CENTRAL VIGILANCE COMMISSION

ANNUAL REPORT 2020

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ANNUAL REPORT

01.01.2020 to 31.12.2020

CENTRAL VIGILANCE COMMISSION

Shri Sanjay Kothari
Central Vigilance Commissioner

Shri Suresh N. Patel
Vigilance Commissioner

The 57th 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, 2020 in fulfilling its mandate under the CVC Act, 2003.

(SANJAY KOTHARI)
CENTRAL VIGILANCE COMMISSIONER

(SURESH N. PATEL)
VIGILANCE COMMISSIONER

New Delhi
Dated: the 02nd June, 2021

ACKNOWLEDGEMENT

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

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ANNUAL REPORT 2020 : AN OVERVIEW

- Central Vigilance Commission is the apex agency to oversee and supervise the Vigilance Administration of the organizations owned or controlled by the Union of India and covered under the advisory jurisdiction of the Commission. With its rich experience in formulating and implementing policies relating to overseeing Vigilance Administration, the Commission's emphasis is on putting in place an effective mechanism to fight corruption and bring about fair play and transparency.

(Para 1.1)

- The commission, fully aware of the hope and expectation from its role as an apex agency responsible for eradicating corruption from public life, is using its mandate under the Central Vigilance Commission Act, 2003 (CVC Act, 2003), to achieve the aim of making the system efficient, transparent and accountable.

(Para 1.3)

- The Lokpal and Lokayuktas Bill passed by Parliament receive the assent of the President on 1st January, 2014 and became the Lokpal and Lokayuktas Act, 2013 (1 of 2014). The Lokpal has powers to inquire or cause an inquiry or investigation into offences alleged to have been committed under the Prevention of Corruption Act, 1988 by the categories of public functionaries as prescribed in Section 14 of the Lokpal and Lokayuktas Act, 2013.

(Para 1.5)

- The Commission is the Designated Agency under the Public Interest Disclosure and Protection of Informers (PIDPI) resolution, 2004 to undertake or cause an inquiry into complaints received under this resolution and recommend appropriate action thereof.

(Para 1.11)

- The Chief Technical Examiners' Organization (CTEO) is the Technical wing of the Commission. The CTEO wing assists the Commission in formulating policies involving technical aspects and undertakes intensive examination of major civil/ electrical/ horticulture and other projects and major procurements by the Central Government Organization.

(Para 1.26)

- Each department/ Organization covered under the normal advisory jurisdiction of the Commission has a vigilance unit headed by the Chief Vigilance Officer (CVO). The CVOs act as extended arms of the Commission and for all practical purposes represent the Commission in respect of all Vigilance matters.

(Para 1.27)

- An important component of the mandate of the Central Vigilance Commission consists of receiving complaints regarding corruption from the public, examination of these complaints and subsequently to seek investigation/action from the concerned agencies on the substance of the allegations on their merits.

(Para 2.2)

- The Commission received 3393 cases (including 953 cases carried forward from 2019) and tendered its advice in 2717 cases in 2020. Cases disposed by the Commission include advice tendered as first stage advice and second stage advice as well as sanction for prosecution. Requests for re-consideration of the Commission's advice are also included.

(Para 2.12)

- During the year 2020, the Commission approved the suitability of 110 officers for appointment to the post of CVOs in various organizations. Further, it has also approved names of two officers as full time CVOs and 83 officers for appointment as part time CVOs in various Ministries/Departments/Autonomous Bodies. It is observed that during 2020, there was 63 posts of full time CVOs that remained vacant for a period of over a month.

(Para 3.5)

- On completion of investigation, if the CBI comes to a conclusion that sufficient evidence is available for launching a criminal prosecution, they shall forward the report to the CVC, if previous sanction is required under the PC Act, 1988 to be issued in the name of the President. 939 cases for sanction were handled by the CVOs in 2020 out of which 512 sanctions were accorded and 135 were declined by the competent authorities concerned. 292 cases were pending at the end of the year.

(Para 3.17)

- During the year 2020, the Commission held 13 sectoral review meetings in which 76 Ministries/Departments participated. The meetings covered Ministries such as Home Affairs, Railways, Housing and Urban Affairs, shipping, road Transport and Highways, CBDT, CBIC, Public Sector Banks, Insurance companies, etc.

(Para 3.19)

- 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 2020, 177 cases were pending for grant of sanction for prosecution under PC Act, 1988. However, actually only 162 cases were pending for prosecution sanction as 15 cases were common to more than one Ministry/State/ Government etc.

(Para 6.19)

- The Commission has advised various organizations in the year 2020 to develop a preventive vigilance environment by institutionalizing a robust induction and mid carreer training program for the officers and staff and further emphasized the need for inclusion of a strong preventive vigilance module and exposure visits to bring in attitudinal change in the officers.

(Para 7.3)

- During the year 2020, the theme for Vigilance Awareness Week was **सतर्क भारत, समृद्ध भारत** : Satark Bharat, Samriddh Bharat (Vigilant India, Prosperous India). The Commission observed Vigilance Awareness Week to emphasize the importance of integrity in public life and to reiterate its commitment to implement the policy of "Zero Tolerance Against Corruption"

(Para 8.3)

- At a time when the world was facing an unprecedented crisis of the pandemic, the Commission believed that citizens and organizations must look inwards and that all organizations should endeavor to focus on improvement of internal processes and activities. These house-keeping activities include land management, IT application for allotment of houses/ quarters, payment and other benefits to persons working in outsourced services, management of assets, leveraging technology, scrutiny of audit reports, rules and regulation to be updated, systemic improvements etc.

(Para 8.12)

- The Commission has been motivating organisations to initiate systemic improvements, as a tool of preventive vigilance. Improvements suggested by organisations, and implemented by them, were given wide publicity, including displaying them in the websites of the organisations.The Commission has also formed a Committee of 07 officers to monitor implementation of these improvements in organisations.During the Vigilance Awareness Week, 2020, suggestions were invited from the general public for systemic changes. 83 suggestions were received, and are being examined and implemented, wherever feasible.

(Para 8.22, Para 8.23 and Para 8.24)

- A series of presentations were made by the Chief Technical Examiner before The Commission on the findings of Intensive Examination of various projects. With this background in mind, the Commission felt it appropriate to take forward the issues of cost over run, time over run and quality compromises in consultation with various stakeholders and bring in policy guidelines.

(Para 8.26)

- Several rounds of intensive discussions later, the prepared concept paper was placed in a workshop before a larger group of 50 consisting of Heads of various Organizations for further deliberations on 16th December, 2020. A panel discussion was done held with policy makers of the country on 18th December, 2020. These proposed guidelines are envisioned as facilitators for change and reform in public procurement and project management. They are under examination at Government's level.

(Para 8.27 and Para 8.28)

Central Vigilance Commission recognizes the unprecedented challenges faced by the country because of the Covid-19 pandemic. The Commission joins the country in whole heartedly acknowledging the contributions of doctors, nurses, para medical staff, ambulance drivers, ASHA workers, sanitation workers, police, railway officials, personnel rendering financial services and other frontline workers who have selflessly put themselves in the path of the virus to ensure the safety of all citizens while delivering essential services. As the country strives to return to normalcy, the Commission applauds the noble work done by these covid warriors in their duty towards the nation.

01

INTRODUCTION

1.1 The Central Vigilance Commission is the apex agency to oversee and supervise the vigilance administration of the organizations owned or controlled by Union of India and covered under the advisory jurisdiction of the Commission. As an institution, Central Vigilance Commission has evolved in the last 56 years, since it was first set up through a Resolution of the Government of India in the year 1964. With its rich experience in formulating and implementing policies relating to overseeing Vigilance Administration, the Commission's emphasis is on putting in place an effective mechanism to fight corruption and bring about fair play and transparency.

1.2 Efficient Vigilance Administration, with its aim of transparent, ethical, objective, accountable and responsive system of governance would ensure effective anti-corruption and preventive measures, thereby eliminating the possibility of indulging in corrupt and unfair practices by government servants.

1.3 As a result of increased awareness among the citizens who are users of public services, the Central Vigilance Commission has come under greater focus as an agency, which can contribute significantly in eradicating corruption and bring about transparency and objectivity in the conduct of public servants. The Commission, fully aware of the hope and expectations from it as an apex agency responsible for eradicating corruption from public life, is using its mandate under the Central Vigilance Commission Act 2003 (CVC Act 2003), to achieve the aim of making the system efficient, transparent and accountable.

THE CENTRAL VIGILANCE COMMISSION ACT, 2003

1.4 The Central Vigilance Commission Act 2003 (45 of 2003) came into force with effect from 11.09.2003. Some of the salient features of the CVC Act 2003 are:-

- The Commission consists of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);
- It shall exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI);
- The Central Vigilance Commissioner (CVC) is the Chairperson of the Committee, on whose recommendations, the Central Government shall appoint officers to the posts of the level of Superintendent of Police and above, except Director in CBI;

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

THE LOKPAL AND LOKAYUKTAS ACT-2013

1.5 The Lokpal and Lokayuktas Bill passed by Parliament received the assent of the President on 1st January 2014 and became The Lokpal and Lokayuktas Act, 2013 (1 of 2014). The Act provides for establishment of a Lokpal for the Union and Lokayuktas for the States, to inquire into allegations of corruption against certain public functionaries and for matters connected therewith.

1.6 The Lokpal and Lokayuktas Act, 2013 has amended some provisions of the CVC Act, 2003, which empowers the Commission to conduct preliminary inquiry into complaints referred by the Lokpal in respect of officers and officials of Groups A, B, C & D, for which a Directorate of Inquiry (for making preliminary inquiry) is to be set up in the Commission.

1.7 The preliminary inquiry reports on matters referred by the Lokpal, in respect of Group A and B officers, are required to be sent to the Lokpal by the Commission. As per the Act, the Commission is to cause further investigation into references from Lokpal in respect of Gr. C & D officials and decide on further course of action against them.

1.8 The Central Government has issued orders on 19.03.2019, constituting the Chairperson and members of the Lokpal of India.

MANDATE OF THE CENTRAL VIGILANCE COMMISSION

1.9 The Central Vigilance Commission is the apex institution of the Govt. of India, mandated to combat corruption and ensure integrity in administration and public services. The mandate of the Commission is laid down in the CVC Act, 2003, wherein the functions and powers are described as under:-

- *Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or offences under the Code of Criminal Procedure, 1973 for certain categories of public servants* ***-Section 8(1)(a)****;*

- *Give directions to the Delhi Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 -* ***Section 8(1)(b)****;*
- *Inquire or cause an inquiry or investigation to be made on a reference by the Central Government -* ***Section 8(1)(c)****;*
- *Inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 -* ***Section 8(1)(d)****;*
- *Review the progress of investigations conducted by the Delhi Special Police Establishment (CBI) into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Code of Criminal Procedure -* ***Section 8(1)(e)****;*
- *Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988 -* ***Section 8(1)(f)****;*
- *Tender advice to the Central Government and its organisations on such matters as may be referred to it by them -* ***Section 8(1)(g)****;*
- *Exercise superintendence over the vigilance administrations of the various Central Government Ministries, departments and organisations of the Central Government –* ***Section 8(1)(h)****;*
- *Call for the report of inquiry undertaken by any agency on a reference made by the Commission and to tender advice as to the further course of action-* ***Section 17****;*
- *Conduct preliminary inquiry into the complaints referred by Lokpal in respect of Gr. A, B, C & D officials for which a Directorate of Inquiry for making preliminary inquiry is to be set up in the Commission.*
- *To undertake or cause an inquiry into complaints received under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution and recommend appropriate action thereof.*

JURISDICTION OF THE CENTRAL VIGILANCE COMMISSION

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

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

PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS' (PIDPI) RESOLUTION – 2004

1.11 The Commission is the Designated Agency under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution 2004 to undertake or cause an inquiry into complaints received under this resolution and recommend appropriate action thereof.

1.12 During the hearing of a PIL [Writ Petition (Civil) No. 539/2003], the Hon'ble Supreme Court directed that a mechanism be put in place for acting on complaints from Whistle Blowers. In response to that, the Government of India, vide Gazette Notification No. 371/12/2002-AVD- III dated 21.04.2004, read with Corrigendum dated 29.04.2004, notified the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution, 2004.

1.13 The resolution authorizes the Commission, as the Designated Agency, to receive written complaints or disclosure on any allegation of corruption or mis-use of office by any employee of the Central Government or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government, and act on such complaints/disclosures from whistle-blowers.

1.14 This Resolution is popularly known as 'Whistle Blowers' Resolution. The Commission has been entrusted with the responsibility of keeping the identity of the 'whistle blower' secret and to provide protection to them against victimisation. Action can also be taken against whistle blowers who make motivated or vexatious complaints. Under the provisions of PIDPI Resolution, 2004, the Commission is empowered to inquiry or cause inquiry against all categories of officials.

1.15 Later, DoPT vide its Resolution dated 14.08.2013 authorised the Chief Vigilance Officers (CVOs) in the ministries/departments, as the Designated Authority, to receive written complaint or disclosure of corruption or misuse of office by any employee of that ministry or department or of any corporation established by or under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that ministry or department. The amendment authorizes the Commission to supervise and monitor the complaints received by the Designated Authorities in the ministries/departments.

1.16 DoPT vide O.M. No. 371/4/2013-AVD-III dated 16.06.2014 has laid down the detailed procedure for handling of complaints under the PIDPI Resolution by the Designated Authorities in the ministries/departments of the Central Government.

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

ADVISORY ROLE OF THE CENTRAL VIGILANCE COMMISSION

1.18 The advisory role of the Commission extends to all matters on vigilance administration referred to it by the organisations of the Central Government. It is mandatory on the part of the organisations to seek the advice of the Commission before proceeding further in a matter in which earlier, a report was called for by the Commission.

1.19 The Commission examines the investigation reports furnished by the CVO concerned or the CBI and depending upon the facts of each case and evidence/ records available, advises the organisations concerned for initiation of criminal proceedings and/or regular departmental action for imposition of major or minor penalty, as the case may be, against the public servant(s) concerned. The Commission may also advise either administrative action against the public servant(s) or closure of the case, depending upon facts of the case, by way of its First Stage Advice.

1.20 In disciplinary cases involving Group 'A' officers of the Central Government, members of All India Services and such categories of officers where an original order is to be issued by the President, imposing any of the penalties, wherein the Union Public Services Commission (UPSC) is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings.

1.21 In respect of those officers, against whom Commission has tendered First Stage Advice, it is not required to be consulted for Second Stage Advice in case the Disciplinary Authority (DA), on conclusion of disciplinary proceedings, proposes to impose a penalty which is in line with the Commission's First Stage Advice. Such cases would be dealt at the level

of the CVO and Disciplinary Authority (DA) concerned in the organization. However, in all such cases, the CVO is required to forward an action taken report alongwith a copy of final order issued by DA, for Commission's record. All such cases where the Disciplinary Authority proposes to take any action which is at variance with the Commission's First Stage Advice would necessarily have to be referred to the Commission for obtaining its Second Stage Advice.

COMPOSITION OF THE CENTRAL VIGILANCE COMMISSION

1.22 The Commission consists of Central Vigilance Commissioner (CVC) as Chairperson and two Vigilance Commissioners (VCs) as Members. The appointment of the CVC as well as that of the VCs is made by the Hon'ble President of India, in accordance with the provisions under Section 4 of the CVC Act, 2003, on the recommendations of a Committee consisting of (a) the Prime Minister; (b) the Minister of Home Affairs; and (c) the Leader of the Opposition in the Lok Sabha. When no such Leader has been so recognized, the Leader of the single largest group in opposition of the Government in the House of the People, shall be a member of the Committee.

1.23 The Central Vigilance Commissioner and Vigilance Commissioners hold office for a term of four years from the date on which they enter office or till attaining the age of sixty-five years, whichever is earlier. Shri Sanjay Kothari, IAS (Retd.) joined as Central Vigilance Commissioner on 24.04.2020 and Shri Suresh N. Patel, MD & CEO (Retd.) Andhra Bank joined as Vigilance Commissioner on 29.04.2020. Shri Sharad Kumar, IPS (Retd.), Vigilance Commissioner demitted office on 27.10.2020. One post of Vigilance Commissioner is vacant since then.

SECRETARIAT AND STAFF COMPOSITION

1.24 As per Section 3(4) of the CVC Act, 2003 the Central Vigilance Commission is to be assisted by a Secretary, who is appointed by the Central Government. In addition to the Secretary, the Commission is assisted by four Additional Secretaries (officers of the rank of Joint Secretary to the Government of India) and other staff which include thirty three officers in the rank of Director/ Deputy Secretary, Officers on Special Duty (Deputy Secretary level) and eight Under Secretaries.

1.25 The category-wise staff-strength of the Commission as on 31.12.2020 and related information is given in Appendix- I.

TECHNICAL WING

1.26 The Chief Technical Examiners' Organization (CTEO) is the technical wing of the Commission. The technical wing assists the Commission in formulating policies involving

technical aspects and undertakes intensive examination of major civil / electrical / horticulture and other projects and major procurements by the Central Government organisations. The wing comprises of two Chief Technical Examiners (in the rank of Chief Engineer, CPWD), assisted by eight Technical Examiners (in the rank of Executive Engineer), six Assistant Technical Examiners (in the rank of Assistant Engineer) and supporting staff.

CHIEF VIGILANCE OFFICERS

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

1.28 The CVOs are required to provide assistance to the head of the organization concerned in all matters relating to vigilance administration by providing appropriate advice/expertise to them. The CVOs are also required to ensure prompt processing of vigilance matters, especially disciplinary cases. The Commission obtains reports at regular intervals from the CVOs. This serves as an effective tool of communication and review between the Commission and CVOs, on all activities pertaining to vigilance administration in the organizations concerned. The Commission holds review meetings with the CVOs of all major departments/organizations in order to ascertain effectiveness of vigilance activities in the organizations and to review the performance of the CVOs.

1.29 Likewise, periodical meetings are also held with those organizations where specific vigilance concerns are noticed, to bring about systemic and other required changes to address vigilance related issues and to devise strategic initiatives to promote transparency and accountability in administration. As and when required, the Commission invites the CVOs individually, to discuss important issues relating to their organizations.

1.30 Presently, six Departments of the Government of India, namely Central Board of Direct Taxes, Central Board of Indirect Taxes & Customs, Central Public Works Department, Department of Telecom, Department of Posts, Ministry of Railways as well as majority of the Central Public-Sector Enterprises (CPSEs), Public Sector Banks and Insurance Companies have full time CVOs, while others have part-time CVOs. There are 195 posts of full time CVOs. Vigilance activities in other Ministries/Departments and organisations are looked into by part time CVOs, who are working in the Ministry / Department / Organisations concerned at a sufficiently senior level.

1.31 The Commission attaches utmost priority to the capacity building of CVOs and other officers engaged in vigilance activities. For this purpose, the Commission conducts induction training for CVOs for equipping them with the latest vigilance / anti-corruption tools and measures. Customized domestic and foreign training programmes are organized for CVOs and other officers connected with the affairs of vigilance administration. Eminent persons with extensive domain knowledge are invited to interact with the CVOs during such trainings. Officers of the Commission are also nominated / deputed to impart training and share their experience/expertise with CVOs, vigilance functionaries, etc.

RIGHT TO INFORMATION ACT, 2005

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

02

COMMISSION'S ACTIVITIES DURING 2020

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

I Handling of Complaints

2.2 An important component of the mandate of the Central Vigilance Commission consists of receiving complaints regarding corruption from the public, examination of these complaints and subsequently to seek investigation / action from the concerned agencies on the substance of the allegations on their merits. The investigations carried out by the Commission as well as those carried out by other organizations at the instance of the Commission, form a basis for identifying corrupt actions by officials and appropriately penalizing such action in organizations within its jurisdiction and mandate.

2.3 Commission tender advice on issues referred to it by various organizations. It reviews the progress of vigilance work periodically through the mechanism of annual sectoral reviews and other meetings, it guides the Chief Executives and the CVOs of various organizations on issues pertaining to vigilance, it seeks organizational responses and suggests systems improvement in areas attracting complaints, conducts direct inquiries on certain sensitive complaints and also summons officials for hearings on specific issues. All this is done as part of a comprehensive effort for better vigilance administration.

II Punitive Vigilance

2.4 The Commission is of the view that time-bound and effective punitive action resulting in exemplary punishment adequately punishes wrong doers and deters others from committing such acts of misconduct. Further, the timely completion of investigations and disciplinary proceedings has been an area of priority for the Commission. A drive has been introduced in the year 2020 by the Commission for disposal of very old pending vigilance cases and timelines were given to organisations for submitting pending cases for their logical conclusion.

III Preventive Vigilance

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

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

IV Participative Vigilance

2.7 Participative vigilance has been stressed by the Commission as part of the overall strategy of holistic engagement, the culmination point of which is seen during the Vigilance Awareness Week. The Vigilance Awareness Week is being observed every year keeping in view the spirit of the eminent leaders like Shri Sardar Vallabhbhai Patel and the need for fighting the social evil of corruption. In 2020, Vigilance Awareness Week was observed from 27th October to 2nd November with a theme "**सतर्क भारत, समृद्ध भारत**" (Vigilant India, Prosperous India). The Commission coordinates a large-scale coordinated outreach initiative to disseminate awareness of the benefits of honesty and ill effects of corruption.

2.8 The Vigilance Awareness Week encourages all stakeholders to collectively participate in the prevention of and the fight against corruption and to raise public awareness regarding the existence, causes and gravity of and the threat posed by corruption. During this week, organizations under the guidance of the Commission and its representatives engage in activities relevant to the theme both within their organization as well as for outreach to the public/citizens. Further, awareness through Gram Sabhas are widely organized across the country during the Vigilance Awareness Week. Schools and colleges organize activities such as debates, elocution contests, essay writing, panel discussions, cartoon and poster making competitions on moral values, ethics, good governance practices, etc.

2.9 In the year 2020, when country was facing the unprecedented pandemic, the Commission believed that citizens and organizations must look inwards, and all organisations should endeavor to focus on improvement of internal processes and activities. During the Vigilance Awareness Week, Commission invited suggestions from the citizens for systemic improvement in the organization. It provided a participatory platform to citizens to share their ideas of Vigilant India.

V Capacity Building

2.10 Another part of the strategy emphasizes capacity building for officials working in this area. For newly appointed CVOs, Induction Training is being imparted to provide suitable exposure to statutory rules and regulations and also to empower them to discharge their functions efficiently. Besides induction trainings, short-term thematic training and refresher courses are organized, both nationally and internationally to build professional competencies and inculcate personal attributes by exposing the officers to courses on leadership development, ethics and values in public governance.

2.11 The engagement strategy of preventive and participative vigilance are discussed in detail in subsequent chapters of the report. The present chapter deals with activities falling within the area of punitive vigilance as well as some statutory activities of the Commission.

VI Receipt and Disposal of Vigilance Cases

2.12 The Commission received 3393 cases (including 953 cases carried forward from 2019) and tendered its advice in 2717 cases in 2020. Commission vide circular No. 08/12/14 dated 03.12.2014 decided that in cases where the Disciplinary Authority (DA) on conclusion of disciplinary proceedings proposes to impose a penalty which is in line with the Commission's first stage advice, it need not consult the Commission for second stage advice. This has enabled expeditious disposal by administrative authorities. Cases disposed by the Commission include advice tendered as first stage advice and second stage advice as well as sanction for prosecution. Requests for reconsideration of the Commission's advice are also included. Table 2.1 shows the receipt and disposal of cases in the Commission during 2020.

Table 2.1

Number of Cases Received and Disposed during 2020

Cases	First Stage Advice	Second Stage Advice	Reconsideration and Miscellaneous	Total
Pending as on 01.01.2020	731	73	149	953
Received	**1560**	**421**	**459**	**2440**
Total	**2291**	**494**	**608**	**3393**
Disposed off	**1760**	**431**	**526**	**2717**
Pending as on 31.12.2020	**531**	**63**	**82**	**676**

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

Chart 2.1

No. of cases received in the Commission (2016-20)

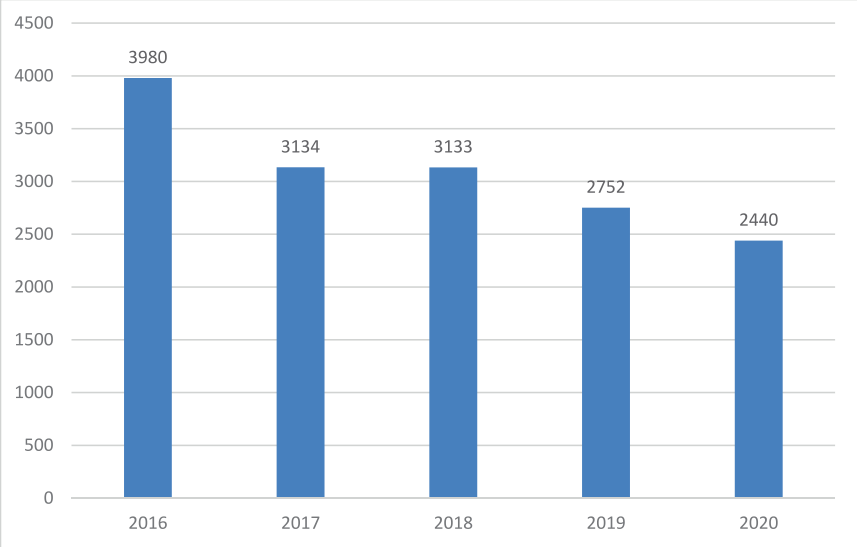
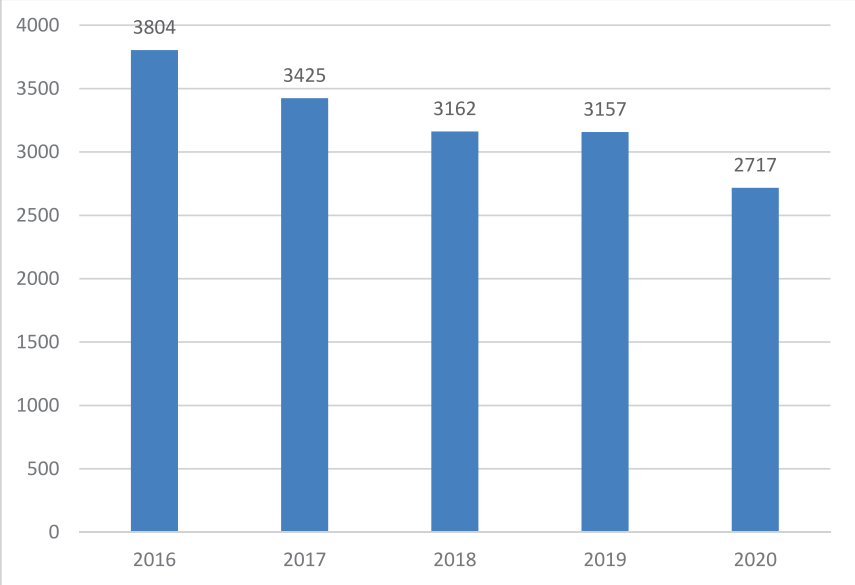


Chart 2.2

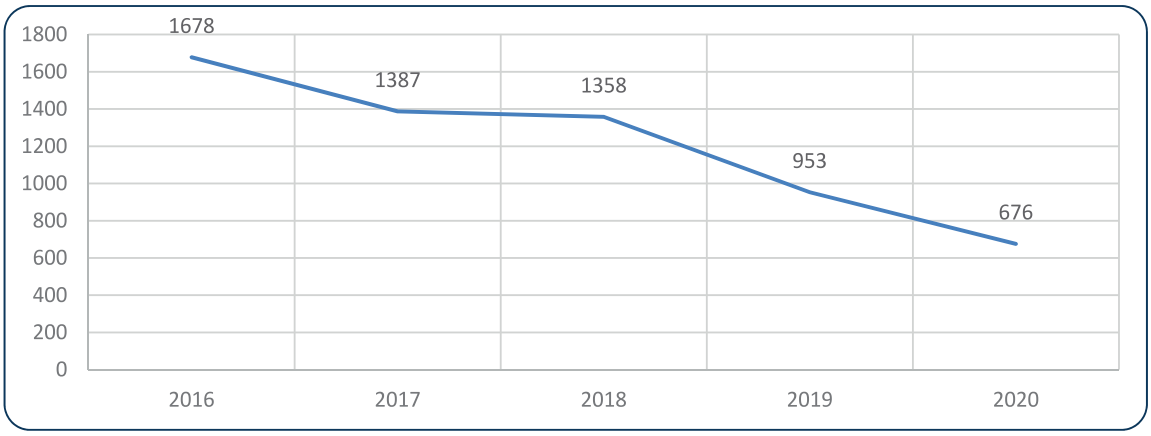
No. of cases disposed in the Commission (2016-20)



2.14 A Comparative analysis of number of cases pending for disposal at the end of the year (by reducing disposed cases from total cases under examination for a particular year) shows decline in the pendency of such cases from 2016 till 2020. The main attribute for this reduction is the non-acceptance of reconsideration cases of second stage advice and the UPSC second stage advice cases. During 2020, due to Covid pandemic activities of organisations also has come to standstill for considerable time which reduced the number of referred cases to Commission. Chart 2.3 shows the trend in the pending cases for the disposal at the end of the year from 2016-2020.

Chart 2.3

No. of cases pending for the disposal at the end of the year (2016-20)



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

VII First Stage Advice

2.16 The Commission tendered first stage advice in 1760 cases during 2020 based on the investigation reports of the CBI and the CVOs concerned. Table 2.2 provides the summary of the nature of First Stage Advice tendered by the Commission.

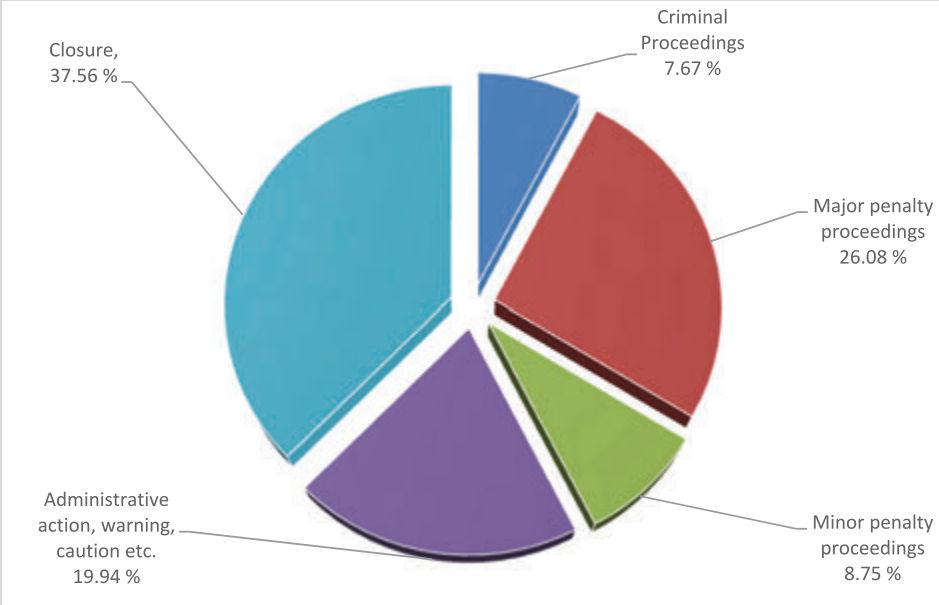
Table 2.2
First Stage Advice during 2020

Nature of advice	On the investigation		Total
	CBI	CVO	
Criminal Proceedings	119	16	135
Major penalty proceedings	12	447	459
Minor penalty proceedings	1	153	154
Administrative action, warning, caution etc.	39	312	351
Closure	61	600	661
Total	232	1528	1760

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

2.17 Chart 2.4 provides a summary of various types of First Stage Advice tendered by the Commission in percentage terms.

Chart 2.4
Nature of First Stage Advice during 2020



VIII Second Stage Advice

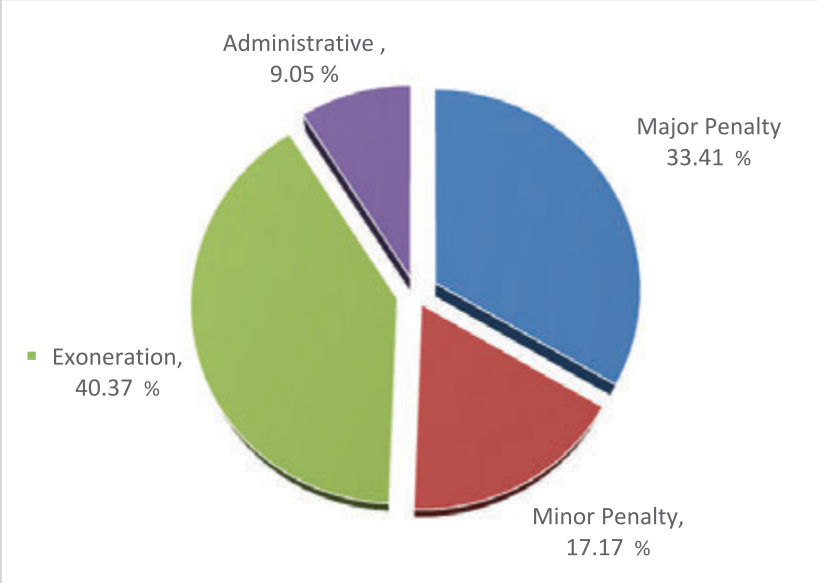
2.18 During the year 2020, the Commission tendered second stage advice in 431 cases. Table 2.3 provides a break-up of the advices tendered by the Commission, on the cases received from various disciplinary authorities at the second stage.

Table 2.3
Second Stage Advice during 2020

Nature of Advice	Cases received for advice
Major penalty	144
Minor penalty	74
Exoneration	174
Administrative action,	154
warning, caution etc.	39
Total	431

2.19 Chart 2.5 provides a summary of various types of second stage advice tendered by the Commission in percentage terms.

Chart 2.5
Nature of Second Stage Advice during 2020



IX Punishments and Prosecution

2.20 In pursuance to the Commission's advice, the competent authorities in various organizations issue sanction for prosecution against public servants and imposed punishments on public servants. Tables 2.4 shows the number of officers against whom prosecutions have been sanctioned and punishments awarded during 2016-2020.

Table 2.4

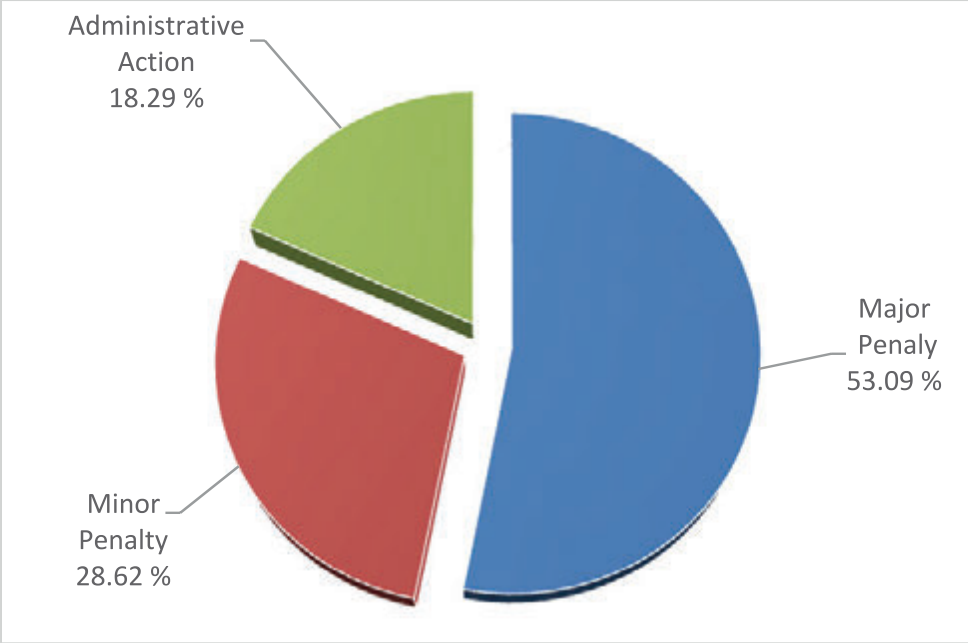
Prosecutions sanctioned and Punishments awarded to officers (2016 – 2020)

Year	Prosecution sanctioned to officers	Punishments awarded to officers			
		Major penalty	Minor penalty	Administrative Action	Total Punishments awarded
2016	154	1904	1034	358	3296
2017	152	1398	800	391	2589
2018	108	1100	695	350	2145
2019	76	778	503	227	1508
2020	233	1408	759	485	2652

2.21 Chart 2.6 shows the nature of punishments awarded in percentage terms during 2020.

Chart 2.6

Punishments awarded to officers during 2020



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

Sanction for Prosecution	One Chief Signal and Telecom Engineer One Principal Commissioner of Income Tax Three Commissioner of Income Tax One Secretary, Department of Coal One Joint Secretary, Department of Coal One CMD, Hindustan latex Ltd. One CMD, BEML One Chief Executive Officer of Cantonment, Ministry of Defence One IAS Officer, Department of Personnel and Training
Dismissal/Removal from Service	One Deputy Chief, Calcutta Port Trust One Deputy Divisional Manager, IPOS One Special Land Acquisition Officer (SLAO), National Highway Authority of India One Project Director, National Highway Authority of India One Addl. Secretary, Medical Council of India

Cut in Pension	One CCM, Ministry of Railways One Project Director, National Highway Authority of India One Director, Department of Financial Services Two Commissioners, Central Board of Direct Taxes Two Commissioners, Central Board of Indirect Taxes and Customs.
Reduction of pay to lower stage	One Chief Medical Supdt., Ministry of Railways One Production Engineer, Steel Foundry (PE,SF), Ministry of Railways One Additional Chief Medical Superintendent (ACMS), Ministry of Railways Two GMs, Airport Authority of India One GM, Security Printing and Minting Corporation of India Ltd.(SPMCIL) One Chief Engineer, New Delhi Municipal Council One Chairman, New Delhi Municipal Council One Ambassador, Ministry of External Affairs

2.23 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 Life Insurance Corporation has issued sanction for prosecution in 12 cases, Department of Financial Services (DFS) in 09 cases, Central Board of Indirect Taxes & Customs (CBIC) in 08 cases, Central Board of Direct Taxes (CBDT) in 06 cases and the Department of Telecommunication (DoT) in 03 cases.

2.24 During the year 2020, punishments were imposed including administrative action taken against public servants by Ministry of Railways (308), State Bank of India (223), Canara Bank (157), Airport Authority of India (154), Punjab National Bank (138), Central Board of Indirect Taxes and Customs (125), Indian Bank (70), National Thermal Power Corporation Ltd. (70), Bank of India (61) and Indian Overseas Bank (60), being some of the major organizations which took disciplinary action against officials committing misconduct.

