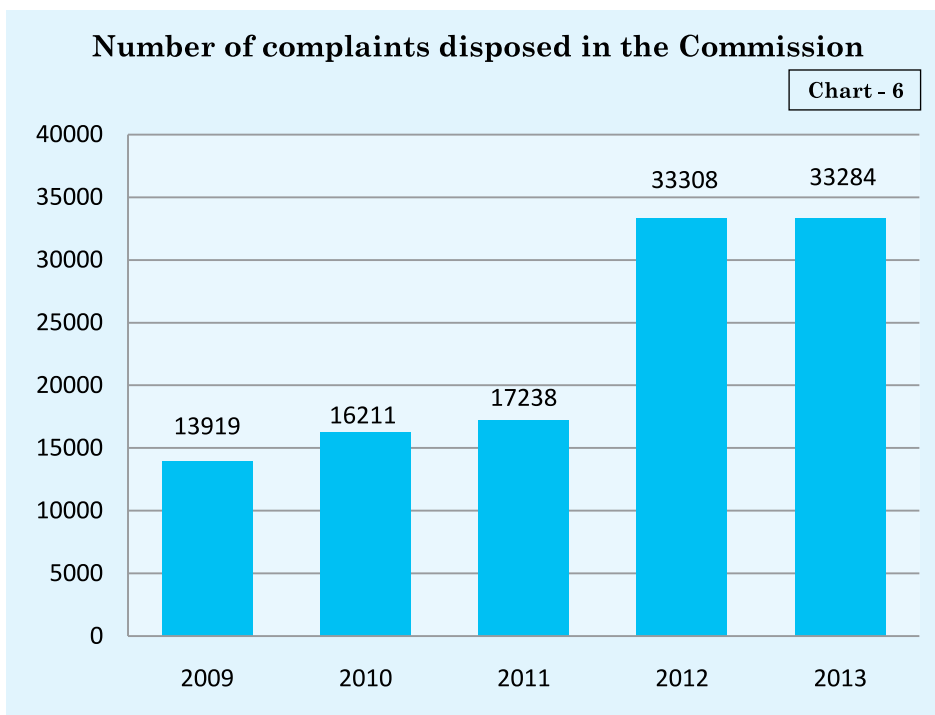
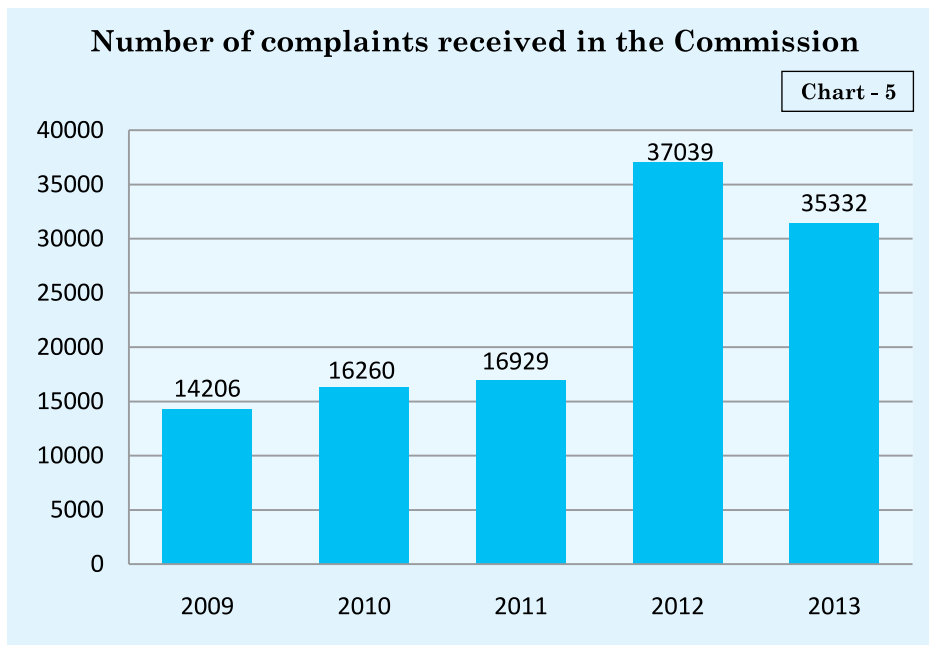
- 2.22 A large number of complaints being received in the Commission are anonymous/pseudonymous in nature. In majority of such complaints, the intention of the complainant is to harass someone rather than reporting corrupt activities. Therefore, as a general policy, anonymous/pseudonymous complaints are not entertained. However, the Commission has issued directions to seek Commission’s prior approval if any department/organisation proposes to look into complaints having verifiable / specific allegations alleged in such complaints.
- 2.23 During year 2013, the Commission received a total of 35332 complaints which includes 3900 complaints brought forward from the previous year. Of these complaints, about 4.5% were anonymous / pseudonymous, which were filed in accordance with the Commission’s complaint handling policy. In majority of complaints the allegations were found to be either vague allegations or containing administrative issues. The Commission also received a considerable number of complaints against public servants working in the state governments etc. who do not come under the jurisdiction of the Commission.
- 2.24 In the year 2013, a total of 35332 complaints were received (including 3900 brought forward from 2012), out of which 33284 complaints were disposed of during the year 2013 and 2048 complaints remained pending at the end of the year. Table-5 indicates the nature of complaints received and action taken thereon.

Table – 5

Complaints received and disposed in the Commission during 2013

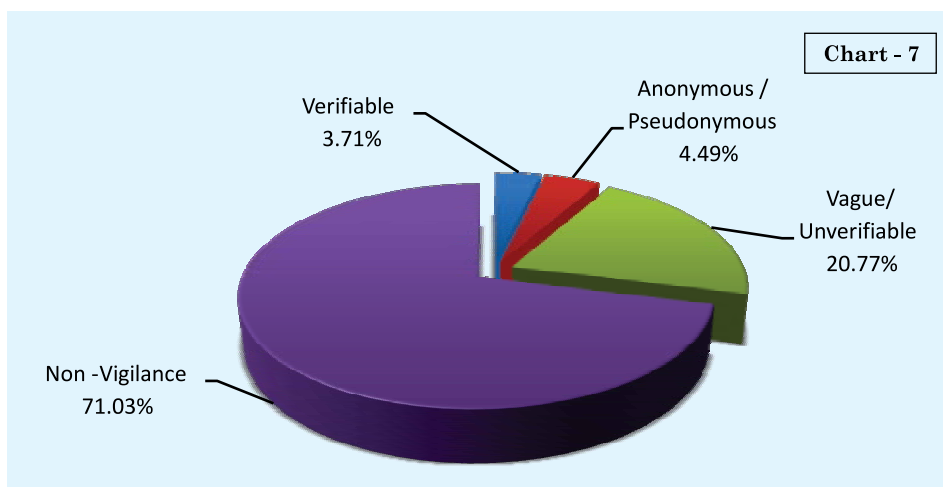
Complaints	Nos.	Action Taken
No. of complaints received and brought forward	35332	
Anonymous/Pseudonymous	1495	Filed
Vague/Unverifiable	6912	Filed
Non-vigilance / officials not under CVC jurisdiction	23640	For necessary action to organisations/ departments
Verifiable	1237	Sent for investigation to CVO/CBI
Total disposed of	33284	
Carried forward to 2014	2048	

2.25 The comparative figures of complaints received and disposed by the Commission during the last five years are given in Chart-5 and Chart-6 below:-

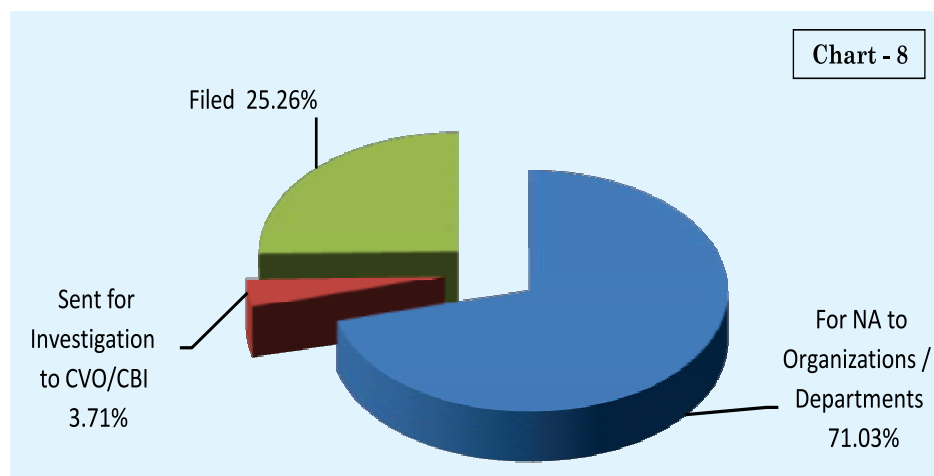


2.26 After a scrutiny of complaints received in the Commission, only 1237 (3.71 percent) complaints were found serious enough to warrant further follow up at the Commission's end and these complaints were forwarded to the CVOs concerned or the CBI, for investigation and report. Charts 7 and 8 provide break-up of all the complaints received and action taken thereon in percentage terms.

Nature of complaints (% share)



Action taken on complaints (% share)



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

such situation, the Commission may call CEOs/CVOs concerned personally with records/documents.

IX IT enabled Core Processing

2.28 CVC initiated the IT enabling of Core Processes in 2010. The aim of the application was to convert the core processing into electronic form and provide value addition through better tracking, monitoring and storage of information. During the year 2013 there has been a significant rise in usages of application. All complaints received in the Commission are being handled electronically through this software. It has helped in reducing the handling of paper files. It has also helped in minimising delays in correspondence, enhancing efficiency in record keeping etc. The Commission plans to gradually integrate the application with the office of CVO thereby minimising time loss involved in physical movement of documents. The application also aims at converting HR management and information relating to administrative matters in to electronic form. Apart from improving operational efficiency, the IT applications aim at making the Commission's working citizen-friendly.

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

2.29 Under Public Interest Disclosure and Protection of Informers' Resolution dated 21st April, 2004, the Central Government had designated the Central Vigilance Commission as the Agency to act on complaints from "whistleblowers". The Commission was entrusted with the responsibility of keeping the identity of the complainant confidential. The Commission has adopted a mechanism of having a Screening Committee which meets periodically to decide on action to be taken on such complaints. The prescribed time limit for investigation and report in respect of PIDPI complaints is one month. Periodic review takes place at the highest level so as to ensure timely submission of report. In the event of any reported threat to life/physical injury, the Commission may issue directions to competent authorities for ensuring protection to whistleblowers.

2.30 During 2013, the Commission received 842 (includes 144 complaints brought forward from the previous year) complaints under PIDPI Resolution. Out of these, 240 complaints were sent to the CVOs concerned or CBI for investigation/discreet verification of facts/comments which constitute 29.85 percent of such complaints. 557 (69.27 percent) of these complaints were sent for necessary action and 7 complaints (0.87 percent) being anonymous / pseudonymous or without vigilance angle were filed, thus leaving a pendency of 38 complaints. Table – 6 below gives the nature of complaints received under PIDPI Resolution and action taken by the Commission on them during the year.

Table – 6

**Complaints Received and Disposed of during 2013
Under the PIDPI Resolution**

Complaints Received	Nos.	Action Taken
No. of complaints received and brought forward	842	
No. of complaints filed	07	
Non-vigilance	557	For necessary action to Organizations/ Departments.
Verifiable	240	For inquiry/investigation to CVO / CBI
Total disposed of	804	
Carried forward to 2014	38	

XI International Cooperation

2.31 The Commission has increased its engagement in international cooperation with an aim of increased sharing of information among various anti-corruption agencies. This not only helps in exchange of international best practices but also increasing the foot prints of the Commission in the global arena. Some of the international cooperation efforts made by the Commission have been detailed as below:-

- (i) Central Vigilance Commission organized the Executive Committee Meeting of International Association of Anti-Corruption Authorities (IAACA) from 8th -10th April, 2013 at New Delhi. The Central Vigilance Commissioner is an member of the Executive Committee member of IAACA since its inception. CVC is also leading a ten member task force on Knowledge Management. A meeting of the task force on Knowledge Management was also held on the side lines of the Conference. The IAACA has been instrumental in the fight against corruption. Its principal purpose has been to promote and support the implementation of the United Nations Convention Against Corruption (UNCAC), fostering constructive collaboration among its members in prevention, asset recovery and international cooperation.
- (ii) Shri Pradeep Kumar, Central Vigilance Commissioner attended The Seventh Annual Conference and General Meeting of the International Association of Anti-Corruption Authorities (IAACA) at Panama City, Panama from 22-24th November, 2013. The information sharing system developed by the Central Vigilance Commission- Information Sharing and Analysis Against Corruption (ISAAC) was launched by H.E. Professor Cao Jianming, President of IAACA.
- (iii) A Memorandum of Understanding (MoU) between Central Vigilance Commission and Komisi Pemberantasan Korupsi (KPK) of the Republic of Indonesia for International

Cooperation on Combating Corruption was signed on 10th October, 2013 by Shri Pradeep Kumar, Central Vigilance Commissioner and Mr. Abraham Samad, Chairman, Komisi Pemberantasan Korupsi, Komisi Pemberantasan Korupsi (KPK). The MoU provides to establish and strengthen international cooperation, collaborative efforts through encouragement of sharing and exchange of studies, research and information, training and exchange of expertise on operational measures etc. The MoU is one of the six MoUs signed between India and Indonesia during the bilateral meeting between Prime Minister Manmohan Singh and President Susilo Bambang Yudhoyono of the Republic of Indonesia to strengthen strategic partnership between the two countries.

- (iv) A delegation from Malaysian Anti-Corruption Commission (MACC) called on Shri Pradeep Kumar, Central Vigilance Commissioner, on 19th November, 2013 to share experiences of the Central Vigilance Commission in anti-corruption activities.
- (v) Shri J.M. Garg, Vigilance Commissioner attended the Conference of the States Parties to the United Nations Convention against Corruption Fifth Session from 25-29th November, 2013 at Panama City, Panama on review of the implementation of the United Nations Convention Against Corruption (UNCAC).
- (vi) Shri R. Sri Kumar, Vigilance Commissioner attended a programme of high level representatives of anti-corruption authorities from the South, East and Southeast Asia and anticorruption experts from around the world at Kuala Lumpur Malaysia on 21-22 October, 2013 at the invitation of the United Nations Office on Drugs and Crime (UNODC) and the United Nations Development Programme (UNDP), in partnership with the Government of Malaysia, to discuss a set of Guidelines for Anti-Corruption Strategies, that could instruct the process of developing, designing and implementing sustainable anti-corruption strategies.

XII Information Sharing and Analysis Against Corruption (ISAAC)

2.32 The Information Sharing and Analysis Against Corruption (ISAAC), is an information sharing system developed by the Central Vigilance Commission to ensure global cooperation in checking black money and initiating anti-corruption measures. A knowledge management system, ISAAC will facilitate exchange of information about anti-corruption organisations, systems, procedures, practices and experiences among member organisations and other stakeholders across the world.

2.32.1 The purpose of ISAAC is to enable international cooperation in enforcement of anti-corruption measures and prevention of corruption and development of new approaches to tackle graft. It will also help in capacity building of anti-corruption authorities and members can share best practices being followed by them to check corruption. About 219 anti-corruption authorities across the world are part of this global online mechanism, which can

be accessed at www.isaac.nic.in. The user-friendly website will have data on anti-corruption practices being followed by other countries. The portal is being maintained by the CVC.

XIII Vigilance Awareness Week – 2013

2.33 The Commission observes Vigilance Awareness Week every year as an outreach measure. In the year 2013 Vigilance Awareness Week was observed on the theme of ‘Promoting Good Governance – Positive Contribution of Vigilance’. A report regarding the way the week was observed by various Ministries/Departments/ Organisations was also sought by the Commission. Compilation of reports received in this regard indicated that a total of 306 organisations had furnished the report to the Commission on observance of Vigilance Awareness Week 2013. Besides pledge taking ceremony, various other awareness activities were also organised by Ministries/Departments/Organisations. Vigilance Manuals and other manuals for functional areas like works, purchase, procurements etc. were also brought out. Some of the important activities organised were (i) Training classes for vigilance officials on various aspects of disciplinary proceedings (ii) Handout containing Frequently Asked Questions (FAQ) was circulated apprising role of CVC and relevant information on RTI & anti corruption measures (iii) Essay competitions, Slogan writing and Quiz programmes for awareness in vigilance and prizes were also distributed (iv) Procedures for lodging complaints including whistle blower complaints publicised at prime locations. (v) Vigilance newsletter/journals brought out (vi) Talks on corruption and vigilance related held to motivate officials and (vii) Booklets on “compendium of circulars” and “case studies” were published. In addition, CVC, VCs and other officers of the Commission participated and addressed employees of various organisations during the week. They urged the employees to follow systems and procedures fearlessly and not to make hasty, biased decisions in functional areas.



Zonal Review Meeting of the Commission with CVOs of Health & Family Welfare, Education and Information & Broadcasting Sectors held on 08.08.2013 at New Delhi

Activities during Vigilance Awareness Week 2013



Pledge taking ceremony in the Commission during Vigilance Awareness Week 2013



Prize distribution ceremony during Vigilance Awareness Week - 2013

CHAPTER - 3

SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION

3.1 The Central Vigilance Commission Act, 2003 provides for effective superintendence over vigilance administration of various Ministries of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by Central Government. The Central Vigilance Commission exercises its function of superintendence over vigilance administration through Chief Vigilance Officers (CVOs) of the concerned organisation, its extended arms. The CVOs are mandated to exercise duties and responsibilities of vigilance administration on behalf of the Commission and the CVOs in-turn are constantly monitored by the Commission for their effective functioning.

3.2 Though primary responsibility for maintaining integrity and effective vigilance administration rests with the CEOs/Heads of the organisations, the Commission's impartial and objective advice keeps the organisation to take suitable action. The Commission advises the organizations with regard to appropriate punitive action or preventive / corrective action, as the case may be, as and when required, based on material and verifiable records, leaving final action to the disciplinary authority of the organisation concerned, thus discharging its advisory role.

I Performance of the Chief Vigilance Officers

3.3 The Commission monitors the performance of the Chief Vigilance Officers through a well established mechanism like monthly reports, annual performance assessments reports and review in the sectoral / zonal meetings convened by the Commission from time to time.

3.4 CVOs are also required to send quarterly progress report to the CTEO of the Central Vigilance Commission giving details about the major purchases/procurements/works undertaken or being under-taken by the organization. From these reports the CTEO selects some of the works, as a test-check, to be undertaken for intensive examination. As a measure of vigilance administration, the Commission has also 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.

3.5 Chief Vigilance Officers of Ministries/ Departments/ Organisations are required to submit Annual Reports of vigilance activities to the Commission every year. The performance of the CVOs for the year 2013, as per information reported in their annual reports, is reflected in **Appendix III (A to F)**. List of organizations who have submitted their annual reports are at **Appendix III-G**. During the year 2013, punitive action was taken in 17672 cases (for all categories of officers) dealt with by the CVOs, as per the figures provided. Further, major

penalty was awarded in 5106 cases and minor penalty was awarded in 11749 cases. These details are given in Table-7 below.

Table - 7

Details of penalties imposed in cases handled by the CVOs

Nature of Penalty	No. of officers
Major Penalty	5106
Cut in pension	212
Dismissal/Removal/Compulsory retirement	1097
Reduction to lower scale/rank	2267
Other major penalty	1530
Minor penalty	11749
Minor penalty other than censure	7598
Censure	4151

Note: This data is not comprehensive since the data is based on annual reports sent by the organizations and some organizations have not sent their annual reports.

- 3.6 The Commission also holds sectoral meetings every year with the CVOs to review their performance and for exchange of views. These meetings provide an opportunity to CVOs to seek Commission's guidance on various issues relating to vigilance administration in their organizations. The Commission also takes this opportunity to inform the CVOs about the focus areas where they need to pay greater attention to ensure that the vigilance mechanism functions smoothly and effectively. During the year 2013, the Commission had also invited the Chief Executives of the Organisations alongwith the CVOs for the review meetings. Seventeen(17) sectoral review meetings were held in which 168 Organisations participated covering a wide spectrum of Ministries, Departments, Public Sector Banks, Insurance Companies, Financial Institutions, Power, Coal, Petroleum, Steel, Mines and Industry Sector PSUs, Port Trusts & Local Bodies etc.
- 3.7 In these sectoral meetings, the Commission emphasized on participative vigilance and for harmonising the vigilance administration by both CEOs and CVOs. It was stressed that vigilance is to be used as a tool to ensure integrity in the business being carried out by various organisations. Organisations were advised to sensitise officials on manuals of functional areas and vigilance administration. Vigilance Administration by the CVOs through use of technology particularly evaluation of systems, learning from past experiences, and emulating best corporate practices which can directly and indirectly address the problems of majority of citizens was stressed by the Commission. It was further stated that computerization will bring more transparency and lessen the abuse of system. The need for competitive bidding for ensuring transparency in public procurements, to maximize economy and efficiency to provide fair and equitable treatment of all tenderers which would reduce

scope for irregularities and corrupt practices was emphasised. The benefits of leveraging of technology for streamlining procurements and adopting e-tendering were reiterated.

- 3.7.1 Commission also emphasised the need for holding structured review meetings by the Head of the Department/Chief Executive with CVO for review of vigilance work in the organisation and to draw minutes for action on a quarterly basis. During the review, CVOs were advised to adhere to time limits laid down for vigilance activities. Concern was expressed about the tendency to make last minute references to the Commission (before retirement or on the verge of promotion) and that all efforts must be made to avoid such late references, which is unfair to retiring officers. It was conveyed that knowledge gap should be reduced for which continuous training of people is important. Organisations were advised to update procurement/works manuals so that they are in tune with the modern requirements.

II Pendency with the CVOs

- 3.8 Status of complaints and cases pending in the organizations concerned are constantly reviewed by the Commission as timely finalization of investigation into complaints and completion of disciplinary proceedings is of paramount importance for effective vigilance administration. At the close of the year 2013, 15514 complaints were pending with the CVOs concerned for investigation out of which 6544 complaints were pending beyond a period of 6 months. The complaints forwarded by the Commission, including complaints received under the Whistle Blower Resolution, mainly relating to officers under the Commission's jurisdiction, were 3821 out of which 1549 were still pending at the close of year 2013. The number of departmental inquiries pending with the inquiry authorities was 1768 in respect of officers under the jurisdiction of the CVC and 5697 in respect of officers outside its jurisdiction.
- 3.9 As per the information made available to the Commission by various organizations, the CBI referred cases involving 435 officials of all categories for sanction of prosecution during the year under report. Sanctions for prosecution in respect of 304 officials were given by the Competent Authorities. Sanction for prosecution against 49 officials was denied. As on 31/12/2013, requests for sanction for prosecution involving 82 officials were reported as pending.
- 3.10 The priority of the Commission is to accelerate the process of investigation of complaints and finalisation of disciplinary proceedings. The Commission has, therefore, been emphasizing on timely completion of vigilance cases. Periodical reminders are issued to the disciplinary authority where undue delays have taken place. Wherever necessary, the Commission calls the Heads of the organization along with the CVOs to find out the reasons of delay and to finalize such cases expeditiously. The Commission has been impressing upon the organizations that timely completion of investigations/cases ensures that guilty officials are punished promptly whereas honest officials caught in a vigilance case are absolved without any delay.

III Appointment of CVOs

- 3.11 Vigilance division of the organisation concerned is headed by the Chief Vigilance Officer, who acts as an advisor to the chief executives in all matters pertaining to vigilance. He also provides a link between the organisations and the Central Vigilance Commission and also with the CBI. The Commission carries out its mandate of superintendence of vigilance administration through the CVOs. Therefore, the candidature for appointment of CVO in each organization is scrutinised carefully by the Commission. CVOs are also responsible for implementing Commission's advices and guidelines issued by the Commission.
- 3.12 During the year 2013, the Commission, approved the suitability of 62 officers for appointment to the post of CVOs in various organizations. Further, it has also approved names of 88 officers for appointment as part time CVOs in various Ministries / Departments / Autonomous Bodies.
- 3.13 Vigilance administration in the Ministries/Departments needs to be strengthened. As per existing mechanism, the post of CVOs are part time in the Central Ministries/Departments and officers of the level of Additional Secretary/Joint Secretary/Director in the administrative Ministry/Department are entrusted with the charge of vigilance function in addition to their normal work. Commission is of the considered view that major sensitive Ministries like Defence, Commerce, Information & Broadcasting, Petroleum, Heavy Industry and External Affairs need to have full-time CVOs. In case of smaller departments, a full-time CVO for a group of Ministries/Departments is required as part-time CVOs are unable to devote adequate attention to vigilance work as well as for neutrality and avoiding conflict of interest issues. In addition, in the Ministry of Railways, Central Board of Direct Taxes and Central Board of Excise and Customs the CVOs are full time but from within the organisation itself. The Commission therefore, had suggested that an outsider CVO (i.e. an officer from All India Services or other Group 'A' Central Services) is required for impartiality and avoiding conflict of interest.

IV Vigilance Clearance

- 3.14 The Commission provides vigilance clearances for senior level positions/empanelment and also for Board level appointments in the Public Sector Undertakings etc. During the year 2013, a total of 315 vigilance clearances were processed and issued by the Commission for the Board level appointments.

V Instructions regarding conduct of CVO's functioning in Banks & other organisations (Circular No. 01/02/13 dated 08.02.2013)

- 3.15 The Commission has been emphasising the need for CVOs functioning in Bank and other organisations to show exemplary conduct in their functioning while availing perks from the organisation where they are working as the independence of their functioning and vigilance administration will be adversely affected if they seek favours for themselves. The

Commission in February 2013 issued a circular advising all CVOs to be prudent and refrain from availing any extra facilities/benefits beyond their eligibility from the Managements of the organisation they are working in.

VI Instructions regarding rotation of officials working in sensitive posts (Circular No. 03/09/13 dated 11.9.2013)

3.16 The Commission in the superintendence of vigilance administration over the years has observed that rotational transfers are not effected in many organisations due to which officials continue to remain in the same posts for long periods. Such overstay and continuous postings afford scope for indulging in corrupt activities, developing vested interests etc. which may not be in the interest of the organisation. The Commission has been, therefore, advocating periodical rotation of officials holding sensitive posts/jobs. The Commission reiterated these guidelines in the month of September 2013 to the Heads/CVOs of all Departments/Organisations to ensure strict compliance of the Commission's guidelines and implement the same in letter and spirit. Further, the CVOs have been asked to specifically report the action taken indicating the number of officials rotated/transferred in the respective organisations in the Monthly Report of CVOs submitted to the Commission in future.

VII Integrity Pact

3.17 The Commission has been emphasizing/promoting transparency and fair play in the functioning of the government organizations. As a part of systemic improvements in vigilance administration, the Commission has been advocating transparency, equity and competitiveness in public procurements also. Integrity Pact (IP), a concept promoted by Transparency International India (TII) is an effort in this direction. The Commission issued guidelines in this regard to all organizations under its advisory jurisdiction to incorporate/adopt Integrity Pact as part of tendering process in all major procurements by them voluntarily.

3.18 The IP essentially envisages an agreement between the prospective vendors/bidders and the buyers committing the persons/officials of both the parties, not to exercise any corrupt influence on any aspect of the contract. Only those vendors/ bidders who have entered into such an Integrity Pact with the buyer would be competent to participate in the bidding. In other words, entering into this Pact would be a preliminary qualification. The Integrity Pact in respect of a particular contract would be effective from the stage of invitation of bids till the complete execution of the contract.

3.19 The Commission also directed the organizations to appoint a panel of Independent External Monitors (IEMs), as envisaged in the Integrity Pact in order to ensure proper implementation of the Integrity Pact. The IEM has the power to access all project documentation and to examine any complaint received by him and is required to submit a report to the Chief Executive of the organization, at the earliest. The IEMs are persons of high integrity and repute with experience. Their names are approved by the Commission, for appointment as IEMs.

- 3.20 After issue of guidelines by the Commission, various Ministries / Departments/ Organizations of Govt. of India have approached the Commission for appointment of IEMs. The Commission has approved names for appointment of IEMs in nearly 85 (eighty-five) Ministries/Departments/Organizations.
- 3.21 The Commission issued a “Standard Operating Procedure” (SOP) for Integrity Pact vide circular dated 18.5.2009. Further, the Commission vide circular dated 11.08.2009 clarified that review/internal assessment of the impact of IP are to be carried out on annual basis and reported to the Commission through monthly reports of CVO’s. Commission reviews the status of implementation of Integrity Pact in an organisation from time to time.
- 3.22 M/o Finance, D/o Expenditure (DOE) vide OM No. 14(12)/2008-E-II(A) dated 19.7.2011 has also issued circular for implementation of Integrity Pact in Ministries/Departments/Organisations. After issuance of guidelines on integrity pact by D/o Expenditure, it has become mandatory for all Ministries/Departments of Govt. of India to implement integrity pact. Further, appointment of IEMs is required to be done in consultation with Central Vigilance Commission.
- 3.23 During the year 2013, the Commission has considered appointment/ extension of IEMs in 40 (forty) Organisations, of which in 15 (fifteen) Organisations, IEMs have been nominated for implementation of Integrity Pact during the year.
- 3.24 An interactive discussion was held by the Vigilance Commissioners with some select IEMs, CMDs and CVOs of Public Sector Enterprises on 12.11.2013 to ascertain their views on Integrity Pact. Information regarding implementation of Integrity Pact in the organisations was furnished and several suggestions were made by the participants. Vigilance Commissioner stated that the IEMs can give system improvement suggestions if they come across systemic flaws and any systemic improvements suggested may be brought to the notice of the Commission also so that even other organisations can benefit from the same. It was also emphasised that the system should be made as fool-proof as possible so that corruption can be reduced. IEMs were also asked to have a look into the tender award process as and when required so that transgressions are eliminated. The feedback received from various organisations on implementation of Integrity Pact is encouraging.

VIII Systemic Improvements

3.25 Disciplinary action against Board level officers of Public Sector Banks/Insurance Companies/FIs etc – Incorporation of enabling provision in standard terms and conditions of appointment of Whole Time Directors (WTDs)

The issue relating to initiating disciplinary action in respect of Executive Directors and Chairman & Managing Directors i.e. Whole Time Directors (WTDs) while in service,

continuation of such proceedings after demission of office as well as initiation of action after demission of office was examined by the Commission. It was observed that on appointment to the Board Level post in a public sector bank, a person is deemed to have retired from the bank where he held the career post and takes up the tenure appointment as a fresh appointee, WTD. Commission observed that the existing standard terms and conditions of appointment of WTDs i.e. Board Level officers of Public Sector Banks/Insurance Companies/FIs etc., do not have a specific provision for initiating disciplinary action while in service. Department of Financial Services (DFS) informed the Commission that pension regulations of banks apply to the WTDs, since pension has been extended to them. The Commission is of the considered view that as provided in the standard terms and conditions of appointment of Board level officers in CPSEs by the Department of Public Enterprises (DPE) which enable initiation of disciplinary action while in service, similar provision should be provided for in the standard terms and conditions for WTDs of Banks/insurance Companies and FIs by Department of Financial Services. Further, adequate provision should also be available for continuation of proceedings under pension regulations after completion of tenure as well for initiation of proceedings under pension regulation upto four years as is in the Government. Commission advised the DFS on 06.08.2013 to provide for enabling initiation of disciplinary action against WTDs as well expeditiously.

3.26 Irregularities in availing of LTC facility by officials of Public Sector Banks and Insurance Companies etc.

Commission received complaints alleging irregularities and misuse in availing Leave Travel Concession (LTC) in violation of the guidelines/schemes by public servants in the Central Government, its Public Sector Enterprises (PSEs) and Public Sector Banks. The modus operandi adopted includes use of forged/fake Air India tickets & boarding passes, claiming irregular reimbursements and in many cases officials have not travelled at all. The officials indulge in irregular claims like travelling by flexi/easy fare tickets by Air India and receiving cash discounts for the difference between LTC fare and flexi/easy fare from travel agents. In PSEs and banks, the LTC facility is allegedly used by officials for visiting abroad in collusion with certain airlines and travel agents. Commission also noticed instances where officers of Public Sector Banks visited foreign destinations and thereafter visit the designated place in India using a circuitous route on flexi/easy fare and claims were settled on the basis of full fare of entitled class to the designated place in India. The guidelines and interpretation of 'circuitous route' were being abused in many cases. Instances of receipt of cash discounts from travel agents have also been observed. The Commission advised the Government in October 2013 to review the rules and guidelines for LTC and issue appropriate instructions to curb misuse of LTC facilities in the Government, as well as PSEs and PSBs. Guidelines have been issued by Indian Banks Association (IBA) to all Banks restricting foreign travel under LTC. Department of Financial Services (DFS) have also advised all Public Sector Banks, Financial Institutions, Insurance Companies etc., to formulate revised LTC/LTA schemes based on the principles prevailing in the Government of India scheme.

3.27 Policy for sale and purchase of overseas property by Nationalized Banks/SBI

The Commission observed that various banks are adopting different methods in sale and purchase of overseas properties. Commission, therefore, advised DFS to examine the issue in consultation with RBI and frame a uniform policy/guideline for purchase/sale of real estate as well as renting out the properties in foreign countries.

Induction training course for Chief Vigilance Officers held in the Commission in April 2013



CHAPTER - 4

AREAS OF CONCERN INCLUDING NON-COMPLIANCE AND DELAY IN THE IMPLEMENTATION OF THE COMMISSION'S ADVICE

4.1 The Central Vigilance Commission, under section 8(1) (g) of the CVC Act, 2003, tenders advice to organizations within its normal jurisdiction. The Commission also exercises superintendence over the vigilance administration of these organizations. The advice is tendered by the Commission based on a reasoned appreciation of all the facts and documents/records, relating to a particular case, brought to its notice by the organizations concerned. The Commission has noted with satisfaction that in a majority of cases, where the officials involved are covered under its advisory jurisdiction, the authorities concerned have accepted the Commission's advice and acted in accordance with them. Acceptance of the Commission's advice in majority cases by Disciplinary Authorities is an indication of the objectivity and fairness of the Commission's advice. However, it remains a matter of concern that in some individual cases of officers, covered under the Commission's jurisdiction, either the 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 advices tendered by the Commission have been diluted considerably without approaching the Commission for reconsideration of its advice.

I Cases of non-compliance and "selective approach"

4.2 The Commission has observed that during the year 2013, there were deviations from the Commission's advice. Any failure on the part of the organizations concerned to seek the Commission's advice in vigilance related matters involving the category of officials under its jurisdiction or the organizations unwillingness to accept the Commission's advice against some officers are viewed as examples of a "selective approach" by the organizations in order to favour / disfavour certain officers, which not only affects the credibility of the vigilance administration but also weakens organization's objectivity and impartiality. Instances of some organisations letting off delinquent officials without punishment or with lighter penalties conveys wrong signals to the entire organisational set-up that wrong doers can go scot-free and emboldens other officers also to resort to abuse of their position / powers. Whenever such cases come to the Commission's notice, its concerns are conveyed to the organizations. Some of the significant cases of deviations from the prescribed procedure or of non-acceptance of the Commission's advice have been specifically illustrated in Table-8 below:

Table – 8
Cases of non-compliance/non-consultation/non-acceptance

S. No.	Department/ Organisation	Commission's Advice	Action taken by the Department	Remarks
1.	Bureau of Indian Standards	Major Penalty	Minor Penalty	Non-compliance*
2.	Central Public Works Department	Major Penalty	Exoneration	Non-compliance
3.	Delhi Development Authority	Major Penalty	Exoneration	Non-compliance**
4.	Delhi Development Authority	Major Penalty	Exoneration	Non-compliance**
5.	Delhi Development Authority	Major Penalty (2 officials)	Minor Penalty (1 official) Exoneration (1 official)	Non-compliance
6.	Delhi Development Authority	Major Penalty	Exoneration	Non-compliance
7.	Delhi Jal Board	Major Penalty	Exoneration	Non-compliance*
8.	LIC Housing Finance Ltd.	Major Penalty	Minor Penalty	Non-compliance
9.	Ministry of External Affairs	Major Penalty	Exoneration	Non-compliance
10.	Ministry of Railways	Major Penalty	Exoneration	Non-compliance
11.	Ministry of Railways	Minor Penalty	Counselling	Non-compliance
12.	Ministry of Railways	Major Penalty	Minor Penalty	Non-compliance
13.	Municipal Corporation of Delhi	Major Penalty (3 officials)	Exoneration (3 officials)	Non-compliance
14.	Municipal Corporation of Delhi	Major Penalty	Exoneration	Non-compliance
15.	Oil & Natural Gas Corporation Ltd.	Major Penalty (2 officials)	Exoneration (2 officials)	Non-compliance**
16.	Oil & Natural Gas Corporation Ltd.	Minor Penalty (3 officials)	Exoneration (3 officials)	Non-compliance*
17.	State Bank of India	Major Penalty (3 officials)	Censure (2 officials) Exoneration (1 official)	Non-compliance

(* - cases finalised by Appellate Authority ** - cases finalised by Revising Authority)

The illustrative brief of the cases given in Table 8 are as follows:-

Bureau of Indian Standards

Case 1

Charge

Passing of inferior quality bulbs as ISI approved domestic lighting bulbs by Delhi Marks, Bureau of Indian Standards (BIS).

Advice

Commission in agreement with the Bureau of Indian Standards, advised initiation of major penalty proceedings against a Scientist-E of BIS.

Brief

The allegation was that Scientist-‘E’ drew the sample of GLS Lamps having dual markings of a firm during his posting in Marks Department, Delhi-II. These lamps were having marking of Philips Brand, which is one of the reputed brands, on which original marking were removed by the firm by scratching and the marking of the said firm was made to prove that the same was made by this licensee. The then, Scientist-E deliberately accepted these lamps as sample so that they are passed in independent testing despite being sub-standard and leading to ISI mark.

Outcome

The Disciplinary Authority imposed a major penalty of reduction of one stage lower in time scale of pay for a period of three years with the condition that during this period the officer shall not earn increment of pay and on the expiry of this period, the reduction will have the effect of postponing the future increments of his pay. But, subsequently on appeal against this order, Appellate Authority of BIS has reduced the penalty imposed by the Disciplinary Authority to withholding of next increment for a period of two years without cumulative effect which is a minor penalty.

Central Public Works Department

Case 2

Charge

Irregularities in the award of work of Substation equipments and DG Sets at an Institute of Jalandhar by favouring a firm to award work based on forged certificates.

Advice

The Commission advised imposition of suitable major penalty on an Assistant Engineer (AE) of Central Public Works Department.

Brief

The official was not authorized to invite tender/issue press notice/issue amendment in Tender notice. There is no documentary evidence to support the fact that he acted on verbal instruction of superiors. He forwarded and recommended pre qualification (PQ) case without verification of authenticity of experience certificate to a firm. IO has held two charges out of three as proved.

Outcome

Director General, CPWD dropped the charges against the AE and issued only a caution to not repeat such lapses in future.

Delhi Development Authority

Case 3

Charge

Preparing supplementary agreements and scrutinizing the Running Account bill for payment of watch & ward service charges.

Advice

The Commission had advised imposition of suitable major penalty on an Assistant Accounts Officer (AAO) of Delhi Development Authority.

Brief

The officer had released an amount of ₹ 8,26,209/- to the Agency in violation of EM Circular No.509 dated 02.05.97 and had caused corresponding loss to DDA. During inquiry it was observed that the supplementary agreements were drawn for the period prior to 2-5-97 and bills scrutinised for the period prior to drawl of Supplementary Agreements, which was not in order. These agreements were drawn without the approval of the Competent Authority. Even the rates for payment of Watch and Ward Charges (WWC) had not been got approved from the competent authority. The R/A bills were scrutinised without checking whether all the obligations & liabilities had been fulfilled and also without the certificate recorded by Executive Engineer (EE) regarding fulfilment of all the obligations and liabilities of the main agreement and counter-signing by the next higher authority. The officer had not obtained the approval of the Chief Engineer (CE) concerned before recommending the payment. The officer had not followed the

specified instructions which stipulated that the payment was to be released with effect from the date when all the liabilities/obligations of the main agreement including the defect liability period had been fulfilled. In contravention of these provisions, the officer had allowed release of payment to the contractor without taking due cognizance of the defects in the work and without getting the same rectified.

Outcome

As per the Commission's advice, Disciplinary Authority i.e. Finance Member/DDA had imposed a penalty of reduction of pay by two stages in the pay scale held by him for a period of two years with cumulative effect against the AAO. The Appellate Authority i.e. Vice-Chairman, Delhi Development Authority rejected his appeal. However, Revising Authority i.e. Hon'ble Lt. Governor, Delhi accepted his appeal, set aside the penalty and exonerated the AAO of all the charges.

Case 4

Charge

Irregularities in watch and ward payments released under Civil Circle-IX for eleven numbers of works in Rohini, Delhi.

Advice

The Commission advised imposition of suitable major penalty on an Assistant Engineer (AE) of Delhi Development Authority.

Brief

The officer had recommended and forwarded bills for payment for watch and ward service charges for not only the period prior to the date of drawing of the supplementary agreement but also prior to 02.05.97 which was irregular since as per EM Circular No.474 dated 01.11.97 till the issue of EM Circular No.509 dated 02.05.97, payment of watch and ward was not permitted. Also the payment was released despite the fact that defects pointed out by the Quality Control wing of DDA had not been rectified. Further, payment should have been fulfilled and duly certified by the Engineer In-charge but payments were made without verifying the facts as to whether the services were actually provided by the contractor.

IO has held two Articles of charges as partly proved and two Articles of charges as not proved.

Outcome

Accordingly, Disciplinary Authority imposed the penalty of stoppage of one increment for a period of one year with cumulative effect on the officer. The Appellate Authority i.e. Vice-Chairman,

Delhi Development Authority rejected the appeal. However, Revising Authority i.e. Hon'ble Lt. Governor, Delhi set aside the penalty and exonerated the Assistant Engineer of all the charges.

Case 5

Charge

The Technical Audit of Eastern Division No.14, large scale deviations, ranging from ₹ 10 lakhs to more than ₹ 50 lakhs in 107 contracts were reported by Member (Engg.), DDA. The deviations had occurred mainly in earth work kerb stone/interlocking tiles and sign boards etc. The original tender limits had been exceeded by the Executive Engineers and there had been instances of gross violation of manuals/procedures.

Advice

The Commission advised imposition of a suitable major penalty on an Assistant Engineer (AE) and Junior Engineer (JE) of Delhi Development Authority.

Brief

The JE, while working as JE/ED14 allowed deviation in the execution of earth filling work. The total value of work deviated was to the tune of ₹ 217.93 lakhs against the tender cost of ₹ 47.39 lakhs. The necessity of execution of the work of earth filling under deviation is not established in respect of work development of 30.726 hectares land of District Centre and Facility Centre at Shastrri Park: construction of Arterial Road Work in District Centre.

The Assistant Engineer, while working as AE/ED14 failed to ensure recording to correct levels which resulted in over payment in respect of work D/o 46 hectares of land at CBD Shahdra of C/o Division Office Building of ED-14.

IO held one of the Article of charges as not proved against both the officials. Commission had observed that the findings are based on technical grounds and benefit of doubt has been given by the I.O. All the officials had contributed to the deviation during their tenure as has been admitted in the findings of I.O. Although, approvals are accorded by the Competent Authorities, the subordinates are duty bound to put up the proposal as per prescribed rules/guidelines. While all other officials connected with execution of each work have been found guilty for their respective share of responsibility and awarded major penalty, the remaining officials should not escape responsibility on the benefit of doubt and major penalty be imposed against them. Besides in disciplinary inquiry, strict parameters of proof beyond doubt are not required and are based on preponderance of probability. Accordingly, the Commission in disagreement with DA advised imposition of a suitable major penalty on the two officials.

Outcome

Disciplinary Authority i.e. Commissioner (P), DDA imposed a minor penalty of reduction by one stage for a period of one year without cumulative effect upon the JE. In respect of AE, the Disciplinary Authority i.e. Engineer Member, DDA exonerated him of the charges.