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

2.26 Appendix-II provides organization-wise breakup of the number of cases where sanction for prosecution has been accorded and a penalty has been imposed on the public servant during 2020 in cases where Commission's advice was obtained by the organizations.

X Handling of Complaints in the Commission

2.27 Complaints constitute an important source of information leading to the exposure of misconducts and malpractices. Complaints are received in the Central Vigilance Commission either by post from complainants or through the complaint lodging facilities available on the Commission's website or through toll free number provided by the Commission.

2.28 The Commission has a complaint handling policy for processing of complaints which is available on its website. Complaints received in the Commission are scrutinized thoroughly and wherever specific and verifiable allegations of vigilance nature are noticed, the complaints are forwarded to the CVO / CBI to conduct inquiry / investigation into the matter and for submitting report to the Commission expeditiously.

2.29 Ministries / Departments / Organizations are required to furnish the report of the inquiry undertaken on a reference made by the Commission in terms of Section 17 of CVC Act, 2003. The Commission, on receipt of such reports and after taking into consideration any other factors thereto, advises as to the further course of action against the suspected public servants, besides pointing out systemic failures which allow such misconducts to take place. The Commission also suggests systemic improvements, wherever required, to avoid recurrence.

2.30 While the Commission recognizes the importance of complaints as a good source of information, many complaints received by it are frivolous, vague, non-specific, pertain to procedural lapses, or administrative violations or even against officers not within the jurisdiction of the Commission. Scrutiny of the complaints received in the Commission indicates that number of complaints on which inquiry / investigation reports have been called from the concerned Chief Vigilance Officers form a small proportion.

2.31 Also a large number of complaints being received in the Commission are anonymous / pseudonymous in nature. In many complaints, the allegations are wild or unverifiable and in some the intention of the complainant is to harass someone rather than reporting corrupt activities. Therefore, as a general policy, anonymous / pseudonymous complaints are not entertained as per of DOPT's circular dated 8.10.2018.

2.32 Table 2.5 indicates the nature of complaints received and action taken thereon during 2020.

Table 2.5
Complaints received and disposed in the Commission during 2020

Complaints	Nos.
Number of complaints pending as on 01.01.2020	836
Number of complaints received during 2020	26199
Total number of complaints	27035
Total number of complaints disposed, of which	25312
(a) Anonymous/Pseudonymous (Filed)	6595
(b) Vague/Unverifiable (Filed)	3886
(c) Officials not under CVC / Grievances (Forwarded for necessary action)	14752
(d) Sent for inquiry/investigation to CVO/CBI	79
Number of complaints carried forward to 2021	1723

2.33 The comparative figures of complaints received and disposed by the Commission during the last five years are given in Chart 2.7 and Chart 2.8 below.

Chart 2.7
No. of complaints received in the Commission (2016-20)

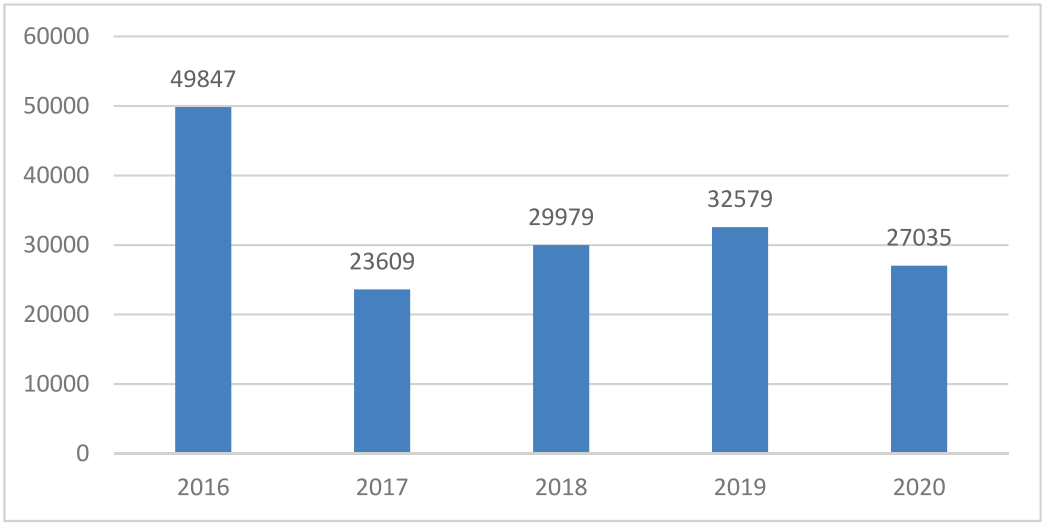
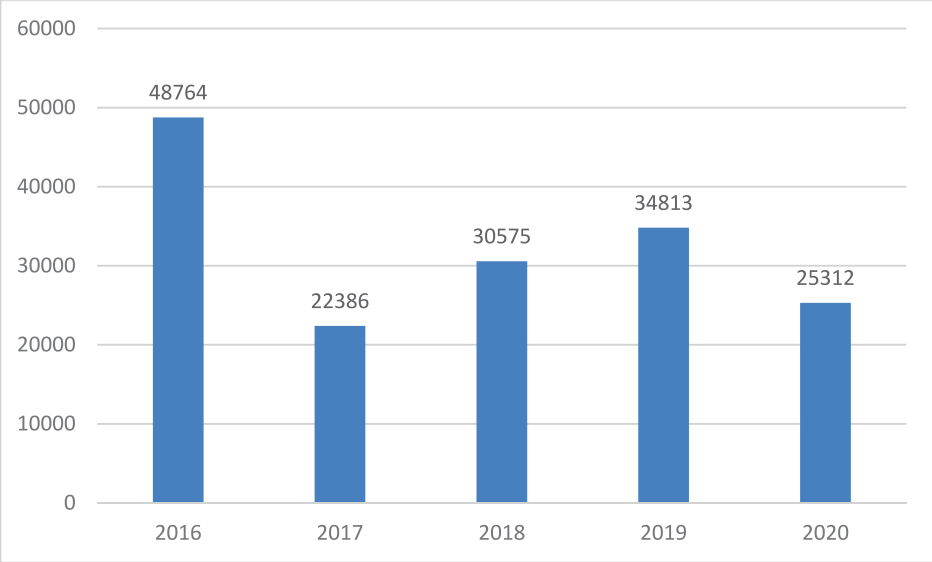


Chart 2.8
No. of complaints disposed in the Commission (2016-20)



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

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

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

2.36 Under Public Interest Disclosure and Protection of Informers' Resolution dated 21stApril, 2004, the Central Government had designated the Central Vigilance Commission as the Agency to act on complaints from the "whistleblowers". The Commission was entrusted with the responsibility of keeping the identity of the complainant confidential. The

Commission has adopted a mechanism of having a Screening Committee which meets periodically to decide on action to be taken on such complaints. The prescribed time limit for investigation and report in respect of PIDPI complaints is three months. Periodic review takes place at the highest level so as to ensure timely submission of report. In the event of any reported threat to life/physical injury, the Commission may issue directions to competent authorities for ensuring protection to whistleblowers.

2.37 Department of Personnel and Training (DoPT) vide its Resolution dated 14.08.2013 has authorised the Chief Vigilance Officers in the Ministries/Departments as the designated authority to receive written complaints or disclosure of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

2.38 The Commission has advised all organizations to give wide publicity to the PIDPI Resolution and the guidelines issued by the Commission through the websites, specially intranet of the organizations, in-house journals, publications and also to organize seminars / sensitization programmes etc. to inculcate greater awareness so as to encourage public and insiders to come forward and lodge / report information of corrupt practices or misuse of office to the Central Vigilance Commission.

2.39 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.

2.40 Table 2.6 below gives the nature of complaints received under PIDPI Resolution and action taken by the Commission on them during the year 2020.

Table 2.6

Complaints Received and Disposed under PIDPI during 2020

Complaints Received and action taken	Nos.
Number of complaints pending as 01.01.2020	75
No. of complaints received during the year	480
Total number of complaints	555
Total number of complaints disposed, of which	520

No. of complaints filed	207
Non-vigilance (Forwarded for necessary action to Departments / Organizations)	252
Taken up for inquiry / investigation by CVO/CBI	61
Pending as on 31.12.2020	35

XII Vigilance Clearance

2.41 One of the tasks performed by the Commission is providing vigilance clearances for persons recommended for appointment to Board level posts in the Central Public Sector Undertakings/Public Sector Banks etc. During the year 2020, vigilance clearances were processed and issued by the Commission for the Board level appointments in 598 cases. Such vigilance clearance is also provided by the Commission in respect of officials of the All India Services and other Services for empanelment to the posts of Joint Secretary and above in the Central Government and for appointments to certain Statutory Posts under the Central Government and few others. During the year 2020, vigilance clearances were accorded in 2371 such cases.

XIII Departmental Inquiries

2.42 The Commission has been nominating its own officers to conduct departmental inquiries for various Central Government Organizations, usually in cases where the charges leveled are grave in nature. During 2020, 32 Departmental Inquiries are under process in the Commission.

XIV IT initiatives

2.43 The Commission has in place several IT process systems for enhancing operational efficiency and to provide value addition through better tracking, monitoring and storage of information. Complaints received in the Commission are being handled electronically including for dissemination to the CVOs of the organizations for further action. It has also helped in reducing the manual handling of such tasks thereby minimizing time loss involved in physical movement of documents and ensuring better record keeping. The Commission also plans to put in place a multi-tenancy environment to seamlessly integrate vigilance administration with the Ministries / Departments / Organizations concerned. Apart from improving operational efficiency, the IT applications aim at making the Commission's working citizen friendly.

XV Right to Information Act, 2005

2.44 In order to fulfill the provisions of the RTI Act, a separate RTI Cell has been set up in the

Commission to deal with RTI applications from persons seeking information under the Act. Officers of the rank of Director / Deputy Secretary / Under Secretary are functioning as the Central Public Information Officer and an officer of the rank of Additional Secretary to the Commission functions as the Appellate Authority, in addition to their other duties.

2.45 A statement showing receipt and disposal of references under RTI Act, 2005 during 2016 to 2020 is given in Table 2.7.

Table 2.7

Receipt and Disposal under RTI Act, 2005 (2016-20)

Year	Applications received	Disposal	First appeal references received	Disposal
2016	1755	1593	298	268
2017	1553	1451	377	354
2018	1260	1179	398	384
2019	1086	1009	392	383
2020	735	665	378	346

XVI Progressive Use of Hindi

2.46 The Official Language Policy is being given due emphasis by the Commission for implementation of the provisions as also achievement of the objectives envisaged in the Official Language Act, 1963. All documents coming under Section 3 (3) of this Act, like General Orders, Press Note, Notification, Circulars, Annual Report and Papers which were to be submitted before the Parliamentary Standing Committee issued bilingually in both Hindi and English. Letters received in Hindi were invariably replied in Hindi.

2.47 In compliance to the Official Language Policy of the Union, during the year one Hindi workshop was conducted in the Commission. Due to pandemic Covid-19, more workshops and other training programmes could not be organized. Five [05] officials were nominated for Hindi typing training in Hindi Teaching Scheme.

2.48 Meetings of the Official Language Implementation Committee of the Commission are held regularly. The Commission organizes Hindi Week in the month of September every year. During the year under report, Message of the Central Vigilance Commissioner was circulated in the Commission on the occasion of Hindi diwas. Due to pandemic Covid-19, during the week only Slogan writing and Hindi Essay Competition were organized in which prizes were distributed by the Commission to the winning participants.

Commission's Activities 2020

03

SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION

I Vigilance Administration in Organizations

3.1 The responsibility of ensuring probity, fairness and transparency in an organisation vests with the Chief Executive, i.e., Secretary of a Ministry/Department, CEO/CMD/MD of a Public Sector Enterprise / Public Sector Bank / Insurance Company or Head of any autonomous body. Every organisation has a Vigilance Wing headed by a Chief Vigilance Officer (CVO) who assists the Chief Executive in vigilance related matters. The CVO functions as an extended arm of the Commission. Any vigilance function should aim at upholding the morale and protecting the value system of the organisation.

3.2 The CVO not only acts as an advisor to the Chief Executive in all matters pertaining to vigilance but is also the nodal officer of the Organisation for interaction with CVC and CBI. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed; investigating or causing investigations to be made; processing investigation reports; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices, etc. Though there are several facets of vigilance, preventive vigilance measures undertaken by the CVO are of substantial significance as these are likely to reduce the occurrence of vigilance cases.

3.3 The Chief vigilance Officers constitute an important link between the organizations concerned and the Central Vigilance Commission which serves as its supervisory head. The Commission communicates primarily with the CVOs in the matter of tendering advices and seeking reports, clarifications, etc. The Commission's impartial and objective advice aids the Chief Executive Officers/Heads of the organizations in maintaining integrity and for effective vigilance administration. In line with its advisory role, the Commission advises the organizations about appropriate punitive action or preventive/corrective action, as the case may be, as and when required, based on material and verifiable records, leaving final action to the disciplinary authority concerned.

II Appointment of CVOs

3.4 CVOs in all Departments/Organizations are appointed in terms of DOPT's instructions dated 28.4.2017 after obtaining clearance from the CVC, from the CVO Offer List prepared after inviting applications for these deputation posts. As the Commission carries out its

mandate of superintendence of vigilance administration through the CVOs, it plays a significant role in empanelment and appointment of full-time CVOs in public sector undertakings, public sector banks and insurance companies, etc. The Commission approves panels furnished by Ministries/Departments/ Autonomous Bodies, etc., for appointment of part-time CVOs in their respective organizations.

3.5 During the year 2020, the Commission approved the suitability of 110 officers for appointment to the post of CVOs in various organizations. Further, it has also approved names of 02 officers as full time CVOs and 83 officers for appointment as part -time CVOs in various Ministries/ Departments/ Autonomous Bodies. The Commission is however concerned that vacant posts of CVOs are not filled up promptly. It is observed that during 2020, there were 63 posts of full-time CVOs remained vacant for a period of over month. Among the public sector banks and insurance companies, the post of CVO remained vacant during the year for more than a month in Exim Bank of India, National Housing Bank, UCO Bank, Oriental Insurance Company Ltd. As vacancy in the post of CVO for a long duration is not conducive for efficient vigilance administration, it is essential that concerted efforts are made by Department concerned for advance action towards filling up the anticipated vacancies.

III Performance of the Chief Vigilance Officers

3.6 The Commission monitors the performance of the Chief Vigilance Officers (CVO) through well-established mechanisms by prescribing quarterly progress reports and annual reports and reviews conducted through the sectoral / zonal meetings convened by the Commission from time to time. In addition, the Secretary and the Additional Secretaries in the Commission also review the work done by CVOs and reconcile the pending issues invariably before the annual zonal review meetings and at periodic intervals as well, either in person or through video conference. The Commission is appreciative of the efforts made by most Chief Vigilance Officers in the efficient discharge of their duties.

3.7 With a view to prevent any kind of harassment of CVOs, all complaints against CVOs need to be referred to the Commission for advice. Instructions have also been issued vide Commission's OM dated 28.3.2006 indicating steps to prevent victimisation of officials working in the Vigilance set-up of any organisation.

3.8 The Commission receives complaints electronically on its portal as well as through post. The complaints are scrutinised, and appropriate decisions are taken in the light of the complaint handling policy. At the close of the year 2020, the Commission had sent 7852 complaints to CVOs for necessary action and out of these 6673 cases were disposed.

Total complaints sent to CVOs	Complaints disposed	Complaints pending	Complaints pending more than 3 months
7852	6673	1179	569

(January 2020 to December 2020)
Table 1 (Appendix III- A(i))

3.9 The Commission reviews the status of pending complaints with the CVOs periodically so that disposal of complaints is expedited. As regards complaints directly received by the CVOs, 73743 were received by them during the year, out of which 53819 had been disposed.

Total complaints sent to CVOs	Complaints disposed	Complaints pending	Complaints pending more than 3 months
73743	53819	19924	11693

(January 2020 to December 2020)
Table 2 (Appendix III- A(ii))

3.10 Wherever it has been decided after examination of the complaints to conduct a vigilance investigation, either on the advice of the Commission or otherwise, the CVO gets the investigation conducted by his officers and decides whether on the basis of the facts disclosed in the investigation report, the complaint should be dropped or whether regular departmental action should be recommended against the public servant or administrative action, viz., warning, caution etc., would serve the purpose. CVO forwards the report along with his recommendations to the disciplinary authority for appropriate decision.

3.11 It is expected of the CVOs to get the investigation completed ideally within a period of three months or as soon as possible thereafter. At the end of the year 2020, in respect of such complaints that were referred by the Commission to the CVOs for investigation, reports were awaited in 219 complaints out of which 58 were pending for upto one year, 56 were pending for a period between one to three years and 105 were pending for a period of over three years (Appendix-IV).

3.12 Once a decision is taken for initiating disciplinary proceedings against an officer, the CVO needs to ensure that charge-sheet is carefully drawn up and issued expeditiously. He also ensures that there is no delay in appointment of Inquiry Officers. He constantly monitors the progress of the departmental inquiries in terms of the Commission's circular dated 18.1.2016 and brings any inordinate delays to the notice of the concerned disciplinary/ administrative authorities for corrective action. In order to ensure prompt/timely action in disciplinary matters where major penalty proceedings have been initiated/are to be initiated, the following time lines have been issued for adherence:

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

Total disciplinary inquiries against officers (under CVC jurisdiction)	Disciplinary inquiries disposed of	Disciplinary inquiries pending	Disciplinary inquiries pending for more than 6 months
2039	829	1196	774

(January 2020 to December 2020)
Table 3 (Appendix III- B)

Total disciplinary inquiries against other employees (not under CVC jurisdiction)	Disciplinary inquiries disposed of	Disciplinary inquiries pending	Disciplinary inquiries pending for more than 6 months
8845	4241	4604	2280

(January 2020 to December 2020)
Table 4 (Appendix III- C)

3.13 CVOs are required to keep a watch over the status of implementation of first stage and second stage advices tendered by the Commission in terms of DOPT's instructions dated 11.11.1998. Cases in which the Disciplinary Authorities have disagreed with the Commission's advice need to be brought to the notice of the Commission. Periodic reviews are undertaken by the Commission and wherever delays are observed in implementation of its advices, the matter is pursued with the concerned authorities. There were 407 cases

pending for implementation of first stage advice and 109 cases pending for implementation of second stage advice for more than six months as on 31.12.2020 (Appendix-V).

3.14 CVOs are also required to send quarterly progress report to the Chief Technical Examiners' Organisation (CTEO) of the Commission giving details about the major purchases/ procurements/works undertaken or being undertaken by the organisation. From these reports, the CTEO selects some of the works, based on certain parameters, for intensive examination. However, as the CTEO would only be able to examine limited number of works for logistic and administrative reasons, the Commission has issued guidelines for the CVOs to conduct CTE type inspections in order to ensure that the works are awarded in a transparent and competitive manner.

3.15 Chief Vigilance Officers of Ministries/ Departments/ Organizations are required to submit Annual Reports of vigilance activities to the Commission every year. The performance of the CVOs for the year 2020, as per information reported in their annual reports, is reflected in Appendix III (A to F). List of 77 organizations who have not submitted their annual reports are at Appendix III-G.

3.16 During the year 2020, major penalty proceedings were initiated in 6256 cases (for all categories of officers) dealt with by the CVOs resulting in imposition of major penalties in 4976 cases and minor penalties in 731 cases. 549 cases resulted in exoneration. Further, minor penalty proceedings were initiated in 12305 cases resulting in imposition of minor penalties in 8780 cases. 3525 cases resulted in exoneration. Effectively, minor penalties were imposed in a total of 9511 cases. (Appendix III – E and F). These data are based on annual reports submitted online by CVOs of all select organizations.

No. of cases where major penalty proceedings initiated: 6256	Major Penalty imposed	4976
	Minor Penalty imposed (against initial major penalty proceedings)	731
	Exoneration	549
No. of cases where minor penalty proceedings initiated: 12305	Minor Penalty imposed	8780
	Exoneration	3525
	Effective total number of minor penalties imposed	9511

Table 5 (Major and Minor Penalties: Annexure III E and F)

IV Sanction of Prosecution

3.17 On completion of investigation, if the CBI comes to a conclusion that sufficient evidence

is available for launching a criminal prosecution, they shall forward the report to the CVC if previous sanction is required under the PC Act, 1988 to be issued in the name of the President. A copy is to be sent to the authority competent to sanction the prosecution, through the CVO concerned. The CVO plays an important role in processing the matter and expediting decision of the competent authority in arriving at the decision for according or declining the sanction of prosecution.

Total no. of cases for sanction (2019-2020)	Sanctions accorded	Sanctions declined	Pending	Pending for more than 6 months
939	512	135	292	84
(Table 6: Sanction for Prosecution cases, Appendix III-D)				

V Annual Sectoral Review Meetings

3.18 The Commission issues various guidelines and sets targets related to vigilance administration of the organizations. Though CVOs' performance with respect to these guidelines and targets is closely monitored through various reports, Commission holds structured meetings annually with the CVOs of each sector. In these Annual Sectoral Review Meetings, Commission takes appraisal of the targets achieved and sets the tone for the following year after extensive consultations with the CVOs. These meetings also provide the CVOs with opportunity to seek Commission's guidance on various matters related to vigilance administration.

3.19 During the year 2020, the Commission held thirteen (13) sectoral review meetings in which 76 departments/organizations participated. The meetings covered Ministries/ Departments such as Home Affairs, Railways, Housing and Urban Affairs, Shipping, Road Transport and Highways, CBDT, CBIC, Public Sector Banks, Insurance Companies.

3.20 During the sectoral meetings, the Commission discussed with the CVOs the functions/ areas susceptible to corruption in the respective organizations and the measures already adopted by the CVO and to be adopted in future. Commission also emphasized the significance of preventive measures involving systemic changes in order to minimize the risk of corruption. Well before the sectoral meetings, the organizations reconciled the details of the pending vigilance cases with the Commission for effective monitoring.

3.21 Commission took notice of large number of disciplinary proceedings pending in certain organizations and issued directions for expeditious completion of these cases. The Commission also highlighted some of the outreach activities that may be taken up to ensure public participation in fighting the menace of corruption.

3.22 Sectoral Meeting for Revenue Sector: -

(a) In the review meeting with Secretary (Revenue) and Chairman, Central Board of Indirect Taxes and Customs, the Commission observed that the progress in departmental inquiries and implementation of Commission's advice for imposition of major penalty was not satisfactory. Commission noted that departmental inquiry in certain cases has been long pending and immediate steps to finalize these cases were needed. After consulting the Secretary (Revenue) and Chairman, CBIC, the Commission gave targets for completion of the long pending inquiry cases.

(b) Similarly, during the review meeting with Secretary (Revenue) and Chairman Central Board of Direct Taxes, Commission expressed concern about long pending departmental enquiry in large number of vigilance cases and gave targets for early completion thereof. Commission directed that all the cases where Commission's advice was tendered by year 2010 should be brought to logical conclusion by 28.02.2021. Similarly, it was decided that all the cases up to year 2018 would be brought to logical conclusion by 31.05.2021. Secretary (Revenue) assured the Commission that the procedures that led to delay will be reviewed. Commission advised the Secretary (Revenue) to co-ordinate with UPSC and DoPT on regular basis so that cases referred to them can be expedited.

3.23 Sectoral Meeting for Banking Sector: -

(a) In the sectoral review meeting of Banking Sector, meetings were held with the CMDs and CVOs of State Bank of India, Bank of India, Bank of Baroda, Central Bank of India, IDBI Bank, Union Bank of India, Bank of Maharashtra, United Bank of India, Allahabad Bank, UCO Bank, Bank of India, Punjab National Bank and Reserve Bank of India.

(b) The CMDs and CVOs of the Banks made presentations to the Commission bringing out the status of vigilance cases, progress made in that regard, preventive vigilance measures undertaken by the banks, initiatives taken to strengthen whistle blower mechanism, activities undertaken during observance of vigilance awareness week and use of technology in the banking operation etc.

(c) CVO, Bank of India informed the Commission about data analytics tools now being used in the bank for obtaining details of stressed accounts based on various parameters, such as intra-group transaction, default in other banks, LC development/ BG invocation, cash withdrawal etc. He also briefed about the automated packages to generate triggers and red-flags on any abnormality in operations of accounts, transactions or other matters which may become potential red-flag. Commission was also briefed about systemic improvements taken up by the banks.

(d) Commission observed that a large number of high value frauds took place due to disregard of systems and procedures in lending as well as in general operation.

Commission also noted that big frauds reported from overseas branches necessitates thorough analysis of the nature of issues involved therein. Commission observed that in the committee approach for financing, same officer is made member in different committees. Therefore, the Commission advised CVOs to give priority for prevention of frauds at every level through the use of technology and discreet inquiries.

(e) Commission demanded that the quality of investigation needs to be improved by providing adequate training to the investigating officials. Commission also advised that after lodging complaints with CBI and other agencies, the banks must continue recovery efforts. It was also advised that Internal Advisory Committee of the banks should consider role and responsibility of each officials while categorizing the matter as vigilance and non-vigilance. Commission also mentioned that all banks must use technology, especially artificial intelligence to make a profile of their borrower customers, their lifestyle etc so that one can identify in advance the possible diversion of the amount lent.

(f) The Commission emphasized the importance of a robust Whistle Blower Mechanism in the banking sector. The importance of initial and mid-career training at all levels was also emphasized upon. In this regard, Commission advised the banks to examine the feasibility of deputing the officials for a few days training in Rural Self Employment Training Institutes and sending them for visits in rural areas. Commission also advised the banks to ensure that there is a laid down policy for weeding out records which are not required at later stages. Commission advised that considering the sizable number of women employees in bank, at least one lady member should be nominated in each of the committees so as to give adequate representation to women employees.

3.24 Sectoral Meeting for Education sector: -

(a) The review meeting was held with the Ministry of Education, UGC, AICTE, IGNOU, Delhi University, KV Sangathan, IIT Kharagpur, NEHU, CBSE, NANIT Bhopal, IIT Kanpur and NCERT. Commission reviewed the status of complaints pending for Investigation and Report, further information, implementation of Commission's advice and departmental inquiries. Commission noted that there are some very old cases pending in these categories and gave target dates to the organizations for completing action in this regard. Secretary, Higher Education made a presentation on administration of various scholarships to students, grievance redressal machinery and transparency in recruitment and activities undertaken during vigilance awareness week. Commission stressed that scholarship to students should be started in the same month in which he/she takes admission.

3.25 Sectoral Meeting with Railway Board: -

(a) The Commission gave targets for completion of the old pending vigilance cases. The Commission also expressed concern over the problem of cartelization of vendors

bidding across the organization. The Commission advised CEO & Chairman Railway Board to formulate a policy for addressing this problem of cartels so that it can be adopted in other organizations as well. The CVO/RB informed the Commission about initiatives taken by Railway Board for training activities. Commission suggested that Railways may try to compile case studies for training officers in various organizations.

(b) The Commission highlighted that audit findings provide useful insight into the organization's systems and functioning. Therefore, the Zonal Railway CVO may be invited to be present at the Exit Conferences held by the CAG's audit teams with the executives of the organization. This will help the CVO to identify issues, which require CVO's immediate attention for the purpose of preventive vigilance.

(c) It was further advised by the Commission that CEO & Chairman, RB may consider incorporating in Human Resource Management System a module for providing the young officers a channel for raising their concerns. A committee of middle level field officers can address their concern and work as mentors of these officers. Commission also advised that CRB may convey to the Railway Officers manning various PSUs to adopt the systems already implemented in the Railways for ensuring that a retiring employee gets his/her retirement dues including pension order on the last day of retirement. Commission also suggested that Railways may try to adopt practice of reasonable representation of lady officers in all the committees at all levels.

3.26 Sectoral Meeting with Insurance Sector:

(a) Meeting was held with the public sector insurance companies, i.e., LIC of India, GIC of India, New India Assurance Co. Ltd, United India Insurance Co. Ltd, National Insurance Co. Ltd and Oriental Insurance Co. Ltd. Commission noted that investments made by insurance companies especially LIC are causing concerns as many of their investments have got locked up in financial institutions such as IL&FS. Commission also noted that there was increase in fraudulent claims especially in the fire and motor vehicle claims and there was need for transparency in appointment, rotation and remuneration of the brokers and surveyors.

(b) The CVOs made presentations to the Commission on the systemic improvements and preventive measures taken up in their respective companies. CVOs advocated that Internal Advisory Committee mechanism on the lines of Public Sector Banks should be introduced in the Insurance Sector also. In case of LIC, the Commission noted that the Procurement Manual was last updated 15 years back. Therefore, the Commission advised to constantly update the Manuals.

3.27 Sectoral Meeting with Ministry of Home Affairs, GNCTD and Union Territories:

(a) The Commission advised the Union Home Secretary to refer the complaints forwarded by the Commission regarding illegal constructions and encroachments to a Special Task Force (STF) headed by Vice Chairman DDA set up by the Hon'ble Supreme Court of India. Commission also discussed the matter of appointment of

Additional CVO/Deputy CVO in GNCTD and other Union Territories to assist the Chief Secretary-cum-CVO of the concerned UT. Commission also gave timelines for disposal of the pending disciplinary cases with MHA, CAPF and Union Territories. The Commission was informed that some of the charged officials were on deputation to MHA and have been repatriated to state governments and in such cases, state governments have been requested to serve charge memo on the charged officials, but response from state governments is considerably delayed in several cases.

3.28 Sectoral Meeting with Urban sector

(a) A meeting was held with Ministry of Housing and Urban Affairs, GNCTD, LG Office Delhi, DDA, NDMC, SDMC, EDMC and North DMC. The Commission expressed concern over long pendency in various categories of vigilance cases with departments. CVOs briefed the Commission about the initiatives on preventive vigilance, transparency and ease of doing business like in registering properties, automatic e-mutation, starting a business, construction permit, paying taxes, enforcing contracts, online delivery of services through e-district portal, digitization of property records etc. They also briefed the Commission about the status of pending vigilance cases and proposed target dates for finalization of these cases.

3.29 Sectoral Meeting with Road Sector:

(a) The Commission held meetings with Ministry of Road, Transport and Highways, NHAI and NHIDCL. The need for initiatives for system improvements and preventive vigilance in the organizations was emphasized. Secretary, MoRTH informed about the steps taken by the Ministry for systemic improvements in the areas of contract management, induction training for engineers, best practices adopted in project management etc. Secretary elaborated on some of the IT applications like VAHAN and SARATHI to automate all vehicle registration and driving license related activities across country, BIMS (Bid Information Management System) for procurement of Highway contracts on EPC/BOT mode etc.

(b) Chairman, NHAI also informed the Commission about the systemic improvements in NHAI such as Fast Tag, Data Lake, Harit Path, Selfie Biometric Attendance at project sites etc. He informed about some new initiative like disposing of the arbitration cases by way of amicable settlement, rating of highways, inviting local engineering students for internship for better feedback on highways etc. Commission advised that case studies may be prepared on new initiatives such as Fast Tag for training of probations in all academies.

3.30 Sectoral Meeting with Shipping Sector:

(a) CVOs of Ministry of Shipping, Shipping Corporation of India, Jawaharlal Nehru Port Trust, Kolkata Port Trust, Mumbai Port Trust, Cochin Port Trust, Chennai Port Trust and New Mangalore Port Trust made presentations to the Commission highlighting

systemic improvement and preventive vigilance measures, deficiencies observed and areas of concern. CVO, SCI informed that as per Commission's advice, audit of agents was carried out by SCI and as outcome of audit, various systemic measures were taken up.

(b) CVO, MPT informed the Commission about the initiatives taken up for digitization of land records and removal of encroachment. Regarding contract award and management, Commission advised that guidelines issued by Ministry of Finance on procurement activities may be incorporated in the Manual of the Ports. It was also advised that database of arbitration cases may be compiled and studied.

(c) During the meetings, the Commission appreciated the attempts made by the CVOs in bringing the number of pending vigilance cases down. However, the Commission emphasized the need to bring the old cases to conclusion. In this regard, Commission directed that all the cases where Commission's advice was tendered before 31.12.2010 should be brought to logical conclusion by 28.02.2021. Similarly, it was decided that all the cases up to year 2018 would be brought to logical conclusion by 31.05.2021. These targets were given to all the CVOs and the Commission assured them of all support in this regard.

(d) Commission also liaised with the UPSC, DoPT and CBI to solicit their full support in early finalization of the old cases. Commission also exhorted the CVOs that they should not allow the fresh vigilance cases to turn into old. Therefore, while the efforts should be made to finalize old cases, the fresh vigilance cases should also be adhered to the timelines.

VIII Guidelines/Instructions issued by the Commission during 2020

3.31 As a part of exercising superintendence over vigilance administration, the Commission also issues various guidelines, instructions, etc., aimed at streamlining procedures/ improving efficacy of vigilance functioning in the various organizations. In the year 2020, the Commission issued the following instruction:

3. 32 Framework for Advisory Board for Banking and Financial Frauds

(Circular No. 006/MSC/038(Part) dated 15.01.2020)

The Central Vigilance Commission, in partial modification of all earlier orders in the matter, has decided to issue revised instructions on the subject as under:

Considering the complexities involved in commercial decisions of officials in PSBs and PSEs, the commission in February, 1999 had decided to have in place an advisory Board as a first level of examination of all large fraud cases before recommendations/references are made to investigative agencies, i.e., CBI by the respective PSBs. As per guideline dated 21.08.2019, CBI can also refer any case/matter to the said Board where it has any issue/

difficulty or in technical matters in so far as PSBs are concerned. However, recent changes in economic offences being committed as well as the changes in law necessitate the Commission to bring its instruction in step with the need of the prevailing circumstances. Furthermore, it is now considered expedient to extend the ambit of advice pertaining to those matters to other relevant organizations.

The Commission had on 21.08.2019 in consultation with the Reserve Bank of India, based on recommendation of an expert committee on NPAs and Frauds, constituted the Advisory Board for Banking Fraud (ABBF). In view of the increasing complexities and issues arising or difficulties being faced in technical matters, it is decided to rename the Board as Advisory Board for Banking and Financial Frauds (ABBFF).

The ABBFF shall function as a first level of examination in respect of official in the rank of GM and above in PSBs and equivalent thereof in Public Financial Institutions in case of frauds amounting to more than Rs.50 crores (rupees fifty crores), before such organizations initiate action in matters of allegation of Banking and Financial Frauds. It shall also tender advice in respect of officers under Composite cases.

The PSBs and Public Financial Institutions shall continue to refer all suspected large frauds to the Board in terms of the guidelines issued vide Commission's office order dated 21.08.2019. The advice rendered by the Board may be suitably considered by the Competent Authority while initiating criminal investigation.

All Administrative Ministries, Organizations and entities of the Government shall ensure that the advice of the Board has been sought, received and made available in respect of official in the rank of GM and above in PSBs and equivalent rank thereof in Public Financial Institutions in case of frauds amounting to more than Rs.50 crores (Rupees fifty crores), to the investigating agencies who may take such advice into account while consequential action to initiate preliminary enquiry, inquiry or investigation and follow due procedure under the provision of Section 17 A of Prevention of Corruption Act, 1988.

In case during the course of investigation the involvement of a Public Servant employed in PSBs and PFIs above the rank of GM comes to the notice of the investigating agency, they may refer the matter to the Board for advice before proceeding further.

State Vigilance Organizations are also advised to adopt a similar framework or refer the matter to the Board constituted hereinabove, in the interest of harmonious and uniform application with respect to matters relating to the provision of the Central Act i.e., the Prevention of Corruption Act, 1988 for matters under their respective jurisdiction.

The Board will ordinarily, within a month of receipt of the initial reference, tender its advice as may be requisitioned by the Ministry/Department/CVC or the Investigating Agency (including the Delhi Special Police Establishment). The Board would on its own decide on internal procedures for its functions/affairs and shall keep the Commission

informed about its performance and activities on a quarterly basis.

3.33 Reference to the Commission for reconsideration of its advice – Dispensing with reconsideration of second stage advice

(Circular number 008/VGL/027/459659 Dated 09.09.2020)

Ref. (i) Commission's Letter No.000/DSP/1 dated 06.03.2000.

(ii) Commission's Circular No.15/4/08 dated 24.04.2008.

(iii) Commission's Circular No.06/08/2020 dated 06.08.2020.

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

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

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

4. However, the Commission would entertain references for reconsideration of its first stage advice within one month of receipt of the Commission's first stage advice only in those exceptional individual cases having additional/new material facts, as prescribed in its Circular No.06/08/2020 dated 06.08.2020.

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

3.34 Action on anonymous/pseudonymous complaints. (Circular number 98/DSP/09/461535 dated 24.09.2020

Ref. (i) DoPT's OM No.104/76/2011-AVD.I dt.18.10.2013 & 18.06.2014.

(ii) Commission's Circular No.7/11/2014 dated 25.11.2014.

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

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

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

3.35 Expeditious disposal of cases involving public servants due to retire shortly. (Circular Number 019/VGL/026-462213 dated 1.10.2020)

Ref. (i) Commission's Office Order No.34/9/07 dt.27.09.2007.

(ii) Commission's Circular No.03/03/11 dated 11.03.2011.

(iii) Commission's Office Order No.04/7/19 dt.23.07.2019.

(iv) Commission's Office Order No.04/05/020 dt.12.05.2020

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

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

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

3.36 Filing of Immovable/Movable Property Return by officers/officials. (Circular Number 020/VGL/023-466958 dated 23.11.2020)

Timely filing of property return by the officials of Ministries/Departments/ Organizations is one of the mandatory requirements under Conduct Rules, Property returns are also a good tool for CVOs to detect the source of funding of the assets of the officials and to find out whether these have been acquired through legal means. Non-filing of property returns constitutes good and sufficient reasons for instituting disciplinary action against the delinquent officials.

2. While examining the reports submitted by some of the CVOs, the Commission has observed that in most of the organizations, many of the officers/officials are yet to file their Annual Immovable/Movable Property return (IPR/MPR) for the previous year i.e., 2019. In most organizations, the last date for filing of return is 31st January. Almost nine months have since lapsed and the organizations are yet to secure 100% compliance in this regard.

3. The Commission has expressed its deep concern at such a prolonged delay in filing of IPR/MPR by the officers/officials of organizations and has directed to complete the exercise latest by 30th November 2020 to achieve 100% compliance. Those offices/officials who do not file their IPR/MPR by 30.11.2020, appropriate disciplinary action may be initiated against them.