Case 6

Charge

Making payments for bogus works by resorting to fabrication of documents and huge deviations in various works.

Advice

The Commission had advised initiation of major penalty proceedings against a Chief Engineer (CE) of Delhi Development Authority.

Brief

Case records of eleven works out of ninety-two works executed were investigated by the CE, who was the SE incharge of Civil Circle-I, when seven out of these eleven works were executed under SWD-2. The main charges were:-

- (i) All these works had been taken without Administrative Approval and Expenditure Sanction or ARMO though requisitions for issue of budget slip were signed by SE/CC-1.
- (ii) Large scale deviations had been carried out without prior approval of Competent Authority. Final bills have also been paid but there is no mention whether Deviation Statements have been approved by the Competent Authority or not till date.
- (iii) Huge quantities of malba/desilted material had been shown disposed of by mechanical transport in the nearby ditches, but no location have been got approved from Competent Authority. Also no record as regard to lead chart, logbook, truck number, challans etc. had been maintained.

Outcome

Disciplinary Authority i.e. Hon'ble Lt. Governor, Delhi after examining Commission's advice, reiterated his decision to not proceed in the disciplinary proceedings against the Chief Engineer, Delhi Jal Board

Case 7

Charge

Allegations of active involvement and instrumental in acquisition of an agricultural plot of land measuring twelve bighas and one biswa for ₹ 12,36,484/- (i/c stamp duty of ₹ 2,36,484/-) situated in the revenue estate of village Ghevra, Delhi by an Superintending Engineer of Delhi Jal Board in the name of his mother by getting funds amounting to ₹ 5,00,000/- transferred into the account of his mother on 13.04.2004 from the relatives of a person with whom he had official dealing since 2002. The officer also failed to intimate the Department about his wife having taken up a private employment besides his wife giving loan to his mother for acquiring the property mentioned above.

Advice

The Commission advised initiation of major penalty proceedings against the Superintending Engineer (SE). Subsequently, after completion of inquiry, the Commission advised on second stage, imposition of major penalty on the CO after disagreeing with the findings of the inquiry and the exoneration proposed by the Disciplinary Authority.

Brief

The inquiry into the allegations against the SE had revealed that a private party with whom he had official dealings facilitated purchase of land in the name of his mother.

Outcome

The Disciplinary authority imposed a minor penalty of “Censure” on the officer taking a lenient view of the charges. Further, the Board of DJB i.e., the Appellate Authority exonerated the CO without any speaking order.

Life Insurance Corporation Housing Finance Limited

Case 8

Charge

Case relates to lapses allegedly committed by a Regional Manger in sanctioning Housing loans during his posting with LIC Housing Finance Ltd by exceeding his delegated financial powers and to such applicants who were not eligible for loans as they were not co-owners of the property. Loans were sanctioned on the basis of unregistered MOUs, which do not create valid title. As such some of the housing loans were not secured which was grossly irregular.

Advice

Commission had tendered first stage advice to initiate major penalty proceeding against the Regional Manager, LIC of India, in agreement with recommendations of the then Disciplinary Authority (DA) and CVO. While seeking 2nd stage advice, the DA had recommended for imposition of major penalty which was agreed to by the CVO. After examining the case, the Commission advised imposition of suitable major penalty on him.

After receipt of second stage advice, the then Chairman referred the matter back for reconsideration to the Commission proposing “recovery of loss and Censure” instead of imposition of major penalty. The Commission reiterated its earlier advice for imposition of suitable major penalty on the officer.

Outcome

The Disciplinary Authority however vide order dated 29.01.2013 imposed only a penalty of “Censure”.

Ministry of External Affairs

Case 9

Charge

Committed grave financial irregularities and embezzlement of public money in hiring of office-cum-residential complex of Consulate General of India building in Juba, purchase of diesel and expenditure on repair and maintenance of garden and chancery building etc.

Advice

The Commission had advised cut in pension against an Under Secretary (Retd. on 31.03.2013) of the Ministry of External affairs on 16.05.2013 for alleged misconduct when he was posted as Consul General of India, Juba, South Sudan on recommendation of CBI.

Brief

The Commission received a proposal on 03.04.2013 from Ministry of External affairs recommending that charge-sheet cannot be issued in the case of retired employees, for misconduct which took place more than four years prior to the date of charge-sheet. In the case of Under Secretary, the alleged misconduct pertains to the period 2008-09. The Commission on 16.05.2013 had advised cut in pension proceedings against the official for grave financial irregularities and embezzlement of public money on account that some transactions took place during month of April- May 2009. The Department in response to the advice however, intimated on 01.08.2013 that as more than four years have elapsed it would not be possible to initiate departmental proceedings against the Under Secretary, under the CCS (Pension) Rules 1972.

Outcome

The Disciplinary Authority issued final orders dropping the charge against the officer instead of initiating cut in pension proceedings as per advice of the Commission. This is a deviation from the Commission's advice.

Ministry of Railways

Case 10

Charge

Irregularities in award of tenders and related matters.

Advice

The Commission advised imposition of suitable major penalty on the Chief Electrical General Engineer (CEGE), M/o Railways on 14.06.2012 as reconsideration of 2nd stage advice, in disagreement with the recommendation of the Railway Board.

Brief

The CEGE was a member of the Tender Committee which discharged the initial tender. He was also a member of the Tender Committee which called revised tender with reduced scope of work. The CEGE as member of the Tender Committee is responsible for violating para 619 of India Railway Finance Code which prescribes that in case where specifications in a tender have undergone major change before the tenders are finalized, fresh tender should be called for, giving sufficient notice to the tenders. In the revised tender, two tenderers in a cartel formation submitted one offer to secure tender at much higher rates than their original individual offers. The Tender Committee negotiated with such tenderer and awarded the tender at higher rates causing a financial loss of ₹ 28.38 lakhs to the Railway.

Outcome

The Disciplinary Authority/Railway Board did not implement Commission's advice and decided to drop the Major Penalty proceedings instituted under Rule 9 of Railways Servants (D&A) Rules, 1968 against CEGE and exonerated him of the charges.

Case 11

Charge

Inclusion of ineligible firms in the approved list of contractors.

Advice

The Commission advised imposition of minor penalty other than ‘Censure’ and withholding of Passes/PTOs on the then Divisional Finance Manager (DFM) on 19.01.2012 as its second stage advice.

Brief

The Divisional Finance Manager in his capacity as Finance Member failed to detect the selective eligibility criteria adopted by the Convenor Member, which paved the way for inclusion of the ineligible firms in the approved list of contractors. Again, the DFM as a member of the Tender Committee, failed to take note of the fact that the documents furnished by the lowest tenderer in support of experience certificate and turnover in one case were forged/fabricated and in another case the tenderer did not meet the definition of similar work experience as mentioned in the tender document.

Outcome

However, the Disciplinary Authority (General Manager/Southern Railway) did not implement the Commission’s advice and issued ‘counselling’ to DFM vide Order dated 06.08.2012.

Case 12

Charge

Irregularities in award of tender & tender related matters.

Advice

The Commission advised imposition of suitable major penalty on the then Dy. CE (Deputy Chief Engineer), M/o Railways on 19.11.2009 in its 2nd stage advice in agreement with the Railway Board.

Brief

The then Deputy Chief Engineer as the Convenor of the Tender Committee had deliberately adopted an inconsistent and incorrect approach in evaluating the credentials of the tenderers, in violation of the prescribed eligibility criteria and instructions on the subject. He had also recommended acceptance of offer of party for Reach-III only out of the four reaches (Reach –III, V, VII & VIII) in which he was lowest tenderer. If this offer was to be accepted for one Reach then it should have been Reach – VIII where the difference between L1 & L2 offers was maximum but he recommended acceptance of offer for the Reach III, where the difference between L1 & L2 was minimum, resulting in financial loss to the Railways. Further, he had wrongly considered incomplete works as completed works for qualifying the tender of Reach – VI, used inconsistent

approach for consideration of ballast dumping work as part of track linking work or otherwise, and practised double standards while deciding on different occasions.

Outcome

The case was referred back to the Commission for reconsideration of its 2nd stage advice on 07.04.2010. As there were no grounds warranting reconsideration of the 2nd stage advice of the Commission, the Commission vide ID Note dated 05.05.2010 had reiterated its earlier advice for imposition of suitable major penalty on the then Dy. C.E. The Disciplinary Authority {General Manager/South Central Railway} did not implement the Commission's advice and imposed a minor penalty on the Deputy C.E. vide Order dated 30.09.2010.

Municipal Corporation of Delhi (MCD)

Case 13

Charge

An Assistant Engineer (AE) and two Junior Engineers (JEs) while working in Division XII of C.L. Zone during the year 2004-05 failed to maintain absolute integrity, devotion to duty and committed gross misconduct in as much as the ratio of ingredient in work order No. 402 dated 17.12.2004 and 663 dated 31.3.2005 were found lower than specified in the contract agreement. The AE also failed to exercise proper supervision and control over the functioning of his subordinate JEs.

Advice

The Commission, in agreement with Disciplinary Authority, MCD advised imposition of suitable major penalty on the three officials.

Brief

The Commission in its first stage advice had advised initiation of major penalty proceedings against all the three charged officers. After completion of inquiry, the IO had held charges as "not proved" against all the officers. However, the Commission, in agreement with the Disciplinary Authority, MCD advised imposition of suitable major penalty upon the three charged officials, after disagreeing with the findings of the inquiry.

Outcome

The Disciplinary Authority i.e. Commissioner, North Delhi Municipal Corporation however, modified the earlier proposed penalty of 'reduction in pay in the present time scale of pay by two stages for a period of two years with cumulative effect', after considering the second stage advice tendered by the Commission for imposition of suitable major penalty, exonerated all the three officials.

Case 14

Charge

Failure to discharge duties/responsibilities by a Medical Superintendent and Additional Medical Superintendent of Kasturba Hospital, Delhi.

Advice

The Commission, in agreement with the findings of the Director of Inquiries, MCD, advised imposition of major penalty of suitable cut in pension on the two officers.

Brief

It was alleged that the two officers had failed to discharge their duties/ responsibilities as cast upon them in terms of instructions/circulars issued from time to time by the Commissioner, MCD, Chief Accountant of MCD and Medical Superintendent, Kasturba Hospital in the matter of collection of municipal money, its remittance into municipal treasury and maintenance of relevant records by the Cashier/DDOs. They also failed to exercise proper control and supervision over the functioning of Cashier who committed embezzlement of municipal revenue to the tune of ₹ 33.87 lakhs and other gross financial irregularities. Inquiry Officer had held the charges as “proved” in respect of both the officers.

Outcome

The case was considered through Appointments, Promotions, Disciplinary & Allied Matters Committee and vide orders dated 23.02.2011 the charges levelled against the above charged officers were dropped.

Oil and Natural Gas Corporation Limited

Case 15

Charge

The officials of Ankleshwar Asset of ONGC rejected the tender of one of the bidders in the tender for hiring of buses and light vehicles with malafide intention incurring a loss of ₹45 lakhs to ONGC. The value of the contract was wrongly taken for one year as ₹12.86 crores whereas the tender stipulation was for two years. The actual value being ₹28.69 crores was brought down with malafide intention to bring the tender value within the power of the Executive Director.

Advice

The Commission advised initiation of major penalty proceedings against eight officials which included an Executive Director level officer of ONGC at first stage. Commission’s second stage

advice was sought by ONGC. Commission after examining the case advised imposition of a suitable major penalty on all eight officials.

Brief

The Disciplinary Authority i.e. CMD, ONGC however, in partial agreement with the Commission's advice, CMD, ONGC recommended imposition of major penalty on four officials, minor penalty on two officials and issue of 'Administrative Warning' against two officials and sought reconsideration of the Commission's advice. The Commission reiterated its advice of imposition of major penalty on all the eight officials as no new facts had been brought out warranting any change.

Outcome

ONGC reported that the appeals preferred by all the eight officials were considered by the Appellate Authority i.e. Board of ONGC and the decision of the DA was upheld. Subsequently, two officials viz. a Superintendent Chemist and a Jr. Legal Advisor preferred appeals for review of the decision of Appellate Authority and the ONGC Board resolved to exonerate the two officers on the ground that they had no role in the decision making and had given their opinions as per their judgement/capability even though the charge of submitting incorrect facts and faulty legal comments had been held as proved against Superintendent Chemist. Similarly, the charge of not applying mind on the legal comments submitted to him and approving the same without verification had been held proved against Junior Legal Advisor.

Case 16

Charge

Irregularities in tenders for hiring Multi Support Vehicle at an estimated cost of ₹ 1040 crores for a period of five years in Oil & Natural Gas Corporation Ltd (ONGC).

Advice

After the investigation report was examined, the Commission on 21.02.2012 advised initiation of minor penalty proceedings against one Group General Manager & two General Managers and recovery of excess advance payment made by ONGC.

Brief

After issuance of minor penalty charge-sheet and perusal of their replies, minor penalty of 'censure' was imposed on all the three officials by the Disciplinary Authority i.e. CMD, ONGC. The amount of excess payment was also recovered.

Outcome

Subsequently, on appeals preferred by the two officials, the Appellate Authority i.e. ONGC Board decided to exonerate all the three officials including the third officer who did not choose to prefer an appeal.

State Bank of India

Case 17

Charge

Commission advised initiation of major penalty proceedings against three Chief Managers of State Bank of India who were prima facie found responsible for selecting and hiring the premises for opening of new branches and shifting of existing branches in and around Delhi and thereby causing substantial financial loss to the bank.

Advice

After completion of the disciplinary proceedings initiated by SBI, the inquiry officer's report was referred for second stage advice of the Commission proposing Censure in respect of two officer and exoneration of the third officer. Commission advised imposition of suitable major penalty on the three officials.

Brief

Considering the nature & gravity of the proven charges and the amount involved (actual loss approx. ₹3.16 crores) in the case and also taking into account that the bank has to enter into litigation unnecessarily on account of the irregularities committed by the above mentioned officials, the Commission had advised the said penalties.

Outcome

Deviating from Commission's advice, the Disciplinary Authority, i.e. Chief General Manager of SBI imposed only the penalty of censure on two officers and exonerated the third officer.

II Delays and Deficiencies

4.3 The Commission has been impressing upon the organizations about the need for prompt action in matters relating to vigilance. The Commission emphasizes expeditious inquiry of complaints in order to determine the accountability for an improper action and the finalization of the disciplinary proceedings within the prescribed time-schedule. These factors not only contribute to the efficiency of the organizations but also send a message to the erring officials that any inappropriate action on their part would not go unpunished.

The Commission is also of the view that honest officials implicated in complaints/cases should be cleared of the allegations/charges expeditiously. The Commission has already issued guidelines declaring undue/ unjustified delays in the disposal of a case as one of the elements of the existence of a vigilance angle in any case.

- 4.4 The Commission, therefore, considers it imperative that instances of suspect malpractices are followed up vigorously by the Administrative Authorities. Delays have been noticed not only at various levels of processing the complaints/cases but also at the level at which decisions are to be taken by the competent authorities who are senior level functionaries in the organizations. Although the Commission's constant endeavour has been to sensitize the organizations about the importance of timely and efficient handling of vigilance related matters but it has been observed that many a time the authorities in the organizations show apathy to these factors. The common areas where delays have been noticed pertain to the investigation of complaints, issue of charge-sheets for initiation of appropriate departmental proceedings, appointment of inquiry officers and the issue of the final orders after the completion of the disciplinary proceedings. It has also been noticed that sometimes the inquiry officers appointed by the disciplinary authorities from within the organizations to conduct oral inquiry against the charged officers take unduly long time in conducting the inquiry, which adds to the delay in the finalization of the vigilance cases. Commission is therefore of the considered view that timely and expeditious handling of the whole process of vigilance investigation and disciplinary action will actually help in preventing corruption in the organisations.

III Delay in investigation of complaints

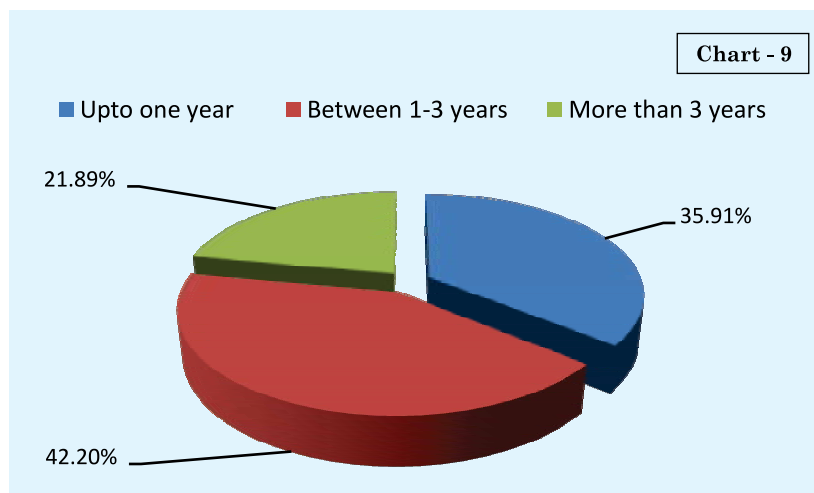
- 4.5 The Commission pays due attention to the complaints received from various sources. With the increasing levels of awareness and expectation among the public, the number of complaints being received in the Commission is rising every year. The Commission is of the view that complaints provide valuable information about the systemic deficiencies in any organization besides pointing out towards the instances of malpractices being indulged in by individual officers for personal gains or undue favour to some particular persons, parties etc.
- 4.6 The Commission while scrutinizing the complaints where it finds serious, verifiable allegations with a perceptible vigilance angle, they are normally forwarded to the CVOs concerned for thorough investigation and sending a report to the Commission. However, the Commission, in case it feels that it would not be possible for the CVOs to investigate the matter properly (e.g. where outside agencies/persons are involved over whom the CVOs have no jurisdiction/ control) the complaints are forwarded to CBI for discreet verification/ investigation.
- 4.7 At the end of the year 2013, the Commission has noted with concern that investigation reports are awaited in 1590 complaints forwarded by the Commission to the CVOs. The

organization-wise break-up of pendency is given in **Appendix-IV**. Table-9 and Chart-9 below provide the details regarding pendency in submission of investigation reports during 2012 and 2013:

Table – 9

Complaints Pending for Inquiry and Report

Year	Upto 1 year	Between 1-3 years	More than 3 years
2012	507	509	343
2013	571	671	348



Some of the organizations where a considerably large number of complaints are pending for inquiry and submission of report to the Commission are:

S. No.	Organisations/ Departments	No. of complaints pending reports
1	Govt. of NCT of Delhi	215
2	Municipal Corporation of Delhi (North)	161
3	Delhi Development Authority	80
4	Municipal Corporation of Delhi (South)	74
5	Central Board of Direct Taxes	68
6	Department of Secondary and Higher Education & D/o Elementary Education And Literacy	52
7	Ministry of Urban Development	43
8	Central Board of Excise & Customs	38
9	Ministry of Railways	33
10	Department of Financial Services	32
11	Department of Posts	32

IV Delay in implementation of the Commission’s advice

4.8 The Commission makes it a point to tender advice at the earliest. Commission observed that organizations take much time in implementation of Commission’s advice. At the end of the year 2013, the Commission noted with concern that as many as 1405 cases were pending for over six months for the implementation of the Commission’s first stage advice. During the same period, 655 cases were pending for the implementation of the second stage advice of the Commission beyond six months. The organization-wise details of these cases are given in **Appendix-V**. Some of the organizations where a large number of cases have been considerably delayed are as follows:-

Table – 10

Delay in implementation of the Commission’s advice for over six months

S. No.	Name of the organisation	First stage advice	Second stage advice
1.	Ministry of Railways	146	62
2.	Central Board of Excise & Customs	109	91
3.	Central Board of Direct Taxes	52	47
4.	Ministry of Personnel, P.G. & Pensions	38	13
5.	State Bank of India	38	4
6.	Ministry of Home Affairs	32	6
7.	Syndicate Bank	30	0
8.	Daman & Diu and Dadra and Nagar Haveli Administration	25	4
9.	Kendriya Vidyalaya Sangathan	24	4
10.	Industrial Development Bank of India	20	0
11.	National Highways Authority of India	21	0
12.	Govt. of NCT of Delhi	19	18
13.	Ministry of Urban Development	19	7
14.	Ministry of Defence	18	5
15.	Municipal Corporation of Delhi (North)	16	22

4.9 The Commission considers such delays in taking action often work to the advantage of the suspect public servants and undermine the effectiveness of vigilance administration.

Activities held during Vigilance Awareness Week 2013 in various organisations



Annual Zonal Review Meeting held by CVC with various Ministries/Departments/PSUs during 2013



CHAPTER - 5

CHIEF TECHNICAL EXAMINER'S ORGANISATION

I Background

- 5.1 The Chief Technical Examiner's Organisation (CTEO) was established in the year 1957 under the Ministry of Works, Housing and Supply now known as the Ministry of Urban Development. The objective of Chief Technical Examiner's Organisation was to conduct concurrent technical audits of works of the Central Public Works Department (CPWD) and securing economy in expenditure including better technical and financial control.
- 5.2 The Santhanam Committee (1963), on prevention of corruption, while appreciating the contribution of Chief Technical Examiner's Organization (CTEO), recommended for its strengthening so as to make it more effective. It also recommended enlarging the jurisdiction of CTEO so as to cover construction works undertaken by other Ministries/Departments also and to place it under administrative control of the Central Vigilance Commission. As these recommendations were accepted by the Government, CTEO was placed under the administrative control of the Central Vigilance Commission (CVC) in the year 1964.
- 5.3 The CTEO initially started with intensive examination of selected civil and electrical construction works only. However later, with the growing expenditure on purchase of stores, outsourcing of services etc., CTEO started examining these contracts also. Presently, intensive examination is being done by CTEO in respect of all contractual activities of the Central Government / Central PSUs and other Government organizations ranging from execution of work, purchase of stores, hiring of services etc., that are financed from public funds.
- 5.4 Commission has been emphasising from time to time use of e-procurement technologies for procurements / contracting which would lead to transparency, savings in procurements and better project management in the Government organisations. Considering the increasing complexities and use of technology in contracting and procurements, the Commission is of the view that the CTEO requires expertise of technical personnel with diverse engineering backgrounds and experience in sectors like Petroleum, IT, Steel, Power, Coal and such other areas. Induction of specialists having expertise and training in emerging technologies would enable the CTEO to address complex issues. Commission is at present constrained in terms of lack of desired infrastructure for better oversight on various large value contracts.
- 5.5 The selection of works or contracts for intensive examination is either suo-moto or based on inputs like Quarterly Progress Reports (QPR) made available by the Chief Vigilance Officers (CVOs) of the different organisations. The CVOs in the QPR are required to furnish details pertaining to on-going Civil Works/Turnkey Works/Stores & Purchase/Contracts

under Public Private Partnership/ Leasing / Purchase / Sale of Goods/ Scrap/Land etc. with contract value above the prescribed threshold values. Some of the reported works are selected for intensive examination. If CVO of any organization feels the necessity of conducting Intensive Examination of a lower value Contract / Work, he/she may recommend so. The threshold values w.e.f. July-September, 2012 quarter are: ₹ 5 crores and above for Civil and Turnkey works, Contracts for Stores & Purchase, Public Private Partnership, Sale of Goods, Scrap, Land etc; ₹ 1 crore for Electrical, Mechanical works, Maintenance & Service contracts, Manpower supply, Consultancy contracts etc.; ₹ 50 lakhs and above for Medical Equipments; ₹ 10 lakhs for Horticulture works and four largest value contracts for supply of medicines.

- 5.6 In the intensive examination reports, observations on over-payments, quality deficiencies, time and cost overrun, lack of transparency and fairness, non-adherence to public procurement procedures, tax compliance etc. are brought to the notice of executing organizations. The action taken on these observations resulted in a large number of systemic improvements, besides punitive action against erring officials, during the year 2013. A substantial amount of recovery was also made by various departments from the contractors after such deficiencies were pointed out during the inspections.
- 5.7 Apart from intensive examinations, CTEO provides technical advice to the Commission in the vigilance investigation against complaints. During the year 2013, such advice was furnished in 610 cases. CTEO also facilitates / conducts training sessions on the subjects like, Preventive Vigilance; Tendering and Contracts, e-Procurement and Reverse Auction, etc., for the benefit of CVOs and other executives of different Government entities and organizations.

II Technical Examinations

- 5.8 During the year 2013, the CTE Organisation undertook inspection of fifty-three Projects/ Works covering thirty-seven organizations. The value of these projects/contracts was over ` 6456 crores. The summarised position of number of inspections conducted in Governments Departments, Banks & PSUs is given below in Table -11.

Table – 11

Inspections conducted by CTEO during the year 2013

Organization	No. of Organisations	No. of Intensive Examinations
Government Departments	7	7
Banks/Insurance Companies & Financial Institutions	5	7
Public Sector Undertakings, Autonomous Bodies etc.	25	39
Total	37	53

- 5.9 Some of the organizations where intensive examination was undertaken in the year 2013 are Central Public Works Department (CPWD), Border Roads Organization (BRO), Airports Authority of India (AAI), Rail India Technical and Economic Services (RITES), Rail Vikas Nigam Ltd. (RVNL), Bharat Petroleum Corporation Ltd., (BPCL), National Hydro-electric Power Corporation (NHPC), National Buildings Construction Corporation (NBCC), National Highways Authority of India (NHAI), Hindustan Steelworks Construction Ltd. (HSCCL), Hospital Services Consultancy Corporation (HSCC), Northern Frontier Railway, IRCON, Punjab National Bank, State Bank of India, Bank of India, Punjab & Sind Bank, Steel Authority of India Ltd. (SAIL), Oil & Natural Gas Corporation Ltd. (ONGC), Employees' State Insurance Corporation (ESIC), Rashtriya Chemicals and Fertilizers Ltd. (RCFL), Bharat Electronics Ltd. (BEL), Municipal Corporation of Delhi (MCD), Hindustan Aeronautics Ltd. (HAL) and WAPCOS Ltd.
- 5.10 Inspection reports are forwarded to the concerned head of the organisation and the respective CVOs for their comments. The Commission refers serious cases involving suspected criminal culpability to CBI. The other cases of irregularities/misconducts with perceived vigilance angle are referred to respective CVO for detailed investigation and fixing responsibility. During the year 2013, eighty-five such cases were referred to the CVOs for detailed investigations.
- 5.11 As a result of the inspections conducted by the CTEO, recoveries to the tune of ₹ 90.47 crores were made by various executing organisations during the year 2013. The recoveries pertained mainly due to overpayments to contractors, deficiencies in either the quality of material used or service rendered, damages due to delay in execution, non adherence to the contract clauses, non compliance of tax etc.

The recoveries made by various organizations during last few years are given below in Table -12.

Table – 12

Recoveries affected at the instance of CTEO

Year	Amount (₹ in crores)
2010	58.70
2011	88.90
2012	151.20
2013	90.47

- 5.12 Some important prima facie irregularities observed during the intensive examinations are at **Appendix-VI**.

III System improvements arising out of CTEO inspections during 2013

5.13 As a result of observations made by CTEO during the intensive examinations, a number of system improvements were initiated by respective organisations. These system improvements were on subjects like accuracy in preparation of cost estimate, framing of rules pertaining to percentage limit above justified cost for acceptance of tenders, compliance with Commission's circular etc. Some of the system improvements undertaken in various organizations are given in **Appendix-VII**.

IV Cases arising out of Intensive Examination taken up for detailed vigilance investigations during 2013

5.14 A work relating to construction of a hospital of a central corporation was awarded on nomination to a State PSU on Cost plus Department charges @ 7%. The State PSU awarded the work to a private contractor at a contract cost of ₹ 139 crores. The selected contractor was not meeting the eligibility requirement prescribed in the tender document in respect of value of the completed work and the financial turnover of the bidder. The value of similar work considered for eligibility towards completed work was taken as ₹ 118 crores, whereas the work had been actually completed to the extent of ₹ 10 crores only. Further, average annual financial turnover claimed by the bidder as ₹ 68 crores was not correct as the balance sheets of years 2004-05, 2005-06 & 2006-07 indicated turnover as low as less than ₹ 1 crore. Further, only two bidders purchased the tender document and both submitted bank demand drafts towards document fee from the same bank branch with demand drafts consecutively numbered. This casts serious doubts of collusion between the bidders. Also, the schedule of quantity comprised Delhi Schedule of Rates (DSR) rated items and Non DSR rated items. Unjustified cost escalations, estimated to be around ₹14 crores, were paid to the contractor, especially in the newly added items which were substantial in value.

5.15 In a tender for award of work relating to construction of thermal power plant by a Central Corporation, three contracts were placed. These contracts were for Domestic Supply, Imported Supply and Service/Labour. In the tender document, the Pre Qualifying (PQ) criteria did not indicate the period which would be taken into account for consideration of work experience of the bidders. This was in violation to the CVC guidelines which stipulate that the cut off dates for work experience should be indicated in the eligibility criteria in the tender document. This deficiency facilitated the sole participating bidder in getting qualified on the basis of a work executed 17 years earlier by a different company, which was subsequently taken over by the participating bidder. It appeared that the PQ requirement was so fixed so as to facilitate the award of work to that bidder. Other bidders who sought extension in time were denied the same. After award, the selected contractor subcontracted all works i.e. civil work, cooling tower, equipment contract, installation of equipment etc. and cornered profit without any activity on his part except coordination with different agencies. The Contractor was required to take 'All risk policy' for complete work costing around ₹ 3725 crores from the contract date but the same was taken only for a value of ₹ 3345 crores only and that too after about 7 months of delay. As per the contract, service

tax was to be paid by the contractor but it was found that this was being paid only on the cost of work being executed by the sub-contractors whereas it was to be paid on the total contract cost. Test results of representative concrete cores taken of M25 grade concrete from cooling tower also failed to meet the specified strength requirement casting serious doubt on safety and quality of work.

- 5.16 In a contract relating to construction of Hydro Electrical power project by a Central PSU costing around ₹144 crores, electrical detonators were to be supplied by the department. The cost of detonators was to be recovered from the contractor @ ₹ 16/- each as per the contract agreement. However costly non- electrical detonators instead of electrical detonator were procured by the organizations at ₹100/- each and supplied to the contractor. No cost adjustment was made towards it. A saving of minimum two hours in the cycle time for excavation accrued to the contractor but the additional cost for higher quality of detonators was borne by the organization. Further, it was observed that though the work was awarded to a Joint Venture (JV) entity but on ground the work was being executed by only one JV partner. The payment was also being made in the name of that JV partner only. As per the contract, percentage of participation of JV partner was to be 25% but the organization accepted proposal of the contractor for allowing work to be done by one partner only resulting in undue of benefits of ₹ 98 lakhs.
- 5.17 In a tender valuing about ₹ 380 crores pertaining to extraction and transportation of overburden and coal by a coal PSU, it was noticed that the cost estimation was based on geological and soil exploration data. The proportion of the soft over burden (OB) was taken as 2.8% of the total OB and 97.2% was taken as hard OB. Common rate for OB was called in the tender. The cost estimate for this activity in the tender was made taking the rate for soft OB as ₹ 27.76 per cum and for hard OB as ₹48.96 per cum. During execution of the contract, it was noticed from the site data that till July 2010, out of 61.38 lakh Cubic Metre (LCM) of total OB removed, 26.57 LCM i.e. 43.3% was soft OB. It was therefore evident that the cost estimate was prepared on higher side by taking higher proportion of hard OB. The contractor who was awarded the contract would also have submitted his bid prices based on soil data compiled by the organization and therefore in the process also got unduly benefitted for about ₹ 2.5 crores.
- 5.18 In a contract for work relating to construction of thermal power plant by a Central PSU valuing about ₹136 crores, the service tax was to the contractor's account and any variation in rate of tax was to be borne by the organization. The rate of service tax at the time of submission of bid/placing the contract was 12% which got reduced to 10% during execution of the contract. Accordingly, cost adjustment was to be made on this account but it was not done. Total financial implication on this account worked out to about ₹ 2 crores. Further, as per the contract there was a provision of mixing fly ash in Ordinary Portland Cement (OPC). The cement was to be supplied free of cost by the department. Fly ash was available free of cost from an already running power plant in the construction site campus. As per the contract, batch mix plant was supposed to have provision of mixing fly ash by weight. The contractor didn't make suitable provision in batch mix plant to facilitate mixing. The mix

design was approved by the department without fly ash. Till the date of inspection at least 3500 MT of extra cement could have been saved. The value of this quantity of cement was about ₹ 1.2 crores. The organization also incurred avoidable cost in ash handling, storing and disposal which could have been avoided had fly ash been used.

- 5.19 In a contract for removal and transportation of over burden in a mine valuing about ₹ 79 crores awarded by a coal PSU, it was noticed that as per contract the payment to the contractor workers was to be made as per Law of Land applicable to the Colliery i.e. Coal Wage Board Rates. However, from the record it was noticed that payment by the contractor to its workers was being made mostly at par with minimum wages notified by the State Labour Department. These rates were substantially lower than Coal Wage Board Rates. Thus undue benefit was passed to the contractor.
- 5.20 In a contract for a work relating to construction of a Ash slurry disposal system by a Central PSU awarded in July, 2008 at an approximate cost of ₹ 87 crores, it was noticed that as per the Contract, demolition and construction of new pipe supports, i.e. foundations, trenches and steel supporting structures was in the scope of work of the contractor. Cost towards such support system was taken at around ₹17 crores in the cost estimate. However, it was noticed that mostly existing pedestals and steel supports of already running ash pipes were being used for laying of additional slurry pipes for almost the complete route. This resulted in undue cost saving to the contractor besides overstressing the existing structural members.
- 5.21 In a tender for a work carried out in February 2010 costing ₹ 282.17 crores, relating to sewerage collection, treatment and disposal work awarded by a Public Works Department of a Union Territory, the eligibility criteria towards work experience stipulated in tender document required satisfactory completion of at least one similar work of value not less than ₹ 50 crores in last seven years. However, the selected bidder was qualified on the basis of work experience of three works instead of one work. In one of three works, the bidder did not have experience of laying of RCC pipes and ductile iron pipes, construction of manholes and road works, as per the tender conditions. Similarly, in other two works also, the bidder was having work experience of STP's based on Facultative Stabilization Ponds technology instead of stipulated requirement of STP of Sequential Batch Reactor.
- 5.22 In a contract valuing about ₹ 167 crores for highway construction work awarded by a Central PSU, one of the items for payment was 'tack coat'. In case of a new carriageway, the prime coat is applied after laying Wet Mixed Macadam (WMM) and the necessity of tack coat arises only when the next layer i.e. Dense Bituminous Macadam (DBM) is laid after 24 hours of prime coat or if the traffic is opened before laying DBM. As it was a new carriageway, there was no need of opening of traffic before completion of the work. Further, if the contractor does not lay the next layer i.e. DBM within 24 hours, the responsibility lies on the contractor. Thus, no payment for tack coat to the contractor was called for. However, inadmissible item of tack coat costing around ₹ 50 lakhs was paid. Further, benefit of custom duty exemption was extended to the contractor by issuing custom duty exemption certificate,

with stipulation that the importer shall not sell or otherwise dispose of the imported goods in any manner for a period of five years from the date of inspection. However, the contractor sold the imported goods within four months of import, resulting undue financial benefit to him besides committing statutory violation.

- 5.23 In a tender valuing about ₹ 49.69 crores for work relating to construction of office building being executed by a PSU, eligibility criteria was modified on the last date of submission of bids. The eligibility criteria relating to experience of having worked in Government or PSU was deleted and last date of sale of tender papers and submission of bids was extended. Due to the modification of the eligibility criteria, one bidder who was earlier ineligible became eligible. This bidder also turned out to be L1 bidder. The specifications included aluminium doors and windows of imported make at exorbitant price i.e. in the range of ₹1145 to ₹1688 per kg as compared to similar specifications of Indian make costing about ₹ 350 per kg. The total expenditure on such imported items was about ₹ 2.5 crore of which infructuous expenditure was estimated to be about ₹ 1.7 crore. The inclusion of costly 'make' aluminium items in the tender appeared to be with an intention to favour a particular manufacturer/importer.
- 5.24 In a contract for civil works pertaining to underground oil retaining structure executed by an oil PSU costing around ₹ 375 crores, insurance policy for the entire contract cost at a premium of about ₹ 2.5 crores was obtained both by the client and contractor resulting in duplicacy of insurance premium and thus infructuous expenditure. Further, contractor was allowed to dump all types of rock received from excavation without insisting on stacking good quality rock separately. Had this been insisted as per contract terms, such rock could have been either utilised in the work or its residual value realised.
- 5.25 In a work relating to construction of residential government accommodation being executed by a Central PSU, the area covered in type VI quarter was found to be more than the standard norms.
- 5.26 In a tender for procurement case of ATMs for a bank, the L-1 bidder was decided on the bid prices for supply of ATM machine plus maintenance cost for five years. The bidders were also to quote separate prices for site preparation work but these bid prices were not to be considered for inter-se position of the bidders for deciding the award. Therefore, there was no incentive to the bidders to quote competitive rates for site preparation works. Further, as per the tender conditions, the lowest quoted rate for site preparatory work from any of the technically qualified bidders was to be applied to the L-1 bidder and the bidders were required to give undertaking to this effect. Even though, the L-1 bidder (based on ATM cost and maintenance charges) had accepted this condition in his bid, this was not enforced. Higher negotiated rates were allowed for site preparatory works. The loss to the organization worked out to about ₹ 1.3 crore for 109 site preparations under the contract.
- 5.27 In a tender for procurement of compressors, bid prices were called on per man day rate basis towards supervision charges besides the cost of compressor etc. It was stipulated that

forty man days would be taken into account for comparison of bid prices. As per L1 bidder, cost of forty man days worked out to ₹ 8 lakhs. Against this, deployment of 577 man days was accepted during execution of work at a total payment of ₹ 1.27 crores. Thus, despite presence of a Project Management Consultant in the project, abnormally high payment with respect to estimate was made. This was apparently due to lack of any upper limit called from the bidders in their bids, on the man-days for supervisory services.

V Important initiatives taken by the CTE Organization

5.28 In continuation of the efforts towards emphasis on preventive vigilance CTE Organisation provided technical inputs to various organizations towards capacity building and sensitizing officials about various aspects of vigilance. Specific areas pertaining to tenders and contracting, estimation of rates, legal aspects in contracting etc. were covered in various training programs and seminars. The organizations covered during the year were as under:-

- Rail Vikas Nigam Ltd. (RVNL)
- Dedicated Freight Corridor Corporation of India (DFCCIL)
- Indian Oil Corporation Limited (IOCL)
- Oil India Limited (OIL)
- Hindustan Petroleum Corporation Limited (HPCL)
- Bharat Earth Movers Limited (BEMML)
- State Bank of India (SBI)
- Industrial Development Bank of India Limited (IDBI)
- Pawan Hans Helicopters Limited (PHHL)
- Defence Estates Organization
- The Associated Chambers of Commerce and Industry of India (ASSOCHAM)
- National Capital Region Planning Board (NCRPB)
- Central Bureau of Investigation (CBI)

Intensive Examinations carried out by CTEO



Shri Anil Singhal, CTEO during Intensive Examination and interaction at BPB Process Complex of Oil and Natural Gas Corporation (ONGC)



Shri Ramesh Chandra, CTEO during Intensive Examination and interaction at Bharatiya Nabhikiya Vidyut Nigam Limited (BHAVINI)

Prize distribution during the Hindi week celebrations



CHAPTER - 6

FUNCTIONING OF DELHI SPECIAL POLICE ESTABLISHMENT (CENTRAL BUREAU OF INVESTIGATION)

- 6.1 The Commission is empowered under the CVC Act, 2003 to exercise superintendence over the functioning of the Delhi Special Police Establishment (DSPE), popularly known as Central Bureau of Investigation (CBI), in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 and to review the progress of such investigations conducted. Suitable directions to the CBI for such purposes as per section 8(1)(b) of the CVC Act can also be given by the Commission.
- 6.2 The Hon'ble Supreme Court in Vineet Narain case in its judgment dated 18.12.1997 envisaged greater autonomy and objectivity in the functioning of CBI. Pursuant to the judgment, the Central Vigilance Commission was statutorily mandated to superintend the work of CBI in respect of investigations conducted under the Prevention of Corruption Act.

I Superintendence of CVC over CBI

- 6.3 The Commission, in exercise of the powers of superintendence over CBI as prescribed in the CVC Act, periodically reviews the progress of cases registered and taken up for investigation by CBI under PC Act, 1988 with Director, CBI and his team. The Commission also takes necessary steps, as and when required, for the purpose of efficient discharge of its functions by the CBI. During the year 2013, the Commission held nine review meetings at periodic intervals with CBI, wherein cases against senior officers of the Government, executives of banks/public sector enterprises and politicians were reviewed.
- 6.3.1 In one of the meetings with Director, CBI, it was decided that the present guidelines/practices and procedure for investigations by CBI into the assessment of wealth possessed by public servants needs a review. Accordingly, a multi-disciplinary study group was constituted in August 2013 under the chairmanship of Shri J M Garg, Vigilance Commissioner to review the existing guidelines/practices relating to calculation of expenditure, valuation of property (both moveable and immovable) and related issues with a view to bring uniformity in approach and suggest necessary improvements.
- 6.3.2 Some of the specific suggestions made by the Commission in the superintendence of the functions of CBI are as below:
- (i) CBI was advised to expedite PE or RC cases pending beyond prescribed time limits in CBI Manual and to accord priority to cases pending investigation over two years.
 - (ii) Commission directed CBI to streamline procedure related to collection and custody of documents in investigations.

- (iii) CBI was advised to make efforts to have a comprehensive database of cases under trial for better monitoring purposes.
- (iv) CBI is required to provide inputs in matters of vigilance clearance of officers being considered for appointment at Board level in PSUs/Banks etc. and empanelment of senior officers of AIS/other central services. A facility to share information has been made operational.
- (v) Commission suggested that officers from other services like income tax, customs and audit having experience of investigation and accounting could be taken on deputation in the CBI to broad base the expertise available to it for investigation.
- (vi) Commission also advised CBI to augment staff including pairavi officers to address shortage of public prosecutors and other court staff for speeding up cases pending trial.
- (vii) Commission suggested to CBI to review long pending cases of trial especially ones more than 20 years to ascertain those cases where accused / prime witnesses may have expired.
- (viii) Commission advised CBI to strengthen the existing vigilance set-up in CBI.

6.3.3 The status of the complaints referred from the Commission to CBI for inquiry/ investigation under section 8(1)(d) of CVC Act, 2003 during 2012 and 2013, are indicated in Table-13:-

Table -13

Complaints sent by the Commission to CBI and their disposal

Year	Complaints forwarded by the CVC for verification / Investigations (Col. No.1)	Mode of disposal out of column No. (1)				
		Number of complaints resulting into RC	Number of complaints resulting into PE	Number of complaints ended in recommendation of RDA/Such action deemed fit & SCN sent to Departments	Number of complaints closed	Complaints under verification
2012	55	05	10	09	19	12
2013	45	03	07	08	26	01

6.4 The CBI is normally required to complete investigation of a 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 while CBI has been generally able to complete investigations within a year, but there have been some delays in completing investigations in certain cases. Reasons for delays include delay in receipt of prosecution sanction from competent authorities, delay in obtaining responses to Letters Rogatory (LRs), and delay in obtaining reports from forensic laboratories.

6.4.1 An important reference by the Commission for inquiry to the CBI during the year relates to the fraud in LTC reimbursement / claims. Complaints alleging several large scale irregularities and misuse in availing Leave Travel Concession (LTC) in violation of the guidelines/schemes by public servants in the Central Government, its Public Sector Enterprises (PSEs) and Public Sector Banks came to the notice of the Commission.

The modus operandi adopted includes use of forged/fake Air India tickets & boarding passes, claiming irregular reimbursements and in many cases officials had not travelled at all. The officials were indulging in irregular claims like travelling by flexi/easy fare tickets by Air India and receiving cash discounts for the difference between LTC fare and flexi/easy fare from travel agents. Commission referred the complaints to CBI for inquiry and report. CBI has since registered cases and the matter is under investigation.