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

3.37 Judgement dated 28.03.2018 in Criminal Appeal No.1375-1376 of 2013 passed by Supreme Court of India. (Circular Number 020/MSC/028 Dated 22.12.2020)

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

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

by a court of law, is vacated within six months' period and court proceedings are commenced.

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

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

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

3.38 Disposal of pending cases (Circular Number 020/MSC/036 Dated 30.12.2020)

Central Vigilance Commission, as part of its functions of exercising superintendence over Vigilance Administration of the organizations under its advisory jurisdiction has been emphasising on timely completion of action in vigilance related matters. Any delay in finalization of such matters is neither in the interest of the organization nor that of the employee concerned. Undue delay on one hand provides prolonged opportunities to a corrupt public servant to indulge in inappropriate activities. On the other hand, any unwarranted delay in conclusion of vigilance related matters is detrimental for an honest public servant, who may have got involved in a vigilance case, due to various circumstances.

2. In order to ensure that a vigilance related matter is taken to its logical conclusion within a reasonable time frame, the Central Vigilance Commission has issued guidelines, time and again, specifying the time limit for each stage involved in a vigilance case. However, it has been observed that some cases are not brought to logical conclusion in a timely manner and remain pending in the organizations for unduly long period of time, due to variety of reasons.

3. The Commission, vide Circular No.18/12/20 dated 14.12.2020 (available in downloadable form on Commission's website www.cvc.gov.in) has prescribed time limit for various stages of disciplinary action, as tabulated below: -

Sl. No.	Stage of disciplinary action	Time limit
1	Issue of Charge Sheet to the stage of appointment of IO and PO	All the required actions may be completed within a period of 02 months from the date of issue of First Stage Advice of the Commission

2	Conducting departmental inquiry and submission of report by the Inquiry Officer (IO)	The inquiry report should be submitted within 6 months from the date of appointment of inquiry officers
3	Overall additional time for all/any of the above stages of disciplinary proceedings, due to some unavoidable /unforeseen circumstances	In addition to the above time limit, a period of 1 more month may be taken if required.

4. The Commission is regularly reviewing old pending cases with the respective organizations and has appreciated the efforts of the organizations in bringing most of the old cases to a logical conclusion. On a review of cases, it is observed that a limited number of cases, which originated in the period of 01.01.2011 to 31.12.2018, are pending in some organizations for various reasons, some of which are listed below: -

   (i) Stay granted by a court of law.

   (ii) Case pending in a court of law.

   (iii) Case kept in abeyance as the official had been terminated from service in another case.

   (iv) Although, the officer was working with the Central Govt. at the time of commission of misconduct, but the Disciplinary Authority, i.e., the State Govt. is yet to furnish its views/recommendations.

   (v) The misconduct was committed in an organization where the official was on deputation/posted earlier and later on, he, either reverted back to his parent organization or was transferred to another organization and there was difference of opinion between the authorities concerned in the two departments.

5. The Commission has directed that in respect of those organizations where a few old cases are still pending, the Chief Executive and the Chief Vigilance officer of the organization should ensure that the vigilance cases initiated between the period 01.01.2011 to 31.12.2018 must be finalized latest by 31.05.2021. The organizations may take all necessary steps and may follow up the pending cases with the authorities concerned, within the organization and outside too, if required, to ensure timely action in these cases.

6. The progress made in taking the old pending cases to their logical conclusion may be intimated to the Commission by the CVOs concerned.

Launch of PNB Vigilance Manual

04

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

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

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

I Cases of non-compliance and non-consultation:

4.2 The Commission has observed that during the year 2020, there were some significant deviations from the Commission's advice. Whenever the Ministries / Departments propose to differ from or not to accept any advice of the Commission, a procedure has been laid down in terms of the Department of Personnel & Administrative Reforms OM No.118/2/78-AVD-I dated 28/9/1978, which prescribes that in those cases of officers for whom the appointing authority is the President, (i.e. orders are required to be issued in the name of the President), a reference is to be made to the DoPT before the Ministries / Departments finally decide such cases.

4.3 Non-acceptance of the Commission's advice or non-consultation with the Commission vitiates the vigilance process and weakens the impartiality of the vigilance administration. However, Ministry / Organisation wise cases of deviation from prescribed procedure or non-acceptance of the Commission's advice are briefed as below:

4.3.1 Ministry of Railways:

S.No.1

Charge

In a contractual work in East Central Railway, Senior Section Engineer (Elect.) allowed use of one item that had specifications different from mentioned in the contract. He also recorded in the Measurement Book more quantity than actually used by the contractor in the railway work. In addition, he allowed change of location for two items without the approval of the competent authority.

Advice

On 15.07.2013, the Commission, in agreement with the GM/East Central Railway and Railway Board Vigilance, conveyed its advice of initiation of major penalty proceedings against Sr. Section Engineer, who, in view of his imminent retirement, had already been issued major penalty charge-sheet before Commission's advice.

Brief Details

A preventive check was conducted by East Central Railway Vigilance on a contract dated 14.09.2011. Preventive Vigilance check revealed serious irregularities in execution of the said work: -

(a) Contractor had used fabricated tray of mild steel angle in the work, whereas contract provided for perforated tray. The price of fabricated tray was around 1/3rd of price of perforated tray. The Sr. Section Engineer (Elect.) permitted this change without approval of any authority.

(b) The Sr. Section Engineer (Elect.) recorded falsely in the Measurement Book that work was executed using perforated tray as per contract. Thus, payment for mild steel perforated tray was made to the contractor.

(c) The Sr. Section Engineer (Elect.) recorded in the Measurement Book that contractor used 800 meter cable in the work against item No. 8 of the contract, whereas actually contractor had used only 157 meter cable on ground.

(d) The Sr. Section Engineer (Elect.) also allowed change of location for two items without the approval of the competent authority.

Outcome

The Disciplinary Authority, after considering the inquiry report, concluded that Articles of Charge proved against the charged officer do not constitute grave misconduct or negligence so as to warrant a cut in pensionary benefits. Accordingly, vide order dated 11.12.2019, the DA ordered that case against the Sr. Section Engineer (Elect.) be withdrawn by dropping the

proceedings. This order was in deviation with the Commission's advice of major penalty proceedings.

S. No. 2

Charge

The Senior Section Engineer/Quality Assurance/Signal & Telecom/Research Designs & Standards Organization inspected and passed substandard signalling cable of length 42.196 km supplied by the contractor.

Advice

On 21.04.2016, the Commission advised initiation of major penalty proceedings against the Senior Section Engineer. Subsequently on 18.11.2019, the Commission, after considering the report of Inquiry Officer and comments of Disciplinary Authority thereon, advised imposition of major penalty on the Senior Section Engineer/Quality Assurance.

Brief Details

Central Bureau of Investigation received a source information regarding irregularities in award of contract and execution of work of 'installation, testing and commissioning of complete works of Panel interlocking' at certain stations in North East Railway. CBI carried out a joint surprise check with railway authorities and registered a regular case against 02 private firms and 07 Railway Officials. CBI collected three samples of signalling cables from cable drums containing 6-core x 1.5 Sq. mm cables and sent the samples to RDSO, Lucknow for quality analysis. The samples failed in 4 parameters and were found substandard. The Senior Section Engineer had issued the inspection certificate for these substandard cables and therefore, he was responsible for acceptance of these substandard cables.

Outcome

The Disciplinary Authority (General Manager/Southern Railway), vide his order dated 17.03.2020, imposed minor penalty on the Senior Section Engineer. The Railway Board vide OM dated 12.06.2020 informed the Commission about the DA's order, which was in deviation with Commission's advice of major penalty.

S. No. 3

Charge

Assistant Divisional Signal & Telecom Engineer failed to ensure maintenance of essential site records. He also allowed deployment of railway staff for contractual work without approval of competent authority and without any recovery from the contractor. In addition, he gave false certificate in Measurement Book regarding Tools & Plant items and personnel deployed by the contractor. Moreover, he recorded wrong measurement in Measurement Book, accepted substandard work and made payment to the contractor for the work, which was not completed on ground by the contractor.

Advice

On 23.02.2017, the Commission advised initiation of major penalty proceedings against the Assistant Divisional Signal & Telecom Engineer. Again, in October 2019, after considering the Inquiry Report and Disciplinary Authority's provisional views thereon, the Commission advised imposition of suitable major penalty on the Assistant Divisional Signal & Telecom Engineer.

Brief Details

The Assistant Divisional Signal & Telecom Engineer was responsible for supervision of the execution of contract for the work of supply of material, installation and commissioning of signalling equipment in connection with shunt back facility. However, he was found to have committed following misconduct: -

(a) Essential records were not maintained on the work site.

(b) He gave false certificate in the Measurement Book that the contractor had deployed necessary Tools &Plant items and key personnel on the work.

(c) He did not take approval of competent authority for deployment of railway staff in lieu of contractor's manpower. He also failed to ensure recovery from the contractor against the railway manpower used in the contract.

(d) He also extended undue benefit to the contractor through wrong measurement of the work done, allowing substandard work and release of payment for the work that was not completed by contractor.

Outcome

Vide his order dated 27.02.2020, the Disciplinary Authority i.e. General Manager/North Eastern Railway, in deviation with the Commission's advice of major penalty, issued Recorded Warning to the Assistant Divisional Signal & Telecom Engineer.

S. No. 4

Charge

The then Dy. Chief Engineer, Southern Railway certified the measurements for sand piles work in the Measurement Book without carrying out mandatory test checks at site and effected payment to the firm in violation of extant instructions of the Railways.

Advice

On 30.07.2004, the Commission advised for initiation of major penalty proceedings against the then Dy. Chief Engineer. The same advice was reiterated by the Commission at the reconsideration stage on 30.10.2019.

Brief details

Central Bureau of Investigation investigated the irregularities committed in the sand piles work

and found the then Dy.Chief Engineer responsible for on three counts while recommending departmental action against him. The lapses found against him were:

a. He accepted the measurements for sand piles copied from rough registers of Executive Engineers and effected payment to the firm. The measurements were found inflated.

b. He affixed his signature on 11.10.99 for having test checked the measurements recorded, whereas on that day, he was on tour to Bangalore.

c. He affixed his signature on 07.01.2000 for having test checked the depth of sand piles constructed on 07.12.1999 to 20.12.1999 and on 23.12.1999 & 24.12.1999 without physical verification.

Outcome

Despite the charges being proved by the Inquiry Officer, the Disciplinary Authority imposed minor penalty on the then Dy. Chief Engineer on 26.12.2019 in deviation with Commission's advice for major penalty proceedings.

S. No. 5

Charge

A Preventive Check was conducted on the work of operation of NS item of PU Grout in operation of Non-Schedule (NS) item of Polyurethane (PU) grout with high rate in Tunnel No. 5 & 1 (T5 & T1) in Udhampur-Srinagar-Baramulla Rail Link (USBRL) Project, While executing the work, 77 MT of Polyurethane (PU) Grout (Two Component) was operated as Non-Schedule (NS) item through the main contractor on single quotation basis without doing market survey & rate analysis and without exploring option of open tender / limited tender at rate of Rs. 2250 /2200 per kg and paid around Rs. 16.16 crores.

Advice

The Commission had advised initiation of Minor Penalty proceedings against (i) the then General Manager/P-II (the then Chief Engineer (CE)/P-II); (ii) Deputy Chief Engineer (Dy. CE)/ Tunnel/Reasi (the then SEN/R&T/Kauri); (iii) Dy. CE/HQ/Reasi (the then Dy. CE/Tunnel/Reasi); (iv) Assistant Engineer (AEN)/T5/P2; (v) AEN/Sangaldan (the then AEN/Paikad); (vi) AEN/T5-P1; (vii) Dy. CE/Sangaldan (the then Section Engineer (SEN)/T5); and (viii) The then Senior Account Officer (SAO)/Project/Reasi on 23.10.2019.

Brief details

To ascertain the correctness of the work of operation of NS item of PU grout with high rate in Tunnel No. T5 & T1 in Udhampur-Srinagar-Baramulla Rail Link (USBRL) Project, a Preventive Check was conducted by CVO, Konkan Railway Corporation Limited (KRCL) on Non-Schedule (NS) item for Pressure Grouting with Two Component Polyurethane (PU2C) in the two contracts. During the check certain discrepancies were noticed such as not inviting Tenders, accepting Last Approved Rate, not doing Market Survey & Rate Analysis resulting in an overpayment of Rs. 4.95 crores. Total 77 MT of Polyurethane (PU) Grout was operated as NS item. Total value

of this PU Grout was Rs. 16.16 crores.

Outcome

Different Disciplinary Authorities, in deviation with the Commission's advice, "counselled / exonerated" the officials.

S. No. 6

Charge

The then Senior Divisional Signal & Telecom Engineer (DSTE), South East Central Railway was found responsible for splitting of demands in two cases to avoid finance vetting by keeping the value within a particular limit.

Advice

On 06.09.2019, the Commission advised for initiation of Minor Penalty Proceedings against the then Sr. DSTE. Finding no new fact, the Commission reiterated the advice of minor penalty during reconsideration on 17.01.2020.

Brief details

Local purchases for non-stock items were made to meet the day to day local requirements for petty items. In the extant case, the then Sr.DSTE, being the Indent Approving Authority, was found involved for splitting of demands in two cases by keeping the value of each indent within Rs.1.00 lakh. It was found to be a deliberate act on his part as in one of the case, two indents were of same number of items having same values and of the same date whereas in the other case, the dates were different but the number of items and their value were same. The two cases were

a. Indent number 780370908 dated 20.02.2014 for 3 nos. (Value: Rs.77,655/-) and 780370005 dated 11.04.2014 for 3 nos. (Value : Rs.77,655/-). Both indents for Subscriber Interface (FXS card) for Mux with all accessories and wiring / programming; and

b. Indent number 780370034 dated 01.07.2014 for 2 nos. of 2W exchange loop interface card (Value: Rs.73,920/-) and indent number 780370035 dated 01.07.2014 for 2 nos. of 2W subscriber loop interface card (Value: Rs.73,920/-).

Outcome

The Commission had advised initiation of Minor Penalty Proceedings and also reiterated the same during reconsideration but the Disciplinary Authority i.e. Board (MST), in deviation of Commission's advice, decided to exonerate or 'No Action' against the then Sr. DSTE on 31.01.2020.

S. No. 7

Charge

Dy Chief Engineer/Construction-III failed to check reasonability of rates, while recommending

award of contract for linking/lifting of track. He recommended award of contract at a rate that was 175% higher than the average Last Accepted Rates of four contracts in nearby Zonal Railway.

Advice

On 28.06.2018, the Commission advised initiation of minor penalty proceedings against the then Dy. Chief Engineer. Further, on receipt of reconsideration proposal from Railway Board, the Commission reiterated its advice.

Brief Details

Northern Railway Vigilance, while investigating a complaint, found that a contract for linking and lifting of linked track was awarded at very high rate. The Dy Chief Engineer failed to exhibit due diligence and committed following irregularities: -

a. He finalized the estimates on the basis of a contract involving only 1.8 km of track in J&K.

b. He recommended acceptance of contract at the rates which were 2.75 times of the average Last Accepted Rates of four contracts in nearby East Coast Railway.

Outcome

The Disciplinary Authority (GM/NR) decided not to initiate minor penalty proceedings against the Dy Chief Engineer. Finally, vide order dated 19.11.2019, the Principal Chief Engineer exonerated the Dy CE in deviation to Commission's advice of minor penalty proceedings.

S. No. 8

Charge

Chief Administrative Officer/Construction refused to take decision on the advice of Vigilance Department of South-Central Railway regarding applicability of Central Vigilance Commission Circular dated 24.08.2008 in case of two-packet tenders. The CVC Circular dated 24.08.2008 prescribes that retendering should be made, if the L1 bidder backs out. This inaction on part of the Chief Administrative Officer/Construction resulted into award of a high value tender at very high cost to a firm, which had caused the L-1 and L-2 bidders to withdraw. In this tender, the Chief Engineer/Construction failed to comply with the CVC Circular dated 24.08.2008, and accepted that remaining two bids might be opened.

Advice

On 05.03.2020, the Commission advised initiation of major penalty proceedings against the Chief Administrative Officer/Construction and the Chief Engineer/Construction. Again, in June 2020, when the Railway Board requested the Commission to reconsider its advice, the Commission reiterated its advice of major penalty proceedings against the two officers.

Brief Details

A two-packet tender was invited online for construction of major bridges. Four firms participated. After more than one month of tender opening, two of these firms withdrew their offers. The

Tender Committee recommended that bids of these two firms would not be evaluated and firms' Earnest Money Deposit would be forfeited. The Tender Committee recommended to open financial bid of the remaining two tenderers only. The Chief Engineer/Construction, working as Tender Accepting Authority, accepted the recommendations of Tender Committee. Subsequently, the Zonal Vigilance found that two bidders, who had withdrawn the offers were actually L1 and L2 and had quoted considerably less than the remaining two bidders and the contract had been awarded to the third lowest bidder. Procedurally, the Tender Committee was obliged to open financial bids of all the technically qualified bids. As per existing CVC guidelines, if it was found that the withdrawn offer was L-1, retendering should have been resorted to. The facts of the case showed that there was collusion, inducement, promise, threat or intimidation prompting the two bidders to withdraw.

Before opening this tender, the South-Central Railway Vigilance had advised the Chief Administrative Officer/Construction to issue clarifications that the CVC Circular also applied to the two-packet systems. But the Chief Administrative Officer/Construction declined to issue any instructions/clarifications stating that only CVC could issue such clarification. Finally, the Railway Board issued the guidelines in this regard.

Outcome

Vide order dated 29.06.2020, the Disciplinary Authority (Member Engineering/Railway Board) issued charge memorandum for minor penalty to and imposed minor penalty on the Chief Administrative Officer/Construction and Chief Engineer/Construction. This action was in deviation to the Commission's advice of major penalty proceedings.

S. No. 9

Charge

Assistant Divisional Engineer/Northeast Frontier Railway did not make the prescribed 20% check on the pipes after the pipes were laid by the contractor in the work. Also, he recorded the materials in Measurement Book without ensuring specifications.

Advice

The Commission, at the time of First Stage Advice, advised initiation of major penalty proceedings against the Assistant Divisional Engineer.

Brief Details

During a preventive check conducted by NF Railway Vigilance, it was found that substandard PVC tank and Galvanised Iron pipes were used by the contractor in a work of replacement of old pipes at railway stations. The Assistant Divisional Engineer was responsible for passing of material, 20% test check of the work executed and 100% check of hidden items. But the ADEN failed to carry out 20% test check on the material used by the contractor.

Outcome

The Disciplinary Authority (GM/NFR) vide Order dated 26.04.2017 imposed a major penalty on the Assistant Divisional Engineer. Aggrieved by the Disciplinary Authority's order, the

Assistant Divisional Engineer preferred an appeal dated 09.06.2017 to his Appellate Authority i.e. Railway Board. The Appellate Authority vide Order dated 13.06.2019 remitted the appeal to DA i.e. GM/CORE with the direction to conduct the inquiry in the case and take action as deemed fit. After re-inquiry, the DA i.e. GM/CORE vide his order dated 12.05.2020 imposed minor penalty of 'Censure'. The Commission treated the decision as deviation from its advice and decided to include it in the Annual Report.

S. No. 10

Charge

During the year 2010-2012, Assistant Divisional Engineer/SE Railway falsely recorded excess length of Galvanised Iron pipe in the Measurement Book and in the bills payable to the contractor. In addition, he accepted inferior quality of GI pipes. He also caused undue delay in final bill after physical completion of work.

Commission's Advice

The Commission, in agreement with the Railway Board Vigilance advised initiation of major penalty proceedings against the Assistant Divisional Engineer. Subsequently, when the case was received for Second Stage Advice, the Commission, after considering the Inquiry Officer's Report and DA's views, advised imposition of major penalty on the Assistant Divisional Engineer.

Brief Details

During the year 2012, South Eastern Railway Vigilance conducted preventive check on a work carried out under a contract dated 22.09.2010. It was noticed that

(a) Excess payment of Rs 3.58 lakh against supply, laying & fixing of GI pipe was made. The Assistant Divisional Engineer was required to test check the items executed in the work and the quantities recorded in the Measurement Book and the bill payable to the contractor. But he allowed excess quantity to be recorded in the Measurement Book and the bills.

(b) The pipe used in the work was substandard as the thickness and weight per meter length of pipe was considerably less than the specifications given in the contract. The Vigilance concluded that loss of Rs. 9,74,576/- was caused to the Railway due to the compromise on quantity and quality of GI pipe.

(c) The work was completed on 30.11.2010, but the Assistant Divisional Engineer accepted the final measurements on 30.11.2011 and further took more than 2 ½ months for dispatching the bill to Divisional office for payment. Thus, the Assistant Divisional Engineer delayed the final bill by more than 1 year.

Outcome

The Inquiry Officer held all the three Articles of Charge framed against the Assistant Divisional Engineer as proved. The Disciplinary Authority (GM/Eastern Railway) accepted the IO's Report and decided to impose major penalty on the Assistant Divisional Engineer. Since the order

for imposition of a major penalty on a group A officer cannot be issued by the GM, the case was submitted to the higher DA, i.e. Railway Board for issuance of order. The Railway Board (Member Engineering), vide Order dated 16.06.2020, imposed a minor penalty on the then Assistant Divisional Engineer. This order of the DA was in deviation with Commission's advice of major penalty.

4.3.2 Ministry of Shipping:

S. No. 1

Charge:

The Finance & Chief Account Officer (FA&CAO), Chennai Port Trust (ChPT) had breached the guidelines/ rules by endorsing the recommendation of Traffic Manager who reclassified the industrial salt as ordinary raw salt in the Cargo at his own level without making any attempt to verify or getting the request application examined by any of his subordinate officer.

Advice:

The Commission had advised for initiation of Major Penalty proceedings against the FA&CAO. The Commission further reiterated its decision to initiate Major Penalty proceedings against the FA&CAO.

Brief Details:

A consignment of Industrial Salt was imported by one firm from an exporter of Kandla through another company who acted as the exporter's "Handling Agent" at Chennai Port. As per the description the cargo was mentioned in the Custom-certified Proforma Invoice (PI) "Industrial Salt in Bulk" as wharfage charge and a Rs. 44/- per MT was applied for the consignment. However, the handling agent, through a single page undated letter addressed directly to the Traffic Manager (TM) without any supporting document, claimed that this cargo was ordinary raw salt and not industrial salt and thus attracted a much lower wharfage charge of Rs. 17/- per MT, applicable for ordinary edible salt under food product category listed in Port's Scale of Rates (SOR). Despite Proforma Invoice and the Import Application (IA) clearly mentioning the cargo as "Industrial salt" the TM allowed such re-classification, directly at his own level without making any attempt to verify or getting the request application examined by any of his subordinate officer. TM order was also endorsed by the FA&CAO and Sr. Dy. CAO without any check or demand for any corroborating document(s) from the Handling Agent. This led to a financial loss to the tune of Rs. 8.91 Lakhs to the Port by way of improperly reduced wharfage charge and the corresponding amount was unduly pocket by the said Handling Agent.

Outcome:

Disciplinary Authority has decided to impose Minor Penalty against the FA&CAO which is in deviation of Commission's advice. The Commission considered this case as a deviation from its advice.

4.3.3 National Highway Authority of India:

S. No. 1

Charge:

Project Director (PD), Project Implementation Unit (PIU), and then Manager (Tech.) along with Manager (Fin) of National Highway Authority of India(NHAI) were causing loss to the tune of lacs of rupees to NHAI every month through a private contractor who was executing maintenance contract under PIU, NHAI, Dhanbad.

Advice:

The Commission advised initiation of Major Penalty Proceedings against then Manager (Tech) and initiation of Minor Penalty proceedings against the then Manager (finance) and the then PD, PIU.

Brief Details:

NHAI, observed certain grave irregularities on the part of NHAI officials (i) violation of bid conditions and adopting different yardsticks for similar work awarded by PD, PIU along with appointment of TS/ATS at one point of time with a different procedure and for agency chosen on nomination basis contrary to the CVC guidelines. (ii) lack of supervision as work was sublet by original contractor without ensuring pre-estimation of quantity of work required to be executed in the particular month/quarter.

Outcome:

The Commission vide OM dated 05.11.2015 advised initiation of Major Penalty Proceedings against the then Manager (Tech). Disciplinary Authority i.e., RCD, Govt. of Bihar after conducting the departmental Inquiry for Major Penalty Proceedings against the then Manager (Tech), PIU, Dhanbad, imposed penalty of "Censure" on him without consulting the Commission for its Second Stage Advice. The Commission has considered this case as deviation from its advice.

4.3.4 Airport Authority of India:

S. No. 1

Charge:

(i) CBI had confiscated foreign liquor from a Director of a Ground Handling Agency at Ahmedabad Airport but the then Airport Director did not report the matter to the police for two and half months and extended undue favour to the firm. (ii) the then ED (Commercial) approved contradictory provisions in clauses 4 & 23 of NIT for Vehicle parking Rights at Ahmedabad and accepted reduction of 22% of License Fee which resulted in loss of Rs.7.07 Crores to AAI. (iii) The then APD, Ahmedabad Airport awarded contract of "Meet & Greet Service" to a firm on 20.03.2013 without calling tenders, violating Commercial Manual (iv) The then APD, Ahmedabad Airport delayed invitation of advertising tender and allowed undue benefit to an Agency on the pretext of reviewing tender conditions and designing fresh terms though the

said firm has outstanding dues of about Rs.44 Crores.

Advice:

The Commission on dated 30.10.2018 advised initiation of Major Penalty Proceedings against 4 officers i.e. the then APD/ED (Commercial); Sr. Manager (Commercial); Jt. GM (Tech.) and AGM (Engg-Elect.), besides, sought explanation of the then Chairman, Airport Authority of India through Secretary/MoCA.

Brief Details:

Airport Authority of India on 16.10.2020 intimated that on conclusion of the Disciplinary proceedings against the Jt. GM (Tech), the Disciplinary Authority has imposed Major Penalty of "Reduction in pay by one stage for 01 year in the present time-scale from the date of issue of the order" on him. However, the Appellate Authority has reduced penalty imposed upon Jt.GM (Tech) to "Censure".

Outcome:

The Commission noted the decision of the Appellate Authority to impose the penalty of Censure on Jt.GM-Tech, Airport Authority of India as deviation from its First Stage Advice and decided to include this case in its Annual Report.

4.3.5 Union Bank of India:

S. No. 1

Charge:

A company engaged in manufacturing of Castor Oil was having credit facilities to the tune of Rs.350 crores from a consortium of banks. The company approached certain banks outside the consortium requesting for short term loan for financing farmers who were supplying raw material of Castor seeds. The company and its Directors undertook to have the KYC verification of such farmers done. Based on such undertaking the Banks sanctioned short term facilities which were guaranteed by the company and its Directors. These funds were diverted, and all these accounts became quick mortality. This led to a huge loss of Rs.50 crores to one of the Public Sector Bank. The Bank had sought Commission's first stage advice in respect of one DGM and a Manager level officer.

Advice:

The Commission advised Major Penalty proceedings against both the officers.

Brief:

The Disciplinary Authority had imposed Major Penalty against both the officials on 03.01.2017. In respect of the Manager level officer for whom the Commission had advised for Major Penalty, the Appellate Authority while considering the appeal observed that when the officer was entrusted with the task of visiting certain Village Level Aggregators (VLAs) and thereafter while submitting the report he must have exercised due care as to the contents of the report.

The Appellate Authority also considered the past service record of the officer while modifying the penalty.

Outcome:

The Appellate Authority modified the Major Penalty imposed by the Disciplinary Authority to Minor Penalty of 'Censure'. The Commission has noted the non-acceptance of Commission's advice as deviation and decided to include the same in its Annual Report.

4.3.6 Canara Bank:

S. No. 1

Charge:

DGM of a Bank permitted an additional Bank guarantee limit of Rs.21.50 crores in favour of Family Credit Limited for allowing funds against retention money receivable, beyond his delegated powers with 5% margin on 12.01.2016.

Advice:

The Commission in concurrence with the Disciplinary Authority and CVO of the Bank had advised for initiation of Major Penalty proceedings against the DGM. In its Second Stage advice the Commission advised for imposition of Major Penalty on the DGM as recommended by the CVO.

Brief:

A limited company engaged in infra projects was sanctioned working capital fund based limit of Rs.50.00 crores and non-fund based limit of Rs.150.00 crores by Credit Approval Committee (CAC) of Board on 01.08.2013. The sanction was subject to formation of a consortium led by a leading Public Sector Bank. There were persisting overdues in the working capital account. DGM of the branch permitted an additional Bank guarantee limit of Rs.21.50 crores in favour of Family Credit Limited for allowing funds against retention money receivable, beyond his delegated powers with 5% margin on 12.01.2016. The Head Office while considering ratification of the action of DGM observed that the purpose for which the regular Bank Guarantee facility was sanctioned did not cover the said purpose. Further, while issuing Bank Guarantees, prevailing guidelines as per credit policy were not complied with. Hence, it was advised to ensure to obtain 100% margin for the Bank Guarantees limit of Rs.21.50 crores. After issue of Bank Guarantee of Rs.21.50 crores on 12.01.2016, there was a credit of Rs.20.16 crores into the account, subsequent to which the account turned NPA.

Outcome:

The DA imposed Major Penalty of "reduction to a lower stage in time scale of pay by one stage for a period of one year during which period he shall not earn increments of pay and the reduction shall have the effect of postponing future increments of his pay". On an appeal preferred by the DGM, the Appellate Authority reduced the Major Penalty to that of a Minor Penalty of 'Censure'. The Commission has decided to treat the matter of non-acceptance of

Commission's advice as deviation.

S. No. 2

Charge:

A firm engaged in resorts business was sanctioned working capital limit of Rs.2.00 crores. As turnover/ sales were not commensurate with the projected/ actual turnover, the credit facility was reduced to Rs.0.27 crores by the sanctioning authority. However, the same was not effected by the branch in the system. The account became NPA on 31.03.2017.

Another firm in the group engaged in exclusive workshop in mining belts for serving of heavy vehicles of mine owners and other truck owners was enjoying working capital limit of Rs.2.5 crores with a private bank which was taken over by this Public Sector Bank which was enhanced to Rs.5.00 crores. The borrower did not accept the sanction of Rs.5.00 crores and did not execute the documents for the same. The account taken over from the private bank became NPA on 31.03.2017.

Another group company dealing in spare parts and accessories of Trucks and Buses was sanctioned working capital limit of Rs.10.00 crores as secured Overdraft. As the turnover was not commensurate with the projected/sales, the branch was asked to bring down the limits to Rs. 5.00 crores within six months. The branch did not reduce the limit to Rs.5.00 crores in the system nor the party brought down the liability within Rs.5.00 crores. The account became NPA on 31.03.2017.

Advice:

On a reference from the Bank, seeking Commission's advice, Major Penalty proceedings were advised against 3 Manager level official.

Brief:

After completion of inquiry, the Disciplinary authority accepted the findings of Inquiring Authority and imposed Major Penalty on three officials in line with Commission's advice.

Outcome:

The Appellate Authority took a lenient view and modified the Major Penalty imposed to that of Minor Penalty. The Commission has decided to include the deviations made by the Appellate Authority in its Annual Report.

S. No. 3

Charge:

Three firms engaged in manufacturing of lead ingots were enjoying aggregate limit of Rs. 24.00 crores from a Public Sector Bank. All these accounts slipped into NPA in October, 2015. The branch had submitted renewal cum enhancement proposal in September 2014 and had released the enhanced limits in September, 2014 immediately on submission of the proposal to Circle Office without awaiting the sanction and sought ratification for the same. Circle Office had ratified the branch action in December, 2014. In respect of all the three firms, as

per sanction terms, borrower had to clear the liability with existing bankers and the letter to be obtained from them. However, compliance of terms of sanction was not done. Another condition of sanction is that the borrower would bring in Rs.1.00 crore deposit as additional collateral security common for credit facilities to the three firms. This was also not complied. The Branch had permitted ad-hoc limits without proper sanction and which is not within the delegated authority of the branch in-charge.

Advice:

The Commission advised for initiation of Major Penalty proceedings against six officers and action under non-vigilance against one officer.

Brief:

The Disciplinary Authority imposed Major Penalty against all six officers as advised by the Commission.

Outcome:

On an appeal preferred by an officer of the rank of Assistant General Manager, the Appellate Authority (Executive Director) modified the penalty imposed and awarded a Minor Penalty of 'Censure'. The Commission has decided to treat this case as deviation from its advice.

S. No. 4

Charge:

A private limited company was having exposure of Rs.7.60 crores with a Public Sector Bank. This company acquired the assets of another private limited company having credit facilities with another Public Sector Bank and which was NPA and settled under OTS. The promoters of acquiring and acquired company were close relatives. Investigation report revealed that the sanction was received at the branch even before the proposal was submitted to sanctioning authority. The credit proposal was submitted with backdate. Due diligence was not ensured by the sanctioning authority while permitting limits/enhancements.

Advice:

The Commission advised for initiation of Major Penalty proceedings against three officers including the GM and action under non-vigilance against the AGM while allowing the matter to rest against three officials.

Brief:

The Disciplinary Authority recommended for imposition of Minor Penalty on conclusion of inquiry. The Commission advised imposition of Major Penalty against the GM. Accordingly, the Disciplinary Authority imposed Major Penalty on the GM.

Outcome:

The Appellate Authority modified the penalty from major to that of Minor Penalty of 'censure'. The Commission has decided to treat the case as deviation from its advice and decided to

include it in Annual Report of Commission.

S. No. 5

Charge:

A Pvt Ltd Company was sanctioned credit facilities amounting to Rs.35.00 crores by Field General Manager's Office (FGMO) of a Bank, under consortium arrangement The earlier proposal of the company for Rs.41.46 crores was rejected by Corporate Credit Department of the Bank for the reasons of long repayment period and existing facilities reported as Special Mention account 2 (SMA) with 2 other members banks in the consortium. The branch accepted fresh application for a loan of Rs.35.00 crores to suit the discretionary limit of lower authority, FGMO, Bangalore. There was no activity being done at the company's factory. The account slipped into NPA category being a quick mortality case.

Advice:

The Commission advised for Major Penalty against one GM, one DGM, three AGMs, one Chief Manager, one Sr. Manager and two Manager level officers. The Commission also advised for Minor Penalty against 3 AGM level officers.

Brief:

The Disciplinary Authority imposed Major Penalty on a DGM & CM as advised by the Commission.

Outcome:

The respective Appellate Authority reduced the penalty from Major Penalty to Minor Penalty against the DGM and the CM. The Commission has decided to include this as a deviation from its advice, in its Annual Report.

4.3.7 e-Syndicate Bank:

S. No. 1

Charge:

A limited company, incorporated under foreign law and engaged in wholesale trade of rough and polished diamonds, was originally sanctioned bills discounting limit of USD 10Mn by a Public Sector Bank. Limit was renewed from time to time since operational experience of the borrower company has been satisfactory with last renewal done in August, 2013. Owing to adverse cash flows, the account slipped to NPA in May, 2014. The CVO of the Bank treated the case as vigilance.

Advice

The Commission advised for initiation of Major Penalty proceedings against 7 officers. In respect of 2 General Managers, the Commission advised for initiation of Major Penalty proceedings and for action under non vigilance against 3 GMs.

Brief

The DA imposed Major Penalty against 7 officers as advised by the Commission and treated as 'No Action' in respect of 3 GMs for whom Commission advised for 'Non vigilance'.

Outcome

In respect of a Chief Manager level officer, the disciplinary authority imposed Major Penalty. On an appeal, the Appellate Authority (AA) observed that the appellant committed lapses by deviating from the terms of sanction. However, the deviation was already practiced by the overseas branch and that the appellant was posted to overseas branch essentially to monitor IT Department and Appellate Authority took a lenient view by diluting the Major Penalty imposed to that of Minor Penalty. The Commission has decided to include this as a deviation from Commission's advice for reporting in the Annual report.

S. No. 2

Charge:

A private limited company engaged in import of PVC resin and export of ethanol was sanctioned working capital limit of Rs.2.00 crores and LC limit of Rs.10.00 crores by the Bank. The working capital limits were enhanced to Rs.4.00 crores and LC limit to Rs.21.00 crores by Regional Office. The account was not operated satisfactorily. The LCs devolved and the account slipped to NPA under quick mortality on 13.05.2015. A loan of Rs.2.00 crores to another trading company and Housing loan of Rs.1.00 crore to the proprietor of the Trading Company was also sanctioned by the bank. In this account also, the amount was diverted, and the account slipped to NPA under quick mortality.

Advice

The Commission advised for Major Penalty against 10 officers and Minor Penalty for one officer and 'No action' under Employees' Pension Regulations, 1995 in respect of 7 officials.

Brief

The Disciplinary Authority imposed Major Penalty against nine officers, concurring with the advice of the Commission.

Outcome

(i) One DGM (Retired) and another DGM on whom the Disciplinary Authority imposed Major Penalty preferred an appeal to the Appellate Authority. The Appellate Authority modified the Major Penalty on these two officers from Major Penalty to that of Minor Penalty of 'Censure'.

(ii) In respect of a Manager level officer, for whom the Commission had advised Major Penalty, the disciplinary authority had imposed Major Penalty. However, on an appeal, the Appellate Authority modified the Major Penalty to Minor Penalty. The Commission had decided to include this as a deviation from its advice for reporting in its Annual report.

4.3.8 e-Andhra Bank:

S. No. 1

Charge:

A Bank Guarantee (BG) of Rs.3.65 crores was issued on behalf of a limited company, exceeding the sanction limit by the branch without obtaining prior permission from the competent authority. The branch also failed to collect 100% margin for the BG issued beyond limit sanctioned. Due to non receipt of 100% cash margin for Bank guarantee issued beyond the sanction limit, the branch reversed the Bank guarantee entry in the system,however, original guarantee Bond continued to be with beneficiary, hence liability of issuing bank continued. When the BG was invoked due to non-performance of contractual obligation, the bank had to pay the amount to the beneficiary.

Advice:

The Disciplinary Authority proposed Minor Penalty Proceedings for AGM, Chief Manager and Asstt. Manager level official. However, CVO recommended Major Penalty Proceedings for the AGM and Minor Penalty Proceedings for the other two officials. The Commission, in agreement with the CVO advised for initiation of Major Penalty Proceedings for the AGM and Minor Penalty Proceedings for the other two officials.

Brief:

The Inquiring authority held the charge as proved against the AGM. The Disciplinary Authority, accordingly, imposed Major Penalty against the AGM as advised by the Commission.

Outcome:

The Appellate Authority upheld the decision of the Disciplinary Authority. The Reviewing Authority (MD&CEO) passed an order modifying the penalty from Major Penalty to Minor Penalty of 'Censure'. The Commission has decided to treat this case as deviation from its advice.

4.3.9 Bank of India:

S. No. 1

Charge:

A private limited company was having credit limit of Rs.16.00 crores with a private bank. The account was taken over by the Public Sector Bank and the company was sanctioned cash credit limit of Rs.20.00 crores and Letter of Credit limit of Rs.2.00 crores with maximum of Rs.20.00 crores. The account was classified as NPA and SARFAESI action initiated.

Advice:

The Commission advised Major Penalty proceedings against an ex-DGM and a Chief Manager under Pension Regulations, Major Penalty proceedings against one Sr. Manager and action under non vigilance against two officers and Administrative warning for one officer.

Brief:

In respect of the ex-DGM, against whom the Commission had advised for Major Penalty, Disciplinary Authority accepted the findings of Inquiring Authority and held that the charges as not proved. However, the CVO proposed Major Penalty. The Commission advised imposition of Major Penalty against the ex-DGM.

Outcome:

The Disciplinary Authority 'exonerated' the then DGM. The Commission has decided to include this as a deviation from its advice in its Annual Report.

S. No. 2

Charge:

A Pvt Ltd Company was having credit facility amounting to Rs.26.10 crores from the Bank. Another Rs.2.00 crores was sanctioned as new Demand Loan which was disbursed on the same day of sanction without complying with some terms of sanction. Letter of Credits issued on behalf of the company devolved frequently and payments were made to the beneficiary by force debiting the cash credit account and creating overdrawn position in the account.

Advice:

The Commission advised Minor Penalty proceedings against 2 officers of the rank of AGM and non vigilance against 2 officers and no action against 2 officers.

Brief:

In respect of an AGM against whom the Commission had advised for Minor Penalty, the Disciplinary Authority imposed Minor Penalty in line with Commission's advice.

Outcome:

The Appellate Authority "Exonerated" the said AGM giving justification that the Bank had long standing association with the said company, and that the ad-hoc limit was granted in the account was regularized by the borrower. The Commission has decided to include this as a deviation from its advice in its Annual Report.

4.3.10 LIC of India:

S. No. 1

Charge:

Officials of a Branch of Life Insurance Company including the then Sr. Divisional Manager (Marketing) had used foul play, pressurized the Branch Manager to resort to bogus business to achieve targets of the Branch. Huge amount was spent on get together parties, gift items, cash offers, TA, DA etc. in violations of underwriting procedures.

Advice:

The Commission had advised for initiation of Major Penalty proceedings against the officials involved including the then Sr. Divisional Manager.

Brief:

The Inquiry Officer had found all 5 charges against the Sr. Divisional Manager as 'Not proved'. The Disciplinary Authority considered the case as supervisory lapse and did not find any specific misconduct and proposed issue of 'warning' and the case was referred to the Commission seeking Second Stage advice. The Commission advised for imposition of Major Penalty against the Sr. Divisional Manager.

Outcome:

The Disciplinary Authority imposed penalty of 'Censure' against the then Sr. Divisional Manager. The Commission has decided to include the case as deviation by the Disciplinary Authority in its Annual Report.

4.3.11 Central Board of Indirect Taxes and Customs:

S. No. 1.

Charge

The Superintendent (Drawback) Charged Officer casually checked the Shipping Bills (SBs) by name of the said firms/companies, instead of Importer/Exporter Code (IEC) numbers. Due to this lapse on part of the Charged Officer, an amount of Duty Drawback about Rs. 2 lacs was wrongly disbursed to an ineligible firm by Customs office of Inland Container Depot (ICD).

Advice

Commission tendered First Stage Advice for initiation of Major Penalty Proceedings against the Charged Officer on 18.09.2017.

Brief Details

Directorate of Revenue Intelligence (DRI) vide letter dated 31.03.2014 issued an alert in respect of some specific firms that duty drawback amount pending for disbursal shall be kept in abeyance. The Commissioner (Customs) ICD mentioned on the letter itself that SBs which have already scrolled out cannot be withdrawn/withheld now, for SBs which are still pending however kept in abeyance. Accordingly, Charged Officer put up for approval of disbursal of duty drawback amount of the scrolled out SBs on 30.4.2014.

It was the duty of the Superintendent (Drawback) to ensure that no further drawback in the name of said Importer Exporter Code (IEC) numbers of firms/ companies are released. However, it was found that the Superintendent (Drawback) Charged Officer casually checked the subsequent scrolled out SBs and an amount of about Rs. 2 lacs was wrongly disbursed to the ineligible firm by Customs office ICD.

Outcome

The Disciplinary Authority's order dated 25.06.2019 imposing a Minor Penalty on the Charged Officer is in deviation of the Commission's advice forinitiation of Major Penalty Proceedings against the Charged Officer. The Commission has decided to include the case in the Commission's Annual Report 2020 as case of deviation from the Commission's advice by the Disciplinary Authority.

4.3.12 Security Printing and Minting Corporation of India Limited:

S. No. 1

Charge

By officers of India Government Mint, Noida illegal refund of Liquidated Damages (LD) of Rs.1.56 crore (approx) recovered from a Pvt. Firm (Coin Blanks).

Advice

Commission on 26/02/2018 advised initiation of Major Penalty proceedings against the 04 Officers i.e. the then Assistant Manager (F&A), the then Officer (Material), the then Dy. Manager (F&A) and the then Chief Manager (TO). Commission in Second Stage Advice dated 24/12/2019 advised imposition of Major Penalty on all these 04 officers.

Brief Details

One of the Charged Officer initiated the proposal for refund of the Liquidated Damages (LD) without the request letter of the firm and also overlooked the recommendations of Standing Committee of General Managers (SCGM) for delivery period extension with levy of Liquidated Damages as per terms of the Contract. Other three Charged Officers concurred with the proposal interpreting the clauses of the Procurement Manual with the intention of benefitting the firm illegally.

Outcome

SPMCIL vide Orders dated 27/10/2020 dropped the disciplinary proceedings against all the above 04 officers in deviation to the Commission's advice. Commission has decided to include the case as a deviation from the Commission's advice in the Commission's Annual Report, 2020.

4.3.13 Eastern Coalfields Limited:

S. No. 1

Charge

Area General Manager, Eastern Coalfields Limited (ECL), a subsidiary of Coal India Limited was found responsible for financial irregularities along with violation of Modified Manual of

Civil Engineering Works of Coal India Limited, wherein payments were made beyond delegated powers.

Advice

In First Stage Advice dated 22.01.2019, the Commission advised Major Penalty proceedings against the Area General Manager of Eastern Coalfields Limited.

Brief Details

On investigation of a complaint, alleging financial irregularities in facilitating payment of huge amount to a private firm by violating rules/ guidelines of the company; vigilance observed financial irregularities along with violation of Modified Manual of Civil Engineering Works of CIL, wherein payments were made beyond delegated powers.

Outcome

After considering all aspects of the case and in agreement with the findings of inquiry report, the Disciplinary Authority i.e. CMD, Eastern Coalfields Limited had imposed Major Penalty on the Area General Manager, Eastern Coalfields Limited vide orders dated 04.10.2019. The Area General Manager preferred appeal on 14.11.2019 before the Appellate Authority & CMD, Coal India Limited against the order of the Disciplinary Authority imposing Major Penalty upon him.

Considering the facts the Appellate Authority i.e. CMD, Coal India Limited has opined that it would be unjust to impose any punishment on the Area General Managertherefore, in terms of power conferred upon him as Appellate Authority, he decided to exonerate Sh. Jha from the charges in deviation to Commission's advice of Major Penalty. The Commission has decided to include this as a deviation from its advice, in its Annual Report.

4.3.14 Western Coalfields Limited:

S. No. 1

Charge

The then Chief Manager, Western Coalfields Limited, a subsidiary of Coal India Limited was found responsible for violation of payment terms of work order issued by Open Cast Mines (OCM) Umrer for repairing of 03 ECE make Oil Circuit Breaker (OCBs). He had certified that work was carried out at Gokul OCM, which was a false certification to release the payment.

Advice

In First Stage Advice on 10.01.2017, theCommission advised initiation of Major Penalty Proceedings against the then Chief Manager (E&M), Western Coalfields Limited.

Brief Details

Case is related to serious irregularities in repairing of OCB Panels at an OCM, of Western Coalfields Limited during the year 2016-17. User department had not forwarded any requisition

for repairing of these OCBs. From the records it was noted that ground staff electrician had not witnessed repairing of these OCBs in reported duration. Further, no demand of OCBs was raised by Gokul OCM to Umrer OCM.

No documentary records were found about gate pass and stocking by Stores; neither at Umrer nor at Gokul OCM, as the repaired OCBs were shown transferred to Gokul but without routed through Unit Stores. No records pertaining to acceptance of work were available. However, full payments were released to agency.

Outcome

As per advice of Commission Major Penalty Charge Sheet was issued by Disciplinary Authority. After completion of inquiry, Inquiry Authority concluded that the charges are not proved. Findings of the Inquiry Authority was not accepted by the Disciplinary Authority and imposed "Major Penalty" against the then Chief Manager on 23.12.2017. Charged Officer, preferred an Appeal to the Chairman, Coal India Limited / Appellate Authority against the order of the Disciplinary Authority, praying therein to exonerate him from the charges levelled against him.

The Appellate Authority vide order dated 31.01.2020, concluded that evidentiary value of Management Witness themselves, leave alone Defence Witnesses, are supportive of the fact that the repairs were done. Further, CO had been authorized by the SO (E&M) to certify the repair work. As such, in consideration of the findings of the Inquiry Authority, Appellate Authority has disproved the charge against the then Chief Manager (E&M) and "Exonerated" him from charges in deviation to Commission's advice of Major Penalty. The Commission has treated the decision of Appellate Authority as deviation to its advice.

4.3.15 Madras Fertilizers Limited:

S. No. 1

Charge

As one of the members of the Tender Committee, in the year 2013-14 and 2014-15, the then DGM, Madras Fertilizers Limited, recommended procurement of Phosphoric Acid. Following irregularities were pointed out in the four tenders finalised for procurement of Phosphoric Acid in 2014-15.

1. Acceptance of late/ delayed bid through email,

2. Higher rates finalised in comparison to prevailing market rate or rates finalised by Fertilisers and Chemicals Travancore Limited (FACT) during the subject period.

3. Board approval was not taken before issuing of LOI or before signing of contract.

4. Inclusion of new contractor in the list of pre-qualified bidders during the extended period of bid opening.

Advice

In First Stage Advice dated 13.06.2018, the Commission advised initiation of Major Penalty Proceedings against the then DGM (F&A), Madras Fertilizers Limited. In second Stage Advice the Commission advised on 17.07.2020 for imposition of Major Penalty against the then DGM(F&A).

Brief Details

CVO, Department of Fertilizers submitted a case regarding irregularities in procurement of Phosphoric Acid in F.Y. 2013-14 and 2014-15 in Madras Fertilizers Limited. The four instances of procurement in FY 2014-15 brought out some serious irregularities. Some of them are limited tender enquiry being issued instead of open tender, entertaining bids received after the close of the tender time, finalizing purchases at rates which are far higher than the prevailing published FMB prices, placing order for purchase at the level of MD when the powers to make such purchases were with the Board of Directors, placing some of the decisions before BOD (Board of Directors) forinformation whereas such purchases should have been with prior approval of BOD, not even placing the matter before the Board in certain cases, etc.

Outcome:

Commission advised Major Penalty proceedings against the Charge Officer and Charge Sheet was issued by Disciplinary Authority.The charges were partially proved. Disciplinary Authority concluded that there are many violations happened in this procurement and considered it as a lapse on the part of Charge Officer. Considering the gravity of the misconduct, motive of the misconduct and recurrence of misconduct, and track record of the employee and any other extenuating circumstances appearing in favour of the employee, Disciplinary Authority, imposed Minor Penalty of "CENSURE" against the then DGM(F&A) on 07.10.2020 in deviation to Commission's advice of Major Penalty.

4.3.16SJVN Limited:

S. No. 1

Charge

AGM (Fin), as a member of Repair Maintenance Management Group (RMMG) was found responsible for (1) ignoring lower cost of coating powder which was meeting tender specifications in 3rd Hard Coating Package; (2) issued NIT to three bidders only against five enlisted during the process of 4th Package; (3) acceptance of 5th Package on single quotation basis; (4) rejection of three bids in 6" Hard Coating Package without any valid reason.

Advice

In First Stage Advice dated 10.05.2016, Commission advised Minor Penalty proceedings against the AGM(Fin). The Commission advised for Minor Penalty as Second Stage Advice (SSA) on 17.01.2018. Further Commission reiterated its advice for Minor Penalty in reply to request for reconsideration of SSA on 24.05.2018 and 05.03.2020.

Brief Details

Intensive Examination of the work of "Thermal Spray Coating (HVOF) through robotic arm on Turbine under water parts by Repair Maintenance Management Group (RMMG) of SJVNL was done by Chief Technical Examiner Office in 2008. Irregularities were observed specifically related to enlistment of vendors, preparation of estimates of work and framing of tender documents during 2004-2007. The irregularities were serious in nature and indicated the poor professionalpractice which had significant financial implication on the company as wellas violation of standard procedure of procurement.

Outcome

Minor Penalty of 'Censure' was imposed on AGM(Fin) by the Disciplinary Authority vide orders dated 14.12.2018. the AGM (Fin) filed appeal against the orders of the Disciplinary Authority before the Appellate Authority i.e. Board of Directors of SJVNL. The Appellate Authority took a view to exonerate AGM (Fin) considering that as a junior officer and a Finance Member, had nothing much to contribute or comment in short listing of forms purely on technical grounds and in the interest of the objectives of RMMG, he aligned with the techno commercial concerns of the RMMG Electrical Design, Quality Assurance and Power House Maintenance. The Commission has decided to consider decision of Appellate Authority as deviation to its advice.

4.3.17 NTPC Limited:

S. No. 1

Charge

A DGMat NTPC Ltd Corporate Centre moved a proposal for Board approval of R&R Grant at Lara Project, wherein it was mentioned that "Award (under Section 11) of 6 out of 9 villages has already been passed and compensation disbursement was in progress". The said note did not mention anything about the RG amount of Rs.3 lakhs in the Award letters already issued. DGM (R&R) while preparing the board note failed to bring out the critical fact related to increase in RG from Rs.3.0 Lakh to Rs.5.0 Lakh. In fact, he failed to verify the supporting document for rate of one-time RG as Rs.5.0 Lakhs/acre in the site proposal dtd. 29.08.2012 while initiating the note for Board approval.

Advice

In First Stage Advice dated 01.04.2019,Commission advised initiation of Minor Penalty Proceedings against the then DGM(R&R), in agreement with the recommendation of CVO and Disciplinary Authority. In Second Stage Advice the Commission advised imposition of Minor Penalty against the then DGM (R&R) on 21.01.2020.

Brief Details

NTPC Lara Site initiated a proposal dtd. 29.08.2012 for approval for R&R plan and additional advance expenditure for Rs.350.76 crores which included Rs.213.22 crores towards R&R grant.

The note mentioned "One time annuity of Rs.5 lakhs/acre (max. for 5 acre with minimum Rs. 5lakhs) in lieu of regular NTPC Employment. At that time, Award (under Section-11) of 6 out of 9 villages has already been passed and compensation disbursement was in progress. The Award letters clearly mentioned Rs.3 lakhs per acre to be paid to PAPs as the minimum one-time Rehabilitation Grant (RG). The proposal for Board approval mentioned that "Award (under Section 11) of 6 out of 9 villages has already been passed and compensation disbursement was in progress". But, it did not mention anything about the RG amount of Rs.3 lakhs in the Award letter issued.

Outcome

Director (HR) as Disciplinary Authority is satisfied that the imputations of misconduct do not stand established against the then DGM and decided to 'exonerate' the then DGM (R&R) which is a deviation to Commission's advice of Minor Penalty.

4.3.18 Khadi & Village Industries Commission:

S. No. 1

Charge

CBI registered a case against officials of Khadi & Village Industries Commission (KVIC) on the basis of complaint with allegations that the public servant has cheated the Government of India to the extent of Rs. 80,78,740/- approx. on the pretext of executing programmes of government of India in respect of Marketing Development Assistance (MDA) scheme. One of the alleged officers of the case did not conduct the inspection before release of MDA assistance. As a result of which huge amount of funds meant for artisans could not reached them.

Advice:

Commission on 31.01.2018 advised initiation of Major Penalty proceedings against four officials of Khadi & Village Industries Commission.

Brief Details:

Khadi & Village Industries Commission (KVIC) conduct various schemes for benefit of artisans. CBI registered three RCs on basis of source information against officials of KVIC. It was alleged that they entered into criminal conspiracy with NGOsand cheated the Government of India to the extent of Rs. 80,78,740/- in respect of Marketing Development Assistance Scheme. This scheme was for training in respect of product development, design intervention and packing, Artisans work shed, cluster and Rural Industries through the NGOs.

The official concerned of KVIC were found guilty of negligence of the terms and conditions to be followed before release of Marketing Development Assistance to alleged NGO. There was lack of proper monitoring and inspection before release of MDA fund to NGO. It resulted that the assistance meant for artisans could not reach them and the objective of KVIC was forfeited and resulted a loss to exchequer.

Outcome:

On advice of the Commission, the Disciplinary Authority imposed the penalty in line with Commission's advice on the three charged officers. One of the charge officers was exonerated by the Disciplinary Authority without consultation of the Commission which is violation of vigilance Administration. The decision of disciplinary authority is at variance with Commission's advice.

4.3.19 Mahanadi Coalfields Limited:

S. No. 1

Charge

A GM, Mahanadi Coalfields Limited (MCL) vetted the proposal without considering the price reasonableness and recommended to issue supply order to the firm at an exorbitantly high rate per unit of SCBA (Self Contained Breathing Apparatus) causing loss to the company and undue financial benefit to the firm, which was further corroborated by much less selling price of the same item by the same firm to non-CIL PSUs like Bokaro Steel Plant of Steel Authority of India Limited and M/s Singereni Collieries Company Limited (SCCL) around the same period of time.

Advice

In First Stage Advice dated 16.04.2018,Commission advised initiation of Major Penalty Proceedings against the then GM(Finance), in agreement with the recommendation of CVO and Disciplinary Authority. After examining for request for reconsideration of FSA, Commission reiterated its earlier advice of initiation of Major Penalty Proceedings against the then GM(Finance) on 08.01.2019. In second stage advice the Commission advised imposition of Major Penalty against the then GM(Finance) on 18.09.2020.

Brief Details

Mahanadi Coalfields Limited, floated tender dated 20.03.2013 for procurement of 78 Nos. of Closed Circuit Positive Pressure Self Contained Breathing Apparatus (SCBA) & 4 Nos. of Testing Machines. Tender Committee did not consider the fact that the offered rate of Rs. 6,35,000.00 per unit of SCBA was 60% higher than the effective cost of Rs. 3,96,747.20 worked out taking into consideration exchange rate variation and cost of additional items over the offered price of 2011 of the same firm for the same item, but without taking into account the cost of air cooler & additional 5 years of service support.

Charge Officer as a Finance person did not ensure proper price reasonableness and violated CIL Purchase Manual and CVC guideline dated 15.01.2002and recommended to issue supply order to the firm on the basis of supply order of WCL (issued in 2010 when there was only one DGMS approved supplier of the item) & two other supply order copies of USA which led to issue of supply order to the firm at an exorbitantly high rate of Rs. 6,35,000.00 (excluding taxes) per unit of SCBA causing loss to the company and undue financial benefit to the firm.

Outcome

Disciplinary Authority observed that the case is based on a price quoted by a bidder two years ago in a tender which never got approved and hence no purchases were made. Disciplinary Authority took a view that the then GM(Finance) mainly examined the tender in an advisory capacity from Internal Audit department. It was not a part of his duties to examine tenders. Disciplinary Authority and CMD, MCL decided to exonerate the then GM(Finance) of the charges. The decision of disciplinary authority is at variance with Commission's advice.

S. No. 2

Charge

Mahanadi Coalfields Limited (MCL) finalized a tender for "Hiring of Pay Loaders for mechanical transfer of Coal into Road-sale Trucks" at Hingula Area in December 2015. The then work In-charge and Project Officer, Staff Officer (02 officers), and Colliery manager of MCL were found responsible for allowing the work to continue without contract agreement and also without getting security deposit from the contractor.

Advice

In First Stage Advice dated 19.07.2017,Commission advised initiation of Major Penalty Proceedings against four officers; the then work In-charge and Project Officer, Staff Officer (02 officers), and Colliery manager of Mahanadi Coalfields Limited.

Brief Details

Mahanadi Coalfields Limited finalized the tender for "Hiring of Pay Loaders for mechanical transfer of Coal into Road-sale Trucks" at Hingula Area in December 2015. Contractor neither deposited Rs. 1.76 Cr as additional performance security nor performance security at award of work. However, the contractor was allowed to work for about nine months without any payment due to him and the work was discontinued on his request, though he has executed about 15% of the work. The CVO observed that the continuation of the work by the contractor without any agreement and without payment raises suspicion of probable involvement of the contractor in other illegal source of earning from the tendered work to sustain his economics.

Outcome

After completion of the Departmental Inquiry, the Disciplinary Authority i.e. CMD, Mahanadi Coalfields Limited had imposed Major Penalty on all four executivesas advised by the Commission.

All the four executives had preferred appeal before the Appellate Authority i.e. CMD, Coal India Limited. The Appellate Authority moderated the Major Penalty imposed on them by the Disciplinary Authority as Minor Penalty of "Censure" in respect of all four executives. The decision of Appellate Authority is in variance with Commission's advice.

4.3.20 Oil India Limited:

S. No. 1

Charge

Oil India Limited decided to set up a Centre of Excellence for Energy Studies in Guwahati in a rented building. It was found that the height of building was not measured which was violation of fire safety norms. The area of building was not measured, and excess rent was being paid. Civil and basic electrical work was responsibility of the owner and OIL unnecessarily spent on these items and hired building was not ready for occupation. On examination it was found that particular tender was favoured by OIL officials. The building was not inspected properly before hiring the same on lease.

Advice:

Commission received case for First Stage Advice, and the Commission on 12/11/2014, advised initiation of Major Penalty proceedings against two officials of Oil India Limited and Minor Penalty against one official. Commission in its 2nd Stage Advice dated 12/05/2017again advised imposition of major penalty.

Brief Details:

Oil India Limited rented a building in Guwahati for setting up its Centre of Excellence for Energy Studies. On inspection of building it was found that the responsible office of Oil India Limited had not taken due diligence before selection of building and there were many lapses. The building was not inspected properly before grant of lease. Terms of NIT documents were also not very explicit. The lease was granted without measuring height and area of building which cause violation of fire safety norms and excess rent was being paid to owner. The civil and electrical works was responsibility of the owner, however, the Oil India Limited made a huge expenditure on such items.

The officials concerned of Oil India Limited were found guilty of negligence and favouring to the owner of the building which caused loss to organization.

Outcome

On advice of the Commission, Disciplinary Authority had imposed penalties on the charged officers. The Charged Officers appealed against the penalty imposed on them. The Appellate Authority has reduced the Major Penalty of one of the charged officers to Minor Penalty. The Commission has considered decision of Appellate Authority as deviation to its advice.

4.3.21 Oil and Natural Gas Corporation Limited:

S. No. 1

Charge:

The ONGC officials were charged with allegations of favoritism to certain company in

procurement of 27 drilling rigs and 20 workover rigs for the organization. It was alleged that two bidders who were part of a JV company were allowed to bid for tenders and also Bid Evaluation Criteria was so framed as to make other bidders ineligible. In addition, the permissible import content was also modified post receipt of the tender.

Advice:

Commission advised initiation of Major Penalty proceedings against 7 officials of ONGC and Minor Penalty against one officer of ONGC on 30.04.2020.

Brief Details:

ONGC floated tenders for procurement of 27 drilling rigs and 20 workover rigs in 2018. The main allegations were regarding cartelization by the bidders and framing of restrictive conditions in Bid documents without changing major technical parameters. Based on a complaint received in the Commission, the matter was taken up for investigation and the allegations were substantiated against these 8 officers.

Outcome:

CMD, ONGC, Disciplinary Authority in the case had issued Advisory Memo to one officer and took no further action against other six officers without further consultation with the Commission which is a violation of vigilance administration. The Decision of Disciplinary Authority is at variance with Commission's advice.

4.3.22 Employees' Provident Fund Organisation:

S. No. 1

Charge

RPFC-II of Employees' Provident Fund Organisation (EPFO) who was the head of the audit squad, failed to verify the complete records of the establishment in the matter of grant of exemption to one Private Company.

Advice

The Commission had advised imposition of Minor Penalty upon the RPFC-II, EPFO.

Brief Details

The Officer failed to ensure complete verification of records of a Private Company and its participating units which was required to be verified as per terms and conditions stipulated under para 27AA of EPF Scheme 1952 read with para section 17 of the EPF Act. The Charged Officer has mainly stressed on the fact that as audit team, they did not have any enforcement power and therefore they came back with the incomplete report even when the records were not produced by the establishment.

The Commission, keeping in view the facts of the case and in agreement with the Chief Vigilance

Officer and the Disciplinary Authority, had advised imposition of Minor Penalty on the RPFC-II. However, the Disciplinary Authority dropped the charges against the RPFC-II.

Outcome

The above decision of the Disciplinary Authority is deviation from the Commission's advice. The Commission hasdecided to treat this case as a case of deviation from Commission's advice.

S. No. 2

Charge

One RPFC-II of Employees' Provident Fund Organisation (EPFO) failed to initiate necessary action for coverage of an establishment despite having documents in possession in support of its coverability.

Advice

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

Brief Details

While functioning as APFC at EPFO during the year 2007-2008 the officer failed and omitted to exercise powers vested with him to bring an establishment in Kolkata (A private Company) under the ambit of the EPF & MP Act, 1952 in spite of being aware of its coverability in terms of number of staff engaged by the establishment.Copy of income tax related documents showing that the establishment owned more than 30 trucks and was carrying out business with more than Rs. 5 crores in 2005-06. The Commission, keeping in view the facts of the case advised imposition of Minor Penalty on the RPFC-II.However, the Chairman, CBT, EPF i.e. Disciplinary Authority took a final view to close the case by administering a warning to the RPFC-II.

Outcome

The above decision of the Disciplinary Authority is a deviation from the Commission's advice. The Commission has decided to treat this case as a case of non-compliance of Commission's advice.

4.3.23 Department of Empowerment of Persons with Disabilities:

S. No. 1

Charge

Accounts officer, National Institute for the Empowerment of Persons with Intellectual Disabilities, (NIEPID) being the member of a purchase committee did not follow provisions of GFR and recommended for opening the price bid which was a single firm left in the bidding as the other two bidders were disqualified technically.

Advice

Commission in agreement with CVO, Department of Empowerment of Persons with Disabilities

(DEPwD) & Disciplinary Authority had advised initiation of Major Penalty proceedings against the Accounts Officer, NIEPID.

Brief Details

The misconduct on the part of Account Officer, NIEPIDwas that he was not transparent in recommending the price bid and his recommendation was in contravention to provisions of GFR. Further, he tried to confuse and misled the bidders so that the party could not understand the terms and conditions and others bidders might not participate in the tenders with a view to help one bidder. Thus, he violated provisions of the GFR.

Outcome

Commission advised initiation of Major Penalty proceedings against the Account Officer, NIEPID. Disciplinary Proceedings had been initiated against him and charge sheet was issued on 12.07.2018. Disciplinary Authority has issued final order dated 15.07.2020 for closing the disciplinary proceedings. Department of Empowerment of Persons with Disabilities has not followed the guidelines for Vigilance Administration while dealing with the disciplinary proceedings and issued the order for closing the disciplinary proceedings without obtaining 2nd stage advice of the Commission. The Disciplinary Authority (DA) has passed the order contrary to the advice tendered by the Commission without following due process. The Commission considered this case as a case of deviation from its advice .

4.3.24 Bureau of Indian Standards:

S. No. 1

Charge

Officials of Bureau of Indian Standards (BIS), Western Regional Office, Mumbai demanded bribe from a Firm's representative for considering resumption of marking, otherwise threatened to face the consequences and when demand was not met.The factory testing was discontinued and drew samples for independent testing at outside lab. The license was cancelled after issuing cancellation notice even after submitting exhaustive explanations. DDGW was not ready to accept the contentions made by the firm during hearing and over-ruled by cancelling the license.

Advice

Commission in agreement with CVO & Disciplinary Authority had advised initiation of Major Penalty proceedings against the officers including one Scientist-D of BIS.

Brief Details

The misconduct on the part of the officials, BIS, Mumbai was that there was wrong imposition of stop marking and cancellation of license of the firm and harassment to the party. DG, BIS being disciplinary authority had a view that as the party did not agree to pay the demanded money, the allegation of stop marking /cancellation indicates vigilance angle.

Outcome

Disciplinary Proceedings had been initiated for Major Penalty proceedings against the officials including one scientist-D and charge sheet was issued on 04.03.2015. As per findings of the Inquiry Officer, the charges were partially proved against the Charged Officer. Disciplinary Authority disagreeing with the inquiry officer held the charges as proved and issued final order dated 07.07.2017 imposing Major Penalty upon the Charge Officer, in line with advice of the Commission. Thereafter, the charged official preferred an appeal to the Appellate Authority i.e. Executive Committee of BIS against the penalty order.The Appellate Authority confirmed the penalty imposed on him vide order dated 07.07.2017. Subsequently, the charged officer filed a Revision Application before the Hon'ble Minister, Consumer Affairs, Food and Public Distribution and President of the Bureau against the order issued by the Appellate Authority. The Hon'ble Minister, Consumer Affairs, Food and Public Distribution and President of the Bureau has accepted the revision appeal filed by the charged officer and exonerated him from all the charges.

The Order of the Reviewing Authority is in deviation to Commission's Advice of Major Penalty, hence, the Commission has considered this case as a case of deviation from its advice.

4.3.25 Transport Department, Govt. of NCT of Delhi:

S. No. 1

Charge

The Commission had received a complaint from the then LoP, Delhi Legislative Assembly alleging gross irregularities in the matter of introduction of IT by using smart optical card by Transport Department of GNCTD. In this regard, a reference was also received from Hon'ble LG, Delhi pointing out discrepancies / irregularities in acceptance of smart card.

Advice

The matter was examined by CTEO in Central Vigilance Commission and observed that irregularities have been committed in the smart optical card contract. The Commission on 15.09.2006 had advised Govt of NCT Delhi, to fix responsibility and revert to the Commission for seeking its first stage advice.

Brief Details

The case relates to a complaint dated 06th January, 2006 received from the then LoP, Delhi Legislative Assembly alleging gross irregularities in the matter of introduction of IT by using smart optical card by Transport Department of GNCTD. There was also a reference from Hon'ble LG (Delhi) pointing out discrepancies / irregularities in acceptance of smart card. The matter was examined by CTEO in Central Vigilance Commission after calling the purchase file. This matter was also examined by the Public Accounts Committee (PAC) of Delhi Assembly. Further, the CTEO had examined ATR dated 02.08.2006 on the 4th report PAC on smart card, it was clear that there have been various serious irregularities and litter less serious or

procedural irregularities. The Commission on 15.09.2006 had advised to GNCTD for fixing the responsibility and reverting to Commission for First Stage Advice. In reply Chief Secretary, GNCTD, brought out that no irregularity has been committed by any official in the instant case, however, the irregularities pointed out by CVC vide OM dated 15.09.2006 had not been effectively refuted / rebutted. The Commission had advised GNCTD for fixing of responsibility and report without further delay on 15.07.2008. This was followed by reminders from time to time. After siting over the matter for over 2 years, GNCTD had approached the Commission on another issue. On this, the Commission had conveyed displeasure for inordinate, delay in seeking First Stage Advice. Letter dated 11.4.2012 of Vigilance Department (GNCTD) was examined in the Commission and the Commission on 10.05.2012 had advised GNCTD that serious lapses of favour shown to contractor and accountability needs to be fixed and delay also needs to be examined.

GNCTD vide letter dated 30.01.2017 had forwarded report and Assurance memo stating that the reply on fixing of responsibility is still waited from Transport Department. Transport Department had stated that no further action is required as the agreement has already been terminated. The Transport Department concluded that the complaint may be filed as timely action already has been taken against concessionaire for termination of contract and the matter is sub-judiced under arbitral proceedings. The matter again examined in Commission and observed that status of the case remains the same as it was on 02.05.2012. Transport Department had neither specifically commented on the issues raised by the Commission nor fixed the responsibility for the irregularities. No reply was received from the GNCTD in the matter.

Outcome

The matter had already been pending for 14 years. Therefore, the Commission had conveyed its 'displeasure' to the Head of the Vigilance wing of transport Department of GNCTD and decided to include this case in its Annual Report for non-compliance of the directive of the Commission.

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

Table 4.1

S. No	Name of the Department/ Organization	No. of Deviation Cases
1	Ministry of Railways	10
2	Ministry of Shipping	1
3	National Highways Authority of India	1
4	Airport Authority of India	1

S. No	Name of the Department/ Organization	No. of Deviation Cases
5	Union Bank of India	1
6	Canara Bank	5
7	e-Syndicate Bank	2
8	e-Andhra Bank	1
9	Bank of India	2
10	LIC of India	1
11	Central Board of Indirect Taxes and Customs	1
12	Security Printing and Minting Corporation of India	1
13	Eastern Coalfields Limited	1
14	Western Coalfields Limited	1
15	Madras Fertilizers Limited	1
16	SJVN Limited	1
17	NTPC Limited	1
18	Khadi & Village Industries Commission	1
19	Mahanadi Coalfields Limited	2
20	Oil India Limited	1
21	Oil and Natural Gas Corporation Limited	1
22	Employees' Provident Fund Organisation	2
23	Department of Empowerment of Persons with Disabilities	1
24	Bureau of Indian Standards	1
25	Transport Department, Govt of NCT of Delhi	1
TOTAL		**42**

II Irregularities and Lapses

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

a. In a sizeable number of cases the Commission has noted that the Department of Personnel & Training is not approached for resolution of differences of opinion between the Commission and the Disciplinary Authority, in those cases of officers for whom the appointing authority is the President.

b. Advice of the Commission is not sought by the concerned State Government in respect of officers who have been repatriated to the State Government even though the draft charge sheet and first stage advice of the Commission were available to the concerned State Authorities.

c. It has been noticed in some cases that the Disciplinary Authority issued a recordable warning after conclusion of the formal inquiry. As per the instructions of DoPT, either the charges are to be dropped or one of the statutory penalties is to be imposed on conclusion of the formal inquiry.

d. The Commission has also observed in some cases that the final order of the Disciplinary Authority is not a reasoned and speaking order which would indicate a proper independent application of mind by the Disciplinary Authority.

e. In some cases reported from certain CPSEs exhibit general ignorance of rules/procedures in respect to the irregularities observed in either pre-tender planning or post contract execution.

III Delays in Disciplinary Proceedings

4.6 The Commission has been impressing upon the organisations about the need for prompt action in matters relating to vigilance. The Commission emphasises expeditious enquiry into complaints in order to determine the accountability for an improper action and the finalisation of the disciplinary proceedings within the prescribed time-schedule. These factors not only contribute to the efficiency of the organisations but also send a message to the erring officials that any inappropriate action or misconduct on their part would not go unpunished. The Commission has issued guidelines declaring undue/ unjustified delays in the disposal of a case as one of the elements of the existence of a vigilance angle in any case. A list of factors contributed in causing delay in disposal of cases is as under:

a. Many cases seeking the advice of the Commission are not received in the proforma prescribed by the Commission and/ or are not accompanied with complete records.

b. In some cases, specific tentative recommendations of the Disciplinary Authority are not sent along with the case while seeking advice of the Commission. Such cases are returned to Disciplinary Authority, entailing avoidable delay.

4.7 The Commission considers it imperative that instances of suspected malpractices are timely examined vigorously by the Administrative authorities. Delays have been noticed not only at various levels of processing of the complaints but also at the level at which decisions are to be taken by the competent authorities who are senior level functionaries. Although the Commission's constant endeavour has been to sensitise the organisations about the importance of timely and efficient handling of complaints, it has been observed that many a time the authorities demonstrate apathy towards this.

4.8 The Commission lays emphasis on expeditious disposal of disciplinary cases in an optimum time frame and has noted with serious concern that the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings.

4.9 The concerned organisations normally take more than the prescribed time for implementation of Commission's advice. Issue of charge sheet is delayed, and many a time, the delinquent officer is allowed to retire. In such cases, the misconduct gets time barred for initiation of departmental action. Issue of charge sheet for Minor Penalty proceedings after retirement under CCS (Pension) Rules becomes an infructuous exercise even if the misconduct is not time barred.

4.10 Another point of concern is delay in compliance of orders of Courts. In a number of cases, the charged officers take recourse to appropriate Courts, challenging the departmental proceedings. Certain orders are passed by the competent Courts. The departments either do not appeal against the orders or fail to take action in compliance thereof. Inaction on part of the Departments sometimes leads to contempt of Court.

Conference on Reforms in Public Procurement

05

CHIEF TECHNICAL EXAMINERS' ORGANISATION

I Background

5.1 The Chief Technical Examiners' Organisation (CTEO) was established in the year 1957 under the Ministry of Works, Housing and Supply, which was the forerunner of the present Ministry of Housing & Urban Affairs. The mandate of CTEO was to conduct technical audit of works undertaken by the Central Public Works Department (CPWD), with the objective of achieving economy in expenditure and better technical and financial control.

5.2 The Santhanam Committee on prevention of corruption, while appreciating the contribution of CTEO, recommended for strengthening it so as to make it more effective. It also recommended enlarging the jurisdiction of CTEO to cover construction works undertaken by other Ministries / Departments and to place it under administrative control of the Central Vigilance Commission. On acceptance of these recommendations by the Government, CTEO was placed under the administrative control of the Commission in 1964.

5.3 The CTEO initially undertook intensive examination of selected civil and electrical construction works only. Subsequently, with the increasing expenditure on purchase of goods, services etc., CTEO began conducting intensive examination of supply and service contracts as well. At present, CTEO conducts intensive examinations of all contractual activities of the Central Government, Central Public Sector Undertakings, Public Sector Banks and other Central Government organizations. The scope of its examination includes execution of works, purchase of goods, hiring of services, etc. which are mainly funded by the Central Government.

5.4 At the apex level, the CTEO is headed by two Chief Technical Examiners (CTEs) – one of them is responsible for examination of civil / horticulture related procurement cases and matters and the other one for all other types of procurement contracts viz., supply contracts, electrical / mechanical contracts, IT procurements, consultancy and service contracts, transport contracts etc. and related matters. The CTEs are assisted by a team of Technical Examiners (TEs), Assistant Technical Examiners (ATEs) and Junior Technical Examiners (JTEs).