II Delay in Trial of cases

6.5 The Commission has noted with concern, the large number of cases pending trial in different courts for years together, at times for over twenty years. It was observed that on an average it takes more than five years for judicial proceedings in any case under the PC Act to reach its logical conclusion after the charge sheet is filed in the designated court. Such inordinate delays in dispensation of justice defeat the very purpose of efficient vigilance administration and are an impediment in the fight against corruption. It is therefore, imperative that effective measures are taken to increase the disposal of pending PC Act cases under trial/appeals / revisions in order to effectively combat corruption. Acute shortage of judicial officers and at times, a tendency to defer hearing of complicated cases are some of the reasons that could be attributed for delays in the judicial proceedings. The Commission has also noted with satisfaction that out of the 71 Special Courts earlier sanctioned, 69 have become functional during the year. In addition to these, 22 more Special Courts exclusively for PC Act cases were sanctioned during the year of which 7 have become functional. The Commission is hopeful that with the increased number of Special CBI Courts, the pendency of the trial cases will reduce and even the average time taken for the trials will also come down.

III Prosecution against Central Government employees

6.6 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 2013, a total of 91 cases over three months were pending for grant of sanction for prosecution under PC Act, 1988. The numbers of cases pending with various organizations for granting sanction for prosecution over three months as on 31.12.2013 are given below in Table-14:-

Table-14

**Number of cases pending for sanction for prosecution
over three months as on 31.12.2013**

Sl. No.	Ministry	Number of cases
1	Cabinet Secretariat	1
2	Ministry of Communication & IT (Department of Telecommunications)	3
3	Ministry of Commerce and Industry	1
4	Ministry of Coal & Mines	2
5	Ministry of Defence	5
6	Ministry of Environment & Forests	1
7	Ministry of Finance (Department of Financial Services)	18
8	Ministry of Finance (Custom and Central Excise)	2
9	Ministry of Finance (Income Tax)	1
10	Ministry of Food & Supply	2
11	Ministry of Home Affairs	4
12	Ministry of Human Resources & Development	1
13	Ministry of Information & Broadcasting	1
14	Ministry of Personnel Public Gr. & Pensions	5
15	Ministry of Railways	8
16	Ministry of Road Transport & Highways	2
17	Ministry of Shipping	1
18	Ministry of Steel	2
19	Ministry of Urban Development & Poverty Alleviation	1
20	Union Territories	2
21	Government of Andhra Pradesh	1
22	Government of Bihar	2
23	Government of Chhattisgarh	1
24	Government of Delhi	6
25	Government of Karnataka	5
26	Government of Maharashtra	2
27	Government of Rajasthan	4
28	Government of Tamilnadu	1
29	Government of Uttar Pradesh	8
30	Government of West Bengal	2
	Total	95*

* However, a total of only 91 PC Act cases are pending for prosecution sanction, as 4 cases are common to more than one Ministry / State, Government, etc.

6.7 The Commission has observed that in some cases there has been unwarranted and inordinate delay while deciding upon grant/denial of sanction for prosecution. The Commission hopes that with the DOPT's guidelines and the Commission's instructions issued from time to time for checking delay in grant of sanction for prosecution, such delays would be largely curtailed and decision on sanction for prosecution would be taken by the competent authorities within the stipulated time.

6.7.1 The Commission on its part also followed up individual cases pertaining to the Central Government Departments and its organisations regularly during the year. The sustained efforts made by the Commission resulted in considerable reduction in the number of such pendency over the prescribed time limit for grant of sanction for prosecution. However, it is noticed that the matter is not given due importance and there is a tendency to delay the process. Commission has always maintained that the competent authorities need to give their decision whether to grant sanction for prosecution or not by giving valid speaking orders.

6.7.2 Some of the reasons leading to difference of opinion between the CBI and the Administrative Authorities on matters of prosecution sanction requests are as under:-

- (i) Genuine disagreements,
- (ii) Lack of appreciation of evidence/material available on record, and
- (iii) Examining material on record on adequacy of evidence.

IV Tripartite meetings between CBI, Administrative authorities and the Commission

6.8 In order to deal with the cases of difference of opinion between CBI and Administrative authorities wherein the CBI had recommended prosecution under PC Act etc. and the administrative authority did not agree with the views of the CBI, the Commission in the year 2004, devised a mechanism of holding joint meeting. In such cases, the Commission would hold a joint meeting with representatives of CBI and the concerned departments/organizations. The meeting would be attended by the CVO with a brief from the Disciplinary Authority or if he so wishes, by the Disciplinary Authority himself. A total of 24 such meetings were held in the year 2013 in the Commission. Out of these 24 cases, the Commission advised grant of sanction for prosecution in 13 cases and in 6 cases, the Commission did not advise grant of sanction for prosecution. In the remaining 5 cases, further clarifications were sought from the Departments concerned.

V Review of pending cases against officers of CBI

6.9 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 31.12.2013, a total of 55 Departmental cases at various stages were pending against CBI personnel. Details are indicated in Table - 15:-

Table – 15

Departmental action against CBI personnel

Total pending	Less than 1 year	More than 1 year	More than 2 years	More than 3 years	More than 4 years
55	18	8	5	13	11

6.9.1 Breakup of the total pending cases are (i) DOPT for decisions on enquiry report : 08, (ii) DOPT for decision on representation of COs and appointment of IO/PO : 06, (iii) under enquiry/progress : 36 and (iv) cases stayed by Hon'ble Court : 05.

VI Activities reported by the Central Bureau of Investigation

6.10 CBI sends monthly reports of its activities to the Commission on cases registered and their disposal. A gist of CBI activities during the year 2013 is given below:-

(A) Registration of cases:

6.11 A total of 1131 cases were registered during 2013 as compared to 1048 Regular Cases/ Preliminary Enquiries registered by CBI in 2012. Out of 1131 cases, 224 cases were registered for demand of a bribe by public servants for showing official favours and 52 cases were registered for possession of assets disproportionate to known source of income. Out of 1131 cases, 838 cases were registered in Anti-Corruption Division (ACD), 148 cases in Special Crime Division (SCD) and 145 cases in Economic Offences Division (EOD).

(B) Cases of trial and conviction:

6.12 During the year 2013, judgments were received in 1225 court cases under trial as compared to 1188 cases in 2012. Out of these 1225 cases, 763 cases resulted in conviction, 301 in acquittal, 48 in discharge and 113 cases were disposed of for other reasons. The conviction rate increased slightly and reached to 68.62 % from 67% in 2012. At the end of the year 2013, there were as many as 9366 Court cases pending in various Courts of which 6617 cases pertain to PC Act matters.

(C) Investigation:

6.13 During 2013, investigation was finalized in 836 Regular Cases (RCs) and 234 Preliminary Enquiries (PEs). Out of the RCs, charge-sheets were filed in 666 cases in the competent courts. A total of 922 RCs/PEs were under investigation/enquiry at the end of the year 2013 as against 861 RCs/PEs under investigation/enquiry at the end of 2012. A total of 228 cases were pending for investigation for more than one year as on 31.12.2013. Table-16 & 17 provides details about the various activities of CBI during the year 2013:

Table-16

Cases dealt with under P.C. Act during the year 2013

Sl. No.	Particulars	Cases
1	Registration	
	No. of Public Servants involved in these cases	1326
	No. of GOs involved in these cases	464
2	Disposal from investigation	
	i) Departmental Action as well as Prosecution	208
	ii) Prosecution only	300
	iii) Departmental Action only	56
	iv) Such Action	16
	v) Closed	66
	vi) Otherwise disposed of	1
3(a)	Disposal from Trial (CC wise)	
	i) Conviction	595
	ii) Acquittal	242
	iii) Discharge	25
	iv) Otherwise disposed of	59
3(b)	No. of public servants involved in cases disposed of from trial	
	i) Conviction (No. of persons)	1136
	ii) Acquittal (No. of persons)	609
	iii) Discharged (No. of persons)	88
	iv) Otherwise disposed of (No. of persons)	286
4	Total No. of cases under investigation (as on 31.12.2013)	592
5	Number of pending trials (CC wise)	6617

Cases under PC Act pending investigation and trial with CBI are as below

Table-17

Part-A
PC Act cases (Under Investigation)

Length of pendency	Pending Investigation (as on 31.12.2012)	Pending Investigation (as on 31.12.2013)
Less than and equal to one year	469	423
More than one year and up to 2 years	106	138
More than 2 years and upto 3 years	20	27
More than 3 years and upto 5 years	02	03
More than 5 years	1	1
Total	662	592

*Out of 592 under investigation cases, 38 cases are pending for want of sanction for prosecution from various Ministries/Departments/Organizations, one case is pending for execution of LR, 3 cases are pending for expert opinion CFSL/GEQD -Total 42 cases.

Part-B

PC Act cases (Under Trial)

Length of pendency	As on 31.12.2012	As on 31.12.2013
Less than equal to 5 years	3386	3024
More than 5 years and upto 10 years	2094	2078
More than 10 years and upto 20 years	1263	1349
More than 20 years	180	166
Total	6923	6617

Appeals and Criminal Revisions pending in various courts as on 31.12.2013

	Additional Sessions Court		Sessions Court		High Court		Supreme court		Total
	CBI	Accused	CBI	Accused	CBI	Accused	CBI	Accused	
Appeal (P.C. Act)	2	2	1	9	255	5,846	65	200	6,380
Revision (P.C. Act)	1	0	0	1	143	576	6	8	735
Total	3	2	1	10	398	6,422	71	208	7,115

Age-wise pendency of Appeals and Criminal Revisions

Age	Appeals - PC Act	Revisions - PC Act Cases	Total
<2 years	1,997	378	2,375
>2 but <5 years	1,751	180	1,931
>5 but <10 years	1,778	133	1,911
>10 but <15 years	623	35	658
>15 but <20 years	138	6	144
>20 years	93	3	96
Total	6,380	735	7,115

VII CBI Academy

6.14 CBI Academy has started its own website viz. (www.cbiacademy.gov.in). The website has an exclusive collection of important acts, which are relevant to CBI personnel, case laws, Standard Operating Procedures on varied topics of professional interest. A comprehensive database of Crime Manual, Administration Manual and Policy division circulars covering various aspects of CBI functioning has also been made available. Access to exclusive database is password protected and can be logged in by only authorised officers. Over the years the Academy emerged as a major police training institution and made a mark at

the national and international level. The vision of Academy is “Excellence in Training in the fields of Crime Investigation, Prosecution and Vigilance Functioning” and its mission is to train the human resources of CBI, state police and vigilance organisation to become professional, industrious, impartial, upright and dedicated to the service of the nation. In the year 2013, CBI Academy and the three RTCs conducted a total of 138 courses and trained 3,459 officers/officials.

VIII Manpower

6.15 The total sanctioned strength of CBI as on December 31, 2013 was 6674 against which 5796 officials were in position with 878 posts lying vacant. The vacancy position is given in Table-18:-

Table – 18

Overall vacancy position in CBI as on 31.12.2013

	Sanctioned strength	Actual strength	Vacancy
Executive Officers	4544	4017	527
Law Officers	340	271	69
Technical Officers	160	106	54
Ministerial Level	1560	1354	206
Group 'D' Level	70	48	22
Grand Total	6674	5796	878

IX Commonwealth Games – 2010

6.16 CBI has registered nineteen RCs and thirteen PEs in matters relating to Commonwealth Games(CWG) - 2010 from June, 2010 to November, 2013. Nine RCs have been closed, charge-sheets have been filed in seven RCs and three RCs are pending at various stages of investigation. As regards PEs, eleven have been closed; one converted into RC and one is pending enquiry.

X Supreme Court judgment in CA No. 10660 of 2010 of Centre for PIL & others Vs. Union of India & others in 2G Spectrum case.

6.17 The Division Bench of Supreme Court in CA No.10660 of 2010 of Centre for PIL & others Vs Union of India & others on 02/02/2012 disposed of the prayer made by the appellants for appointment of a group of independent persons to assist the court in monitoring the investigation being carried out by Central Bureau of Investigation, Enforcement Directorate and Income Tax Department in the 2G Spectrum cases.

6.18 While disposing of the appeal, the Hon'ble Court had directed the following:-

- (i) In future copies of the report(s) of the investigation conducted by the CBI and other agencies shall be made available to the Central Vigilance Commissioner in sealed envelopes.
- (ii) Within next one week the Central Vigilance Commissioner and the Senior Vigilance Commissioner shall examine the report(s) and send their observations/suggestions to this Court in sealed envelopes which shall be considered along with the report(s) of the CBI and other investigating agencies.

6.19 In compliance of the said order of the Supreme Court and subsequent orders on the subject matter, Central Vigilance Commissioner and Vigilance Commissioner submitted observations on the progress reports submitted by the CBI and other investigation agencies in the 2G Spectrum scam case being monitored by the Hon'ble Supreme Court from time to time during the year.

XI Irregularities in allotment of coal blocks

6.20 The Commission referred two different complaints alleging malpractices in allotment of coal blocks during 1993-2004 & 2006-2009 to CBI in March 2012 and September 2012 respectively for inquiry. CBI registered cases and took up investigations in the matter. Subsequently, the Supreme Court of India, in a PIL filed started monitoring the investigation of CBI. While monitoring the case, the issue relating to scope of superintendence of CVC over CBI came up for consideration. The Court directed CBI to furnish compilations of matters where the Inquiry Officers of CBI have recommended regular cases to be filed on conclusion of preliminary enquiries, but CBI Head Office has ordered otherwise, for examination/scrutiny to the Vigilance Commissioners. The Court has directed the two Vigilance Commissioners to send observations/suggestions to the Court in sealed cover within four weeks from the date of receipt of the compilation/reports from CBI.



Shri Pradeep Kumar, CVC addressing the XXth Conference of Central Bureau of Investigation and State Anti-Corruption Bureaux held at Vigyan Bhawan, New Delhi from 11-13th November 2013.

Annual Zonal Review Meeting held by CVC with various Ministries/Departments/PSUs during 2013



Annual Zonal Review Meeting held by CVC with various Ministries/Departments/PSUs during 2013



APPENDIX

Appendix-I

(Para 1.16)

A. Group wise Staff Strength and related information, as on 31.12.2013 in CVC

	Group 'A'	Group 'B'	Group 'C'	Group 'C' (Multi Tasking Staff)	Total
Sanctioned strength	54	98	71	73	296
Officials in position	36	80	57	57	230

During the year 2013, two Additional Secretaries, three Directors, two Advisors, two Deputy Secretaries, three Technical Examiners, one Assistant Technical Examiner, one Junior Technical Examiner, two Personal Assistants, two Stenographers joined the Commission. A total of four officers (one Director, one Deputy Secretary, two Section Officers) retired on superannuation during the year. A total of thirteen officers/officials (one Additional Secretary, seven Directors, two Deputy Secretaries, one Assistant Technical Examiner, and two MTS) had been relieved from the Commission on completion of tenure or on superannuation.

B. Representation of Scheduled Castes, Scheduled Tribes and OBCs

As per the Government's policy and instructions, the Commission has been making every effort for implementing the same in respect of the posts under its administrative control. The percentage (calculated in terms of group-wise total sanctioned strength) of Scheduled Castes / Scheduled Tribes and OBCs in the various groups of posts filled / held otherwise than by deputation as on 31.12.2013 is given below in percentage :-

	Group 'A'	Group 'B'	Group 'C'	Group 'C' (Multi Tasking Staff)
SC	18.18	16.09	11.26	35.61
ST	9.09	3.44	2.81	5.47
OBC	00	12.64	7.04	10.95

Appendix-II

(Para 2.13)

Organisation-wise details of prosecution sanctioned and penalties imposed during the year 2013 in respect of cases where Commission's advice was obtained.

S. No.	Name of the Department/ Organisation	Prosecution	Major Penalty	Minor Penalty	Administrative Action
1	Air India	0	2	8	0
2	Airports Authority of India	0	10	7	4
3	All India Institute of Medical Sciences	0	3	0	0
4	Allahabad Bank	1	15	4	0
5	Andaman & Nicobar Administration	0	0	0	1
6	Andhra Bank	0	5	13	0
7	Bank of Baroda	1	91	55	7
8	Bank of India	1	31	15	0
9	Bank of Maharashtra	8	3	1	0
10	Bharat Heavy Electricals Ltd.	0	0	10	16
11	Bharat Sanchar Nigam Ltd.	2	5	25	1
12	Border Roads Development Board	0	1	2	0
13	Bureau of Indian Standards	0	6	1	0
14	Cabinet Secretariat	1	0	0	0
15	Canara Bank	0	25	33	0
16	Central Bank of India	0	4	0	0
17	Central Board of Direct Taxes	11	16	4	3
18	Central Board of Excise & Customs	37	90	32	6
19	Central Bureau of Investigation	0	2	0	0
20	Central Coalfields Ltd.	0	2	2	1
21	Central Public Works Department	0	2	3	2
22	Central Reserve Police Force	0	1	1	0
23	Central Warehousing Corporation	0	0	4	0
24	Coal India Ltd.	0	3	0	1
25	Comptroller & Auditor General of India	2	0	0	0
26	Container Corporation of India	0	0	6	6
27	Corporation Bank	0	6	15	9

S. No.	Name of the Department/ Organisation	Prosecution	Major Penalty	Minor Penalty	Administrative Action
28	Council for Advancement of Peoples Action and Rural Technology (CAPART)	0	1	0	0
29	Defence Accounts Department (CGDA)	0	0	0	1
30	Delhi Development Authority	1	41	23	1
31	Delhi Jal Board	0	2	0	0
32	Delhi Urban Shelter Improvement Board	0	1	2	0
33	Dena Bank	2	3	2	0
34	Department of Agriculture & Cooperation	0	0	1	0
35	Department of Animal Husbandry, Dairying & Fisheries	0	0	1	0
36	Department of Atomic Energy	0	1	0	0
37	Department of Commerce (Supply Division)	0	1	0	2
38	Department of Defence Production and Supplies	0	12	17	16
39	Department of Economic Affairs	0	1	0	0
40	Department of Financial Services	0	1	0	1
41	Department of Heavy Industry	0	2	0	0
42	Department of Posts	3	2	0	1
43	Department of Science & Technology	0	2	0	0
44	Department of Telecommunications	3	36	69	19
45	DSIIDC	0	1	5	0
46	DTL / IPGCL	0	3	0	0
47	Eastern Coalfields Ltd.	0	8	1	0
48	Employees' Provident Fund Organisation	1	11	14	2
49	Employees' State Insurance Corporation	0	2	0	2
50	Engineers India Ltd.	0	0	0	1
51	Food Corporation of India	0	2	2	0
52	Govt. of NCT of Delhi	0	3	1	0

S. No.	Name of the Department/ Organisation	Prosecution	Major Penalty	Minor Penalty	Administrative Action
53	Hindustan Aeronautics Ltd.	0	0	4	2
54	Hindustan Machines Tools Ltd.	0	1	1	0
55	Housing & Urban Development Corporation	0	0	6	4
56	Indian Bank	0	7	1	0
57	Indian Council of Agricultural Research	0	2	0	0
58	Indian Oil Corporation Ltd.	0	8	22	41
59	India Tourism Development Corporation	0	8	15	1
60	Indian Overseas Bank	1	1	7	0
61	Industrial Development Bank of India	1	0	0	1
62	Kandla Port Trust	0	0	6	0
63	Khadi & Village Industries Commission	0	1	3	1
64	Kolkata Port Trust	0	4	6	1
65	Lakshadweep Administration	2	0	0	0
66	Life Insurance Corporation of India	0	2	5	1
67	Mahanagar Telephone Nigam Ltd.	0	2	4	2
68	MECON Ltd.	0	1	0	0
69	Ministry of Coal	0	8	2	0
70	Ministry of Culture	2	0	0	0
71	Ministry of Defence	5	3	0	0
72	Ministry of Development of NER	0	0	0	1
73	Ministry of Environment & Forests	3	0	0	0
74	Ministry of External Affairs	0	3	1	0
75	Ministry of Health & Family Welfare	1	2	4	0
76	Ministry of Home Affairs	3	3	1	0
77	Ministry of Housing & Urban Poverty Alleviation	2	0	0	4
78	Ministry of Information & Broadcasting	0	6	8	2

S. No.	Name of the Department/ Organisation	Prosecution	Major Penalty	Minor Penalty	Administrative Action
79	Ministry of Information Technology	1	0	0	0
80	Ministry of Labour & Employment	0	0	0	1
81	Ministry of Micro, Small & Medium Enterprises	0	0	0	1
82	Ministry of Personnel, P.G. & Pensions	7	2	1	0
83	Ministry of Petroleum & Natural Gas	0	0	17	0
84	Ministry of Railways	25	128	319	153
85	Ministry of Social Justice & Empowerment	0	1	0	0
86	Ministry of Steel	0	0	1	0
87	Ministry of Urban Development	4	11	11	16
88	Mumbai Port Trust	0	2	0	0
89	MMTC Ltd.	0	7	0	0
90	Municipal Corporation of Delhi (East)	0	2	0	0
91	Municipal Corporation of Delhi (North)	0	16	13	3
92	Municipal Corporation of Delhi (South)	0	3	1	0
93	National Buildings Construction Corporation Ltd.	0	1	10	11
94	National Highways Authority of India	0	1	2	0
95	National Hydroelectric Power Corporation Ltd.	0	0	3	21
96	National Insurance Co. Ltd.	0	24	16	9
97	National Projects Construction Corporation Ltd.	2	0	0	0
98	New India Assurance Co. Ltd.	1	1	4	0
99	New Delhi Municipal Council	0	3	0	0
100	New Mangalore Port Trust	0	1	1	0
101	Nuclear Power Corporation of India Ltd.	0	2	3	1

S. No.	Name of the Department/ Organisation	Prosecution	Major Penalty	Minor Penalty	Administrative Action
102	Oil & Natural Gas Corporation Ltd.	0	1	8	6
103	Ordnance Factory Board	0	0	3	1
104	Oriental Bank of Commerce	2	18	32	0
105	Oriental Insurance Company Ltd.	2	2	4	1
106	Pawan Hans Helicopters Ltd.	0	1	2	0
107	Power Grid Corporation of India Ltd.	0	0	6	0
108	Prasar Bharati	0	2	3	0
109	Punjab & Sind Bank	3	19	3	0
110	Punjab National Bank	10	58	22	0
111	RITES Ltd.	0	0	8	3
112	Registrar General of India	0	1	0	0
113	Security Printing & Minting Corpn. Of India Ltd.	0	1	0	0
114	Small Industries Development Bank of India	1	0	2	3
115	South Eastern Coalfields Ltd.	0	1	3	1
116	State Bank of Bikaner & Jaipur	0	10	2	0
117	State Bank of Hyderabad	0	1	0	0
118	State Bank of India	5	71	49	7
119	State Bank of Mysore	0	0	2	0
120	State Bank of Patiala	0	1	0	0
121	State Bank of Travancore	0	5	0	0
122	State Trading Corporation of India Ltd.	0	2	0	0
123	Steel Authority of India Ltd.	0	7	8	1
124	Syndicate Bank	6	65	37	8
125	UCO Bank	13	24	8	0
126	Union Bank of India	0	54	22	1
127	United Bank of India	0	7	0	0
128	United India Insurance Co. Ltd.	0	8	0	0
129	Vijaya Bank	0	24	37	12
130	Western Coalfields Ltd.	0	4	3	2
	Total	176	1113	1141	426

Note:- Includes information of cases in which Commission had tendered advice in previous years also.