5.5 The main functions of CTEO include conducting technical and financial scrutiny of various procurement cases of the different agencies, to advise the Commission on policy matters related to public procurement and matters referred to the Commission for its

advice by the Ministries, Departments of the Government of India and other organisations within the jurisdiction of the Commission. As part of preventive vigilance and systemic improvement, CTEs / TEs participate in workshops and seminars on issues related to public procurement.

II Intensive Examination of Procurement Cases

5.6 Selection of procurement cases for intensive examination is primarily based on the Quarterly Progress Reports (QPRs) submitted by the Chief Vigilance Officers (CVOs) of various organisations, as also complaints received from various sources. Intensive examination is also done on the basis of the criticality, nature and the time and cost overrun involved in the procurement cases reported. The CVOs are required to furnish every quarter, details pertaining to different type of procurement cases, completed or on-going, with a contract value above the prescribed threshold values. As per extant instructions, the threshold values are Rs 5 cr and above for civil and turnkey works, supply contracts, Public Private Partnerships, sale of scrap and land etc., Rs 1 cr and above for electrical, mechanical works, maintenance and service contracts, manpower supply and consultancy contracts, Rs 50 lac and above for medical equipment, Rs 10 lac and above for horticulture works and four largest value contracts for supply of medicines. During 2020, 295 organisations submitted their QPRs. At times, intensive examination is also undertaken based on complaint alleging specific misconduct / irregularities.

5.7 During the year 2020, CTEO undertook intensive examinations of 37 procurement cases, covering 28 organizations. The value of these procurement cases was over Rs.19,783 cr, as summarised below:

Table –

Intensive examinations conducted by CTEO during the year 2020

Organization	No. of Organisations	No. of Intensive Examinations
Government Departments	9	13
Banks/Insurance Companies & Financial Institutions	1	1
Public Sector Undertakings	18	23
Total	28	37

5.8 Some of the organizations where intensive examinations were undertaken in the year 2020, are Delhi Development Authority (DDA), Public Works Department (PWD) Delhi, National Highways Authority of India (NHAI), Cochin Port Trust (CPT), Oil and Natural Gas Corporation (ONGC), NBCC India Ltd., Punjab National Bank (PNB), Hindustan Petroleum Corporation Limited (HPCL), Power Grid Corporation of India Limited (PGCIL), NHPC Limited, Engineers India Ltd. (EIL), Rashtriya Ispat Nigam Ltd. (RINL), North Delhi Municipal Corporation (NDMC), Bharat Heavy Electricals Ltd. (BHEL), Bhagyanagar Gas Limited (BGL), Hindustan Aeronautics Limited (HAL), Rashtriya Chemicals & Fertilizers Limited (RCFL), Delhi Urban Shelter Improvement Board (DUSIB), Delhi Jal Board (DJB), Unique Identification Authority of India (UIDAI), Defence Research and Development Organisation (DRDO), etc.

5.9 On completion of intensive examination of the selected procurement cases, the CTEO prepares the examination report. Deviations, if any, from the General Financial Rules, policies of Government of India, laid down guidelines of the Commission as well as of the procurement manual of the organisation are brought to the notice of the concerned procurement agency. In addition, issues related to transparency, efficiency, fair and equal treatment of bidders, over-payments, quality deficiencies, time and cost overruns, tax avoidance, etc. are included in the report. Some of the important irregularities observed during the intensive examinations carried out during 2020 are at Appendix VI.

5.10 Examination reports are forwarded to the CVO of the organisation for obtaining comments from the concerned officers responsible for the lapses and recovery, if any, to be affected, improvements in system, etc. The Commission may, subsequently, refer appropriate cases involving suspected criminal culpability to CBI. Other cases of irregularities, with perceived vigilance angle, are referred to the CVOs for detailed vigilance investigation and for fixing of responsibility. Seventeen such cases were referred to the CVOs during the year. The action taken on these observations resulted in a large number of systemic improvements, besides punitive action against erring officials. Recovery of Rs. 290.07 cr was also made by various procuring agencies from the defaulting contractors after such deficiencies were pointed out. Some of the cases, which were referred to CVOs for detailed vigilance investigations during 2020, with the approval of the Commission, are listed at Appendix VII.

5.11 As a result of observations made by CTEO in the course of the intensive examinations, a number of systemic improvements were initiated by respective organisations. These systemic improvements were on issues like Performance Bank Guarantee, e-Reverse Auction, etc. Some of the significant systemic improvements are listed at Appendix VIII.

III CTE Type Intensive Examination by CVOs

5.12 The Commission decided that intensive examinations, similar to those being carried out by CTEO, be also carried out by the CVOs, in their respective organisations. CVOs carry

out intensive examination of some chosen procurement contracts, broadly representing spectrum of the core activities of the organisation and report the outcome to the Commission. As reported by the CVOs during the year, 276 organisations conducted 2422 inspections of contracts and major purchases / CTE type examination, leading to recovery of Rs. 101 lakhs, 54 vigilance cases and 1823 system improvements.

IV Examination of Vigilance Cases

5.13 While examining vigilance cases, various branches of the Commission, as and when required, refer issues related to procurement / technical aspects to CTEO for inputs and advice. During the year, CTEO furnished advice in 239 vigilance / complaint cases, referred to it.

V Additional works assigned by the Commission

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

VI Important initiatives taken by the CTEO:

5.15 A series of presentations covering findings of the Intensive Examination of various projects, were made in the year 2020 by the Chief Technical Examiner before the Commission. Serious lapses on part of Government employees engaged with these projects as well as lacuna in the existing policies of public authorities were found. Besides this, in all these presentations, major issues identified were time overrun, cost overrun and quality compromises. In this background, as a step towards preventive vigilance, to ensure clarity in minds of all stakeholders in any public project, Commission felt the need for a paradigm shift and systemic change in public procurements.

To pursue this objective, the Commission decided to have stakeholder consultations and accordingly, a 20-member core committee comprising officers/engineers drawn from organizations of various sectors in the Government of India was constituted including special invitees from State Governments and Local Bodies. The issues were further discussed in a workshop called 'Reforms in Public Procurement and Project Management' organized by CVC on 16th & 18th December 2020, at Vigyan Bhawan, New Delhi. On 16th December 2020, a larger group of 50 members consisting of CMDs/CEOs of various organizations had participated. Principal Secretary/ Secretary, Public Works Department of States/Union Territories, CMDs/CEOs/CVOs of various organizations also participated virtually in the conference. Finally, panel discussion on the issues was held before the 'Policy Makers' on 18th December 2020, wherein broad agreement emerged on the way forward on these issues. The distinguished panelists were the Principal Advisor to Hon'ble

Prime Minister, Comptroller and Auditor General of India, Cabinet Secretary, Chief Executive Officer of NITI Aayog, Secretaries of Ministries/Departments of Government of India, Chief Secretaries of States/Union Territories, Chairman and CEO, Railway Board and Chairman, State Bank of India.

Accordingly, related instructions/guidelines addressing the critical concerns in public procurement are under consideration of Government which in turn will act as a facilitator for change.

5.16 Under the guidance of the Commission, CTEO during 2020, in continuation of the efforts towards emphasis on preventive vigilance, provided technical inputs to various organizations towards capacity building and sensitizing officials about various aspects of vigilance. Topics such as tenders and contracting, estimation of rates, contract management, legal aspects in contracting, etc. were covered in training programs and seminars organised by various organisations during the year.

Conference on Reforms in Public Procurement

06

SUPERINTENDENCE OVER CENTRAL BUREAU OF INVESTIGATION

I Introduction

6.1 The Central Bureau of Investigation traces its origin to the Special Police Establishment (SPE), which was set up in 1941 by the Government of India. The functions of the SPE then were to investigate cases of bribery and corruption in transactions with the War & Supply Department of India, during World War II. Even after the end of the War, the need for a Central Government agency to investigate cases of bribery and corruption by Central Government employees was felt. The Delhi Special Police Establishment Act was therefore brought into force in 1946. This Act transferred the superintendence of the SPE to the Home Department and its functions were enlarged to cover all departments of the Govt. of India. The jurisdiction of the SPE extended to all the Union Territories and could be extended also to the States with the consent of the State Government concerned. Central Bureau of Investigation (CBI) was established vide its resolution dated 1st April, 1963. Delhi Special Police Establishment (DSPE) was made one of its divisions.

6.2 As the CBI, over the years, established a reputation for impartiality and competence, demands were made on it to take up investigation of more cases of conventional crime such as murder, kidnapping, terrorist crime, etc. Apart from this, even the Supreme Court and the various High Courts of the country also started entrusting such cases for investigation to the CBI on petitions filed by aggrieved parties. Because several cases falling under this category were being taken up for investigation by the CBI, it was found expedient to entrust such cases to the Branches having local jurisdiction. It was therefore decided in 1987 to constitute two investigation divisions in the CBI, namely, Anti-Corruption Division and Special Crimes Division, with the latter dealing with cases of conventional crime, besides economic offences. In the wake of the Securities Scam of 1992, a separate Banking Fraud and Securities Cell was created. In 1994, work was divided into three broad divisions of Anti-Corruption, Economic Crimes and Special Crimes.

II Superintendence of CVC over CBI

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

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

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

(b) give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946:

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

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

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

"4. Superintendence and administration of Special Police Establishment.

(1) The superintendence of the Delhi Special Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), shall vest in the Commission.

(2) Save as otherwise provided in sub-section (1), the superintendence of the said police establishment in all other matters shall vest in the Central Government."

6.6 The Commission exercises superintendence mainly through the following modes:

(i) Monthly review meetings with the Director, CBI wherein progress of cases under investigation/inquiry, reasons for delay, status of pending prosecution sanctions, etc., are discussed;

(ii) Forwarding of complaints for inquiry where deemed necessary;

(iii) Issuing directions for investigation and report in exercise of powers under Section 8(1)(d) of CVC Act, 2003;

(iv) Examining the reports of investigation into misconducts in cases against officers within the jurisdiction of the Commission for advising the Disciplinary Authorities

for initiating disciplinary proceedings and/or grant of sanction for prosecution;

(v) Reviewing progress of Sanction for Prosecution pending with the competent authorities for expediting decision on them;

(vi) Calling for reports/returns wherever necessary;

(vii) Monitoring complaints against officers of CBI;

(viii) Recommending officers for appointment to posts of the level of SP and above and also extension or curtailment of tenure of such officers as provided for under Section 26 of CVC Act, 2003; and

(ix) Recommending appointment to the post of Director of Prosecution under Section 4BA of DSPE Act, 1946.

III Registration, Investigation, Trial and Conviction

6.7 CBI sends monthly reports of its activities to the Commission about cases registered, their disposal and cases pending for trial. A gist of CBI activities during the year 2020 is given below:

(A) Registration of cases:

Year	Total Case	Regular Case	Preliminary Inquiries
2019	710	608	102
2020	676	589	87

6.8 A total of 86 cases were registered for demand of bribe by public servants for showing favour and 30 cases for possession of disproportionate assets were registered during the year. Out of 676 cases, 107 cases were taken up on the directions of the constitutional Courts and 39 cases on the requests of State Governments/Union Territories.

(B) Investigation:

Year	Cases pending (Both Regular Cases and Preliminary Enquiries)
2019 end	1239
2020 end	1117

6.9 During 2020, investigation was finalised in 693 RCs and 105 PEs. 637 cases were pending for investigation for more than one year as on 31.12.2020.

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

No of court cases where judgement was received in 2020: 266	Resulting in Conviction : 169
	Resulting in Acquittal : 65
	Resulting in Discharge : 08
	Disposed for other reasons : 24

6.10 The conviction rate during the year was 69.83% against 69.19% in 2019. At the end of the year 2020, 9757 Court cases were pending in various Courts.

IV Cases dealt with under P.C. Act during the Year 2020:

6.11 A gist of cases dealt by the Central Bureau of Investigation under PC Act 1988 during the year 2020 is as under:

Table 6.1

Cases dealt under P.C. Act during 2020

Sl. No.	Particulars	Cases
1	**Registration**	**425**
	No. of Public Servants involved in these cases	565
	No. of Gazetted Officers involved in these cases	185
2	**Disposal from investigation**	**429**
	i) Departmental Action as well as Prosecution	102
	ii) Prosecution only	275
	iii) Departmental Action only	21
	iv) Such Action	3
	v) Closed	26
	vi) Otherwise disposed of	2
3(a)	**Disposal from Trial (Court Case wise)**	**191**
	(i) Conviction	128
	(ii) Acquittal	46
	(iii) Discharge	4
	(iv) Otherwise disposed of	13
3(b)	**Break up of No. of Public Servants and Private Persons involved in cases disposed of from trial**	
	(i) Conviction	**260**
	(ii) Acquittal	252
	(iii) Discharge	66
	(iv) Otherwise disposed of	77

4	**Total No. of cases under investigation (as on 31.12.2020)**	**683**
5	**No. of pending Trials (Court Case wise)**	**6497**

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

(a) delay due to covid-19 pandemic

(b) delay in investigation due to work overload,

(c) inadequacy of manpower,

(d) delay in obtaining responses to Letters Rogatory (LRs),

(e) verification of documents/title deeds, etc., in disproportionate asset cases,

(f) delay in obtaining forensic reports from forensic laboratories and reports from other experts,

(g) delay in receipt of prosecution sanction from competent authorities, etc.,

(h) delay in supply of departmental records by the concerned Department,

(i) time taken in scrutiny of voluminous records, especially in economic offences and bank fraud cases, and

(j) time spent in locating and examining witnesses living in distant places.

Table 6.2

Pending PC Act cases under investigation as on 31.12.2020

LENGTH OF PENDENCY	AS ON 31.12.2020
Less than one year	330
More than one year but less than 2 years	155
More than two years but less than 3 years	76
More than three years but less than 5 years	92
More than 5 years	30
TOTAL	**683**

Delays in disposal of cases under trial before Courts

6.13 The Commission is concerned about the slow progress of disposal of the large number of cases pending trial in different courts for long periods, at times for over twenty years. Such inordinate delays in investigation defeat the very purpose of efficient vigilance

administration and are an impediment to the fight against corruption. The Commission has been emphasising that effective measures are required to be taken to increase the disposal of pending PC Act cases under trial/appeals/revisions in order to effectively combat corruption. The pendency of these cases has been brought to the notice of the authorities concerned with a request for such appropriate action as are possible to expedite the finalisation of such cases.

Reasons for delay:

- Delay in trials due to limited number of hearings.
- Non-availability of witnesses.
- Dilatory tactics adopted by the accused by way of filing applications for transfer of cases from one Court to another Court challenging the legality of investigation by CBI and Court Stay, etc.: and
- Inadequate strength of prosecution staff due to vacancies.

Table 6.3

PC ACT CASES PENDING TRIAL

LENGTH OF PENDENCY	AS ON 31.12.2020
Less than 3 years	1304
More than 3 years and upto 5 years	1031
More than 5 years and upto 10 years	2168
More than 10 years and upto 20 years	1782
More than 20 years	212
TOTAL	**6497**

Table 6.4

Appeals and Revisions pending in PC Act cases in various courts as on 31.12.2020

	High Court		Supreme Court		Total
	CBI	Accused	CBI	Accused	
Appeal	648	9670	61	133	10512
Revision	326	740	0	0	1066
Total	974	10410	61	133	11578

Age wise Analysis of pending Appeals and Revisions

Age	APPEALS	REVISIONS	TOTAL
Less than 2 years	1810	443	2260
More than 2 but less than 5 years	2510	315	2825
More than 5 but less than 10years	3420	209	3629
More than 10 but less than 15 years	1745	79	1824
More than 15 but less than 20 years	626	17	643
>20 years	394	3	397
Total	**10512**	**1066**	**11578**

V. Previous Sanction for Prosecution against Central Government employees

6.14 Section 19 of the Prevention of Corruption (Amendment) Act, 2018 lays down that no court shall take cognizance of an offence punishable under Sections 7,11,13 and 15 alleged to have been committed by a Public Servant, who is employed or as the case may be, was at the time of commission of the alleged offence, employed in connection with the affairs of the Union/State, except with the previous sanction of the authority competent to remove him from his office.

6.15 The amended provision also provides that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for the previous sanction of such Government or authority for taking cognisance by the court of any of the offences specified, unless – (i) such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and (ii) the court has not dismissed the complaint under Section 203 of the CrPC and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding.

6.16 It has been provided further that in the case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant.

6.17 On receipt of a request for grant of previous sanction for prosecution under Section 19 of Prevention of Corruption Act, 1988 from the CBI or other investigating agency and while processing such requests, all the Ministries/ Departments / Organisations need to take

decisions expeditiously and in accordance with the guidelines issued by the Commission vide its circulars dated 12.05.2005, 28.03.2012 and 25.05.2015. The amended PC act also stipulates that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant endeavour to convey the decision on such proposal within a period of 3 months from the date of its receipt.

6.18 In case where, for the purpose of grant of sanction of prosecution, consultation is required with the Attorney General or any Law Officer in the Attorney General's office, the period may be extended for a further one month for reasons to be recorded in writing. The Commission in terms of its powers and functions under Section 8(1)(f) of the CVC Act,2003 issued directions that all administrative authorities should scrupulously follow the guidelines while considering and deciding requests for sanction for prosecution.

6.19 The Commission reviews the progress of cases pending for sanction of prosecution with various organisations, under the PC Act, 1988. CBI reported that at the end of the year 2020, 177 cases were pending for grant of sanction for prosecution under PC Act, 1988. However, only 162 cases were pending for prosecution sanction as 15 cases were common to more than one Ministry/State Government, etc. In these 162 cases pending with Central/State Government and other Departments/Authorities, 455 separate requests had been made for prosecution sanction during the year 2020 as some of the cases involved more than one accused.

Table 6.5

Ministry-wise PC Act Cases Pending for Prosecution Sanction as on December 31, 2020

Ministry	Cases	Officers involved	Pending for more than three months as on 31-12-2020	
			Cases	Officers involved
Ministry of Comm. And IT (Dept. of Telecom)	2	2	1	1
Ministry of Commerce and Industry	3	9	1	1
Ministry of Chemicals & Fertilizers	2	3	1	1
Ministry of Civil Aviation	1	2	0	0
Ministry of Corporate Affairs	1	1	1	1
Ministry of Finance (Department of Revenue)	2	2	0	0

Ministry of Labour and Employment	1	1	0	0
Ministry of Coal & Mines	4	11	4	11
Ministry of Communications (Department of Posts)	2	2	0	0
Ministry of Defence	5	10	3	7
Ministry of Finance (Department of Financial Services)	77	252	35	74
Ministry of Finance (Customs and Central Excise)	3	8	1	3
Ministry of Finance (Income Tax)	7	10	0	0
Ministry of Food Processing Industries	1	2	1	2
Ministry of Health & Family Welfare	1	1	0	0
Ministry of Home Affairs	4	4	3	3
Ministry of Housing and Urban Affairs	1	1	0	0
Ministry of Industry	1	10	1	10
Ministry of Information & Broadcasting	1	3	1	3
Ministry of Law and Justice	1	1	1	1
Ministry of Micro, Small and Medium Enterprises	2	8	2	8
Ministry of Minority Affairs	1	1	1	1
Ministry of Power	1	1	1	1
Ministry of Personnel, Public Grievances and Pensions	6	7	5	6
Ministry of Petroleum and Natural Gas	1	2	0	0
Ministry of Railways	8	13	2	6
Ministry of Shipping	1	1	0	0
Ministry of Social Justice & Empowerment	1	1	1	1

Ministry of Textiles	2	8	0	0
Ministry of Youth Affairs & Sports	1	5	1	5
Ministry of Education	1	1	0	0
Courts	1	1	1	1
Lok Sabha	2	5	1	4
Government of Bihar	3	5	2	4
Government of Chhattisgarh	2	5	2	5
Government of Delhi	1	2	1	2
Government of Jammu and Kashmir	6	15	2	3
Government of Jharkhand	3	6	3	6
Government of Madhya Pradesh	1	2	1	2
Government of Rajasthan	1	1	1	1
Government of Tamil Nadu	1	2	0	0
Government of Uttar Pradesh	10	23	9	22
Total	**177**	**455**	**90**	**196**

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

6.21 The Commission has also emphasised on the need for the competent authorities to decide upon the grant or denial of prosecution sanction by issue of valid speaking orders. In cases of difference in opinion between the competent authorities in the Ministries/ Departments/Organisations and CBI/other investigating agencies, where the latter have after investigation sought sanction for prosecution of public servants, the Commission resolves such matters of difference of opinion with CBI/Investigating agencies on the basis of available documents/materials and tentative views of the competent authorities

of the concerned Ministries/Departments/Organisations, as indicated vide Commission's circular dated 16.04.2015.

VI. Complaints referred by the Commission to CBI

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

Table 6.6

Complaints sent by the Commission to CBI and their disposal

Complaints forwarded by CVC for verification / Investigation / Inquiry : 05	MODE OF DISPOSAL	Number
	Resulting in RC	03
	Resulting in PE	Nil
	Ending in recommendation of RDA / such action deemed fit and sent to Department	Nil
	Closed	Nil
	Under Verification	Nil
	Status Report sent to the Commission	02

VII. Review of pending cases against officers of CBI

6.23 The Commission regularly reviews cases pending against CBI officers. Pendency of cases against CBI officers reflects on the reputation and image of the country's premier investigation agency. As on 31-12-2020, 50 departmental cases against Group A officers and 30 cases against Group B and C officials were pending at various stages against CBI personnel

Table 6.7

Departmental Action against CBI personnel

Group A

Total pending	Less than 1 year	Between 1 year to 2 years	Between 2 years to 3 years	Between 3 years to 4 years	More than 4 years
50	06	04	06	09	25

Breakup of the total pending cases are:

(i)	Inquiry in progress at various stages	38
(ii)	Pending with DA (DoPT) for decision	12
	Total	**50**

Group B and C

Total pending	Less than 1 year	Between 1 year to 2 years	Between 2 years to 3 years	Between 3 years to 4 years	More than 4 years
30	11	06	03	0	10

Breakup of the total pending cases are:

(i)	Pending with DOPT for final orders	0
(ii)	Inquiry in progress at various stages	30
	Total	**30**

VIII. Manpower

6.24 The total sanctioned strength of CBI as on December 31, 2020 was 7273 against which 5899 officials were in position with 1374 posts lying vacant. The vacancy position is given in Table 6.8.

Table 6.8

Overall vacancy position of CBI as on 31.12.2020

Designation of posts	Sanctioned Strength	Actual Strength	Vacancy
Executive Ranks	5000	4171	829
Law Officers	370	284	86
Technical Officers	162	66	96
Ministerial Staff	1671	1353	318
Canteen Posts	70	25	45
Grand Total	7273	5899	1374

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

6.25 The Commission holds a review meeting with the Director, CBI every month wherein progress and pendency of PC Act cases under investigation and PC Act cases under trial are reviewed. The reasons for delay in investigations/inquiry are reviewed and likely dates for completion of investigation/inquiry ascertained. Sanction for prosecution requests pending under PC Act for decision of competent authorities are reviewed and the Commission pursues the matter with concerned authorities for disposal of pending requests within 90 days in accordance with the directions of the Supreme Court.

6.26 Other issues of mutual concern are also discussed during the monthly review meetings for exchange of ideas and finding solutions to clear bottlenecks observed in the course of investigation/inquiry. Details of certain pending cases which are specifically included in the agenda are also discussed. In addition, the Commission invites the officers at the level of Joint Director or such other officer to discuss specific cases where in the Commission, on examination of the reports of CBI, identifies certain shortcomings or advises that further investigation be conducted.

X. Appointment for certain posts in CBI

6.27 Section 26 of CVC Act, 2003 read with Section 4C of Delhi Special Police Establishment Act, 1946 provides for a Committee to recommend officers for appointment to the posts of the level of Superintendent of Police and above and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment after consulting the Director, CBI. The Committee functions under the Chairmanship of the Central Vigilance Commissioner with the Vigilance Commissioners, Secretary (MHA) in the Government of India and Secretary (Personnel) in the Government of India as Members. The aforesaid Selection Committee met three times in the year 2020 and made their recommendations to the Central Government in respect of various appointments, proposals for extension of tenure, etc.

XI. Others

6.28 A National Conference on Vigilance and Anti-Corruption – "Vigilant India – Prosperous India" was organized by the CBI (via virtual platform) from 27th -29th October, 2020. The Hon'ble Prime Minister of India inaugurated the Conference on 27th October, 2020 and wished the Conference to emerge as an effective platform to suggest new ways to make a vigilant and prosperous India. Nine sessions were held from 27th -29th October, 2020 through webinar in which wide ranging discussions were held on prevention of corruption as well as investigation of economic offences and organized crime. Vigilance and Investigative professionals as well as senior policy makers from States/UTs, Banks, PSUs and other Central Agencies participated in the deliberations which were extremely

well received with the attendance of almost 650-700 participants in each session. The valedictory session was chaired by Sh. Sanjay Kothari, Central Vigilance Commissioner on 29th October, 2020.

6.29 As an outcome of the Conference and to ensure that the discussions held during the conference will culminate into action, the following Committees were constituted:

i. Committee on Mentorship

ii. Committee on Preventive Forensic Module

iii. Committee on Syllabus on Course and Exposure Visit

iv. Committee on Financial Audit Practice

v. Introduction of E-Measurement Book

vi. Introduction on E-Bank Guarantee

vii. Knowledge Hub for sharing and Institutional Training

viii. Policy on Media Engagement by LEAs and Social Media policy for all Civil Servants

ix. Horizontal Participation of Bank and CBI officials via training

x. Establishment of Institute of Ethics

xi. Cell in Policy Division of CBI to recommend and rack systemic changes by IO in any case

6.30 Out of the above 11 committees following committees have Commission officials as convenor or members:

i. Committee on Mentorship

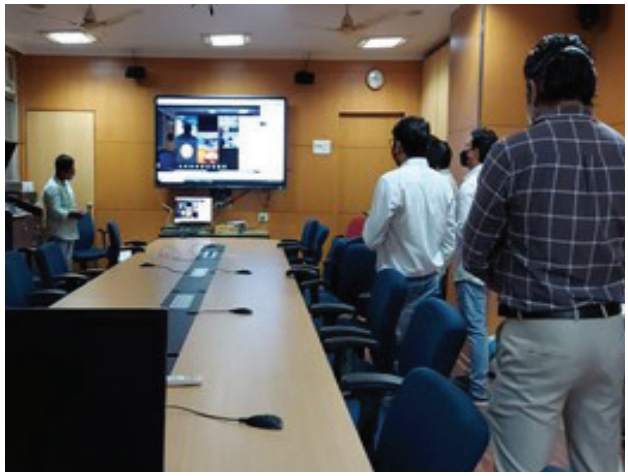
ii. Committee on Syllabus on Course and Exposure Visit

iii. Introduction on E-Bank Guarantee

iv. Horizontal Participation of Bank and CBI officials via training

6.31 All the above 4 Committees have submitted their reports to the Commission and Commission has already finalized the Mentorship Scheme to be considered for implementation by the Government including the Public Sector Undertakings and Public Sector Banks. Commission has also finalized the modules on Preventive Vigilance and Exposure Visits to Institutes of Excellence and to the Villages for Attitudinal changes and Ethics. Commission has also taken up the implementation of E-Bank Guarantee with Indian Banks Association on pilot basis and written to CBI for setting up a panel with officers from CBI, Banking Institute, National Police Academy and Lal Bahadur Shastri National Academy of Administration etc to formalize the content and duration of Horizontal Training.

Glimpses of Vigilance Awareness Week 2020



Vigilance pledge being taken at different organizations

Bank of India

Bank of Baroda

FCI

IRCTC

07

PREVENTIVE VIGILANCE AND SYSTEMIC IMPROVEMENTS

I Background

7.1 Preventive Vigilance efforts are a part of the larger strategy which seeks to identify areas vulnerable to corruption for the purpose of establishing suitable preventive vigilance mechanisms. The Santhanam Committee Report, 1964 states that "Corruption cannot be eliminated or even significantly reduced unless preventive measures are planned and implemented in a sustained and effective manner. Preventive action must include administrative, legal, social, economic and educative measures". It was observed that the main effort for checking corruption must come from within the organisation and it is imperative to have a continuous watch on sensitive spots rather than merely taking punitive action after occurrence of misconduct.

7.2 Preventive Vigilance is therefore a tool of management and good governance for the dissemination of systemic improvements and generation of awareness. The theme for Vigilance Awareness Week - 2020 was 'Vigilant India, Prosperous India'. Through Preventive Vigilance measures the Commission seeks to enable higher levels of transparency and organisational efficiency in public governance. Fraudulent activities and acts of misconduct are sought to be prevented by identifying and plugging vulnerable areas and by effecting systemic improvements and structural remedies as detailed below:

- Standardization and simplification of rules and procedures
- Automation and leveraging technology
- Reducing discretion and human interface
- Transparency
- Accountability
- Control and supervision
- Training and awareness

The Commission has encouraged organisations to develop a preventive vigilance framework which will assess areas prone to corruption, correct policies, procedures and systems and strengthen internal control mechanisms in the fight against corruption. While some areas may be unique to each organisation, there are common areas of public governance which may be strengthened in this endeavor.

7.3 ***In addition to above, the Commission has advised various organisation in the year 2020 to develop a preventive vigilance environment by institutionalizing a robust Induction and Mid-career training programme for the officers and staff and further***

emphasized the need for inclusion of a strong preventive vigilance module and exposure visits to bring in attitudinal change and ethics in the officers, in all the training programmes.

7.4 The Commission has identified the following broad areas, which need special attention while implementing preventive vigilance measures:

- Allocation of resources like rights, lease, licenses, loans etc,
- Public procurement and management of contracts,
- Auction/sale of Goods,
- Recruitment, promotion, transfer and posting,
- Delivery of public services,
- Social welfare schemes,
- Determination of tax liabilities,
- Misappropriation of public assets
- Advances secured by Immovable Property
- Pre sanction inspections
- Disbursement of Home loans
- Takeover of loan account from other banks

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

(a) **Simplification and standardisation of rules:** Simplification and standardisation of rules and procedures facilitates elimination of discretion and arbitrariness and helps to reduce corruption. Identifying areas involving exercise of discretion which are not properly regulated by clear guidelines, as well as a complete review of existing rules and regulations needs to be undertaken to promote clarity and accountability. Similarly, simplification and standardisation of forms / applications also reduces scope for corruption.

(b) **Leveraging Technology and Automation:** Experience suggests that technology plays an enabling and effective role in fighting corruption. Some of the technological interventions which have provided considerable strength to the system of preventive vigilance are detailed below:

- E-procurements
- E-payments
- Websites for dissemination of information and creating awareness
- CCTV surveillance in places of public dealing
- GPS enabled devices / Radio Frequency Identifications (RFIDs)
- Computer assisted audit techniques for detecting frauds

(c) **Business Process Re-engineering (BPR):** BPR is very important as it helps the organisations rethink how they fulfil their core objectives, and in the process, encourages a full-scale re-creation of processes for fulfilling the objectives of the organisation. Existing processes may be re-engineered to prevent revenue leakage as well.

(d) **Transparency:** Transparency removes asymmetry of information between the public and public officials and thus in turn reduces corruption. For example, the website of every Department / Organisation should contain its rules & regulations, process details and procedures, contact details of concerned officials and all other information useful for common public / customers.

(e) Accountability: It is very difficult to take punitive action due to lack of accountability. A system with clear accountability and assigned responsibility at each level is necessary not only for smooth functioning but also for ensuring timely and effective punitive action in case of misconduct.

(f) **Control & Supervision:** Regular and routine inspections, surprise inspections, audit and reviews keep a check on aberrant and corrupt behaviour.

(g) Early detection of misconducts: Early detection of misconducts apart from bringing to light the deficiencies of the system, will also enable recouping of losses wherever possible and facilitate prevention of further damage and financial loss.

(h) **Time-bound and effective punitive action:** Punitive action within a short period of occurrence of the misconduct and finalisation of such cases in a time-bound manner resulting in award of exemplary and adequate punishment, deters others from committing such misconduct in future.

(i) **Training and Awareness:** Capacity building and sensitization at all levels and across all functional areas is important. Public officials should be made aware of their duties and responsibilities, code of conduct, rules and regulations, etc., through regular training and awareness programmes. Knowledge sharing initiatives such as publishing / circulating information relating to areas where fraud / misconduct has been detected and sharing information on best practices are other effective awareness generation methods for better preventive vigilance.

(j) **Conducive work environment:** Conducive work environment may include drawing up lists of sensitive posts, implementing a rotational transfer policy for sensitive posts, identification of persons of doubtful integrity and keeping them away from sensitive posts / public dealing. It would be necessary also to create an environment that promotes ethical behaviour. Protection to Whistle Blowers must be ensured in order to bring to light cases of corruption. Non-provision of adequate infrastructural facilities such as accommodation, conveyance, utilities, etc. also induces corruption.

(k) **Awareness among public:** If public is made aware of their rights and also of rules and regulations, then they may be able to resist unfair treatment and arbitrary exercise of power by public officials. Public organisations should prominently display information relevant/useful to the common public on their office notice board/website.

(l) **Inculcating ethical behaviour:** Inculcating ethical behaviour among employees

and public, particularly the younger generation is an important tool of preventive vigilance. Vigilance Awareness Week (VAW), celebrated every year during the last week of October intends to create such public awareness. This opportunity is utilized by all CVOs/Organisations to create awareness among public as well as among their own officials regarding the need to uphold correct values.

II Commission's Initiatives in Preventive Vigilance

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

(i) **Guidelines on Preventive Vigilance:** The Commission has included a chapter on preventive vigilance in the Vigilance Manual - 2017 for the guidance of organisations. The Commission's Annual Report to Parliament also reports in depth on preventive vigilance and the systemic improvements advised by the Commission during the year.

(ii) **Training and Awareness:** The Commission believes that preventive vigilance is a continuous process and there should be a culture and environment developed in organisations to nurture it. Accordingly, the Commission has requested the centralized training institutes as well as the PSUs and Public Sector Banks to include modules on preventive vigilance in their induction training programmes for young officers and in-service and mid career training courses. To achieve the objective Commission has taken the following measures:

a) Commission has prepared 5 indicative preventive vigilance modules for induction training and 2 indicative preventive vigilance module for mid-career training.

b) These modules have been shared with various training institutions who are conducting induction training programmes for the newly inducted officers and mid-career training programme for in-service officers in Government and Public Sector Undertakings (PSUs) / Public Sector Banks (PSBs).

c) Ministry of Railways, National Thermal Power Corporation (NTPC) Ltd, Steel Authority of India Ltd. (SAIL), Oil and Natural Gas Corporation (ONGC), National Police Academy (NPA), National Academy of Customs, Indirect Taxes and Narcotics, Department of Post, and various other organisations have commenced the training on preventive vigilance module.

(iii) **Dissemination of Good Practices:** For dissemination of good practices adopted by organisations in the area of preventive vigilance, the Commission has published four compilations in the form of booklets on preventive vigilance. ***The Commission has called suggestions on systemic improvements from public during the Vigilance Awareness Week-2020 and these suggestions have been shared with the concerned Ministries/organisations for implementation to the extant possible. At***

Commission level also, a committee is examining the suggestions received in this regard.

(iv) **Standard Operating Procedure (SOPs):** The Commission has been advising Government organisations, Public Sector Enterprises (PSEs) and PSBs to develop specific SOPs on the identified key areas and disseminate the SOPs for implementation of key processes to prevent excessive use discretionary power at all levels and to ensure transparent functioning of organisations. ***During the Vigilance Awareness Week – 2020 all the organisations have been asked to review an update their manuals, SOPs etc as a special drive.***

(v) **Inculcating Ethical Behaviour among Employees and the Public:** The Commission's VAW activities are a significant step for awareness generation among all stake holders, particularly the students and youth through outreach activities. ***Commission has propagated that all organisations must send their officers and staff during the induction and mid-career training for exposure to the good practices adopted in orgainsations like National Dairy Development Board and Delhi Metro Rail Corporation and visit to villages for inculcating attitudinal changes amongst them and better understanding of Rural life.***

(vi) **Strengthening of Vigilance Administration- Training, capacity building and skill upgradation:** The Commission has been training the CVOs/ Dy. CVOs as well as management of the departments/ organisations through customized programmes conducted at reputed training institutions. The skill up gradation component is delivered through an online portal consisting of a question bank and a case study based module.

(vii) Review of Preventive Vigilance initiatives by Organisations: During the Annual Sectoral Review meetings with the Ministries / Departments / Organisations, the Commission has been reviewing initiatives taken by various organisations for effective preventive vigilance. This is also reviewed through the CVOs Annual Report.

(viii) **Scrutiny of Audit Reports by CVOs:** The Commission has been reiterating that the audit reports [internal audit, statutory audit and Comptroller and Auditor General (C&AG) audit] should be thoroughly examined by the CVOs to identify audit observations that have a vigilance angle so that timely action may be taken to prevent any misdeed. The Commission has insisted on submission of detailed reports from CVOs in this area. The point has been included in the CVOs' Quarterly Periodic Returns furnished during each quarter. During the Annual Sectoral Review meetings the Commission reviews the status of scrutiny of audit reports with the CVOs.

(ix) **Study on Delay in Payments:** The Commission has noted that the issue of payments to contractors is a high risk area from vigilance point of view. The Commission advised all the CVOs to carry out study on the bills paid by the organisation and submit a report to the Commission. On the basis of the reports furnished by the CVOs, the Commission observed that one of the main causes of delay lies in non-submission of prescribed documents by the contractor. The Commission also noted

that there was a large number of prescribed documents, most of which are certificates regarding compliance of various laws/rules, which may be simplified for reducing the delays.

(x) **Continuous Revision of Manuals:** The Commission has been advising the CVOs to ensure that the organisations have prepared Manuals on important areas of their functioning such as contracts, procurements, recruitment etc. and that these are updated and conform to guidelines of Central Vigilance Commission (CVC) as well as their respective Ministries. Additionally, the CVOs have been advised to identify which Manuals are needed and which are available in the organisation. The Commission has desired that these Manuals may be available on the concerned organisation's website.

(xi) **Continuous Revision of Processes:** The Commission has been advising the CVOs to carry out regular review of various processes and systems with a view to dovetail the systems with the latest available technology, and to generate exception reports on the use of discretionary powers with the help of these systems.

(xii) **Asset Registers:** Given that the public sector organisations / departments control a large inventory of assets, there is a need for better asset management. The Commission has advised organisations to prepare Asset Registers in digital form after taking stock of all their assets.