Appendix III-A(i)

(Para 3.5)

Work done by CVOs in 2013

Details of Complaints sent by CVC including Whistle Blower

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1	Agriculture	86	48	38	23
2	Atomic Energy	26	13	13	7
3	Banks	1060	986	74	4
4	Civil Aviation	45	27	18	8
5	Coal	87	70	17	5
6	Commerce	119	70	49	30
7	Corporate Affairs	7	0	7	2
8	Customs & Excise	100	34	66	55
9	Defence	113	75	38	27
10	DoPT	5	3	2	2
11	Earth Sciences	5	2	3	2
12	External Affairs	58	10	48	7
13	Fertilizers	8	6	2	2
14	Finance	11	2	9	8
15	Food & Consumer Affairs	47	23	24	16
16	Govt. of NCT of Delhi	72	23	49	3
17	Health & Family Welfare	95	45	50	19
18	Heavy Industry	21	15	6	2
19	Home Affairs	26	15	11	8
20	Human Resource Development	352	22	330	26
21	Income Tax	135	27	108	61
22	Information & Broadcasting	10	4	6	1
23	Insurance	9	7	2	1
24	Labour	46	33	13	3
25	Mines	15	12	3	3
26	Petroleum	199	138	61	26
27	Planning	3	1	2	2
28	Posts	88	46	42	12
29	Power	38	23	15	12
30	Railways	166	80	86	49
31	Rural Development	28	4	24	21
32	Science & Technology	59	21	38	34
33	Steel	94	71	23	5
34	Surface Transport	136	75	61	41
35	Telecommunication	131	83	48	33
36	Textiles	112	86	26	17
37	Tourism	6	4	2	0
38	Union Territory	15	2	13	13
39	Urban Affairs	143	48	95	34
40	Water Resources	2	1	1	0
41	Youth Affairs & Sports	43	17	26	22
	Total	3821	2272	1549	646

Appendix III-A(ii)

(Para 3.5)

Work done by CVOs in 2013

Details of Complaints regarding other employees

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1	Agriculture	113	49	64	46
2	Atomic Energy	96	60	36	21
3	Banks	6305	5751	554	47
4	Chemical & Petrochemicals	14	8	6	6
5	Civil Aviation	120	78	42	20
6	Coal	938	828	110	14
7	Commerce	367	231	136	79
8	Customs & Excise	1417	715	702	393
9	Corporate Affairs	151	85	66	66
10	Defence	439	319	120	78
11	DoPT	195	114	81	41
12	Earth Sciences	40	22	18	14
13	External Affairs	113	42	71	53
14	Fertilizers	59	39	20	12
15	Finance	37	21	16	6
16	Food & Consumer Affairs	1874	748	1126	799
17	Govt. of NCT of Delhi	583	300	283	171
18	Health & Family Welfare	483	414	69	34
19	Heavy Industry	354	287	67	14
20	Home Affairs	1120	707	413	179
21	Human Resource Development	489	243	246	40
22	Income Tax	3604	2430	1174	751
23	Industrial Development	6	6	0	0
24	Insurance	278	138	140	84
25	Information & Broadcasting	79	32	47	17
26	Labour	589	304	285	99
27	Mines	266	202	64	32
28	Non Conventional Energy Sources	3	3	0	0
29	Petroleum	3259	2759	500	259
30	Planning	170	130	40	21
31	Posts	964	544	420	99
32	Power	435	292	143	60
33	Railways	11077	8541	2536	816
34	Rural Development	89	28	61	48
35	Science & Technology	126	31	95	84
36	Steel	1336	1144	192	45
37	Surface Transport	448	177	271	152
38	Telecommunication	3048	1610	1438	528
39	Textiles	319	235	84	53
40	Tourism	13	12	1	0
41	Union Territory	329	228	101	25
42	Urban Affairs	3197	1179	2018	517
43	Water Resources	26	10	16	9
44	Youth Affairs & Sports	131	38	93	66
	Total	45099	31134	13965	5898

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

Appendix III-A(iii)
(Para 3.5)

Work done by CVOs in 2013

Details of Complaints regarding all categories of employees

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1	Agriculture	199	97	102	69
2	Atomic Energy	122	73	49	28
3	Banks	7365	6737	628	51
4	Chemical & Petrochemicals	14	8	6	6
5	Civil Aviation	165	105	60	28
6	Coal	1025	898	127	19
7	Commerce	486	301	185	109
8	Customs & Excise	1517	749	768	448
9	Corporate Affairs	158	85	73	68
10	Defence	552	394	158	105
11	DoPT	200	117	83	43
12	Earth Sciences	45	24	21	16
13	External Affairs	171	52	119	60
14	Fertilizers	67	45	22	14
15	Finance	48	23	25	14
16	Food & Consumer Affairs	1921	771	1150	815
17	Govt. of NCT of Delhi	655	323	332	174
18	Health & Family Welfare	578	459	119	53
19	Heavy Industry	375	302	73	16
20	Home Affairs	1146	722	424	187
21	Human Resource Development	841	265	576	66
22	Income Tax	3739	2457	1282	812
23	Industrial Development	6	6	0	0
24	Information & Broadcasting	89	36	53	18
25	Insurance	287	145	142	85
26	Labour	635	337	298	102
27	Mines	281	214	67	35
28	Non Conventional Energy Sources	3	3	0	0
29	Petroleum	3458	2897	561	285
30	Planning	173	131	42	23
31	Posts	1052	590	462	111
32	Power	473	315	158	72
33	Railways	11243	8621	2622	865
34	Rural Development	117	32	85	69
35	Science & Technology	185	52	133	118
36	Steel	1430	1215	215	50
37	Surface Transport	584	252	332	193
38	Telecommunication	3179	1693	1486	561
39	Textiles	431	321	110	70
40	Tourism	19	16	3	0
41	Union Territory	344	230	114	38
42	Urban Affairs	3340	1227	2113	551
43	Water Resources	28	11	17	9
44	Youth Affairs & Sports	174	55	119	88
	Total	48920	33406	15514	6544

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

Appendix III-B

(Para 3.5)

Work done by CVOs in 2013 Details of Departmental Inquiries against officers (Under the CVC Jurisdiction)

S.No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1	Atomic Energy	5	1	4	4
2	Banks	643	355	288	131
3	Civil Aviation	44	19	25	11
4	Coal	48	20	28	13
5	Commerce	55	6	49	47
6	Corporate Affairs	10	1	9	8
7	Customs & Excise	549	165	384	334
8	Defence	86	22	64	28
9	DoPT	41	11	30	27
10	External Affairs	12	5	7	7
11	Fertilizers	3	1	2	1
12	Finance	1	1	0	0
13	Food & Consumer Affairs	32	10	22	20
14	Govt. of NCT of Delhi	3	2	1	0
15	Health & Family Welfare	52	9	43	40
16	Heavy Industry	19	16	3	3
17	Home Affairs	52	11	41	34
18	Human Resource Development	4	1	3	3
19	Income Tax	30	3	27	27
20	Industrial Development	14	6	8	7
21	Insurance	14	6	8	5
22	Labour	106	45	61	52
23	Mines	18	2	16	13
24	Petroleum	46	18	28	14
25	Posts	18	1	17	16
26	Power	2	1	1	0
27	Railways	451	146	305	265
28	Rural Development	14	3	11	4
29	Science & Technology	37	7	30	24
30	Steel	13	5	8	7
31	Surface Transport	47	13	34	28
32	Telecommunication	171	35	136	122
33	Tourism	29	1	28	27
34	Union Territory	5	0	5	5
35	Urban Affairs	78	38	40	27
36	Youth Affairs & Sports	2	0	2	2
	Total	2754	986	1768	1356

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

Appendix III-C (Para 3.5)

Work done by CVOs in 2013 Details on Departmental Inquiry against other employees

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1	Agriculture	17	5	12	12
2	Atomic Energy	34	5	29	29
3	Banks	4061	2698	1363	313
4	Civil Aviation	117	76	41	31
5	Coal	190	100	90	70
6	Commerce	94	26	68	36
7	Corporate Affairs	2	1	1	0
8	Culture	1	0	1	1
9	Customs & Excise	1222	408	814	654
10	Defence	94	46	48	34
11	DoPT	40	12	28	21
12	External Affairs	8	1	7	0
13	Fertilizers	35	8	27	21
14	Finance	9	4	5	5
15	Food & Consumer Affairs	415	208	207	69
16	Govt. of NCT of Delhi	116	78	38	23
17	Health & Family Welfare	10	5	5	2
18	Heavy Industry	30	27	3	1
19	Home Affairs	757	554	203	105
20	Human Resource Development	15	2	13	10
21	Income Tax	345	29	316	264
22	Industrial Development	18	5	13	11
23	Information & Broadcasting	7	0	7	0
24	Insurance	82	39	43	25
25	Labour	444	129	315	234
26	Mines	46	24	22	19
27	Petroleum	216	59	157	129
28	Posts	26	0	26	13
29	Power	69	36	33	19
30	Railways	1746	984	762	465
31	Rural Development	9	9	0	0
32	Science & Technology	61	18	43	38
33	Steel	65	22	43	25
34	Surface Transport	290	113	177	145
35	Telecommunication	1255	660	595	468
36	Textiles	23	4	19	14
37	Tourism	13	5	8	7
38	Union Territory	94	13	81	77
39	Urban Affairs	62	34	28	19
40	Water Resources	3	0	3	3
41	Youth Affairs & Sports	4	1	3	0
	Total	12145	6448	5697	3412

Appendix III-D (Para 3.5)

Work done by CVOs in 2013 Details of Prosecution Sanctions for all categories

S. No.	Department/Sector	Total cases for sanction	Disposal		Pending	Pending for more than six months
			Sanctioned	Refused		
1	Agriculture	1	1	0	0	0
2	Atomic Energy	1	0	0	1	1
3	Banks	169	106	35	28	7
4	Civil Aviation	4	4	0	0	0
5	Coal	38	38	0	0	0
6	Commerce	3	2	0	1	0
7	Customs & Excise	5	4	1	0	0
8	External Affairs	1	1	0	0	0
9	Food & Consumer Affairs	25	25	0	0	0
10	Govt. of NCT of Delhi	22	6	3	13	1
11	Health & Family Welfare	10	5	0	5	5
12	Home Affairs	13	5	3	5	1
13	Income Tax	5	3	0	2	0
14	Industrial Development	1	1	0	0	0
15	Information & Broadcasting	1	1	0	0	0
16	Insurance	4	4	0	0	0
17	Labour	5	5	0	0	0
18	Mines	9	3	6	0	0
19	Petroleum	5	5	0	0	0
20	Posts	8	1	0	7	0
21	Railways	44	33	1	10	0
22	Steel	14	12	0	2	0
23	Surface Transport	10	9	0	1	0
24	Telecommunication	10	7	0	3	0
25	Textiles	6	6	0	0	0
26	Union Territory	18	16	0	2	2
27	Urban Affairs	3	1	0	2	1
	Total	435	304	49	82	18

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

Appendix III-E (Para 3.5)

Work done by CVOs in 2013

Details of punishments awarded (all categories) in cases of Minor penalty proceedings

S. No.	Department/Sector	Reduction to lower stage	Postponement/withholding of increment	Recovery from pay	Withholding of promotion	Censure/Warning	No action	Total
1	Agriculture	0	1	1	0	1	1	4
2	Atomic Energy	1	4	0	0	0	0	5
3	Banks	638	55	222	3	656	52	1626
4	Civil Aviation	0	10	0	0	10	1	21
5	Coal	2	13	3	0	127	9	154
6	Commerce	2	4	2	0	3	0	11
7	Customs & Excise	9	2	2	0	32	4	49
8	Defence	7	10	0	0	48	1	66
9	DoPT	0	1	0	0	5	0	6
10	External Affairs	1	0	1	0	4	0	6
11	Finance	0	2	0	0	2	0	4
12	Food & Consumer Affairs	253	129	2210	2	548	70	3212
13	Govt. of NCT of Delhi	6	13	0	0	34	19	72
14	Health & Family Welfare	3	1	0	0	0	0	4
15	Heavy Industry	2	1	0	0	21	0	24
16	Home Affairs	1	03	80	0	216	47	47
17	Income Tax	0	1	0	0	1	0	2
18	Industrial Development	0	0	0	0	1	0	1
19	Information & Broadcasting	0	2	0	0	12	0	14
20	Insurance	6	4	1	0	12	1	24
21	Labour	3	10	1	0	36	8	58
22	Mines	0	2	0	0	2	0	4
23	Petroleum	3	4	0	2	254	31	294
24	Posts	2	94	82	0	130	17	325
25	Power	9	1	0	3	30	3	46
26	Railways	175	1798	12	695	1283	209	4172
27	Science & Technology	3	5	0	0	3	0	11
28	Steel	0	15	0	0	39	2	56
29	Surface Transport	4	1	1	0	16	7	29
30	Telecommunication	31	111	11	11	164	30	358
31	Textiles	0	0	0	0	2	1	3
32	Tourism	0	1	0	0	3	0	4
33	Union Territory	0	0	0	0	2	1	3
34	Urban Affairs	7	5	0	0	13	4	29
	Total	1168	2303	2629	716	3710	518	10744

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

Appendix III-F (Para 3.5)

Work done by CVOs in 2013

Details on punishments awarded (all categories) in cases of Major penalty proceedings

S. No.	Department/ Sector	Cut in Pension	Dismissal/ Removal/ Compulsory Retirement	Reduction to lower time scale/rank	Other Major penalties	Minor penalties other than censure/warning	Censure/Warning	No action	Total
1	Agriculture	0	2	1	0	0	0	9	12
2	Atomic Energy	0	0	2	1	4	1	0	8
3	Banks	37	603	990	1160	316	186	139	3431
4	Civil Aviation	0	7	44	3	14	10	6	84
5	Coal	3	17	77	31	2	27	101	258
6	Commerce	0	0	0	4	1	5	3	13
7	Customs & Excise	16	17	55	45	4	11	34	182
8	Defence	7	3	4	15	0	1	6	36
9	DoPT	1	3	3	0	6	0	4	17
10	External Affairs	1	8	3	0	0	0	0	12
11	Fertilizers	0	0	2	1	0	0	20	23
12	Finance	0	1	2	0	0	0	0	3
13	Food & Consumer Affairs	0	46	63	20	162	19	57	367
14	Govt. of NCT of Delhi	4	33	15	26	0	6	15	99
15	Health & Family Welfare	1	2	0	1	3	0	0	7
16	Heavy Industry	1	3	1	7	8	14	1	35
17	Home Affairs	11	123	54	30	8	6	23	255
18	Income Tax	1	0	0	0	0	1	7	9
19	Industrial Development	2	1	2	0	1	2	2	10
20	Insurance	7	16	45	20	12	15	14	129
21	Labour	15	10	7	14	27	21	10	104
22	Mines	0	11	1	3	2	3	2	22
23	Petroleum	0	5	27	7	18	20	1	78
24	Posts	0	1	6	0	8	8	12	35
25	Power	0	2	5	2	2	8	1	20
26	Railways	18	101	627	65	133	13	47	1004
27	Rural Development	0	1	0	2	0	1	0	4
28	Science & Technology	1	1	4	0	2	4	8	20
29	Steel	0	4	22	4	0	2	2	34
30	Surface Transport	1	9	41	24	11	18	12	116
31	Telecommunication	56	64	124	45	35	31	45	400
32	Textiles	2	0	3	0	1	0	0	6
33	Tourism	0	0	5	0	0	0	1	6
34	Union Territory	2	2	0	0	0	1	6	11
35	Urban Affairs	25	1	32	0	2	7	11	78
	Total	212	1097	2267	1530	782	441	599	6928

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

Appendix III-G (Para 3.5)

Organizations from whom Annual Report for the year 2013 received

S.No.	Name of the Organisation
1	Air India
2	Airports Authority of India
3	Allahabad Bank
4	Andhra Bank
5	Andrew Yule Co. Ltd.
6	Artificial Limbs Manufacturing Corporation of India
7	Assam Rifles
8	Balmer Lawrie & Co. Ltd.
9	Bank of Baroda
10	Bank of India
11	Bharat Bhari Udyog Nigam Ltd.
12	Bharat Coking Coal Ltd.
13	Bharat Dynamics Ltd.
14	Bharat Earth Movers Ltd.
15	Bharat Electronics Ltd.
16	Bharat Heavy Electricals Ltd.
17	Bharat Petroleum Corporation Ltd.
18	Bharat Pumps & Compressors Ltd.
19	Bharat Sanchar Nigam Ltd.
20	Bharatiya Nabhikiya Vidut Nigam Ltd.
21	Bharatiya Reserve Bank Note Mudran (P) Ltd.
22	Bird Group of Companies
23	Board of Apprenticeship Training (WR)
24	Border Roads Development Board
25	Border Security Force
26	Brahmaputra Valley Fertilizer Corporation Ltd.
27	Bridge & Roof Co. (India) Ltd.
28	Braithwaite & Co. Ltd.
29	Bureau of Indian Standards
30	Canara Bank
31	CAPART
32	Cement Corporation of India Ltd.
33	Central Bank of India

S.No.	Name of the Organisation
34	Central Board For Workers Education
35	Central Board of Excise & Customs
36	Central Bureau of Investigation
37	Central Coalfields Ltd.
38	Central Cottage Industries Corporation of India ltd.
39	Central Council For Research in Ayurvedic Sciences
40	Central Council of Homoeopathy
41	Central Institute of Hand Tools
42	Central Institute of Plastics Engineering & Technology
43	Central Manufacturing Technology Institute
44	Central Mines Planning & Design Institute Ltd.
45	Central Power Research Institute
46	Central Pulp & Paper Research Institute
47	Central Reserve Police Force
48	Central Tibetan Schools Administration
49	Central Warehousing Corporation
50	Chennai Petroleum Corporation Ltd.
51	Chennai Port Trust
52	Children's Film Society
53	Coal India Ltd.
54	Cochin Port Trust
55	Coconut Development Board
56	Coffee Board
57	Controller General of Defence Accounts
58	Container Corporation of India Ltd.
59	Corporation Bank of India
60	Council of Science & Industrial Research
61	Dadra & Nagar Haveli Administration
62	Dedicated Freight Corridor Corporation of India Ltd.
63	Delhi Development Authority
64	Delhi Jal Board
65	Delhi Metro Rail Corporation Ltd.

S.No.	Name of the Organisation
66	Delhi Transco Ltd.
67	Delhi Transport Corporation
68	Delhi Urban Art Commission
69	Dena Bank
70	Department of Atomic Energy
71	Department of Agriculture
72	Department of Animal Husbandry
73	Department of AYUSH
74	Department of Commerce (Supply Division)
75	Department of Consumers Affairs
76	Department of Defence Production
77	Department of Disinvestment
78	Department of Economic Affairs
79	Department of Electronics & Information Technology
80	Department of Posts
81	Department of Space
82	Department of Telecommunications
83	Dredging Corporation Of India Ltd.
84	Eastern Coalfields Ltd.
85	Educational Consultants India Ltd.
86	Electronics Corporation of India Ltd.
87	Employees' Provident Fund Organization
88	Employees' State Insurance Corporation
89	Engineers India Ltd.
90	Ennore Port Ltd.
91	Export Credit Guarantee Corporation of India
92	Export-Import Bank of India
93	FCI Aravali Gypsum & Minerals India Ltd.
94	Film & Television Institute of India
95	Food Corporation of India
96	GAIL (India) Ltd.
97	Garden Reach Shipbuilders & Engineers Ltd.
98	General Insurance Corporation of India
99	Geological Survey of India
100	Government of Puducherry
101	Handicraft & Handlooms Exports Corporation of India Ltd.
102	Harish Chandra Research Institute
103	Heavy Engineering Corpn. Ltd.

S.No.	Name of the Organisation
104	Hindustan Aeronautics Ltd.
105	Hindustan Copper Ltd.
106	Hindustan Fertilizer Corporation Ltd.
107	Hindustan Organic Chemicals Ltd.
108	Hindustan Paper Corporation Ltd.
109	Hindustan Petroleum Corporation Ltd.
110	Hindustan Prefab Ltd.
111	Hindustan Shipyard Ltd.
112	Hindustan Steelworks Construction Ltd.
113	HMT Ltd.
114	Hotel Corporation of India Ltd.
115	Housing & Urban Development Corporation
116	HSCC (India) Limited
117	India Tourism Development Corporation
118	Indian Bank
119	Indian Bureau of Mines
120	Indian Grain Storage Management & Research Institute
121	Indian Institute of Entrepreneurship
122	Indian Institute Of Information Tech. Design & Manufacturing
123	Indian Institute of Management, Ahmedabad
124	Indian Institute of Technology, Gandhi Nagar
125	Indian Maritime University
126	Indian Medicines Pharmaceutical Corporation Ltd.
127	Indian Oil Corporation Ltd.
128	Indian Overseas Bank
129	Indian Rare Earth Ltd.
130	Indian Renewable Energy Dev. Agency Ltd.
131	Industrial Development Bank of India
132	Intelligence Bureau
133	Inter State Council Secretariat
134	International Institute for Population Science
135	Ircon International Ltd.
136	Jute Corporation of India Ltd.
137	Kandla Port Trust
138	Kendriya Bhandar
139	Khadi & Village Industries Commission
140	Kolkata Port Trust

S.No.	Name of the Organisation
141	Konkan Railway Corporation Ltd.
142	Kudremukh Iron & Ore. Co. Ltd.
143	Madras Fertilizers Ltd.
144	Mahanadi Coalfields Ltd.
145	Mahanagar Telephone Nigam Ltd.
146	Mangalore Refinery & Petrochemicals Ltd.
147	Manganese Ore India Ltd.
148	Mazagon Dock Ltd.
149	MECON Ltd.
150	Medical Council of India
151	Metal Scrap Trade Corporation Ltd.
152	Ministry of Civil Aviation
153	Ministry of Commerce & Industry
154	Ministry of Corporate Affairs
155	Ministry of Earth Sciences
156	Ministry of External Affairs
157	Ministry of Health & Family Welfare
158	Ministry of Home Affairs
159	Ministry of Human Resource Development
160	Ministry of New & Renewable Energy
161	Ministry of Panchayati Raj
162	Ministry of Petroleum & Natural Gas
163	Ministry of Railways
164	Ministry of Rural Development
165	Ministry of Shipping
166	Ministry of Textiles
167	Ministry of Urban Development
168	Ministry of Youth Affairs & Sports
169	Mishra Dhatu Nigam Ltd.
170	MMTC Ltd.
171	Mormugao Port Trust
172	Mumbai Port Trust
173	National Aluminium Co. Ltd.
174	National Bank for Agriculture & Rural Development
175	National Building Construction Corporation Ltd.
176	National Consumer Disputes Redressal Commission
177	National Cooperative Consumers Federation of India Ltd.

S.No.	Name of the Organisation
178	National Council of Science Museums
179	National Institute of Fashion Technology
180	National Fertilizers Ltd
181	National Highways Authority of India
182	National Hydroelectric Power Corpn. Ltd
183	National Institute of Health & Family Welfare
184	National Institute of Immunology
185	National Institute of Miners' Health
186	National Institute of Science Education and Research, Bhubaneswar
187	National Institute of Technical Teachers Training & Research
188	National Power Training Institute
189	National Projects Construction Corporation Ltd.
190	National Research Development Corpn.
191	National Safai Karamcharis Fin. & Dev. Corporation
192	National Scheduled Castes Finance and Development Corporation
193	National Seeds Corporation Ltd.
194	National Textile Corporation Ltd.
195	National Thermal Power Corpn. Ltd.
196	National Water Development Agency
197	New Delhi Municipal Council
198	New Mangalore Port Trust
199	Neyveli Lignite Corporation Ltd.
200	North Delhi Municipal Corporation
201	North Eastern Development Finance Corporation Ltd.
202	North Eastern Electric Power Corporation Ltd.
203	North Eastern Handicrafts & Handlooms Dev. Corporation Ltd.
204	Northern Coalfields Ltd.
205	Nuclear Power Corporation Of India Ltd.
206	Numaligarh Refinery Ltd.
207	Office of the Coal Mines Provident Fund Organisation
208	Office of the Controller General of Accounts

S.No.	Name of the Organisation
209	Office of the Director General of Civil Aviation
210	Oil and Natural Gas Corporation Ltd.
211	Oil India Ltd.
212	Ordnance Factory Board
213	Oriental Bank of Commerce
214	Pawan Hans Helicopters Ltd.
215	Pondicherry University
216	Power Finance Corporation Ltd.
217	Power Grid Corporation of India Ltd.
218	Prasar Bharati
219	Press Council of India
220	Projects & Development India Ltd.
221	Pandit Deendayal Upadhyaya Inst. For the Physically Handicapped
222	Punjab & Sind Bank
223	Punjab National Bank
224	Rail India Technical & Economic Services Ltd.
225	Rail Vikas Nigam Ltd.
226	Rajasthan Electronics & Instruments Ltd.
227	Rashtriya Chemicals & Fertilizers Ltd.
228	Rashtriya Ispat Nigam Ltd.
229	Rehabilitation Council of India
230	REPCO Bank
231	Reserve Bank of India
232	Richardson & Curddas (1972) Ltd.
233	Rural Electrification Corporation Ltd.
234	Sashastra Seema Bal
235	Satluj Jal Vidyut Nigam Ltd.
236	Scooters India Ltd.
237	Security Printing & Minting Corporation of India Ltd.
238	Small Industries Development Bank of India
239	Software Technology Parks of India
240	South Eastern Coalfields Ltd.
241	Sports Authority of India
242	State Bank of Bikaner & Jaipur
243	State Bank of Hyderabad
244	State Bank of India
245	State Bank of Mysore
246	State Bank of Patiala

S.No.	Name of the Organisation
247	State Bank of Travancore
248	State Trading Corporation of India Ltd.
249	Steel Authority of India ltd.
250	Syndicate Bank
251	Tehri Hydro Development Corporation
252	Telecommunication Consultants India Ltd.
253	The Cotton Corporation of India Ltd.
254	The Fertilisers & Chemicals Travancore Ltd.
255	The Rubber Board
256	Tobacco Board
257	UCO Bank
258	Union Bank of India
259	United Bank of India
260	United India Insurance Co. Ltd.
261	V.O. Chidambaranar Port Trust
262	Victoria Memorial Hall
263	Vijaya Bank
264	Western Coalfields Ltd.

Appendix-IV (Para 4.7)

Organization-wise list of complaints referred by CVC and pending with CVOs for inquiry and report as on 31.12.2013

S. No.	Name of the Department/ Organisation	Complaints pending with CVOs for inquiry and report		
		Upto one year	Between one - three years	More than three years
1.	Air India	0	4	0
2.	Airports Authority of India	0	0	1
3.	Aligarh Muslim University	0	2	1
4.	All India Council for Technical Education	0	1	5
5.	All India Institute of Medical Sciences	1	0	3
6.	Andaman & Nicobar Administration	0	1	2
7.	Andhra Bank	1	0	0
8.	Bank of Baroda	1	0	1
9.	Bank of India	1	0	0
10.	Bharat Coking Coal Ltd.	1	0	0
11.	Bharat Electronics Ltd.	0	1	0
12.	Bharat Heavy Electricals Ltd.	2	0	0
13.	Bharat Petroleum Corporation Ltd.	1	2	0
14.	Bharat Sanchar Nigam Ltd.	4	4	8
15.	Border Roads Development Board	0	3	7
16.	Brahmaputra Board	0	0	1
17.	Canara Bank	1	0	0
18.	Central Bank of India	1	2	6
19.	Central Board of Direct Taxes	5	28	35
20.	Central Board of Excise & Customs	14	19	5
21.	Central Board of Secondary Education	0	0	1
22.	Central Bureau of Investigation	0	3	2
23.	Central Coalfields Ltd.	2	0	0
24.	Chandigarh Administration	0	0	2
25.	Central Public Works Department	10	18	2
26.	Coal India Ltd.	1	0	0
27.	Comptroller and Auditor General of India	1	0	1
28.	Council of Scientific & Industrial Research	1	3	0
29.	Corporation Bank	2	1	0
30.	Council for Advancement of Peoples Action and Rural Technology (CAPART)	0	1	0

S. No.	Name of the Department/ Organisation	Complaints pending with CVOs for inquiry and report		
		Upto one year	Between one - three years	More than three years
31.	Central Warehousing Corporation	0	0	1
32.	Dadra & Nagar Haveli Administration	0	2	1
33.	Daman & Diu Administration	0	1	2
34.	Damodar Valley Corporation	5	2	0
35.	Defence Accounts Department (CGDA)	0	1	0
36.	Delhi Development Authority	36	37	7
37.	Delhi Jal Board	10	17	0
38.	Delhi Metro Rail Corporation	0	2	0
39.	Delhi Police	6	16	5
40.	Delhi Transport Corporation	2	3	2
41.	Delhi Urban Shelter Improvement Board	2	2	0
42.	Dena Bank	2	2	0
43.	Department of Agriculture & Co-operation	0	1	0
44.	Department of Animal Husbandry, Dairying and Fisheries	0	1	1
45.	Department of Atomic Energy	3	2	0
46.	Department of AYUSH	0	4	1
47.	Department of Chemicals & Petrochemicals	0	3	0
48.	Department of Commerce (Supply Division)	0	1	0
49.	Department of Commerce	9	3	0
50.	Department of Defence Production and Supplies	0	1	2
51.	Department of Economic Affairs	0	0	2
52.	Department of Fertilizers	2	2	0
53.	Department of Financial Services	26	4	2
54.	Department of Food and Public Distribution	0	0	1
55.	Department of Industrial Policy & Promotion	0	2	0
56.	Department of Health	2	8	4
57.	Department of Heavy Industry	4	3	0
58.	Department of Ocean Development	0	0	3
59.	Department of Pharmaceuticals	1	0	0
60.	Department of Posts	2	4	26
61.	Department of Revenue	0	1	3
62.	Department of Science & Technology	3	2	0
63.	Department of Secondary and Higher Education & D/o Elementary Education And Literacy	6	23	23
64.	Department of Telecommunications	2	3	1

S. No.	Name of the Department/ Organisation	Complaints pending with CVOs for inquiry and report		
		Upto one year	Between one - three years	More than three years
65.	Department of Women and Child Development	0	0	4
66.	Directorate General of Civil Aviation	0	1	1
67.	DSIIDC Ltd.	5	3	6
68.	DTL/IPGCL	1	0	0
69.	Eastern Coalfields Ltd.	4	0	0
70.	Educational Consultants India Ltd.	0	0	1
71.	Election Commission of India	0	1	0
72.	Employees' Provident Fund Organisation	2	5	1
73.	Employees' State Insurance Corporation	1	0	2
74.	Fertilizers & Chemicals Travancore Ltd.	1	0	0
75.	Food Corporation of India	0	1	1
76.	Geological Survey of India	1	0	0
77.	Govt. of NCT of Delhi	94	90	31
78.	Govt. of Puducherry	0	2	1
79.	Hindustan Copper Ltd.	0	1	0
80.	Hindustan Organic Chemicals Ltd.	0	1	0
81.	Hindustan Petroleum Corporation Ltd.	1	0	0
82.	Hindustan Vegetable Oils Corporation Ltd.	0	0	1
83.	IIT, Delhi	0	0	2
84.	IIT, Roorkee	0	0	1
85.	India Tourism Development Corporation	0	0	2
86.	India Trade Promotion Organisation	0	1	0
87.	Indian Bureau of Mines	0	2	0
88.	Indian Council of Agricultural Research	1	7	5
89.	Indian Council of Medical Research	0	0	2
90.	Indian Oil Corporation Ltd.	2	0	1
91.	Indira Gandhi National Open University	1	0	2
92.	Intelligence Bureau (IB)	0	0	1
93.	Jamia Millia Islamia	0	0	1
94.	Jawaharlal Nehru University	0	0	1
95.	Kendriya Vidyalaya Sangathan	0	1	0
96.	Kudremukh Iron & Ore Co. Ltd.	1	0	0
97.	Khadi & Village Industries Commission	0	1	0
98.	Kolkata Port Trust	1	0	0
99.	Life Insurance Corporation of India	6	5	0
100.	Mahanadi Coalfields Ltd.	1	0	0

S. No.	Name of the Department/ Organisation	Complaints pending with CVOs for inquiry and report		
		Upto one year	Between one - three years	More than three years
101.	MECON Ltd.	1	0	0
102.	Metal Scrap Trade Corporation Ltd.	1	0	0
103.	Mahanagar Telephone Nigam Ltd.	0	0	2
104.	Mazagon Dock Ltd.	0	1	0
105.	Ministry of Civil Aviation	2	4	1
106.	Ministry of Coal	5	12	0
107.	Ministry of Corporate Affairs	0	1	0
108.	Ministry of Culture	0	1	6
109.	Ministry of Development of NER	0	0	1
110.	Ministry of Defence	2	13	2
111.	Ministry of External Affairs	0	1	0
112.	Ministry of Environment & Forests	1	2	6
113.	Ministry of Mines	7	3	0
114.	Ministry of Home Affairs	1	2	3
115.	Ministry of Housing & Urban Poverty Alleviation	1	7	1
116.	Ministry of Information & Broadcasting	0	6	3
117.	Ministry of Information Technology	1	1	1
118.	Ministry of Micro, Small & Medium Enterprises	3	1	0
119.	Ministry of Minority Affairs	0	1	0
120.	Ministry of New & Renewable Energy	0	1	0
121.	Ministry of Parliamentary Affairs	0	0	1
122.	Ministry of Personnel, P.G. & Pensions	0	2	1
123.	Ministry of Petroleum & Natural Gas	5	2	0
124.	Ministry of Power	20	4	0
125.	Ministry of Railways	13	14	6
126.	Ministry of Road Transport & Highways	0	5	1
127.	Ministry of Rural Development	0	1	2
128.	Ministry of Shipping	1	2	0
129.	Ministry of Steel	8	1	0
130.	Ministry of Social Justice & Empowerment	1	1	6
131.	Ministry of Statistics and Programme Implementation	0	1	1
132.	Ministry of Textiles	6	5	0
133.	Ministry of Tourism	0	0	1
134.	Ministry of Tribal Affairs	0	0	1
135.	Ministry of Urban Development	7	23	15

S. No.	Name of the Department/ Organisation	Complaints pending with CVOs for inquiry and report		
		Upto one year	Between one - three years	More than three years
136.	Ministry of Water Resources	0	4	3
137.	Ministry of Youth Affairs & Sports	1	1	0
138.	MMTC Ltd.	2	0	0
139.	Mumbai Port Trust	1	0	0
140.	Municipal Corporation of Delhi (East)	6	10	3
141.	Municipal Corporation of Delhi (North)	51	94	16
142.	Municipal Corporation of Delhi (South)	26	41	7
143.	National Agricultural Coop. Marketing Federation of India Ltd. (NAFED)	0	0	1
144.	National Bank for Agriculture and Rural Development (NABARD)	2	1	1
145.	National Board of Examinations	0	0	1
146.	National Buildings Construction Corporation Ltd.	2	1	0
147.	National Cooperative Consumers Federation	0	1	0
148.	National Highways Authority of India	3	5	0
149.	National Hydroelectric Power Corporation Ltd.	1	0	0
150.	National Institute of Educational Planning & Administration (NIEPA)	0	0	1
151.	National Institute of Technology, Jamshedpur	0	0	1
152.	National Productivity Council	0	0	1
153.	National Textile Corporation Ltd.	2	0	0
154.	National Thermal Power Corporation Ltd.	4	0	0
155.	Navodaya Vidyalaya Samiti	0	0	4
156.	New Delhi Municipal Council	5	6	0
157.	New India Assurance Co. Ltd.	1	0	0
158.	New Mangalore Port Trust	0	0	1
159.	NMDC Ltd.	4	0	0
160.	Neyveli Lignite Corporation Ltd.	1	0	0
161.	Northern Coalfields Ltd.	3	1	0
162.	Oil & Natural Gas Corporation Ltd.	3	2	0
163.	Ordnance Factory Board	1	3	0
164.	Oriental Bank of Commerce	1	1	1
165.	Oriental Insurance Co. Ltd.	9	0	0
166.	P.G. Institute of Medical Education & Research, Chandigarh	2	2	0
167.	Pawan Hans Helicopters Ltd.	0	0	1
168.	Prime Minister's Office	0	0	1

S. No.	Name of the Department/ Organisation	Complaints pending with CVOs for inquiry and report		
		Upto one year	Between one - three years	More than three years
169.	Power Finance Corporation Ltd.	1	0	0
170.	Prasar Bharati	1	0	0
171.	Punjab & Sind Bank	0	1	1
172.	Punjab National Bank	1	0	0
173.	Rashtriya Ispat Nigam Ltd.	2	0	0
174.	Rural Electrification Corporation Ltd.	1	0	0
175.	Satluj Jal Vidyut Nigam Ltd.	2	1	0
176.	Securities and Exchange Board of India	1	1	0
177.	Shipping Corporation of India Ltd.	0	1	0
178.	South Eastern Coalfields Ltd.	13	1	0
179.	State Bank of Bikaner & Jaipur	1	0	0
180.	State Bank of India	8	2	1
181.	State Bank of Mysore	0	0	1
182.	State Bank of Patiala	2	0	0
183.	State Bank of Travancore	4	0	0
184.	State Trading Corporation of India	0	1	0
185.	Steel Authority of India Ltd.	4	0	0
186.	Syndicate Bank	3	0	0
187.	Triveni Structurals Ltd.	0	0	1
188.	UCO Bank	1	0	0
189.	Union Bank of India	2	3	0
190.	United Bank of India	1	0	1
191.	United India Insurance Co. Ltd.	2	1	0
192.	University Grants Commission	0	0	1
193.	Vijaya Bank	0	0	1
194.	Vishakhapatnam Port Trust	1	0	0
195.	Western Coalfields Ltd.	7	0	0
	Total	571	671	348

Appendix-V (Para 4.8)

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

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
1	Air India	10	0
2	Airport Authority of India	1	0
3	All India Institute of Medical Sciences	2	1
4	Allahabad Bank	4	0
5	Andaman & Nicobar Administration	14	6
6	Andhra Bank	1	1
7	Archaeological Survey of India	1	0
8	Artificial Limbs Mfg. Corp. Ltd.	1	0
9	Balmer Lawrie & Co. Ltd.	7	6
10	Bank of Baroda	4	1
11	Bank of India	9	0
12	Bank of Maharashtra	1	0
13	Betwa River Board	1	0
14	Bharat Coking Coal Ltd.	6	10
15	Bharat Heavy Electricals Ltd.	1	0
16	Bharat Immunologicals and Biologicals Corporation Ltd.	0	3
17	Bharat Petroleum Corporation Ltd.	4	1
18	Bharat Wagons & Engineering Co. Ltd.	1	0
19	Border Roads Development Board	11	6
20	Brahmaputra Board	2	0
21	Bureau of Indian Standards	1	0
22	Cabinet Secretariat	1	1
23	Canara Bank	4	1
24	Central Bank of India	3	0
25	Central Board of Direct Taxes	52	47
26	Central Board of Excise & Customs	109	91
27	Central Board of Secondary Education	2	0
28	Central Bureau of Investigation	6	1
29	Central Coalfields Ltd.	2	0

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
30	Central Council for Research in Ayurvedic Sciences	1	2
31	Central Industrial Security Force	1	0
32	CMPDIL	2	1
33	Central Public Works Department	18	2
34	Central Reserve Police Force	7	3
35	Chandigarh Administration	2	1
36	Chennai Port Trust	2	0
37	Comptroller & Auditor General of India	10	2
38	Coal India Ltd.	3	7
39	Coffee Board	1	1
40	Container Corporation of India Ltd.	4	0
41	Controller General of Accounts	3	0
42	Corporation Bank	3	0
43	Council for Advancement of People's Action and Rural Technology (CAPART)	6	0
44	Council of Scientific & Industrial Research	4	3
45	Daman & Diu and Dadra & Nagar Haveli Administration	25	4
46	Damodar Valley Corporation	0	3
47	Defence Accounts Department (CGDA)	11	2
48	Delhi Development Authority	9	4
49	Delhi Jal Board	7	2
50	Delhi Police	3	0
51	Delhi Transport Corporation	13	6
52	Delhi Urban Shelter Improvement Board	5	0
53	Dena Bank	1	2
54	Department of Agriculture & Cooperation	2	3
55	Department of Animal Husbandry, Dairying & Fisheries	1	0
56	Department of Atomic Energy	2	17
57	Department of AYUSH	2	4
58	Department of Chemicals & Petrochemicals	2	5
59	Department of Defence Production	6	4
60	Department of Economic Affairs	5	1
61	Department of Education	9	4
62	Department of Expenditure	1	0

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
63	Department of Fertilizers	4	0
64	Department of Financial Services	4	0
65	Department of Heavy Industry	4	0
66	Department of Health	7	4
67	Department of Industrial Policy	5	2
68	Department of Legal Affairs & Legislative	0	1
69	Department of Mines	4	0
70	Department of Pharmaceuticals	1	0
71	Department of Posts	8	3
72	Department of Public Distribution	1	0
73	Department of Revenue	9	3
74	Department of Science & Technology	1	0
75	Department of Space	1	1
76	Department of Sugar & Edible Oils	1	0
77	Department of Supply	3	0
78	Department of Telecom	11	6
79	Department of Women & Child Development	1	0
80	Department of Youth Affairs & Sports	3	0
81	DSIIDC Ltd.	7	3
82	DTL/IPGCL	7	3
83	Eastern Coalfields Ltd.	3	6
84	Employees' Provident Fund Organisation	8	9
85	Employees' State Insurance Corporation	2	1
86	Food Corporation of India	1	0
87	Govt. of NCT of Delhi	19	18
88	Govt. of Puducherry	15	1
89	Handicraft and Handloom Export Corporation Ltd.	0	1
90	Hindustan Aeronautics Ltd.	3	0
91	Hindustan Antibiotics Ltd.	1	0
92	Hindustan Copper Ltd.	3	0
93	Hindustan Fertilizers Corpn. Ltd.	0	4
94	Hindustan Organic Chemicals Ltd.	0	2
95	Hindustan Petroleum Corporation Ltd.	2	0
96	Hindustan Vegetable Oils Corpn. Ltd.	1	0

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
97	HMT Ltd.	2	1
98	Hotel Corporation of India Ltd.	2	0
99	Housing & Urban Development Corporation	5	0
100	HLL Lifecare Ltd.	1	0
101	IIT, Kanpur	1	0
102	India Tourism Development Corporation	0	2
103	Indian Bank	8	1
104	Indian Council of Agricultural Research	6	10
105	Indian Institute of Technology, Kharagpur	1	0
106	Indian Oil Corporation Ltd.	6	8
107	Indian Overseas Bank	13	0
108	Indian Rare Earths Ltd.	0	4
109	Indian Telephone Industries Ltd.	3	5
110	Indian Trade Promotion Organisation	3	5
111	Indira Gandhi National Open University	1	0
112	Indira Gandhi Rashtriya Manav Sangrahalaya	1	0
113	Industrial Development Bank of India	20	0
114	Inland Waterways Authority of India	1	0
115	IRCTC Ltd.	1	0
116	Kandla Port Trust	2	0
117	Kendriya Vidyalaya Sangathan	24	4
118	Khadi & Village Industries Commission	14	12
119	Konkan Railways Corporation Ltd.	2	0
120	Krishak Bharti Cooperative Ltd.	2	0
121	Lakshadweep Administration	8	0
122	Life Insurance Corporation of India	4	0
123	Madras Fertilizers Ltd.	0	1
124	Mahanadi Coalfields Ltd.	7	0
125	Mahanagar Telephone Nigam Ltd	1	0
126	Manganese Ore India Ltd.	0	3
127	Mazagon Dock Ltd.	0	4
128	MECON Ltd.	2	0
129	Medical Council of India	2	0
130	Metal Scrap Trade Corporation Ltd.	2	0