III Systems improvements reported by various Organisations

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

S. No.	Name of the Organisation	Systemic improvement undertaken by the organisation
1	**Oil and Natural Gas Corporation Limited (ONGC)**	(i) System Improvement in Bid Evaluation- In a case relating to procurement, an authorized distributor instead of submitting product catalogue of manufacturer submitted the catalogue of his firm along with bid. In order to check such irregularities, a circular dated 13.08.2020 has been issued by ONGC regarding "System Improvement in bid evaluation, order placement and Quality Assurance Department (QAD) process in procurement of materials". (ii) Verification of the experience documents -In a case, it was observed that one of the participating bidders became successful by submitting various forged experience certificates pertaining to works executed at some other work center. ONGC has issued guidelines / SoP regarding verification of the experience documents submitted by the firms/ Companies.

2.	**Heavy Engineering Corporation Limited, Ranchi (HEC)**	(i) Maintenance of Land Records-Register of land records is being made. Digital land records are to be generated with the help of Drone-mapping. (ii) Integrated Asset Record Management System (IARMS)- IARMS is being developed with the help of IT Programme Developer for proper recording of allotment of assets / premises, generating periodical bills, generating management reports for monitoring, etc.
3.	**Cement Corporation of India (CCI)**	Systemic Improvement for ensuring Transparent Recruitment Process- Standard Operating Procedures (SOPs) have been developed by CCI and implemented to structure and streamline the online recruitment process of regular employees at various levels. Broadcast Engineering Consultants India Limited (BECIL) has been engaged to carry out online recruitment process for recruitment of Supervisory & Non-supervisory level. BECIL would scrutinize and shortlist the applications received online, issue admit card to the shortlisted candidates, conduct online test, declare answer-keys and ask for objection, if any.
4.	**Bharat Heavy Electricals Limited (BHEL)**	Digitally signed E-Invoicing - a form of electronic billing, where transactional documents like Invoices are sent digitally among relevant parties, is gradually being mandated by various Government directives. In this regard guideline has been issued by BHEL to all Units/Regions on 19.08.2020. All Units / Regions have enabled feature on their B2B sites for supplier to upload digitally signed e-Invoice for processing in BHEL.
5.	**Mangalore Refinery and Petrochemicals Limited (MRPL)**	(i) Ground Sweep Bagging (GSB) / Dispatch (GSD) at polypropylene warehouse: The scope of discretion in interpretation of tender clause is minimized. Online Systems, Applications & Products in Data Processing (SAP) entry started for GSB/GSD. This helped in reducing loss and eliminated possibility of leakages.
		(ii) Improvement in truck loading at Polypropylene Warehouse: There was no clarity on type of loading in trucks, which was leading to disputes and possibility of leakages. Now, the type of loading is defined at initial stage to bring transparency in loading Polypropylene trucks. Possibility of excess loading of material in connivance with truck drivers is eliminated.

6.	**Indian Oil Corporation Limited (IOCL)**	(i) E-Locking- In order to increase the efficiency in transit locking, e Locking has been introduced for all delivery (Tanker Trucks) TTs. It is a keyless, One Time Password (OTP) based, server controlled locking system interfaced with SAP through rules. (ii) Generation of exception report in online Annual Property Return (APRs)- System of generation of exception report has been introduced with respect to Annual Property Return filed by employees.
7.	**Chennai Petroleum Corporation Limited (CPCL)**	(i) Regular Review and up-dation of Enlisted Vendors list-In a Limited tender, it was observed that enquiry was sent to 10 enlisted vendors and only 5 responded. This was due to non-exclusion of vendors who were not responding. Hence, it was suggested to review and update the enlisted vendors list periodically, to get better response and to save time.
		(ii) Precaution in Preparation of Estimate Cost of the Projects -In a periodical inspection of procurement case, it was observed that in the price comparison statement it was shown that the offered price was less than estimate. This was due to the fact that 10% was assumed towards Customs Duty in the estimate but the same was exempted by Customs Authorities. Hence, it was suggested to include only items which are comparable in the cost comparison statement between the estimate and the vendor's quote.
		(iii) Suggested improvements in canteen administration aspects. E.g. weighing empty Liquefied Petroleum Gas (LPG) cylinders before returning to gas agency to ensure that there is no misuse of LPG.

8.	**Gas Authority of India Limited (GAIL)**	(i) In GAIL's online Complaint Management System: Auto email alert system is suggested when a new complaint is received.
		(ii) System improvement suggested in e-QPR system: a. To enable provision for automatically fetching the data pertaining to all the contracts/ work orders from SAP Material Management (MM) module including Purchase Order No., Order value, estimated value, Vendor name, EIC name etc. b. Entry of physical progress only by the authorized user for each site or department. iv. e-QPR report is to be submitted within 15 days of the end of every quarter. To avoid the delay and to ensure timely submission of e-QPR, it is suggested that provision may be made for generating auto e-mail alerts.
		(iii) Electronic Bank Guarantee System (BG): System improvement for electronic Bank Guarantee (BG) system -To reduce the possibility of BG frauds, following system improvement was suggested: • To carry out verification of BGs submitted against Earnest Money Deposit (EMD). • Immediate use of Structured Financial Messaging System (SFMS) for BG verification as per guidelines from CVC and Ministry of Finance. • Implementation of electronic BGs. • Incorporation of necessary amendments in standard tender documents to facilitate use of SFMS and electronic BG instruments against EMD, SD etc instead of physical form.

9.	**Oil India Limited (OIL)**	(i) Empanelment of Independent Third-Party Inspection Agencies for verification and certification of documents submitted by bidder pertaining to technical Bid Evaluation Criteria & Bid Rejection Criteria (BEC/BRC). (ii) A list of blacklisted vendors is displayed on Central Public Procurement Portal of Government of India. (iii) Introduction of an online system for receiving application for filling up vacancy in OIL through OIL's portal. (iv) Mandatory declaration for applicability of deduction in all payment advices. (v) Implemented practice of documenting identification numbers of Well-logging Contractors' tools and obtaining prior approval from OIL officer before any job. (vi) Commonly observed lapses during Contract processing/ execution have been brought to the notice of all concerned. (vii) Amendment of OIL Executives' Conduct, Discipline and Appeal Rules in line with the Consolidated Model Conduct Discipline and Appeal (CDA) Rules issued by Department of Public Enterprises. (viii) Maintenance of records of consumption of free issue materials to contractors.
10.	**Projects and Equipment Corporation Limited (PECL)**	Digitization of important documents relating to CBI and recovery cases has been undertaken to prevent from loss or damage/tampering with documents.
11.	**State Trading Corporation (STC)**	(i) Agreement with Foreign suppliers - Systemic Improvement has been recommended for consideration to amend the future agreement with Foreign Supplier to the extent to absorb the liability of forced custom duty arising on account of loss pilferage of cargo during shipment. (ii) Smooth handing over / taking over of charge - Systemic Improvement was recommended that during transfer of an official from a post, all files held by him as per file control register to be handed over to successor. Last Pay Certificate (LPC)/Transfer/retiral benefits may not be released by the sections concerned unless and until the copy of detailed handing over/ taking over charge report made available.

12.	**Rastriya Ispat Nigam Limited (RINL)**	(i) Streamlining of procedure for levying Liquidated Damages (LD)- Procedure for Delay Analysis and levy of LD is formulated and communicated to all the concerned through web portal for Projects Division. (ii) Dispute Resolution Methodology - The procedure on Dispute Resolution Methodology is formulated and flowchart indicating existing Vs Modified Procedure for Settlement of Disputes has been placed on web portal. (iii) Dealing with consortiums - Instructions were given by the Competent Authority that Whenever the work is awarded to a consortium, it may be made mandatory that the leader of the consortium shall endorse the Billing schedules and the Bills submitted to RINL by the member(s) of the consortium. Further, a copy of all correspondence of RINL with the member(s) of the consortium shall be forwarded to the leader of the consortium also.
13.	**Steel Authority of India Limited (SAIL)**	(i) Policy guidelines dated 01.09.2020 defining optimum loading pattern of different types of imported coal and other cargo in wagons from load port to steel plants: • Optimum loading pattern of different types of coal and other cargo. • Minimization of idle freight payment. • Transparency in system. (ii) Formulation of policy guidelines (MS-06 of 2020 dtd. 26.02.2020) for handling Direct Despatch Consignment at Commercial Marketing Office (CMO) Warehouses - Resolving issues like non-recovery of demurrage, wharfage, haulage and reduced chances of uses of our stockyard as godown by the customers.
14.	**North Eastern Electric Power Corporation Limited (NEEPCO)**	(i) Preparation of Bid document - Suitable evaluation criteria in marking system should be defined in the bid-document of all tenders duly citing the marking pattern while evaluating the bids for the bidders who submit the experience certificate of same work as Principal Contractor and as a Sub-Contractor. Further, to ensure better quality of work, it has been suggested that more weightage should be given to the bidder who has the experience of direct involvement in execution of the work in field and the submission of the documents by the bidders should be verified for authenticity prior to evaluating the bids.

		(ii) Appropriate clause should be incorporated in all bid documents for submission of Utilization Statement by the contractor against all mobilization advances to prevent misuse of the mobilization advance. (iii) Finalise design and drawing meticulously prior to floating of the Notice Inviting Tender (NIT), so that no change/minimum deviation occurs in design/work after the NIT and during execution of work. (iv) Procedure for effective evaluation of bids - While evaluating the bids all the credentials submitted by the bidders should be verified prior the consideration for evaluation of the bids. (v) Prior to casting of any concrete structure it may be properly supervised that bending of bars/ stirrups are done as per provision of IS Code.
15.	**National Hydroelectric Power Corporation (NHPC)**	Online Vigilance Clearance - The process of providing Vigilance Clearance is now completely online from initiation of request to issuing of the same by HR Division on the basis of inputs provided by Disciplinary Matter Cell and Vigilance Division respectively. An in house Local Area Network (LAN) based online system was developed in association with the IT&C Division of NHPC.
16.	**National Thermal Power Corporation (NTPC)**	Following systemic improvement have been undertaken by the NTPC: (i) Vendor Payment Portal Introduced. (ii) Contract Labour Information Management System (CLIMS) – It is an inhouse developed application to ensure Security, Productivity and Compliance with respect to all the Contractor's Labour engaged at plant premises. (iii) All the transactions (approx. 99%) are being done through online mode barring a few Statutory and Employee Advances which are through Cheques/DD. (iv) In response to GeM Initiative of Government, NTPC has opened GeM pool account with SBI and carved out a sublimit out of CC limit to fund the GeM procurements so that no funds are lying idle and the interest on Sub limit will be charged only when the payment will be made. (v) Inclusion of Workmen also for filing Property Return.

IV Systemic Improvements suggested by the Commission in various cases:

7.8 The Commission had suggested various systemic improvements to various organizations in the year 2020, while tendering advice in the cases. Some of the systemic improvements suggested by the Commission are given below:

S. No.	Name of the Organisation	Systemic improvement undertaken by the organisation
1.	**Ministry of Railways / Railway Board**	Uniform Approach for Disposal of Workshop Refuse/Scrap - During examination of investigation report of Railway Board, Commission noted that different workshops of railways are adopting different approaches for disposal of scrap. Some workshops are incurring expenses on disposal of workshop refuse/scrap, whereas others are earning revenue by selling it. Commission advised the Railway Board to frame rules to ensure that workshops generating similar type of refuse/ scrap in similar conditions adopt similar approach for disposing it of in transparent manner. Undue Discretion in Splitting the Tender Quantities among Bidders - In one case, Commission noticed that the tender conditions had a serious flaw. The Notice Inviting Tender (NIT) had provision that the quantities would be distributed among more than 1 bidders. The Commission observed that absence of parameters for distribution of quantities between/ among bidders bestows upon the railway authorities undue powers to favor/disfavor bidder firms. They can choose to award part of the tender quantities to L-2, L-3 or L-4 bidders or they may decline any such distribution. Also, in case of developmental orders, the railway authorities may choose a bidder for a developmental order or may ignore the firm. Accordingly, the Railway Board was advised to incorporate in the NIT conditions clear and objective parameters for distribution of quantities, wherever inevitable or desirable so as to eliminate undue discretion on part of the railway officials. Transparency in Registration of Vendors in Railways - In a vigilance report submitted by Railway Board, Commission observed that the system of registration of vendors in a Zone of Railway is not transparent.

		Accordingly, Railway Board was advised to publish widely (through website and in local Units) the procedure for registration of vendors, list of documents to be submitted for registration in a particular Unit, timelines for deciding applications and the grievance redressal mechanism in this regard. It was also advised that all types of Units at Divisional and Zonal levels across organisation should provide in a proactive manner the interested firms with all information about procedures for registration and bidding, like in form of booklets at the reception of the Unit and through web-portals duly publicized. In addition, registration of vendors should be a continuous exercise. In addition to annual drills for vendor-registration, the Units should accept applications from the interested vendors throughout the year. Commission also advised Railway Board to devise mechanism to link selection of vendors at all levels (for invitation of offers for a particular item) with the vendor-performance.
2.	**Power Finance Corporation Consulting Limited (PFCCL)**	In a case relating to PFCCL, the Commission noticed complete breakdown in observing financial norms, prudence and due diligence in booking expenses towards official hospitality, Gifts, training and travels heads. It is alleged that SBI Gift cards worth Rs. 1.67 Cr and Sodexo Cards worth Rs. 2.4 Cr were used for fraudulent transactions. The CMD PFCCL has been advised by the Commission to make the process transparent observing all financial norms and streamline the system for incurring expenditure towards official hospitality.
3.	**Rural Electrification Corporation (REC)**	A case of fraud in the travel bills committed by private agency empaneled by REC for travel arrangements came to the notice of the Commission. The Commission has issued an advisory to all organisations/ PSU to take strict measures to check for same / similar fraud / irregularities in their organisation and take necessary action for remedial measures.
4.	**Coal India Limited (CIL) / Ministry of Coal**	(i) Study on Wagon Underloading Charges - Vigilance unit at Coal India Limited Headquarter conducted a study on reduction of Wagon – Underloading charges. After and in-depth study of the Wagon Underloading in Coal Evacuation by Railways, which also utilized Data-Analytics methods to study the complex situation which is dependent on factors related to logistics and also the Fuel Supply Agreement; specific action points were identified. CIL management approved the study and its implementation.

		(ii) Identifying systemic deficiencies in coal shortage on the way after its loading from loading points and its receipt at destined power plants - In accordance with the advice of the Commission, a Committee of CVOs of Ministry of Coal, Indian Railways, Coal India Limited and National Thermal Power Corporation was formed by Ministry of Coal. Terms of Reference (TOR) of the Committee are as under, a. To find out the systemic deficiencies resulting in coal shortage on the way after its loading from loading points of coal companies and its receipt in destined power plants; b. To find out the systemic deficiencies, if any, in weighment of rakes at weighbridges used for weighing Railway rakes based on which RR (Railway Receipts) are generated by the Railways and payments made by the power generators to the coal companies; c. To suggest corrective measures in respect of the systemic deficiencies found by the Committee in respect of (a) and (b) above; and d. Any other issue as may be deemed necessary by the Committee or as may be referred by the Government. Committee has submitted its report and further action will be taken by all stakeholders. (iii) Committee on issues related to Ancillary Status to companies - Committee of CVOs of M/o Coal, Northern Coalfields Limited (NCL) and CIL regarding ancillary status to companies submitted its report. Commission advised CVO, Ministry of Coal/ CVO, CIL to submit the recommendations to CIL management for issue of appropriate guidelines/ instructions in the matter and upload the guidelines on the website.**(iv) Parameters in Coal/ OB measurements like Specific Diesel Consumption (SDC), Powder Factor (PF) - Ministry of Coal had formed a Committee of CVOs of CIL, Coal Mine Planning and Design Institute Limited (CMPDIL) and Bharat Coking Coal Limited (BCCL) to examine the parameters in coal/ Over Burden (OB) measurement. Committee noted that because of the lack of objectivity in these indices (SDC & PF), it becomes very difficult to establish possible theft/ pilferage of diesel/ OB arising cut of OB-Over reporting without recourse to some specific incontrovertible evidence. Committee had recommended that indices Powder Factor (PF) and Specific Diesel Consumption (SDC) should be determined with sufficient precision through recognized scientific and empirical process by CMPDIL.**

5.	**Khadi and Village Industries Commission (KVIC)**	The Commission vide its OM dated 12.11.2020 advised KVIC to implement the following systemic improvement: (i) Systemic improvement for the store management may be adopted like e-store application of NIC which is available free of cost or nay other programme as they considered deemed fit, to avoid incident of issuance of items from the store without proper requisition an approval of the competent authority. (ii) The Commission advises KVIC to prepare a Standard Policy for Publicity / Propaganda under which gifts are given to VIPs / VVIPs and there should be a fair and transparent process for issuance of such items.
6.	**Central Board of Indirect Taxes and Customs (CBIC)**	(i) Measures to avoid fraud in drawback claims - In a case of Central Board of Indirect Taxes and Customs, related to alleged fraudulent drawback claims by certain unscrupulous exporters at Ludhiana Customs, the Commission observed that CBIC must take steps to avoid such fraudulent activities. CBIC has intimated that in order to avoid such type of frauds, CBIC has taken measures such as: (i) Change in Indian Custom EDI System (ICES); (ii) Changes in password security; (iii) Change in Export procedure; (iv) Changes in Drawback sanctioning procedure; (v) Surveillance: CCTV cameras with a backup for 30 days. Due to the above corrective steps, present system is working without any flaw. No cases of fraud have been detected thereafter at Ludhiana Customs. (ii) Complaints of Duty Drawbacks – A number of cases and complaints of Duty Drawback are being received in the Commission. On the advice of the Commission CBIC has setup a committee to look into the following issues and suggest/formulate measures/guidelines to prevent such incidents in future: (a) Fraudulent drawback claims by exporters without export of any goods by securing unauthorized access to the Electronic Data Interchange (EDI) system of department. (b) Improper examination/assessment of goods by CBIC officers. (c) Not following the system generated instructions and instructions of higher authorities by Examiners/Appraisers. (d) Prescribing suitable format for writing examination/ appraisal report.

		(iii) Devising mechanism for secured custody of seized gold / valuables at the Airport- A case of Pilferage/theft of seized gold at Bengaluru International Airport by customs officials indicating collective system failure at the Bengaluru Airport came to the notice of the Commission. On the advice of the Commission. CBIC has taken following steps for improvement of the system in order to prevent such type of incidents in future:- (a) A permanent custodian should be posted for proper management/better accountability instead of multiple Mishandled Baggage (MHB)/Godown officers. (b) Proper inventory should be taken by the designated MHB officer (custodian) at the airport godown/MHB godown. (c) The goods including gold should be properly handed over by the MHB officer (custodian) to the next batch MHB officer (custodian) under proper acknowledgement. (d) Double lock system, i.e. keeping one key with the custodian and another key with the superior officer i.e. batch Assistant/ Deputy Commissioner, shall be followed scrupulously. (e) Stock taking shall be ordered and got conducted by the Commissioner once in three months at the airport godown, KIAL(Private Airport), Bengaluru. (iv) Illegal import of Guns in violation of the Arms Act - While examining a serious case pertaining to Central Board of Indirect Taxes and Customs regarding illegal import of Guns in violation of the Arms Act and other regulations, the Commission observed that customs officers at Air Cargo Complex, Mumbai allowed import of consignments of "Blank Guns" in the name of "Electric Airsoft Toy Guns" without due diligence and in violation of the Import Policy as clearly mandated in the Compulsory Customs Requirements (CCRs). Commission observed that an investigation required into the matter which would reveal how such guns were purchased, keeping in view issues of national security. Secretary, CVC D.O. dated 09.07.2020 sent to Secretary, D/o Revenue to look into the matter and take appropriate action to introduce systemic improvement measures to avoid such incidents in future.

7.	**Canara Bank**	The Bank conducted investigations on account of slippage of 22 high value accounts with outstanding of Rs.41.72 crores to Non-Performing Asset Category (NPA) at one of its branch. The branch had sanctioned/renewed/enhanced working capital limits without proper assessment of turnover, pre-sanction due diligence and also failed to assess the credentials of the borrowers. Collateral securities were not inspected and discrete local enquiries were not made before accepting the same as security. There are large variations between the cost of acquisitions of collateral security. The Commission vide letter dated 21.08.2020, advised the CVO to take appropriate measures to enhance the effectiveness of concurrent audit and off-site monitoring to promptly detect violations of systems and procedures, so that timely action can be initiated by the Bank.
8.	**e-Syndicate Bank / Canara Bank**	While examining a case, the Commission observed that the borrower was accommodated by the Branch by violating bank guidelines which resulted in diversion of funds. The Commission vide letter dated 22.06.2020, advised the Bank to strengthen Concurrent Audit System to monitor/detect diversion of funds in large corporate borrowal accounts and shortfall in margin in case of Non- Fund based facilities.
9.	**Canara Bank**	A Government approved contractor company engaged in electrical service providing was sanction a limit of Rs.4.25 crores and Bank Guarantee limit of Rs.50.00 lacs. The company was also having Bill Discounting facility of Rs.13.00 crores with Tamil Nadu Industrial Investment Corporation (TIIC). The account became non performing and investigation was carried out. Investigation revealed that sanction limit was beyond delegated powers of the branch. While examining the case, the Commission observed that there is laxity/negligence on the part of the concerned officials/executives in adhering to laid down guidelines. Vide letter dated 24.06.2020, the Commission advised the Bank to strengthen internal control/concurrent audit system to promptly detect and report serious violations of vested powers.

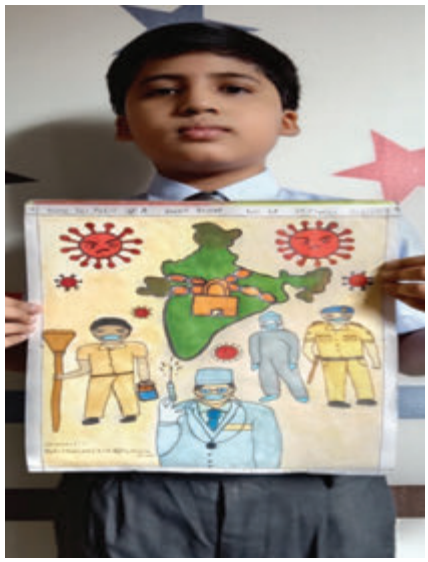
10.	**e-Syndicate Bank / Canara Bank**	A private limited company engaged in manufacturing of steel pipes and tubes under consortium arrangement was sanctioned Rs.40.00 crores as Term loan by the Board level executive under group exposure limit. The loan proceeds were released through current account after obtaining confirmation from the consortium lead bank about the compliance of the pre disbursal conditions by the company. The transactions were routed through the collection account specifically opened for this purpose. Working capital limit of Rs.70.00 crore was also sanctioned to the company comprising of fund and non fund based limits. Considering the volume of orders in hand, working capital limits were enhanced to Rs.79.00 crores. Forensic audit revealed that the company had spent working capital for purposes other than the working capital and advance payments were made where there was no transaction and company had overstated the stocks. Investigation revealed that the company had been indulging in fraudulent transactions and diverting money for non intended purposes. The reference seeking Commission's advice was examined and the Commission observed that the matter pertains to violation of systems and procedures which are already in place. Vide letter dated 12.06.2020, CVO was advised to consider placing a suitable check in the system to restrict further issue of Letter of Credits, in case existing Letter of Credits are overdue for payment. Interchanges of facilities beyond vested powers to be promptly flagged by internal audit so as to ensure corrective action in the matter. CVO was also advised to ensure compliance of guidelines by the staff, particularly in very large branches having Corporate advances and frame suitable policy within three months, if not in place.
11.	**Bank of Baroda**	On a complaint filed by a Bank, Central Bureau of Investigation had registered a RC against a private limited company. The Commission observed that several other banks had financed to the company and Self Contained Note was called from respective banks. Serious Fraud Investigation Office (SFIO) also informed the Commission that the Ministry of Corporate Affairs had ordered investigation into the affairs of 11 related companies. Investigation was ordered in view of the fact that the companies under investigation

		have not honoured the same and have diverted the money to offshore companies which are supposedly owned by the company under investigation and their Directors and thereby defrauded the banks. Investigation revealed that the main business activity and source of revenue generation for six companies of the group was from Merchanting Trade (MT) which involves purchasing and selling of goods on high seas without the goods entering the territorial waters of India. The participants in MT are an Indian Company/firm, foreign seller and foreign buyer, domestic bank and a foreign bank. MT transactions are guided by the circulars issued by RBI from time to time and also the Uniform Customs & Practices for Documentary Credit (UCPDC 600) guidelines issued by International Chamber of Commerce (ICC). The investigation revealed that most of the transactions of the company under investigation were with limited number of buyers, sellers and concerns which were inter-se related. Most of these foreign parties were controlled by the promoters of the company under investigation. The company under investigation and its promoters and other connected entities had undertaken the interest rate arbitrage without any genuine business activity of sale or purchase of goods under mercantile trade. Under the guise of MT, the company had created various bogus documents/entities in their books of accounts. The Commission vide letter dated 24.12.2020 advised RBI to consider to revisit guidelines of merchanting trade in view of the findings of SFIO and to devise a mechanism to detect fictitious Merchanting Trade, so that financing banks are able to initiate corrective measures.
12.	**Indian Overseas Bank**	A PIDPI complaint alleging misuse of official position by a Branch Manager and extending loans to her own circle of people and close relatives in violation of guidelines was sent to the CVO for investigation. Investigation revealed that huge amount of loans were disbursed by Branch Manager to her close relatives. Branch Manager also helped her family for doing bank transactions without signature and make operation of her parents' account (other branch accounts) through internal transactions. Various bank charges viz. DD charges, CIBIL charges, NEFT/RTGS charges were waived by the Branch Manager for her close relative without prior permission from authorities.

		Considering the grave violations of systems and procedures, the Commission vide letter dated 28.07.2020 advised the CVO to take steps to protect Bank's interest and to ensure that such types of cases involving misuse of official position by staff are dealt with suitably and expeditiously.
13.	**State Bank of India**	A Home loan was sanctioned without executing the tripartite agreement between the builder, buyer and the Bank. The loan was fully disbursed at one go without ensuring creation of equitable mortgage of the property with the Bank. The repayment in the account was irregular. During inspection, it was found that the property borrower has sold the property and left the station. The account became NPA with outstanding of Rs.13.99 lacs. The guarantor is also not traceable. As a systemic improvement measure, the Commission vide letter dated 17.08.2020 suggested the following to the CVO, SBI: (i) In case of Home loans for purchase of property, where the property cannot be registered immediately, Tripartite agreement should be obtained. (ii) The disbursement proceeds through Demand Draft should invariably be handed over to the builder/Seller.
14.	**State Bank of India**	In a case referred to the Commission about irregularities in discounting of Bills drawn under Inland Letter of Credit (ILCs) issued by a Bank, it was observed that the Bank had discounted 3 Bills amounting to Rs.37.48 crores without getting acceptance of bills of exchange by the drawee. The staff of negotiating bank did not obtain confirmation from the LC issuing Bank before negotiating the bills under LC resulting in Rs.37.48 crores turning NPA as LC opening bank did not honour the bills on the due dates. The case was declared as fraud and complaint was filed with CBI. While tendering advice in respect of erring officials, as a systemic improvement measure, the Commission advised the CVO as under: (i)Meaningfully scrutinize the documents as per the terms and conditions of LC. (ii)SOP for sanctioning of Bill discounting should be ensured. (iii)Control Returns to be submitted regularly and it should be scrutinized promptly by the Controlling Offices. (iv)Regular reconciliation of outstanding bills to be ensured.

15.	**Oriental Insurance Co. Ltd**	While examining a reference received in the Commission, it was observed that a registered vehicle met with an accident on or after 00 hrs of 19.05.2017. As per insurance policy the insured of the vehicle at the time of accident was one Mr A. But on verification of registration certificate, the ownership was transferred to one Mr B on 08.03.2017 but the same was not endorsed within the mandatory 14 days of transfer of ownership in registration certificate and the same was endorsed on 19.05.2017 at 15.00 hrs. Prior to endorsement of transfer of ownership from Mr A to Mr B stipulated underwriting guidelines viz inspection report, photograph of the vehicle and duly filled proposal have not been obtained. Therefore, the insured had not insurable interest at the time of accident and the claim settling officials, undermining the due principles of insurance have settled the claim of Rs.2.07 lacs which is otherwise not payable. Vide letter dated 09.06.2020 Commission advised the CVO to issue suitable preventive vigilance guidelines in respect of Underwriting Practices in various fields in Insurance Business to control the recurrence of such types of events in future.

Participation of school students in VAW 2020



Conference on Reforms in Public Procurement

08

PARTICIPATIVE VIGILANCE AND VIGILANCE AWARENESS WEEK

I Background

8.1 The Commission is committed to endeavor to contribute towards nation building and progress by combating corruption. It is of the view that to be a truly successful nation, all its citizens should have a deep-rooted sense of integrity and duty instilled in them from a young age. The Commission has always endeavored to attain a corruption free society through measures that not only penalize wrongdoing but also encourages and positively reinforces a sense of honesty and responsible patterns of behavior. Vigilance Awareness Week is observed every year during the week in which the birthday of Sardar Vallabhbhai Patel (31st October) falls.

8.2 Observance of Vigilance Awareness Week every year is part of a multi-pronged approach of the Commission to encourage all stakeholders to collectively participate in preventive vigilance measures and fight against corruption by raising public awareness about the gravity and damage caused by it.

II Vigilance Awareness Week 2020 (27th Oct, 2020 to 2nd Nov, 2020)

8.3 During the year 2020, the theme for Vigilance Awareness Week was **सतर्क भारत, समृद्ध भारत** – Satark Bharat, Samriddh Bharat (Vigilant India, Prosperous India). The Commission observed Vigilance Awareness Week to emphasize the importance of integrity in public life and to reiterate its commitment to implement the policy of "Zero Tolerance Against Corruption". In the message of the Commission dated 08.10.2020, it appealed to all citizens to actively work towards the promotion of integrity in all aspects of life for the progress of the country.

8.4 The President of India in his message on Vigilance Awareness Week 2020 expressed that Corruption has been regarded as one of the foremost hindrances to national development and progress. He emphasized the need to strive towards promotion of integrity and to combat corruption in all walks of life. The duty to be a vigilant citizen and prevent corruption of any form in the world around us was reiterated. In his message, he stated that an effective and pro-active vigilance machinery can contribute towards improving the quality of governance. The need to renew our commitment to achieve the goals of promoting integrity, transparency and accountability in public life for a better future was mentioned.

8.5 The Vice President of India stated during his message on Vigilance Awareness Week 2020 that the social and economic progress of a society is not possible without combating the menace of corruption in public life. A transparent and corruption free governance system is an essential tool for economic development and progress of a society or a country.

8.6 The Prime Minister of India in his message on Vigilance Awareness Week 2020 stated that our vision of development should be human-centric where the fruits of prosperity should reach everyone in an equitable manner. This can be realized only when 130 crore Indians remain aware and vigilant and perform their duties and responsibilities as proud citizens. It was pointed out that in the last few years, several outdated laws have been repealed and processes have been simplified. There has been a stress on utilizing technology optimally to improve Ease of Living and enhance Ease of Doing Business. Special attention was drawn to the importance of having vigilant citizens as equal partners to strengthen democratic processes for effective delivery. The Prime Minister reaffirmed his belief that the observance of the Vigilance Awareness Week will inspire people to rededicate themselves for the new work culture of transparency and responsibility.

8.7 In his message, on Vigilance Awareness Week 2020, the Central Vigilance Commissioner stated that all organizations may focus on improvement of internal processes through initiatives such as re-engineering of processes or updating their Standard Operating Procedures (SOPs). The need for all organizations to work on these changes and ensure maximum dissemination of action by uploading these initiatives on their websites was also stressed. The Commission called attention to the need for all organizations to look inwards and focus on housekeeping activities, use of technology for good governance, and making services online to reduce human interface and bring about transparency for the welfare and comfort of the common man.

8.8 The year 2020 posed the unprecedented challenge of lockdown due to the Covid-19 pandemic which prohibited physical gatherings. Since all organizations had to strictly adhere to strict Covid-19 guidelines, the Commission desired that there should be a focus on internal (housekeeping) activities which should be taken up in campaign mode as part of Vigilance Awareness Week over and above the usual activities of taking integrity pledges, debates, quizzes etc.

III Integrity Pledge

8.9 The concept of integrity pledges as a continuing campaign to prevent and combat corruption was introduced by the Commission during Vigilance Awareness Week 2016. Since then, Integrity Pledges are taken by citizens and organizations in large numbers. During Vigilance Awareness Week 2020, approximately 961772 citizens took the pledge.

IV Awareness Gram Sabhas

8.10 All organizations particularly public sectors banks were advised to organize "Awareness Gram Sabhas" to create awareness and to sensitize citizens on the ill effects of corruption. In 2020, approximately 3879 Gram Sabhas were organized during Vigilance Awareness Week. In these, there were meetings of Village Panchayat Members with Self Help groups, customers, Grahak Meetings, Displays of Banners/Hoardings/Posters where an overall sensitization against the evils of corruption were stressed. It was also ensured that all safety precautions regarding social distancing etc. norms for Covid-19 were followed.

V Awareness campaign in school and colleges

8.11 Even though schools were closed due to the Covid-19 pandemic, online activities such as quizzes, debates, cartoon and poster making competitions were conducted across the country. About 940 schools and 269 colleges with 71933 school students and 20020 college students participated. Prizes were distributed to motivate and inculcate in them the virtues of moral values, honesty, integrity and probity. To sustain the activities conducted in school and colleges and to ensure that ethical values were reinforced in the minds of youth "Integrity Clubs" were established in schools and colleges. A total of approximately, 103 integrity clubs were established during Vigilance Awareness Week 2020.

VI Housekeeping activities

8.12 At a time when the world was facing an unprecedented crisis of the pandemic, the Commission believed that citizens and organizations must look inwards and that all organizations should endeavor to focus on improvement of internal processes and activities. As such, an indicative list of 16 areas/activities (housekeeping activities) were issued to all organizations. These include land management (title of land, property, encroachment issues etc.), IT application for allotment of houses/quarters etc., Payments and other benefits to persons working in outsourced services in the organization, management of assets (Plant & Machinery, Office Equipment, Vehicles, Sundry Items, etc.), Leveraging Technology (IT usage and E-Governance), Scrutiny of Audit Reports, Up-dation of Rules, Regulations and guidelines, Systemic improvements etc. Appreciable progress was made by most of the organizations in these House Keeping activities.

Sl. No.	Activity
1.	Land Management
2.	Allotment of houses / quarters and related issues
3.	Payments and other benefits to persons working in outsourcing services in the organizations

4.	Management of Assets
5.	Complaints pending for investigation & Report (I&R) as on 01.09.2020 and Other Items Pending with CVOs
6.	Vigilance cases pending for further clarification to the CVC
7.	Major Penalty Proceedings
8.	Minor Penalty Proceedings
9.	CTE Inspections
10.	Preventive Vigilance measures undertaken by the CVOs
11.	If the organization runs schools, Hospitals etc – Whether prescribed policy for management is adhered to. – Not Applicable
12.	Gender sensitization issues
13.	Leveraging Technology- IT usage and E-governance
14.	Scrutiny of Audit reports
15.	Updation of Rules, Regulations and guidelines
16.	System improvements undertaken

8.13 As part of House Keeping activities, all organizations were asked to review the status of title deeds, revenue documents or records for the land(s) under their control. They were also asked to investigate how much land was under encroachment (if at all) and the steps taken to combat such encroachment. Organizations also detailed their policies for residential allotment and whether any IT applications were in vogue.

8.14 An attempt was made to enquire into compliance of all the organizations to prescribed norms for outsourcing. Condemnation of assets with specific reference to timelines and adherence to guidelines by different organizations were looked into.

8.15 Gender sensitization issues such as ensuring at least one female member of every Committee and holding regular meetings of sexual harassment Committees were taken up on priority basis.

8.16 Cases pending for I&R, major and minor penalty procedures and vigilance cases pending for further clarification to the CVC were also reviewed by organizations. CTE type intensive examinations were carried out by Chief Vigilance Officers in their organizations. Further, report on pending CTEs paras were submitted to the Commission.

8.17 Good progress was made by all organizations in these House Keeping activities. It bears highlighting that with regard to filing of annual property returns by officers/officials which was a priority area of the Commission, certain organizations such as ONGC showed 98.2% compliance while BHEL, SBI & Canara Bank showed 99% compliance in the year 2020.

8.18 Finalization of minor and major penalty proceedings, complaints pending for I&R and other vigilance cases were also undertaken in a mission mode in compliance with guidelines on timelines issued by the Commission.

8.19 Several organizations undertook novel initiatives to introspect from earlier incidents and bring about changes that would be taught to future employees as a preventive measure. For example, Indian Bank undertook 5 case studies with regards to issues and lapses which had occurred in the bank as an attempt to learn from them and bring about systemic reforms to prevent future occurrence of such cases. These case studies were published in "Indivigil" which was a special newsletter published by them on Vigilance Awareness Week 2020. This newsletter included analysis of high value frauds and suggestions for systemic improvement.

8.20 Indian Renewable Energy Development Agencies Limited modified their vendor portal to facilitate monitoring of bills processing. This was done as a new initiative for leveraging IT as a preventive vigilance tool.

8.21 Security Printing and Minting Corporation of India Ltd. (SPMCIL) under Department of Economic Affairs undertook the initiative of inviting bids through online platform. Further, with regards to issue of verifying travel bills at the time of claiming payment, it was decided that all bookings should be done through website/authorized travel agent and amount should be paid through credit/debit prepaid card/online banking only.

VII Initiatives on Systemic Improvements

8.22 The Commission has been motivating organisations to initiate systemic improvements, as a tool of preventive vigilance. Improvements suggested by organisations, and implemented by them, were given wide publicity, including displaying them in the websites of the organisations.

8.23 The Commission has also formed a Committee of 07 officers to monitor implementation of these improvements in organisations.

8.24 During the Vigilance Awareness Week, 2020, suggestions were invited from the general public for systemic changes. 83 suggestions were received, and are being examined and implemented, wherever feasible.