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
131	Ministry of Civil Aviation	16	0
132	Ministry of Coal	9	1
133	Ministry of Commerce	1	4
134	Ministry of Corporate Affairs	6	1
135	Ministry of Culture	1	0
136	Ministry of Defence	18	5
137	Ministry of Development of North East Region	2	0
138	Ministry of Earth Sciences	1	0
139	Ministry of Environment & Forests	10	4
140	Ministry of External Affairs	7	0
141	Ministry of Home Affairs	32	6
142	Ministry of Housing, Urban & Poverty Alleviation	1	0
143	Ministry of Information & Broadcasting	8	6
144	Ministry of Information Technology	2	1
145	Ministry of Micro Small & Medium Enterprises	4	0
146	Ministry of Overseas Indian Affairs	2	0
147	Ministry of Personnel, P.G. & Pensions	38	13
148	Ministry of Petroleum & Natural Gas	2	1
149	Ministry of Power	4	2
150	Ministry of Railways	146	62
151	Ministry of Rural Development	0	1
152	Ministry of Shipping	9	2
153	Ministry of Social Justice & Empowerment	6	1
154	Ministry of Statistics & Programme Implementation	2	0
155	Ministry of Steel	1	0
156	Ministry of Textiles	11	14
157	Ministry of Tourism	3	0
158	Ministry of Tribal Affairs	1	0
159	Ministry of Urban Development	19	7
160	Ministry of Water Resources	3	0
161	MMTC Ltd.	1	0
162	Mumbai Port Trust	5	0
163	Municipal Corporation of Delhi (East)	3	10
164	Municipal Corporation of Delhi (North)	16	22

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
165	Municipal Corporation of Delhi (South)	12	9
166	National Agricultural Coop. Marketing Federation (NAFED)	2	0
167	National Aluminium Company Ltd.	2	2
168	National Buildings Construction Corporation Ltd.	4	0
169	National Cooperative Consumers Federation of India	2	4
170	National Cooperative Development Corporation	1	0
171	National Council of Educational Research and Training	2	0
172	National Highways Authority of India	21	0
173	National Fertilizers Ltd.	1	0
174	NHPC Ltd.	3	1
175	National Institute of Electronics and Information Technology (erstwhile DOEACC Society)	2	0
176	National Insurance Co. Ltd.	4	3
177	National Institute of Fashion Technology	2	0
178	National Institute of Open Schooling and Training	2	0
179	NPCC Ltd.	3	1
180	National Remote Sensing Agency	0	2
181	National SC & ST Finance & Development Corporation	1	0
182	National Small Industries Corporation Ltd.	0	2
183	National Textiles Company Ltd.	1	0
184	National Thermal Power Co. Ltd.	1	0
185	Navodaya Vidyalaya Samiti	3	1
186	NEPA Ltd.	1	0
187	Nehru Yuvak Kendra Sangathan	2	0
188	New Delhi Municipal Council	6	1
189	New India Assurance Company Ltd.	1	0
190	New Mangalore Port Trust	2	0
191	Northern Coalfields Ltd.	4	4
192	O/o The Development Commissioner (SSI)	2	0
193	Oil & Natural Gas Corporation Ltd.	1	0
194	Ordnance Factory Board	2	0
195	Oriental Bank of Commerce	8	2
196	Oriental Insurance Company Ltd.	1	3
197	Pawan Hans Helicopters Ltd.	5	0
198	Planning Commission	1	0
199	P.G Institute of Medical Education & Research, Chandigarh	2	0

S. No.	Name of the Department/ Organisation	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage Advice
200	Prasar Bharti	2	0
201	Projects & Equipments Corporation of India Ltd.	1	0
202	Punjab & Sind Bank	7	0
203	Punjab National Bank	4	3
204	Rashtriya Ispat Nigam Ltd.	2	0
205	Registrar General Of India	0	3
206	RITES Ltd.	1	0
207	Sasastra Seema Bal	4	1
208	Satluj Jal Vidyut Nigam Ltd.	1	0
209	Scooters India Ltd.	2	0
210	Security Printing & Minting Corpn. of India Ltd.	1	0
211	Small Industries Development Bank of India	1	0
212	Software Technology Parks of India	6	1
213	South Eastern Coalfields Ltd.	11	15
214	Sports Authority of India	5	3
215	Staff Selection Commission	1	0
216	State Bank of Hyderabad	2	1
217	State Bank of India	38	4
218	State Bank of Mysore	3	0
219	State Bank of Patiala	5	1
220	State Bank of Travancore	11	14
221	Steel Authority of India Ltd.	1	1
222	Syndicate Bank	30	0
223	Tata Memorial Centre	0	1
224	Tea Trading Corporation of India Ltd.	0	1
225	The State Trading Corporation of India Ltd.	1	0
226	Tribal Coop. Mktg. Development Federation (TRIFED)	0	1
227	Triveni Structurals Ltd.	1	0
228	Tyre Corporation of India Ltd.	1	0
229	UCO Bank	12	0
230	Union Bank of India	1	0
231	United Bank of India	5	0
232	United India Insurance Company Ltd.	3	2
233	University of Delhi	1	1
234	Vijaya Bank	1	5
235	Visakhapatnam Port Trust	12	7
236	Western Coalfields Ltd.	14	5
	Total	1405	655

Appendix-VI (Para 5.12)

Some important prima facie irregularities observed during intensive examinations of various organisations.

1. In a case of tender for award of architectural consultancy for an institutional building of a bank valuing about ₹11 crores, 26 applications were received. Eight bidders were shortlisted, based on experience, types of projects handled, capability etc. However, out of eight short listed bidders, only four were recommended for final interview. On the basis of interview two architects were recommended in order of merit and both agreed for a fee at 3% of cost of construction. No pre-disclosed/recorded criteria were followed in the selection. After selection of the consultant the project got shelved for 10 years. On revival, the same selected consultant was invited and awarded the work at same level of fee i.e. 3% of the project cost which by that time had increased substantially. Further, fee was linked to the actual cost of the project instead of original estimated cost which was in violation to the CVC guidelines.
2. In a tender awarded by a bank for procurement and installation of UPS equipment costing about ₹ 4 crores, bidders were declared technically qualified without the approval of the competent authority. Before actual reverse e-auction, indicative price bids were asked. These indicative prices which were supposed to be received on e-auction portal but were instead received on individual mail of an official. This resulted in fixation of the bid start price in a non transparent manner. Further, in the notice inviting tender, intention of splitting the total quantity amongst L1, L2 and L3 was not pre disclosed. Despite this, the quantities were awarded in ratio of 50% to L1, 30% to L2 and 20% to L3. This was against the Commission's guidelines. Further, Contract was awarded at cost which included Annual Maintenance Contract (AMC) @ ₹ 1500 to 2000 per unit for 2 years. This was not disclosed to the branch officials, which resulted in separate award of maintenance contracts by the branch officials. The rates awarded by branches for AMC were considerably higher (even up to ₹ 13000 per unit per year) on the same agency.
3. In a tender costing about ₹ 8 crores pertaining to Electrical Substation including Diesel Generator (DG) of an airport, the prequalification criteria in the tender did not include experience of execution of work of DG set, despite the cost of DG set being about 40% of the total cost. This resulted in qualification of incompetent contractors and subsequently award to a contractor who did not have any experience in supply of DG set.
4. In a work relating to expansion of steel plant by a steel PSU costing around ₹ 190 crores, the contract provided for compliance to "Building and other construction worker's welfare cess Act, 1996". Accordingly a recovery @ 1% cess was to be made from the contractor's bills. However, no such deduction was made. In addition shortfall in mandated insurance policies was observed. Department agreed with the observations and recovery of about ₹ 85 lakhs towards labour cess and ₹ 45 lakhs towards shortfall in insurance policies was made.

5. In a composite tender for design and construction of an office building of an Oil PSU costing about ₹ 112 crores, two bidders were techno commercially qualified. A design competition was held between the two qualified agencies out of which one was selected by a committee on the basis of offered design & presentation. Financial bid of the sole qualified bidder was opened and the work awarded after negotiations. The selection of bidder based on design offered during the presentation was a subjective exercise. Even the broad parameters for qualification during presentation were not defined or made explicit in the tender document. Thus, the process lacked objectivity and transparency. Further, in such an exercise where only one bidder was qualified during the presentation, the benefit of competitive prices was lost. Also, initially at the time of tendering/contract, the building was to be designed and built for occupation of 850 persons. After award, the proposed occupancy was reduced to 540 persons, retaining the same plinth area. Cost adjustment due to cost saving on account of lower furniture requirement, air conditioning etc. due to reduction in occupancy was not made. The contractor was to ensure 'platinum rating' for the building as per green building norms. In order to facilitate the contractor to achieve that benchmark additional payment for providing 7.5% solar power instead of 5% in the contract was made.
6. A construction work of about ₹ 530 crore was entrusted by a Ministry to a Central PSU. As per MOU with the PSU, the departmental charges @ 7% and contingency charges @ 3% were admissible over the cost. It was however, observed that the PSU in its contracts with private contractors was paying for departmental activities like provision of vehicles, site office facilities and cost of departmental work force and claiming these charges from the Ministry as extra cost. Such expenditure should have been borne by the PSU out of its departmental charges/contingency charges.
7. In a tender for construction work pertaining to Railway line, one of the rate items was to supply and lay blanketing layer of specified material between track ballast and earth formation. The blanketing material was brought from Government land at a rate of ₹ 27 per cum i.e. royalty charges. This cost along with cost associated in loading/unloading, transportation and laying should only have been taken into account at the time of preparation of cost estimate. However, during the preparation of cost estimate, cost of material (applicable when material is collected from private sources) was also included in the cost estimate besides royalty charges, transportation etc. This led to highly inflated estimated cost of ` 330 per cum for this item. Further, in addition to higher rates accepted for this item, the quantity during the execution was increased from 2,63,000 to 3,65,000 cubic metre on the plea that the increase was due to adoption of higher axle load. The information relating to axle load was available to the organisation even before preparation of cost estimate/contracting and therefore, the cost estimate would be on the basis of the quantity required for higher axle load. Thus, the increase in quantity appeared to be with an intention of passing undue benefit of higher rates to the contractor. Also, as per RDSO Guidelines, blanketing material for Heavy Axle Load should be corresponding to the 'upper blanket layer' in 'gradation curve' and should be well-graded sandy gravel or crushed rock, whereas in this case, clay gravel was used. Thus, the blanketing work was also not carried out as per laid down specifications.

8. In a contract for transportation of construction materials by trucks awarded by a Government organization, unjustified eligibility criteria like requirement of engineering establishment, tools & plants like dumper/Tipper, JCB/ Loader etc. were incorporated for technical qualification of the bidders, which prevented potential bidders from participating in tender. Moreover, these criteria were not even considered during evaluation of technical bids. Tender was on percentage rate basis having its estimated cost based on Schedule of Rates for the year 1964 and awarded rates were up to 1500 % above. Use of obsolete Schedule of Rates failed to depict true picture of the actual cost of the work and might have resulted in some capable bidders not showing any interest in the tender.
9. In a contract valuing about ₹ 35 crores relating to construction of a port structure by one of the Central PSU, intermediate milestones were not explicitly stipulated in the contract. It was left to the contractor to decide such milestones, which the contractor never did. The work was to be completed in 18 months but was delayed by around 8 months. No punitive action could be taken against the contractor in absence of suitable penal contract provisions. Further, stipulation of higher level of cement in the contract than as per IS specifications led to infructuous use of higher quantity of cement.
10. In a work costing around ₹ 40 crores being executed by a Central Government organisation, architectural consultancy contract for 10 years duration was awarded on the basis of presentation made by four bidders for all works likely to come in this duration. One of the four bidders who participated in the presentation was qualified and only his financial bid was opened. The contract was awarded at his quoted price of 2.45% of cost of work. Payments were made at the stipulated percentage of actual value of work done rather than initial cost estimate violating CVC's guidelines. Further in the contract agreement for work, escalation was payable on 57% cost component of the contract. However, later on due to increase in scope of work and cost increasing from ₹ 39 crores to ₹ 88 crores, the time for completion was increased from 18 months to 41 months. On this plea, escalation on the total cost was allowed which was in deviation to the contract agreement.
11. In a work relating to construction of an airport costing around ₹ 80 crores being executed by a Central authority, consultant/officials collected 3 quotations for rate of cement for preparation of estimate. The rates obtained were ₹ 5680, 5000 & 5560 per metric ton. The consultant adopted rate of ₹ 5680 per metric ton which was much higher than the prevailing market price of around ₹ 3795 PMT as observed from the purchase vouchers of the contractor. This inflated rate for cement was also used to work out applicable cost index over Delhi Schedule of Rate (DSR) for all DSR items. Thus, inflated cost formed the basis for assessing the cost reasonableness of the awarded work. Base rate of cement for calculation of escalation was stipulated as ₹ 5146.98/MT (Ex factory rate) which being higher than the prevailing market rate, resulted in payment of cost escalation on cement more than actually incurred by the contractor as the escalation was linked to the cost index and not to the absolute increase or decrease in the cement rate.

12. In a contract for a hydro power project work costing about ₹ 240 crores being executed by a Central PSU, the contract provided provision of couplers for joining two pieces of steel reinforcement of 32 mm diameter or above. The cost of couplers was to be built-in by the bidders in the cost of reinforcement itself. However, during the execution, laps (overlapping reinforcement) were allowed through use of departmentally issued steel, citing urgency. Due to use of departmental steel, instead of contractor's supplied couplers, undue cost was incurred which was estimated to be around ₹ 10 crores. No cost adjustment was made for savings made by contractor on account of not using couplers. The benefit to the contractor was estimated to be around ₹ 3 crores. The contractor sought approval of the department, for allowing engagement of a sub-contractor for work of reinforcement and cement which was allowed. It was observed that even before this approval was granted subcontractor was already working on the project. The approval for subcontractor resulted in award of work at ₹ 183.55 crore + US\$ 2.3 million, out of the total award cost of ₹ 228 crore + US\$ 2.3 million. The work was extremely delayed. The process facilitated back door entry to an entity (sub-contractor) who was otherwise not meeting the eligibility criteria.

13. In a contract for work pertaining to construction of an airport valuing around ₹ 92 crores awarded by a Central Authority, aluminium sections as stipulated in the contract were to be provided for structural glazing. Aluminium members of sizes 150X65mm and 120X65mm with standard weight of 3.95 kg and 2.85 kg per m were to be provided instead, members of lesser weight of 3.2 and 2.62 kg/m were used by the contractor and no cost adjustment was made. This resulted in undue financial benefit to the contractor besides compromising on the structural strength. Setting up of workshop for fabrication of steel and labour camp was to be arranged by contractor outside the airport premises as per the contract. However, the space for the same was provided by the department at nominal rate within the airport premises itself.

14. A work of construction of hospital building costing about ₹ 146 crores was awarded on nomination basis by a Corporation to a Central PSU, who in turn awarded the work to a private bidder through an open tender mechanism. Prequalification bid was submitted by a contractor 'A' along with 'B' as Joint Venture (JV) partner. The JV was considered qualified based on credentials of both the JV partners. However, the work was finally awarded to contractor 'A' alone instead of JV who was qualified. Further, it was noticed that work was being executed by altogether a different contractor 'C'. Sub contracting was allowed by organisation on a request from contractor 'A' to allow contractor 'C' to carry out the work at the quoted rate of 'A'. Payments were made to joint account of 'A' and 'C'. 9% from the total payment received was being taken by contractor 'A' and rest by contractor 'C' indicating that contractor 'A' was only taking his share of 9% without sharing any of the responsibility for work. In spite of severe delay and inability on part of 'A' to carry out the work (till completion date work of about ₹ 28 crores out of total of ₹ 146 crores was carried out) organisation allowed the contractor to get away without any action. As per the contract, no advance payment against material was admissible. This was clarified to the bidders during the pre-bid meeting stage. However, advance amount totalling around ₹ 54 crores was paid to the contractor.

15. In an ATM procurement case, the installed capacity of online UPS for ATM machine and essential lighting was 3 KVA. During inspection, it was observed that UPS were over rated as total load being drawn was much lesser compared to the rated specifications. After verification through an independent agency, the department confirmed that maximum load on UPS worked out to less than 1.5 KVA. Thus, procurement of high rated UPS involved wasteful expenditure.
16. In an ATM procurement case, the Bill of Quantity (BOQ) mentioned supply & installation of two Nos. of ACs with voltage stabilizer. However, the department accepted two ACs with only one voltage stabilizer on the plea that only one AC was required to be operational at a time due to switching timer. This amounted to unintended benefit to the contractor as the bid prices was apparently with stabilizer for each of the AC unit.
17. In a procurement of Note Sorting Machine, tendering process was in two stages. Under the first stage, technical capability of bidders was to be assessed. In the second stage, qualified bidders were issued tender document for submission of commercial bid. Even though in the first stage only two bidders were found qualified, the tender document issued to them mentioned that purchase order will be split in the ratio of 60:40 between L-1 and L-2 bidder. Due to this condition, both bidders were assured of getting at least 40% of the total quantity, irrespective of their relative inter-se bid price position. This increased the possibility of bidders offering non-competitive prices.

Prize distribution during the Vigilance Awareness Week-2013



Appendix-VII

(Para 5.13)

System improvements undertaken during 2013 consequent to observations made during intensive examinations.

1. In one of the State PSUs, eligibility criteria in the tender document required execution of “similar works” above a certain value. However, definition of “similar work” was not furnished in the tender document. This resulted in subjective application of eligibility criteria after the bids were opened. On pointing out, the organization issued a circular for defining “similar works” in future tenders. Further, the architectural consultancy contract provided for engaging technical staff which included Civil and Electrical Engineers only and there was no provision for engagement of any architectural professional. When pointed out, the organization issued a circular for incorporating suitable clause in the tender/ contract, stipulating minimum level of deployment of architectural staff, which bidder needs to ensure in architecture consultancy assignments.
2. In a work pertaining to a Government Department, it was observed that while the Bill of Quantity (BOQ) was approved by the Competent Authority, Notice Inviting Tender (NIT) which includes General Conditions, Special Conditions, Specifications, BOQ, Eligibility criteria etc., was being approved by a higher level official who was the competent authority for approval of NIT. Both the approvals were being processed separately. The case for approval of NIT was being processed through many officials including the official competent to approve BOQ. It was suggested that proposal for approval of NIT and BOQ may be processed in one go. This was agreed by the organization and instructions issued to all concerned. This not only resulted in time saving but also made contents of NIT available to all intervening officials for their perusal and comments.
3. In a tender for consultancy assignment of a Central Corporation, it was observed that the date of issue of tender, the closing time/date for proposals and the authority designated to receive the proposals were not mentioned in the Notice Inviting Quotations (NIQ). This rendered the process open ended. Further, there was no provision of Contractor’s All Risk (CAR) policy in the execution contract for the work which made the Corporation liable for all possible losses. When pointed out, the PSU agreed and issued appropriate system improvement circular to make good the deficiencies.
4. In one of the PSUs, open tenders were invited for Architectural & Consultant Management Services under two envelop system. Seven bids were received and all were found to be techno commercially qualified. All technically qualified agencies were asked to make presentations. On the basis of presentations, marks were awarded to the bidders whereas the criteria for award of marks were decided after opening of un-priced bid before the presentations. Out of seven agencies, 3 were found eligible for opening of price bid. It was suggested to the organization that marking system/evaluation criteria should be pre defined and disclosed in the tender document and the marks awarded on the basis of objective evaluation criteria.

The organization agreed and issued system improvement circular for formulating and stipulating Bid Evaluation criteria in the tender document itself.

5. In a work of a Central Corporation being executed by a PSU, estimates based on Delhi Schedule of Rates (DSR) -2007 were submitted to the Corporation for approval without taking into account the latest correction slips in DSR. Further, some DSR items were made non-schedule items by adopting slight change in their nomenclature and the estimated cost increased steeply. On being pointed out, the PSU issued circular that the estimates should be submitted to the clients after taking into consideration all up to date correction slips and that non-scheduled items were required to be checked carefully before adopting their rate in the cost estimates.
6. In a tender for the work of a hospital building executed by a PSU, it was observed that a vague eligibility criterion for short listing the contractors was kept in the tender documents. Further, even these criteria were not taken into account during the short listing process. On being pointed out, the PSU issued a circular stipulating the requirement of unambiguous criteria to be specified in the tender documents in a transparent manner.
7. In a work of a PSU, the completion certificates from the bidders towards successful completion of work did not contain details like date of start of works, date of completion as per the contract, actual completion date, value of contract, value on completion etc. Such certificates with incomplete details were being accepted. On being pointed out, an advisory was issued by the PSU to all concerned.
8. In one of the works regarding construction of residential building executed by a Central Government Organisation, while working out market rate the component of contractor profit and overhead combined was adopted as 20% of the cost. This component is generally kept as 15% in almost all the established organizations. On being pointed out, advisory was issued by the organisation regarding adoption of this component as 15%.

Prize distribution during the Vigilance Awareness Week-2013





Shri J.M. Garg, VC addressing a Workshop on 'Vigilance Administration and measures for Combating Corruption in Bank' conducted at Punjab & Sind Bank, Chandigarh on 29th January 2013.

Shri J.M. Garg, VC at the 5th session of the Conference of the State Parties to the United Nations Convention against Corruption (UNCAC) held at Panama City from 25th - 29th November, 2013.



Shri R.Sri Kumar, VC addressing a vigilance workshop held at THDC India Ltd., Rishikesh.

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