VIII Reforms on Public Procurement and Project Management

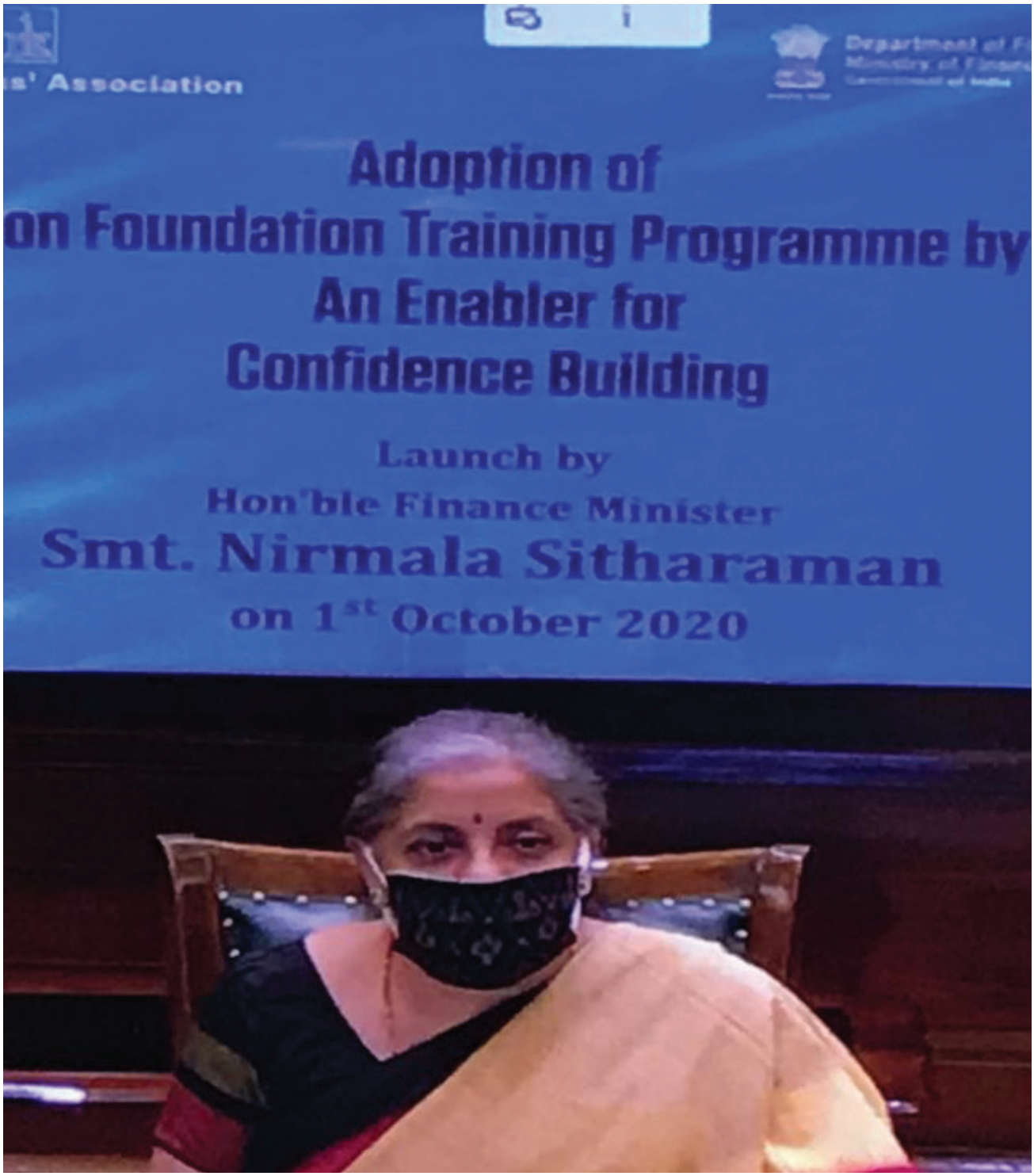
8.25 Taking into consideration the volume of Public Procurement in the country, a need was felt for reforms in procurement policy and practices which promotes efficiency and avoids mismanagement and wastage of funds. These concerns and challenges were also reflected in the analysis of the vigilance cases received in the Commission, Quarterly Progress Reports, etc.

8.26 A series of presentations were made by the Chief Technical Examiner before The Commission on the findings of Intensive Examination of various projects. With this background in mind, the Commission felt it appropriate to take forward these issues in consultation with various stakeholders and bring in policy guidelines. Therefore, with an objective to bring in long term systemic improvements in procurement and projects management, the Commission constituted a 20 members Core Committee of field level Senior Officers/Engineers from diverse organizations.

8.27 This 20-member committee was entrusted with the task of further developing the Concept Paper on reforms in Public Procurement and Project Management. Several rounds of intensive discussions later, the prepared Concept Paper was placed in a Workshop before a larger group of 50, consisting of Heads of various Organizations for further deliberations on 16th December 2020. A panel discussion was then held on the concept paper with policy makers of the country on 18th December 2020.

8.28 After consultations, and when broad consensus emerges amongst all stakeholders, it is proposed that Government to issue guidelines addressing the critical areas of concern. These proposed guidelines are envisioned as facilitators for change and reform in Public Procurement & Project Management.

Activities undertaken under Preventive Vigilance



Adoption of Common Foundation Training Programme by PSBs

Activities undertaken under Preventive Vigilance

09

KNOWLEDGE MANAGEMENT AND CAPACITY BUILDING

I Background

The Central Vigilance Commission (CVC), as the apex anti corruption institution monitors all vigilance activity under the Central Government as per its mandate. The Commission is assisted in the implementation of its mandate by Chief Vigilance Officers (CVOs) posted in various departments and central public sector enterprises, public sector banks and insurance companies. The appointment of CVOs is a continuous process and each year fresh appointments are made to fill vacancies that arise on completion of tenure of the incumbent CVO. In this background training and capacity building of the vigilance administration acquires great significance and accordingly taken up by the commission on a continuous basis for updating and refining the skill sets and knowledge base of the CVOs and Vigilance Officers.

9.1 Considering the importance of training, Commission has adopted a training policy in the year 2015 with a view to bridge competency gaps of the officers through both domestic and foreign training.

9.2 i) As per the Training Policy, opportunities for training are made available to officers posted in the Central Vigilance Commission and Vigilance Department of the organizations. To reinforce the importance of vigilance as a tool for good governance, officers working in vigilance and other departments of the Central Public Sector Enterprises, Public Sector Banks/Insurance Companies are also nominated for select training programmes.

ii) Induction training is being imparted to newly appointed CVOs to equip them to discharge their functions efficiently. Besides induction trainings, short-term thematic trainings, workshops and refresher courses are also being organized to build professional competencies among CVOs and officers posted in the Vigilance Department.

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

9.3. i) During 2020, the Commission continued and enhanced the training initiatives launched

in 2016 by providing training at reputed institutes to its officers and CVOs within the framework of the training policy. Irrespective of the outbreak of COVID-19 pandemic, keeping in mind, the safety of the participants, the Commission continues to impart training to the participants online which includes Induction Training Course for CVOs, customized programme for the Commission Staff etc.

ii) Apart from the domestic training, the Commission believes that the CVOs and officers working in the Commission require specialized vigilance related training and international exposure on best practices to update and upgrade their skills and knowledge. Such customized vigilance related trainings organized by the Commission are an important step for capacity building of officers. However, this year, the International Trainings could not be organized as per the directive from Department of Personnel & Training due to outbreak of COVID-19 pandemic.

9.4 Apart from the regular training programme, this year Commission focuses primarily on exposure visits and institutionalization of Preventive Vigilance Module as a part of Induction and Mid Career Training Programme across all the Government Organizations including Public Sector Undertakings and Public Sector Banks. The Commission formed a Committee and works towards exploring various Institutions like Delhi Metro Rail Corporation, National Diary Development Board, Anand, Gujarat etc. and finalization of Syllabus for the Attitudinal Change. Commission has also coordinated with Ministry of Rural Development finalized the syllabus for the village exposure visits through Rural Self Employment Training Institutes (RSETI).

9.5 Within the frame work of the Commission's training policy various domestic training programmes were organized in 2020. These include induction level training as well as customized training focused on specific areas of work relevant to vigilance / anti-corruption.

II Domestic Training Programmes for Vigilance Functionaries

9.6 A specialized training programme for 25 participants including 03 from the Commission and 22 CVOs from Public Sector Banks was organized at the Gujarat Forensic Sciences University (GFSU) from 06th to 10th January, 2020. Given the scale and complexity of issues facing the banking sector it is important to train and upgrade skills of officers in this sector. The training covered important and relevant areas such as "Offsite Surveillance in Banking", "Investigation of Net-Banking Frauds/ATM Frauds", "Latest Trends in Banking Frauds & its Investigation", Digital Forensic in Forensic Accounting etc. They were also made aware of the latest technologies which play a vital role in the banking sector.

9.7 The Commission organized a workshop on "Vigilance administration" of 5 days from 10th to 14th February, 2020 for officers (other than CVOs) in the Vigilance Department of various government organisations and PSUs at ISTM, Delhi. The workshop was attended

by 38 participants. This workshop included topics like "Overview of Conduct Rules and CCA/CDA Rules", "Preliminary Investigation by Vigilance Set up", "Legal Framework-Provision of PC Act, DSPE Act, PMLA Act", etc.

9.8 As the newly appointed CVOs come from varied backgrounds and services, with some working in vigilance administration for the first time, there is a need to impart in-depth training in important aspects of vigilance administration. A three(3) days online Induction training Course was organized through National Police Academy, Hyderabad for 31 CVOs from 19th to 21st October, 2020. The course provided an opportunity to newly appointed CVOs to get in depth knowledge on the role and functions of the Central Vigilance Commission and its field arms i.e. the CVOs. The programme also equips the CVOs to discharge their function effectively by giving a suitable overview of the relevant statutory provisions such as the CVC Act, PC Act, Conduct Rules and CCA/CDA Rules.

III Training Programmes for the Commission Staff

9.9 i) Apart from the training imparted to CVOs and vigilance functionaries of various Ministries/ PSUs/Banks, the Commission also organizes training for its own staff in order to widen their knowledge and skill base and enhance their efficiency. In this context, the Commission nominates its officers and staff for training programmes offered by National Productivity Council (NPC), Institute for Secretariat Training and Management (ISTM) etc. In the first quarter of year 2020, one(1) official has undergone training on "Public Procurement under GFR 2017" from 05th to 07th Feb, 2020 at ISTM and two(2) officers have undergone the residential programme conducted by National Productivity Council on "Preventive Vigilance, e-procurement & RTI Key to good Governance" from 15th to 19th Feb, 2020 at Jaisalmer.

ii) A customized one week online training programme was also organized for the PA Cadre of the Commission through ISTM from 14th to 18th December, 2020. The programme was attended by 21 participants. It covered Office Procedure (handling of receipts, file management, etc.), Noting & Drafting, E-office (receipt & file management in e-office), Conduct Rules, TA Rules, Communication Skills etc.

IV Inclusion of a Preventive Vigilance Module

9.10 i) The Commission strongly believes that successful organisations are those whose training systems are robust and focus on imparting skills and capacity required for the job. Therefore, the Commission has propagated the idea of a strong Induction and Mid-career training programme across all the Government organizations including Public Sector Undertakings and Public Sector Banks. The Commission has also emphasized the need for institutionalization of a preventive vigilance module and exposure visits to successful organizations and villages to bring in attitudinal change, in the officers, in all

the training programmes conducted by all the Government organizations.

ii) The Preventive vigilance modules developed by the Commission have been shared with various training institutions who are conducting induction training programmes for the newly inducted officers and mid-career training programme for in-service officers in Government and PSUs/PSBs. Ministry of Railways, NTPC Ltd, Steel Authority of India Ltd., Oil and Natural Gas Corporation, National Police Academy, National Academy of Customs, Indirect Taxes and Narcotics, Department of Post, and various other organizations have commenced the training on the preventive vigilance module The details programme conducted by some of the organizations are tabulated below:-

Sr. No.	Name of the Organisations / Ministries	Programmes conducted
1	**M/o Railways**	i. Conducted 2 days Preventive Vigilance (PV) Module as a part of their Mid Career Training Programme from 29th to 30th July,2020 ii. Conducted 2 days PV Module as a part of their Mid Career Training Programme from 09th to 10th Sept, 2020. iii. Conducted 2 days PV Module as a part of their Mid Career Training Programme from 19th to 20th Oct, 2020 iv. Conducted through CBI training for Railway Vigilance Officials from 16th to 18th Dec, 2020
2	**NTPC Ltd.**	i. Conducted 2 days PV Module as a part of their Mid Career Training Programme from 13th to 14th August, 2020. ii. Conducted 2 days PV Module as a part of their foundation course "Mid-Career planned Intervention" for their 4 batches in 4 sessions from 19th October to 08th Nov, 2020. iii. Conducted 2 days PV Module as part of their Mid Career Training Programme from 16th to 17th Nov, 2020. iv. Conducted 3 days online training programme on "Ethics in Public Service" through IC Centre for Governance from 28th to 30th Sept, 2020.
3	**Steel Authority of India Limited**	i. conducted 2 days PV module as a part of their MID Career training programme from 24th to 25th Sept, 2020 ii. conducted 2 days PV module as a part of their MID Career training programme from 08th to 09th October, 2020.
4	**National Police Academy**	i. Conducted 1 day PV Module as a part of their phase III/16th Mid Career Training Programme on 16.09.2020 ii. Conducted 1 day PV Module as a part of their phase III/17th Mid Career Training Programme on 15.12.2020

5	**Oil and Natural Gas Corporation**	Conducted 2 days PV Module for Inductee officers from 18th to 19th Nov, 2020.
6	**National Academy of Customs, Indirect Taxes & Narcotics**	Conducted 2 days PV Module for officers Trainees of 71st Batch of IRS(C&CE) from 14th to 16th October, 2020.
7	**Department of Post**	Conducted 5 days Training Module on Vigilance Administration which includes 2 days PV Module for IPoS Probationers from 12th to 16th October, 2020
8	**National Academy of Defence Production, Nagpur**	Conducted 2 days PV Module for the IOFS-2019 Batch Probationary officers from 26th to 27th Nov, 2020.
9	**Bharat Electronics Limited**	Conducted one day MID Career Training Programme on PV on 22.12.2020 for 63 executives.

V Uniform Induction Training Programme

9.11 The Commission has observed that the lack of a compulsory and uniform system of training at the entry level in different banks has led to a situation where the bank officials have often made errors resulting in vigilance cases. After detailed deliberations with the Indian Banks Association and with the active support of State Bank of India, a uniform one-year Induction training programme with a strong Preventive Vigilance and attitudinal change component, for the Probationary Officers has been developed. After adoption by the Boards of all the Public Sector Banks, this programme was launched by the Hon'ble Finance Minister on 1st October, 2020. It is also agreed by all the Banks that no officer will be given any independent posting with in six months after completion of the training.

VI Mid-Career training Programme

9.12 Commission has also emphasized the institutionalization of a structured mid-career training programme in the Banks and Public Sector Undertakings where the officers of same batch/level can share their experiences among themselves after 7-10 years, 16-19 years and 25-30 years of service.

VII Exposure Visits for Attitudinal Change

9.13 i)The Commission firmly believes officers/executives who join any Government organization must be exposed to the good practices adopted in organizations like National Dairy Development Board and Delhi Metro Rail Corporation and to village life, both at induction and mid-career training stage to inculcate the necessary attitudinal changes and ethics. The exposure visit to villages are proposed to be organized through Rural Self Employment Training Institutes under the Ministry of Rural Development.

ii) During the Vigilance Awareness Week-2020, a 5 member Committee was constituted by the Commission to finalize the syllabus for Attitudinal change/village visit modules. After wide consultations a 5 day exposure visit module for the induction training, and 3 days exposure visit module for the mid-career training has been finalized. The finalized modules have been shared with DMRC and NDDB for conducting the exposure visits.

iii) Commission has observed that the total number of trainees for the village exposure visits would be very large as there are more than 200 Public Sector Undertakings, 13 Public Sector Banks and other Government organizations like Railways, Posts etc. Hence, it would not be possible to achieve village exposure only through Institutions like National Dairy Development Board and Delhi Metro Rail Corporation. Therefore, the Commission is also planning to involve Rural Self Employment Training Institutes (RSETI) set up by Department of Rural Development in most of the districts across the country for organizing the village exposure.

The Commission in coordinating with Ministry of Rural Development is developing two RSETI modules for duration 5 days (3 night at village) at Induction Level and 3days (2 night at village) at Mid Career Level. The village visit will include interaction with farmers, Self Help Groups, Primary Heath Centers, Village Panchayat, Familiarization with the village scheme , Socio Economic Survey by the participants etc.

9.14 The Commission's focus on the necessity for every officer and staff of every Government organization to undergo training on Preventive Vigilance and attitudinal change during their Induction and mid-Career Training Programme compulsorily. It is believed that this will bring a change in the organizational culture and help in reducing and preventing the occurrence of incidents of corruption/misconduct.

GUJARAT FORENSIC SCIENCES UNIVERSITY

SECTOR-9, GANDHINAGAR, GUJARAT STATE.

Training Program on "Effective Vigilance" for Vigilance Officers of Banking/Insurance Sector from 06/01/2020 to 10/01/2020

INSTITUTE OF SECRETARIAT TRAINING & MANAGEMENT, NEW DELHI

CVC Sponsored Training Programme on Vigilance Administration

(10th to 14th February, 2020)

Conference on Reforms in Public Procurement

10

EPILOGUE

Central Vigilance Commission, as the Apex Integrity Institution, has been laying lot of emphasis on transparency, objectivity, uniformity and fairness in approach, apart from timely finalization of vigilance related matters. Such an approach not only ensures smooth and effective Vigilance Administration, but also goes a long way in making the system of governance transparent, ethical, objective, accountable, responsive and answerable to the public, besides ensuring effective anti-corruption measures.

2. Central Vigilance Commission, in its constant endeavor to evolve and implement strategies for effective Vigilance Administration, initiated many such steps in the year 2020. After due deliberations, the efforts have finally culminated into issuance of important guidelines in the initial months of the calendar year 2021.

3. The important aspects of the guidelines, as issued in the initial stages of 2021 are summed up below:-

(a) The Commission issued Circular No. 04/04/21 dated 06.04.2021 to ensure transparency, to promote healthy competition and to provide fair and equitable treatment to all interested parties in matters of public procurement. In the guidelines, it has been directed that all works/purchase/consultancy contracts awarded on nomination basis should be brought to the notice of the authorities concerned for information. A report in this regard is to be submitted to Chief Executive or to the Managing Body of the organisation concerned, as the case may be. Commission's guidelines also prescribe for audit of at least 10% of such nomination based contracts.

(https://cvc.gov.in/sites/default/files/005crd19KkkK.pdf).

(b) The experience in the Commission has been that, many a times the complainants in their complaints indicate towards serious misconducts having vigilance angle but fail to provide adequate information to support the allegation. The Commission has, therefore, decided that in such complaints a factual report is to be obtained from the organizations concerned, based on available records, in a time bound manner. On receipt of the factual report, the same is scrutinized in the Commission and then a final decision is taken to either seek a proper investigation report or to recommend any other action as may be deemed fit.

(c) The Commission is of the view that for a new entrant in service, the guidance, support and positive orientation provided by senior can go a long way in developing personal and professional traits, which ultimately results in development of leadership qualities, improved performance at workplace and capability to face professional challenges. Hence, the Commission has recommended for adoption of a formalized/ well constituted mentorship scheme, where a senior, as a mentor, acts like a friend, philosopher and guide to new incumbent. The mentor can help the mentee with the correct service attitude, impart key professional skillsets, give guidance on expected norms of personal conduct in public life through experience sharing. This would enable better emotional response to challenges in service and support an officer to achieve their potential in contributing as a public servant. The Commission has recommended the scheme initially for newly inducted officers of All India Service, Group 'A' officers and their equivalent in other government organizations, Public Sector Undertakings and Public Sector Banks also.

(d) The Commission has experienced that in case a complaint is made against a government employee, the same remains pending in the organisation for a long time and many a times, finally results in 'no action'. Such delays are not only detrimental to the morale of the employee, but also result in delay/denial of Vigilance Clearance of the employee concerned. Hence, the Commission vide its Office Memorandum No. 021-AIS-1(2) dated 19th April, 2021 has issued instructions for timely action on complaints as per time-limit prescribed by and in accordance with the instructions issued by Central Vigilance Commission and Department of Personnel and Training from time to time.

The Chief Vigilance Officers have also been directed to submit detailed numerical data about the complaints received and dealt with by them, in the Quarterly Performance Reports being submitted by them to the Commission.

(https://cvc.gov.in/sites/default/files/doc00925120210419210438.pdf).

(e) Central Vigilance Commission has observed that undue long stay of an official in sensitive post, particularly in Vigilance units, has the potential of developing vested interests, apart from giving rise to unnecessary complaints/allegations etc. Hence, in order to ensure transparency, objectivity and uniformity in approach, the Commission, vide Circular No. 03/04/21 dated 05.04.2021 issued guidelines limiting the tenure of personnel in Vigilance Units to three years at one place and a maximum of six years, if spread over different locations. The Commission has also allowed that Vigilance Personnel may be considered for deputation, subject to the policies of the organisations concerned.

(https://cvc.gov.in/sites/default/files/circularkk.pdf).

(f) The Commission has been giving due importance to timely finalization of disciplinary proceedings. The Commission reviews the processes regularly and takes all possible

steps to ensure that the disciplinary proceedings, once initiated are taken to logical conclusion within the prescribed time limit.

Therefore, in order to have the disciplinary cases expedited, the Commission vide its Circular No. 02/03/21 dated 08.03.2021 directed the organizations concerned that at the time of approaching UPSC for advice, in respect of those cases, where Central Vigilance Commission's First Stage Advice was sought and obtained, the fact that the particular case was based on the First Stage Advice given by the Central Vigilance Commission must be highlighted. This step would ensure that the case receives due attention with the authorities in UPSC and advice of UPSC is tendered on priority basis.

(https://cvc.gov.in/sites/default/files/14-vgl-061.pdf).

(g) The Commission has been emphasizing on a robust training system for government employees, which is important for any organization to succeed in its objective and functioning. In order to bring about attitudinal change in employees, the Commission strongly advocates the idea of exposing them to good practices through induction and mid-career training programmes. With this aim, the Commission has finalized a five days exposure visit module for induction training and 3 days exposure visit module for mid-career training. National Dairy Development Board and Delhi Metro Rail Corporation have been earmarked as the agencies to impart training to the employees of the organizations concerned.

Further, in order to expose the employees to village life, the Commission has involved Rural Self Employment Training Institutes (RSETI), set up by Department of Rural Development. The village visit is to include interaction with farmers, Self Help Groups, Primary Health Centres, Village Panchayat, Familiarization with the village scheme, Socio Economic Survey by the participants etc.

(h) It has been observed that sometimes, government organisations, in order to meet their functional requirement and to use the expertise of retired government officials, hire them on contractual basis as advisor/consultant etc. In the absence of a defined procedures for seeking vigilance inputs before engaging retired government officials, there are occasions when officials with questionable credentials are engaged by the government organisations, which is against the tenets of fairness and probity, the basic principle governing the functioning of government organisations. The Commission has therefore decided that a uniform procedure be adopted for engaging the services of retired officers, especially those belonging to All India Services or Group 'A' Officers of Central Government or its equivalent in other govt. organizations. The procedure would involve seeking Vigilance Clearance from the employer organisation and from Central Vigilance Commission.

(i) The Central Vigilance Commission, in order to ensure transparency, competitiveness and priority in public procurement activities, has recommended adoption of Integrity

Pact (IP) by Central Govt. Organizations. IP is primarily an agreement between the buyer organization and prospective vendor committing them not to indulge in corrupt practices in any manner. Central Vigilance Commission, vide its Circular No. 02/01/2017 dated 13.01.2017 had placed in public domain, a detailed Standard Operating Procedure (SOP) for adoption of IP. The I.P. envisages an important role for Independent External Monitor (IEM), which includes resolving issues raised by an intending bidder regarding any aspect of the tender which allegedly restricts competition or indicates a biased approach favouring certain bidders. Central Vigilance Commission is maintaining a panel of eligible and eminent persons of integrity, for consideration for nomination as IEMs in the organizations, as per need. In order to further strengthen the concept of Integrity Pact and bring about more clarity regarding the role of IEMs, the Commission is in the process of further revising the SOP for Integrity Pact.

(https://cvc.gov.in/sites/default/files/CVC%20Circular%20on%20Integrity%20Pact%20SOP-vide%20No.%20%20015-VGL-091%20dt.%2013.01.2017.pdf).

(j) Department of Expenditure has issued guidelines on Air Travel on Official Tours and purchase of air ticket from authorized agents, which are applicable to the ministries/ departments of Govt. of India. The Central Public Sector Enterprises, Public Sector Banks, Insurance Companies, other Financial Institutions etc. are not covered under the guidelines. It has been noticed by the Commission that there have been occasions when the private travel agencies engaged by Public Sector Enterprises present inflated, forged and fabricated bills/claims, which remain undetected. The Commission has issued guidelines to all organizations to closely scrutinize the invoices/bills presented by private travel agents and ensure that neither forged bills are presented, nor the amount indicated in the bills is inflated.

(k) The Chief Technical Examiner Organization of the Commission conducts intensive examination of the various procurement contracts of the Central Government organizations. Intensive examination requires inspection of tender documents/records etc. apart from physical inspection. The intensive examination is aimed at ensuring that procurement activities being undertaken by the organizations concerned are as per the rules/regulations applicable for such activities. In order to ensure prompt finalization of intensive examination reports and all subsequent actions, Central Vigilance Commission, vide its Circular No. 05/05/21 dated 06.05.2021 has specified time limit for various activities relating to intensive examination and subsequent actions. All the organizations are required to adhere to the timeline given by the Commission.

(https://cvc.gov.in/sites/default/files/021VGL032.pdf).

APPENDIX

Conference on Reforms in Public Procurement and Project Management

Appendix-I

(Para 1.25)

Group wise Staff strength and related information, as on 31.12.2020 in the Central Vigilance Commission

	Group A	Group B	Group C (Other than Multi Tasking Staff)	Group C (Multi Tasking Staff)	Total
Sanctioned Strength	65	108	69	73	315
Officials in position	52	87	47	61	247
Percentage Vacancy	20	19.44	31.88	16.43	21.58

Appendix II

(Para 2.26)

Department-Wise Details Of Punishments Imposed During 2020 In Respect Of Cases Where Commissions Advice Was Obtained

S. No.	Name of the Department/Organization	Prose-cution	Major Penalty	Minor Penalty	Adminis-trative Action
1	AIRPORTS AUTHORITY OF INDIA	0	12	44	98
2	ALLAHABAD BANK (NOW INDIAN BANK)	0	3	1	1
3	ANDAMAN & NICOBAR ADMN	0	3	3	2
4	ANDHRA BANK (NOW UNION BANK OF INDIA)	0	2	4	0
5	BANK OF BARODA	14	25	19	0
6	BANK OF INDIA	3	44	13	1
7	BANK OF MAHARASHTRA	0	12	3	1
8	BEML LTD.	1	0	0	1
9	BHARAT COKING COAL LTD.	0	29	16	14
10	BHARAT HEAVY ELECTRICALS LTD.	0	6	9	0
11	BHARAT SANCHAR NIGAM LIMITED	1	21	0	0
12	BUREAU OF INDIAN STANDARDS	0	2	0	0
13	CABINET SECRETARIAT	0	0	4	0
14	CANARA BANK	5	74	47	31
15	CENTRAL BANK OF INDIA	0	26	0	1
16	CENTRAL BOARD OF DIRECT TAXES	10	12	8	3
17	CENTRAL BOARD OF INDIRECT TAXES & CUSTOMS	20	59	44	2
18	CENTRAL BUREAU OF INVESTIGATION (CBI)	1	0	0	0
19	CENTRAL COALFIELDS LTD	0	3	5	0

20	CENTRAL COUNCIL FOR RES. IN AYURVEDA & SIDDHA	0	2	0	0
21	CENTRAL RESERVE POLICE FORCE	0	2	0	0
22	CENTRAL SOCIAL WELFARE BOARD	0	0	1	0
23	CHENNAI PORT TRUST	0	5	4	8
24	COAL INDIA LTD.	0	11	4	35
25	SOUTH EASTERN COALFIELDS LTD.	0	10	17	2
26	COCHIN PORT TRUST	0	0	0	1
27	COMPTROLLER & AUDITOR GENERAL OF INDIA (CAG)	1	6	0	0
28	CONTROLLER GENERAL OF ACCOUNTS	0	1	0	0
29	CONTROLLER GENERAL OF DEFENCE ACCOUNTS (CGDA)	1	15	0	0
30	CORPORATION BANK (NOW IN UNION BANK OF INDIA)	1	8	0	0
31	COTTON CORPORATION OF INDIA LTD.	3	0	0	0
32	COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH	0	2	1	0
33	D.S.I.D.C	0	0	3	0
34	DAMAN & DIU ADMN	0	2	2	0
35	DAMODAR VALLEY CORPORATION	0	6	4	2
36	DELHI DEVELOPMENT AUTHORITY	0	2	2	0
37	DELHI JAL BOARD	0	37	2	0
38	DELHI TRANSCO LTD. IPGCL	0	1	1	0
39	DELHI URBAN SHELTER IMPROVEMENT BOARD	0	3	0	0
40	DEPARTMEN OF COAL	4	50	4	0
41	DEPARTMENT OF AYUSH & HOMEOPATHY	0	5	5	0
42	DEPARTMENT OF COMPANY AFFAIRS	0	1	0	0
43	DEPARTMENT OF DISABILITY AFFAIRS	0	3	0	0

44	DEPARTMENT OF FINANCIAL SERVICES (DFS)	4	2	0	0
45	DEPARTMENT OF HEAVY INDUSTRY	0	0	1	0
46	DEPARTMENT OF INDUSTRIAL POLICY & PROMOTION	3	0	0	0
47	DEPARTMENT OF PERSONNEL & TRAINING	6	7	3	5
48	DEPARTMENT OF POSTS	0	15	3	0
49	DEPARTMENT OF SECONDARY & HIGHER EDUCATION & DEPPTT. OF ELEMENTARY EDU. AND LITERACY	0	1	1	0
50	DEPARTMENT OF YOUTH AFFAIRS & SPORTS	0	1	0	0
51	DEPARTTMENT OF HEALTH	2	2	0	0
52	DEPARTMENT OF AGRICULTURE & CORP.	0	1	2	0
53	DEPARTMENT OF ATOMIC ENERGY	1	4	0	2
54	DEPARTMENT OF COMMERCE (SUPPLY DIVISION)	1	1	0	0
55	DEPTT. OF DEFENCE PRODUCTION	0	15	2	0
56	DEPARTMENT OF ECONOMIC AFFAIRS	1	0	0	0
57	DEPARTMENT. OF FERTILIZERS	0	9	2	0
58	DEPARTMENT OF REVENUE	0	2	0	0
59	DEPARTMENT OF TELECOMMUNICATIONS SERVICES	0	6	0	0
60	DTTDC	0	1	0	0
61	EASTERN COALFIELDS LTD.	0	10	3	3
62	ELECTRONICS CORPN. OF INDIA LTD.	0	0	0	2
63	EMPLOYEES PROVIDENT FUND ORGN.	1	12	1	0
64	EMPLOYEES STATE INSURANCE CORPORATION	0	1	1	2
65	ENGINEERS INDIA LTD.	0	0	0	1
66	EXPORT INSPECTION COUNCIL OF INDIA	0	3	0	0

67	FERTILIZERS & CHEMICALS TRAVANCORE LTD	0	0	1	0
68	FOOD CORPORATION OF INDIA	1	1	1	0
69	GAS AUTHORITY OF INDIA LTD.	0	5	2	1
70	GOVT. OF N.C.T OF DELHI	0	2	1	0
71	GOVT. OF PUDUCHERRY	0	0	2	1
72	HEAVY ENGINEERING CORPORATION LTD.	0	2	1	0
73	HINDSUTAN COPPER LTD.	0	3	8	1
74	HINDUSTAN AERONAUTICS LTD (HAL)	0	0	8	0
75	HINDUSTAN FERTILIZERS CORPORATION LTD.	0	4	1	0
76	HINDUSTAN LATEX LTD	1	0	0	0
77	HOUSING & URBAN DEV. CORPN. LTD.	0	1	0	0
78	IFCI LTD	0	4	0	0
79	INDIA TOURISM DEVELOPMENT CORPN. LTD	0	2	0	0
80	INDIAN BANK	29	29	12	0
81	INDIAN COUNCIL OF AGRICULTURAL RESEARCH	0	6	0	1
82	INDIAN OIL CORPN. LTD	0	2	5	6
83	INDIAN OVERSEAS BANK	4	52	3	1
84	INDIAN RAILWAY CATERING & TOUR CORP LTD.	4	2	2	0
85	INDIAN RENEWABLE ENERGY DEVELOPMENT AGENCY LTD.	0	0	0	1
86	INDIRA GANDHI NATIONAL OPEN UNIVERSITY	0	0	0	2
87	INDUSTRIAL DEVELOPMENT BANK OF INDIA	1	23	7	0
88	KENDRIYA VIDYALAYA SANGATHAN	0	1	1	1
89	KHADI & VILLAGE INDUSTRIES COMMISSION	0	14	2	2
90	KOLKATA PORT TRUST	0	2	4	0

91	KONKAN RAILWAY CORPORATION LTD	0	0	4	0
92	LAKSHWADEEP ADMN	1	3	6	0
93	LIFE INSURANCE CORPORATION	5	3	7	1
94	M.C.D NORTH	0	13	1	2
95	M.C.D EAST DELHI	0	4	0	3
96	M.C.D SOUTH DELHI	0	9	5	2
97	MADRAS FERTILIZERS LTD.	0	1	0	0
98	MAHANADI COALFIELDS LTD.	0	2	8	10
99	MANGLORE REFINERIES & PETROCHEMICALS LTD.	0	1	0	0
100	MAULANA AZAD NATIONAL INSTITUTE OF TECH. BHOPAL	0	0	0	1
101	MEDICAL COUNCIL OF INDIA	0	1	0	0
102	METAL SCRAP TRADE CORPORATION	0	0	2	1
103	METALLURGICAL ENGG. CONSULTANS INDIA LTD.	0	1	10	1
104	MILITARY ENGINEER SERVICES	2	1	0	0
105	MINISTRY OF CIVIL AVIATION	0	2	1	0
106	MINISTRY OF COMMERCE	2	0	0	0
107	MINISTRY OF DEFENCE	2	0	0	0
108	MINISTRY OF EARTH SCIENCES	0	0	3	0
109	MINISTRY OF EXTERNAL AFFAIRS	0	1	0	1
110	MINISTRY OF HOME AFFAIRS	2	12	4	0
111	MINISTRY OF INFORMATION & BROADCASTING	0	3	0	1
112	MINISTRY OF PETROLEUM & NATURAL GAS	0	0	1	0
113	MINISTRY OF RAILWAY	6	127	60	115
114	MINISTRY OF SHIPPING	0	3	3	0

115	MINISTRY OF SMALL SCALE INDUSTRY & AGRO & RURAL INDUSTRIES	1	0	0	0
116	MINISTRY OF HOUSING & URBAN AFFAIRS	2	30	8	0
117	MINISTRY OF TOURISM	0	3	1	0
118	MINISTRY OF WATER RESOURCES	0	1	0	0
119	NATIONAL BUILDINGS CONSTRUCTION CORPN.	0	0	1	0
120	NATIONAL FERTILIZERS LTD.	0	4	0	0
121	NATIONAL HIGHWAY AUTHORITY OF INDIA	0	5	2	2
122	NATIONAL HYDRO-ELECTRIC POWER CORPN. LTD.	0	0	0	2
123	NATIONAL INSTITUTE OF FASHION TECHNOLOGY	0	4	0	0
124	NATIONAL INSURANCE CO. LTD.	0	2	0	0
125	NATIONAL PROJECTS CONSTRUCTION CORPN. LTD.	0	0	3	0
126	NATIONAL THERMAL POWER CORPN. LTD.	0	4	33	33
127	NEHRU YUVAK KENDRA SANGATHAN	0	1	0	0
128	NEW DELHI MUNICIAPL COUNCIL (NDMC)	0	6	7	0
129	NEW INDIA ASSURANCE CO. LTD.				
130	NEYVELI LIGNITE CORPOATION LTD.	0	0	5	23
131	NORTHERN COALFIELDS LTD.	0	5	4	0
132	NUCLEAR POWER CORPN. OF INDIA LTD.	0	10	18	1
133	OIL & NATURAL GAS CORPN. LTD.	0	10	2	0
134	ORDNANCE FACTORY BOARD	0	1	0	0
135	ORIENTAL BANK OF COMMERCE (NOW PNB)	3	12	6	0
136	ORIENTAL INSURANCE CO. LTD.	0	4	1	1
137	PARADEEP PORT TRUST	0	2	0	0

138	POWER GRID CORPN. OF INDIA LTD.	0	1	18	16
139	PRASAR BHARATI	0	1	5	13
140	PROJECTS & EQUIPMENT CORPN. OF INDIA LTD.	0	2	1	0
141	PUNJAB & SIND BANK	0	5	0	0
142	PUNJAB NATIONAL BANK	46	58	34	0
143	RAIL INDIA TECHNICAL & ECONOMIC SERVICES LTD.	0	0	0	1
144	RASHTRIYA ISPAT NIGAM LTD.	0	0	0	1
145	SATLAJ JAL VIDUT NIGAM LTD.	0	0	1	12
146	SHIPPING CORPORATION OF INDIA LTD.	0	2	0	0
147	SMALL INDUSTRIES DEELOPMENT BANK OF INDIA (SIDBI)	0	11	11	0
148	SOUTH EASTERN COALFIELDS LTD.	0	10	17	2
149	SPMCIL	0	1	0	0
150	SPORTS AUTHORITY OF INDIA	0	1	1	0
151	STATE BANK OF INDIA	6	167	50	0
152	STEEL AUTHORITY OF INDIA LTD.	0	7	24	1
153	SYNDICATE BANK (NOW CANARA BANK)	0	16	8	1
154	UCO BANK	5	33	11	0
155	UNION BANK OF INDIA	26	25	14	0
156	UNITED BANK OF INDIA (NOW PNB)	0	16	0	1
157	UNITED INDIA INSURANCE CO. LTD.	0	2	3	0
158	URANIUM CORPN. OF INDIA LTD.	0	3	0	0
159	VIJAY BANK (NOW BOB)	0	0	3	0
160	WESTERN COALFIELDS LTD.	0	3	2	2
	Total	233	1408	759	485

Appendix-III-A (i)

Details of Complaints sent by CVC for NA to CVOs in 2020

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	58	40	18	8
2	BANKS	1021	913	108	22
3	CBDT	172	147	25	21
4	CBIC	127	83	44	0
5	CHEMICALS & FERTILIZERS	14	11	3	2
6	CIVIL AVIATION	51	40	11	10
7	COAL	478	431	47	11
8	COMMERCE & INDUSTRY	27	22	5	3
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	22	22	0	0
10	DEFENCE	542	524	18	4
11	DEPARTMENT OF ATOMIC ENERGY	67	23	44	18
12	EARTH SCIENCES	15	4	11	10
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	157	87	70	70
14	FINANCE	166	128	38	22
15	GOVT. OF NCT DELHI	733	559	174	67
16	HEALTH & FAMILY WELFARE	28	11	17	5
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	44	39	5	0
18	HOUSING AND URBAN AFFAIRS	643	469	174	133

19	HUMAN RESOURCE DEVELOPMENT	100	67	33	17
20	INFORMATION & BROADCASTING	48	39	9	6
21	INSURANCE	270	245	25	4
22	JAL SHAKTI	10	5	5	1
23	LABOUR	305	297	8	0
24	LOCAL BODIES EXCEPT G.N.C.T.D.	1124	1094	30	19
25	MHA	52	44	8	6
26	MINES	28	25	3	0
27	MINISTRY OF AYUSH	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	4	0	4	4
29	MINISTRY OF CULTURE	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	24	20	4	1
31	MINISTRY OF EXTERNAL AFFAIRS	11	3	8	8
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	4	4	0	0
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
36	MINISTRY OF TEXTILES	42	27	15	13

37	MINISTRY OF TRIBAL AFFAIRS	5	3	2	2
38	MISCELLANEOUS	0	0	0	0
39	NEW AND RENEWABLE ENERGY	1	1	0	0
40	PERSONNEL, P.G. & PENSIONS	0	0	0	0
41	PETROLEUM	253	216	37	22
42	POSTS	178	178	0	0
43	POWER	159	150	9	3
44	RAILWAYS	32	28	4	1
45	ROAD TRANSPORT & HIGHWAYS	77	65	12	6
46	RURAL DEVELOPMENT	0	0	0	0
47	SCIENCE & TECHNOLOGY	131	90	41	14
48	SHIPPING	77	58	19	10
49	SOCIAL JUSTICE & EMPOWERMENT	2	2	0	0
50	STEEL	125	118	7	1
51	TELECOMMUNICATION	340	280	60	11
52	TOURISM	0	0	0	0
53	UNION TERRITORIES OTHER THAN DELHI	60	49	11	1
54	YOUTH AFFAIRS & SPORTS	25	12	13	13
	Total	**7852**	**6673**	**1179**	**569**

Appendix III-A (ii)

Details of Complaints received by CVOs and dealt with by CVOs in 2020

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	255	166	89	38
2	BANKS	5439	4995	444	186
3	CBDT	1851	793	1058	878
4	CBIC	542	482	60	23
5	CHEMICALS & FERTILIZERS	126	98	28	17
6	CIVIL AVIATION	3006	2942	64	32
7	COAL	4508	4016	492	215
8	COMMERCE & INDUSTRY	83	69	14	11
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	815	539	276	201
10	DEFENCE	1535	1460	75	23
11	DEPARTMENT OF ATOMIC ENERGY	335	195	140	106
12	EARTH SCIENCES	34	8	26	25
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	149	82	67	67
14	FINANCE	1566	1219	347	115
15	GOVT. OF NCT DELHI	3436	2854	582	165
16	HEALTH & FAMILY WELFARE	209	153	56	19
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	294	274	20	0
18	HOUSING AND URBAN AFFAIRS	3548	2311	1237	956

19	HUMAN RESOURCE DEVELOPMENT	793	382	411	68
20	INFORMATION & BROADCASTING	106	89	17	6
21	INSURANCE	711	693	18	1
22	JAL SHAKTI	12	10	2	1
23	LABOUR	2762	2553	209	55
24	LOCAL BODIES EXCEPT G.N.C.T.D.	6454	5525	929	762
25	MHA	26820	14774	12046	7172
26	MINES	158	146	12	1
27	MINISTRY OF AYUSH	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	164	76	88	69
29	MINISTRY OF CULTURE	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	81	36	45	4
31	MINISTRY OF EXTERNAL AFFAIRS	118	31	87	71
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	12	4	8	8
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	74	74	0	0
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
36	MINISTRY OF TEXTILES	71	55	16	13

37	MINISTRY OF TRIBAL AFFAIRS	14	10	4	4
38	MISCELLANEOUS	0	0	0	0
39	NEW AND RENEWABLE ENERGY	34	33	1	1
40	PERSONNEL, P.G. & PENSIONS	13	10	3	0
41	PETROLEUM	2294	1912	382	184
42	POSTS	530	530	0	0
43	POWER	412	365	47	11
44	RAILWAYS	289	267	22	7
45	ROAD TRANSPORT & HIGHWAYS	303	232	71	27
46	RURAL DEVELOPMENT	0	0	0	0
47	SCIENCE & TECHNOLOGY	468	394	74	24
48	SHIPPING	456	397	59	26
49	SOCIAL JUSTICE & EMPOWERMENT	9	6	3	2
50	STEEL	1008	942	66	15
51	TELECOMMUNICATION	1219	1102	117	37
52	TOURISM	50	38	12	9
53	UNION TERRITORIES OTHER THAN DELHI	495	435	60	0
54	YOUTH AFFAIRS & SPORTS	82	42	40	38
	Total	**73743**	**53819**	**19924**	**11693**

Appendix III-A (iii)

Details of Complaints received in respect of all Categories of officers/employees in 2020

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	313	206	107	46
2	BANKS	6460	5908	552	208
3	CBDT	2023	940	1083	899
4	CBIC	669	565	104	23
5	CHEMICALS & FERTILIZERS	140	109	31	19
6	CIVIL AVIATION	3057	2982	75	42
7	COAL	4986	4447	539	226
8	COMMERCE & INDUSTRY	110	91	19	14
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	837	561	276	201
10	DEFENCE	2077	1984	93	27
11	DEPARTMENT OF ATOMIC ENERGY	402	218	184	124
12	EARTH SCIENCES	49	12	37	35
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	306	169	137	137
14	FINANCE	1732	1347	385	137
15	GOVT. OF NCT DELHI	4169	3413	756	232
16	HEALTH & FAMILY WELFARE	237	164	73	24
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	338	313	25	0

18	HOUSING AND URBAN AFFAIRS	4191	2780	1411	1089
19	HUMAN RESOURCE DEVELOPMENT	893	449	444	85
20	INFORMATION & BROADCASTING	154	128	26	12
21	INSURANCE	981	938	43	5
22	JAL SHAKTI	22	15	7	2
23	LABOUR	3067	2850	217	55
24	LOCAL BODIES EXCEPT G.N.C.T.D.	7578	6619	959	781
25	MHA	26872	14818	12054	7178
26	MINES	186	171	15	1
27	MINISTRY OF AYUSH	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	168	76	92	73
29	MINISTRY OF CULTURE	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	105	56	49	5
31	MINISTRY OF EXTERNAL AFFAIRS	129	34	95	79
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	12	4	8	8
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	78	78	0	0
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0

36	MINISTRY OF TEXTILES	113	82	31	26
37	MINISTRY OF TRIBAL AFFAIRS	19	13	6	6
38	MISCELLANEOUS	0	0	0	0
39	NEW AND RENEWABLE ENERGY	35	34	1	1
40	PERSONNEL, P.G. & PENSIONS	13	10	3	0
41	PETROLEUM	2547	2128	419	206
42	POSTS	708	708	0	0
43	POWER	571	515	56	14
44	RAILWAYS	321	295	26	8
45	ROAD TRANSPORT & HIGHWAYS	380	297	83	33
46	RURAL DEVELOPMENT	0	0	0	0
47	SCIENCE & TECHNOLOGY	599	484	115	38
48	SHIPPING	533	455	78	36
49	SOCIAL JUSTICE & EMPOWERMENT	11	8	3	2
50	STEEL	1133	1060	73	16
51	TELECOMMUNICATION	1559	1382	177	48
52	TOURISM	50	38	12	9
53	UNION TERRITORIES OTHER THAN DELHI	555	484	71	1
54	YOUTH AFFAIRS & SPORTS	107	54	53	51
	Total	81595	60492	21103	12262

Appendix III-A (iv)

Details of PIDPI Complaints received by CVOs from CVC and designated authorities in 2020

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	23	9	14	13
2	BANKS	9	8	1	0
3	CBDT	9	2	7	6
4	CBIC	8	7	1	0
5	CHEMICALS & FERTILIZERS	5	2	3	3
6	CIVIL AVIATION	1	1	0	0
7	COAL	3	3	0	0
8	COMMERCE & INDUSTRY	0	0	0	0
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	2	0	2	1
10	DEFENCE	28	13	15	8
11	DEPARTMENT OF ATOMIC ENERGY	14	8	6	5
12	EARTH SCIENCES	1	1	0	0
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	3	1	2	2
14	FINANCE	7	4	3	2
15	GOVT. OF NCT DELHI	6	2	4	2
16	HEALTH & FAMILY WELFARE	9	5	4	3
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	2	2	0	0

18	HOUSING AND URBAN AFFAIRS	17	14	3	2
19	HUMAN RESOURCE DEVELOPMENT	1	0	1	1
20	INFORMATION & BROADCASTING	3	3	0	0
21	INSURANCE	30	25	5	4
22	JAL SHAKTI	0	0	0	0
23	LABOUR	4	0	4	4
24	LOCAL BODIES EXCEPT G.N.C.T.D.	1	1	0	0
25	MHA	2	1	1	1
26	MINES	12	5	7	6
27	MINISTRY OF AYUSH	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	0	0	0	0
29	MINISTRY OF CULTURE	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	3	3	0	0
31	MINISTRY OF EXTERNAL AFFAIRS	1	0	1	1
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	0	0	0	0
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0

36	MINISTRY OF TEXTILES	5	2	3	3
37	MINISTRY OF TRIBAL AFFAIRS	0	0	0	0
38	MISCELLANEOUS	0	0	0	0
39	NEW AND RENEWABLE ENERGY	0	0	0	0
40	PERSONNEL, P.G. & PENSIONS	0	0	0	0
41	PETROLEUM	5	5	0	0
42	POSTS	2	1	1	0
43	POWER	11	11	0	0
44	RAILWAYS	7	6	1	1
45	ROAD TRANSPORT & HIGHWAYS	0	0	0	0
46	RURAL DEVELOPMENT	0	0	0	0
47	SCIENCE & TECHNOLOGY	24	18	6	4
48	SHIPPING	4	2	2	1
49	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
50	STEEL	5	5	0	0
51	TELECOMMUNICATION	8	4	4	3
52	TOURISM	1	0	1	1
53	UNION TERRITORIES OTHER THAN DELHI	1	1	0	0
54	YOUTH AFFAIRS & SPORTS	0	0	0	0
	Total	277	175	102	77

Appendix III-B

Details of Departmental Inquiries against officers (under CVC Jurisdiction) in 2020

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	11	4	7	7
2	BANKS	743	406	337	101
3	CBDT	175	9	166	145
4	CBIC	249	83	166	126
5	CHEMICALS & FERTILIZERS	3	3	0	0
6	CIVIL AVIATION	16	3	13	13
7	COAL	73	34	39	18
8	COMMERCE & INDUSTRY	32	9	23	23
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	6	1	5	4
10	DEFENCE	74	35	39	29
11	DEPARTMENT OF ATOMIC ENERGY	18	13	5	0
12	EARTH SCIENCES	0	0	0	0
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0
14	FINANCE	24	7	17	16
15	GOVT. OF NCT DELHI	18	5	13	13
16	HEALTH & FAMILY WELFARE	9	4	5	5
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	22	10	12	6

18	HOUSING AND URBAN AFFAIRS	79	25	54	42
19	HUMAN RESOURCE DEVELOPMENT	9	0	9	9
20	INFORMATION & BROADCASTING	51	5	46	41
21	INSURANCE	22	11	11	8
22	JAL SHAKTI	0	0	0	0
23	LABOUR	49	16	33	30
24	LOCAL BODIES EXCEPT G.N.C.T.D.	78	24	54	38
25	MHA	39	22	17	16
26	MINES	12	4	8	2
27	MINISTRY OF AYUSH	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	3	0	3	3
29	MINISTRY OF CULTURE	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	3	1	2	2
31	MINISTRY OF EXTERNAL AFFAIRS	1	0	1	1
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	4	2	2	2
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0

36	MINISTRY OF TEXTILES	4	1	3	3
37	MINISTRY OF TRIBAL AFFAIRS	0	0	0	0
38	MISCELLANEOUS	0	0	0	0
39	NEW AND RENEWABLE ENERGY	1	1	0	0
40	PERSONNEL, P.G. & PENSIONS	0	0	0	0
41	PETROLEUM	18	16	2	0
42	POSTS	32	7	25	23
43	POWER	53	29	24	6
44	RAILWAYS	3	0	3	0
45	ROAD TRANSPORT & HIGHWAYS	3	0	3	0
46	RURAL DEVELOPMENT	0	0	0	0
47	SCIENCE & TECHNOLOGY	22	13	9	8
48	SHIPPING	27	8	19	10
49	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0
50	STEEL	3	3	0	0
51	TELECOMMUNICATION	36	11	25	14
52	TOURISM	3	2	1	1
53	UNION TERRITORIES OTHER THAN DELHI	9	1	8	8
54	YOUTH AFFAIRS & SPORTS	2	1	1	1
	Total	2039	829	1210	774

Appendix III-C

Detail of Departmental Inquires against other employees in 2020

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
1	AGRICULTURE	6	2	4	1
2	BANKS	3652	2150	1502	618
3	CBDT	151	24	127	107
4	CBIC	364	149	215	135
5	CHEMICALS & FERTILIZERS	35	21	14	9
6	CIVIL AVIATION	26	12	14	13
7	COAL	152	61	91	64
8	COMMERCE & INDUSTRY	6	3	3	1
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	132	66	66	40
10	DEFENCE	180	76	104	57
11	DEPARTMENT OF ATOMIC ENERGY	6	2	4	2
12	EARTH SCIENCES	1	0	1	1
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0
14	FINANCE	11	4	7	4
15	GOVT. OF NCT DELHI	53	22	31	31
16	HEALTH & FAMILY WELFARE	35	20	15	9
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	24	13	11	3
18	HOUSING AND URBAN AFFAIRS	41	12	29	26

19	HUMAN RESOURCE DEVELOPMENT	76	14	62	61
20	INFORMATION & BROADCASTING	10	1	9	9
21	INSURANCE	480	304	176	108
22	JAL SHAKTI	0	0	0	0
23	LABOUR	237	88	149	115
24	LOCAL BODIES EXCEPT G.N.C.T.D.	489	208	281	193
25	MHA	67	29	38	29
26	MINES	4	2	2	1
27	MINISTRY OF AYUSH	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	1	0	1	1
29	MINISTRY OF CULTURE	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	1	1	0	0
31	MINISTRY OF EXTERNAL AFFAIRS	7	3	4	2
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	13	7	6	6
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0
36	MINISTRY OF TEXTILES	46	19	27	19
37	MINISTRY OF TRIBAL AFFAIRS	0	0	0	0

38	MISCELLANEOUS	0	0	0	0
39	NEW AND RENEWABLE ENERGY	2	2	0	0
40	PERSONNEL, P.G. & PENSIONS	0	0	0	0
41	PETROLEUM	101	58	43	22
42	POSTS	2045	717	1328	974
43	POWER	33	21	12	8
44	RAILWAYS	17	6	11	4
45	ROAD TRANSPORT & HIGHWAYS	0	0	0	0
46	RURAL DEVELOPMENT	0	0	0	0
47	SCIENCE & TECHNOLOGY	41	14	27	25
48	SHIPPING	41	18	23	18
49	SOCIAL JUSTICE & EMPOWERMENT	3	1	2	0
50	STEEL	20	13	7	1
51	TELECOMMUNICATION	132	41	91	19
52	TOURISM	13	10	3	3
53	UNION TERRITORIES OTHER THAN DELHI	90	26	64	61
54	YOUTH AFFAIRS & SPORTS	1	1	0	0
	Total	8845	4241	4604	2280

Appendix III-D

Detail of request for Prosecution Sanction Received and disposed by organisation in 2020

S. No.	Department/Sector	Total Case for sanction	Sanctioned	Refused	Pending	Pending for more than 6 months
1	AGRICULTURE	0	0	0	0	0
2	BANKS	593	281	111	201	57
3	CBDT	17	8	1	8	4
4	CBIC	55	44	1	10	0
5	CHEMICALS & FERTILIZERS	3	3	0	0	0
6	CIVIL AVIATION	0	0	0	0	0
7	COAL	35	34	1	0	0
8	COMMERCE & INDUSTRY	11	5	0	6	0
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	3	3	0	0	0
10	DEFENCE	29	14	0	15	1
11	DEPARTMENT OF ATOMIC ENERGY	3	3	0	0	0
12	EARTH SCIENCES	0	0	0	0	0
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	1	0	0	1	1
14	FINANCE	4	2	1	1	0
15	GOVT. OF NCT DELHI	29	15	3	11	8
16	HEALTH & FAMILY WELFARE	4	3	0	1	0

17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	3	3	0	0	0
18	HOUSING AND URBAN AFFAIRS	26	16	5	5	1
19	HUMAN RESOURCE DEVELOPMENT	0	0	0	0	0
20	INFORMATION & BROADCASTING	6	0	3	3	3
21	INSURANCE	18	7	5	6	0
22	JAL SHAKTI	1	1	0	0	0
23	LABOUR	16	13	0	3	0
24	LOCAL BODIES EXCEPT G.N.C.T.D.	8	8	0	0	0
25	MHA	5	3	0	2	1
26	MINES	0	0	0	0	0
27	MINISTRY OF AYUSH	0	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	0	0	0	0	0
29	MINISTRY OF CULTURE	0	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	0	0	0	0	0
31	MINISTRY OF EXTERNAL AFFAIRS	2	0	1	1	0
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0	0
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	8	2	0	6	6

35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0	0
36	MINISTRY OF TEXTILES	7	7	0	0	0
37	MINISTRY OF TRIBAL AFFAIRS	0	0	0	0	0
38	MISCELLANEOUS	0	0	0	0	0
39	NEW AND RENEWABLE ENERGY	1	0	1	0	0
40	PERSONNEL, P.G. & PENSIONS	1	1	0	0	0
41	PETROLEUM	3	1	0	2	0
42	POSTS	17	14	0	3	0
43	POWER	3	2	0	1	0
44	RAILWAYS	2	1	1	0	0
45	ROAD TRANSPORT & HIGHWAYS	1	1	0	0	0
46	RURAL DEVELOPMENT	0	0	0	0	0
47	SCIENCE & TECHNOLOGY	0	0	0	0	0
48	SHIPPING	9	5	0	4	2
49	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0	0
50	STEEL	6	6	0	0	0
51	TELECOMMUNICATION	4	2	0	2	0
52	TOURISM	0	0	0	0	0
53	UNION TERRITORIES OTHER THAN DELHI	4	3	1	0	0
54	YOUTH AFFAIRS & SPORTS	1	1	0	0	0
	Total	939	512	135	292	84

Appendix III-E

Details of punishment awarded (all categories) in Minor Penalty Proceedings in 2020

S. No.	Department/Sector	Reduction to lower stage	Postponement / with holding of increment	Recovery from pay	With holding of promotion	Censure / Warning	No Action
1	AGRICULTURE	0	0	0	0	0	0
2	BANKS	415	146	75	8	588	55
3	CBDT	0	1	0	0	0	1
4	CBIC	13	2	0	0	32	7
5	CHEMICALS & FERTILIZERS	0	0	1	0	5	1
6	CIVIL AVIATION	0	13	0	0	37	0
7	COAL	1	14	0	6	101	2
8	COMMERCE & INDUSTRY	0	0	0	0	2	5
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	93	6	601	0	106	42
10	DEFENCE	25	3	2	0	63	2
11	DEPARTMENT OF ATOMIC ENERGY	1	12	0	0	6	11
12	EARTH SCIENCES	0	0	0	0	0	0
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0	0	0
14	FINANCE	0	0	0	0	0	0
15	GOVT. OF NCT DELHI	3	0	0	0	1	0
16	HEALTH & FAMILY WELFARE	0	0	0	0	1	1

17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	4	7	2	0	31	0
18	HOUSING AND URBAN AFFAIRS	4	2	0	0	5	0
19	HUMAN RESOURCE DEVELOPMENT	2	7	0	0	15	1
20	INFORMATION & BROADCASTING	4	0	0	0	6	0
21	INSURANCE	24	12	5	0	695	3
22	JAL SHAKTI	0	0	0	0	0	0
23	LABOUR	1	4	0	0	8	4
24	LOCAL BODIES EXCEPT G.N.C.T.D.	10	3	301	0	386	10
25	MHA	3	0	17	0	868	3246
26	MINES	0	0	0	0	9	0
27	MINISTRY OF AYUSH	0	0	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	0	0	0	0	0	0
29	MINISTRY OF CULTURE	0	0	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	0	0	0	0	0	0
31	MINISTRY OF EXTERNAL AFFAIRS	1	0	0	0	0	0
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0	0	0
34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	0	0	0	0	1	0
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0	0	0

36	MINISTRY OF TEXTILES	1	7	1	0	25	25
37	MINISTRY OF TRIBAL AFFAIRS	0	0	0	0	0	0
38	MISCELLANEOUS	0	0	0	0	0	0
39	NEW AND RENEWABLE ENERGY	0	0	0	0	0	0
40	PERSONNEL, P.G. & PENSIONS	0	0	0	0	0	0
41	PETROLEUM	0	14	12	1	55	8
42	POSTS	642	1014	508	29	1352	77
43	POWER	7	4	1	0	85	9
44	RAILWAYS	2	13	1	0	12	0
45	ROAD TRANSPORT & HIGHWAYS	0	0	0	0	0	1
46	RURAL DEVELOPMENT	0	0	0	0	0	0
47	SCIENCE & TECHNOLOGY	3	3	0	0	4	1
48	SHIPPING	4	5	0	0	23	2
49	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0	0	0
50	STEEL	8	2	1	0	69	2
51	TELECOMMU-NICATION	4	6	3	0	34	9
52	TOURISM	0	0	0	0	4	0
53	UNION TERRITORIES OTHER THAN DELHI	0	1	0	0	0	0
54	YOUTH AFFAIRS & SPORTS	0	0	0	0	0	0
	Total	1275	1301	1531	44	4629	3525

Appendix III-F

Details of punishments awarded (all categories) in Major Penalty Proceedings in 2020

S. No.	Department/Sector	Cut in pen-sion	Dismi-ssal / Remo-val / Compul-sory Retirement	Reduct-ion to lower time scale / rank	Other Major Penalties	Minor Penal-ties other than Cens-ure/ Warn-ing	Cens-ure/ Warn-ing	No Action
1	AGRICULTURE	0	0	0	0	0	1	7
2	BANKS	87	373	1144	1168	73	83	70
3	CBDT	6	8	4	1	1	1	12
4	CBIC	14	18	56	22	4	15	43
5	CHEMICALS & FERTILIZERS	0	7	14	4	0	2	3
6	CIVIL AVIATION	0	1	21	1	0	1	1
7	COAL	0	4	107	22	10	6	10
8	COMMERCE & INDUSTRY	0	1	7	1	0	0	0
9	CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	0	5	42	11	66	7	17
10	DEFENCE	12	2	25	3	4	47	4
11	DEPARTMENT OF ATOMIC ENERGY	0	1	9	0	0	0	1
12	EARTH SCIENCES	0	0	2	0	0	0	0
13	ENVIRONMENT, FOREST & CLIMATE CHANGE	0	0	0	0	0	0	0
14	FINANCE	0	5	3	2	1	0	1
15	GOVT. OF NCT DELHI	3	3	11	0	1	0	5

16	HEALTH & FAMILY WELFARE	2	1	1	0	0	1	3
17	HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	0	0	34	0	0	2	4
18	HOUSING AND URBAN AFFAIRS	13	1	24	0	0	1	3
19	HUMAN RESOURCE DEVELOPMENT	2	2	0	1	3	4	1
20	INFORMATION & BROADCASTING	0	0	4	0	0	0	0
21	INSURANCE	8	15	188	40	4	4	13
22	JAL SHAKTI	0	0	0	0	0	0	0
23	LABOUR	15	10	0	22	17	5	9
24	LOCAL BODIES EXCEPT G.N.C.T.D.	69	74	90	48	21	65	85
25	MHA	24	34	25	240	80	74	125
26	MINES	0	3	0	5	1	0	0
27	MINISTRY OF AYUSH	0	0	0	0	0	0	0
28	MINISTRY OF CORPORATE AFFAIRS	1	0	0	0	0	0	0
29	MINISTRY OF CULTURE	0	0	0	0	0	0	0
30	MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	0	1	0	0	0	0	0
31	MINISTRY OF EXTERNAL AFFAIRS	0	1	0	0	0	0	0
32	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	0	0	0	0	0	0
33	MINISTRY OF FOOD PROCESSING INDUSTRIES	0	0	0	0	0	0	0

34	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	1	3	7	4	0	0	1
35	MINISTRY OF MINORITY AFFAIRS	0	0	0	0	0	0	0
36	MINISTRY OF TEXTILES	0	0	3	3	3	6	9
37	MINISTRY OF TRIBAL AFFAIRS	0	0	0	0	0	0	0
38	MISCELLANEOUS	0	0	0	0	0	0	0
39	NEW AND RENEWABLE ENERGY	0	1	0	0	0	0	0
40	PERSONNEL, P.G. & PENSIONS	0	0	0	0	0	0	0
41	PETROLEUM	0	5	38	5	4	5	11
42	POSTS	28	180	241	87	54	22	78
43	POWER	0	7	6	2	2	5	15
44	RAILWAYS	0	1	2	3	1	0	0
45	ROAD TRANSPORT & HIGHWAYS	0	1	0	0	0	1	0
46	RURAL DEVELOPMENT	0	0	0	0	0	0	0
47	SCIENCE & TECHNOLOGY	1	4	3	9	1	1	2
48	SHIPPING	1	3	10	1	4	0	3
49	SOCIAL JUSTICE & EMPOWERMENT	0	0	0	0	0	1	1
50	STEEL	0	1	9	0	1	9	4
51	TELECOMMU-NICATION	31	7	22	8	2	0	7
52	TOURISM	0	0	4	1	4	0	0
53	UNION TERRITORIES OTHER THAN DELHI	0	1	1	0	0	0	1
54	YOUTH AFFAIRS & SPORTS	0	2	1	0	0	0	0
	Total	318	786	2158	1714	362	369	549

Appendix III-G

List of Organisations not submitted all 4 QPRs ONLINE

S. No.	Organisation Name
1	DEPARTMENT OF FINANCIAL SERVICES
2	DEPARTMENT OF PHARMACEUTICALS
3	FCI ARAVALI GYPSUM AND MINERALS INDIA LIMITED
4	FERTILIZER & CHEMICALS TRAVANCORE LTD
5	HINDUSTAN FLUORO CARBON LTD.
6	PROJECTS & DEVELOPMENT INDIA LTD
7	CENTRAL PULP & PAPER RESEARCH INSTITUTE
8	DEPARTMENT FOR PROMOTION OF INDUSTRY & INTERNAL TRADE
9	MARINE PRODUCTS EXPORT DEV. AUTHORITY
10	MINISTRY OF COMMERCE & INDUSTRY
11	DEPARTMENT OF CONSUMER AFFAIRS
12	DIRECTORATE OF ENFORCEMENT
13	ALL INDIA INSTITUTE OF MEDICAL SCIENCES
14	HLL LIFECARE LTD.
15	HOSPITAL SERVICES CONSULTANCY CORPN. (INDIA) LTD
16	MEDICAL COUNCIL OF INDIA
17	NATIONAL BOARD OF EXAMINATIONS
18	NATIONAL INSTITUTE OF HEALTH & FAMILY WELFARE
19	BHARAT BHARI UDYOG NIGAM LTD.
20	DEPARTMENT OF HEAVY INDUSTRY
21	HINDUSTAN PAPER CORPN.

22	INSTRUMENTATION LTD,
23	ALL INDIA COUNCIL OF TECHNICAL EDUCATION
24	INDIAN INSTITUTE OF MANAGEMENT, AHMEDABAD
25	INDIAN INSTITUTE OF MANAGEMENT, INDORE
26	INDIAN INSTITUTE OF TECHNOLOGY, DHANBAD
27	INDIAN INSTITUTE OF TECHNOLOGY, MUMBAI
28	INDIAN INSTITUTE OF TECHNOLOGY, ROORKE
29	MINISTRY OF HUMAN RESOURCE DEVELOPMENT
30	UNIVERSITY OF DELHI
31	UNIVERSITY OF HYDERABAD
32	MINISTRY OF INFORMATION & BROADCASTING
33	INSURANCE REGULATORY AND DEVELOPMENT AGENCY
34	NATIONAL PROJECTS CONSTRUCTION CORPN. LTD.
35	WAPCOS LIMITED
36	DELHI URBAN SHELTER IMPROVEMENT BOARD
37	DTTDC
38	DIRECTORATE GENERAL OF ASSAM RIFLES
39	INTELLIGENCE BUREAU (IB)
40	REPATRIATES COOP.FINANCE & DEV. BANK LTD
41	CENTRAL COUNCIL FOR RESEARCH IN AYURVEDIC SCIENCES
42	CENTRAL COUNCIL OF HOMOEOPATHY
43	MINISTRY OF AYUSH
44	MINISTRY OF CULTURE
45	VICTORIA MEMORIAL HALL
46	DEPARTMENT OF FISHERIES
47	MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING

48	MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES
49	CENTRAL COTTAGE INDUSTRIES CORPN. OF INDIA LTD..
50	JUTE CORPORATION OF INDIA LIMITED
51	NATIONAL HANDLOOM DEVELOPMENT CORPN. LTD.
52	CENTRE FOR DEVELOPMENT OF ADVANCED COMPUTING
53	CENTRE FOR MATERIALS FOR ELECTRONICS TECHNOLOGY
54	DEPARTMENT OF LEGAL AFFAIRS
55	MINISTRY OF DEVELOPMENT OF NORTH EASTERN REGION
56	MINISTRY OF PANCHAYATI RAJ
57	MINISTRY OF SKILL DEVELOPMENT AND ENTERPRENEURSHIP
58	MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION
59	MINISTRY OF WOMEN & CHILD DEVELOPMENT
60	NATIONAL DAIRY DEVELOPMENT BOARD
61	NORTH EASTERN HANDICRAFTS HANDLOOMS DEV. CORPN .
62	SOCIETY FOR APPLIED MICROWAVE ELETRONICS ENGG. AND RESEARCH
63	CENTRAL BUREAU OF INVESTIGATION
64	KENDRIYA BHANDAR
65	MINISTRY OF POWER
66	INDIAN RAILWAY FINANCE CORPN. LTD.
67	MINISTRY OF ROAD TRANSPORT & HIGHWAYS
68	NATIONAL HIGHWAY AND INFRASTRUCTURE DEVELOPMENT CORPORATION LIMITED
69	MINISTRY OF RURAL DEVELOPMENT
70	BHARAT IMMUNOLOGICALS AND BIOLOGICALS CORP LTD.
71	DEPARTMENT OF SCIENTIFIC & INDUSTRIAL RESEARCH
72	HOOGLY DOCK & PORT ENGINEERS LTD
73	MINISTRY OF SHIPPING

74	ARTIFICIAL LIMBS MFG. COR. LTD.
75	DEPARTMENT OF EMPOWERMENT OF PERSONS WITH DISABILITIES
76	BIRD GROUP OF COMPANIES
77	ANDAMAN & NICOBAR ADMN.

Appendix-IV

Organisation-wise list of complaints referred by Commission and pending with CVOs for Inquiry and Report as on 31.12.2020

S. No.	Name of Department	Complaints Pending for Investigation		
		Upto One Year	Between One-Three years	More than Three years
1	All India Institute of Medical Sciences	1	1	1
2	Archeological Survey of India	1	0	0
3	Bank of Baroda	1	0	0
4	Bank of India	1	0	0
5	Bharat Heavy Electricals Ltd	0	0	2
6	Bharat Petroleum Corpn Ltd	0	0	1
7	Bharat Sanchar Nigam Limted	1	0	0
8	Border Roads Development Board	0	0	3
9	Brahmaputra Board	0	0	1
10	Cement Corporation of India Ltd	0	1	0
11	Central Board of Direct Taxes	1	2	0
12	Chennai Port Trust	1	0	0
13	Coal India Ltd	0	0	1
14	Comptroller and Auditor General of India	1	0	0
15	Controller General of Defence Accounts	0	1	0
16	Central Public Works Department (CPWD)	2	2	1
17	Department of Agriculture & Cooperation	0	1	1
18	Department of Animal Husbandry and Dairying	0	0	1
19	Department of Disability Affairs	0	1	0
20	Department of Health	4	6	4

21	Department of Ocean Development	0	0	2
22	Department of Secondary & Higher Education & d/o Elementary Edu & Literacy	1	7	14
23	Department of Women & Child Development	0	0	1
24	Dadra & Nagar Haveli	0	0	1
25	Delhi Development Authority (DDA)	1	0	1
26	Department of Ayush and Homeopathy	0	1	0
27	Department of Bio-Technology	1	0	0
28	Department of Coal	0	0	1
29	Department of Mines	1	1	1
30	Department of Science & Technology	0	0	2
31	Deppt. Of Economic Affairs	0	2	0
32	Department of Fertilizers	1	0	1
33	Department Of Financial Services	0	1	0
34	Department of Heavy Industry	0	1	0
35	Department Of Revenue	0	4	2
36	Department of Sciencetific & Industrial Research	1	0	0
37	Department of Space	0	0	1
38	Department Of Telecommunications Services	1	0	0
39	Directorate of Enforcement	2	0	0
40	Employees Provident Fund Organisation	0	0	2
41	Engineering Projects India Ltd	1	0	0
42	Engineers India Ltd	0	0	1
43	Food Coorporation of India	0	0	1
44	Gas Authority of India Ltd	0	0	1
45	Govt of N.C.T of Delhi	5	9	8

46	Hindustan Copper Ltd	1	0	0
47	Hindustan Petroleum Corpn Ltd	0	0	2
48	HMT Ltd	0	0	1
49	Indian Council of Agricultural Research	4	1	3
50	Indian Oil Corpn Ltd	0	0	2
51	Indira Gandhi National Open University	0	0	2
52	Indian Railway Catering and Tourism Corporation (IRCTC)	0	1	0
53	Ministry of New and Renewable Energy Source	2	0	0
54	Municipal Corporation of Delhi North (MCD)	0	0	6
55	MCD East Delhi	1	0	1
56	MCD South Delhi	0	1	1
57	Medical Council of India	0	1	0
58	Ministry of Commerce	0	1	2
59	Ministry of culture	1	0	2
60	Ministry of Defence	2	2	1
61	Ministry of Home Affairs	0	1	0
62	Ministry of Housing and Urban Affair	0	1	3
63	Ministry of Labour	1	0	0
64	Ministry of Petroleum & Natural Gas	0	0	6
65	Ministry of Power	0	0	2
66	Ministry of Railways	0	1	0
67	Ministry of Road Transport & Highways	1	0	0
68	Ministry of Rural Development	0	0	1
69	Ministry of Skill Development & Enterpreneurship	0	1	0
70	Ministry of Social Justice & Empowerment	0	1	0

71	Ministry of Statistics & Programme Implementation	1	0	1
72	Ministry of Textiles	1	0	0
73	Ministry of Tribal Affairs	0	0	1
74	Ministry of Water Resources	1	0	1
75	Minerals and Metals Trading Corporation Ltd (MMTC)	0	0	1
76	National Aluminium Co. Ltd	1	0	0
77	National Cooperative Consumers Federation of India	0	0	1
78	National Highway Authority of India	1	0	0
79	National Institute of Fashion Technology	1	0	0
80	National Instt. Of Educational Planning & Administration	0	0	1
81	New Delhi Municipal Council (NDMC)	1	2	0
82	New India Insurance Co. Ltd.	2	0	0
83	Northern Coaldfields Ltd	0	0	2
84	Nuclear Power Corporation of India Ltd	0	0	1
85	Oil & Natural Gas Corporation (ONGC)	1	0	1
86	Ordance Factory Board	4	0	0
87	Rashtriya Ishpat Nigam Ltd	0	0	1
88	Rail Vikas Nigam Ltd. (RVNL)	1	0	0
89	Sasastra Seema Bal	1	0	0
90	Steel Authority of India Ltd	0	0	1
91	The State Trading Corporation of India Ltd	0	0	1
92	University Grants Commission	0	1	0
93	University of Delhi	1	1	0
94	Western Coalfields Ltd	0	0	1
	Total	**58**	**56**	**105**

Appendix-V

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

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
1	All India Council for Technical Education	1	0
2	Andaman & Nicobar Administration	7	0
3	Archaeological Survey of India	1	0
4	Bank of Baroda	2	0
5	Bank of India	1	0
6	Bank of Maharashtra	1	0
7	Bhakra Beas Management Board	1	0
8	Bharat Coking Coal Ltd.	1	0
9	Bharat Sanchar Nigam Ltd.	0	2
10	Bharat Heavy Electricals Ltd (BHEL)	2	0
11	Brahmaputra Board	1	0
12	Bureau of Indian Standard	1	0
13	Central Board of Direct (CBDT)	22	2
14	Central Bureau of Investigation (CBI)	6	0
15	C-DAC	1	0
16	Central Board of Indirect Taxes & Customs	28	45
17	Central Board of Secondary Education	1	0
18	Central Council for Research In Ayurveda	1	0

19	Controller General of Defence Account (CGDA)	2	0
20	Chennai Port Trust	1	0
21	COIR BOARD	1	1
22	Controller General of Accounts	1	0
23	Council for Advancement of Peoples	0	1
24	Central Public Works Department (CPWD)	0	1
25	Council of Scientific & Industrial Research (CSIR)	2	0
26	Department of Agriculture & Cooperation	1	0
27	Department of Agriculture Research	0	1
28	Department Animal Husbandry and	2	0
29	Department Coal	6	2
30	Department Consumer Affairs	1	0
31	Department of Culture	1	1
32	Department of Education	12	3
33	Department of Fertilizers	10	9
34	Department of Health	1	0
35	Department of Heavy Industry	7	0
36	Department of Legal Affairs & Legislative	1	1
37	Department of Mines	1	0
38	Department of Posts	2	0
39	Department of Public Distribution	1	0
40	Department of Revenue	3	0
41	Department of Sugar and Edible Oils	1	0
42	Department of Supply	0	1
43	Department of Telecom	1	1

44	Department of Women and Child Development	1	0
45	Department of Youth Affairs and Sports	1	2
46	Daman & Diu	1	0
47	Delhi Development Authority (DDA)	2	0
48	Department of Defence Production (DDP)	3	0
49	Department of Atomic Energy	1	0
50	Department of Commerce	5	0
51	Department of Economic Affairs	2	0
52	Department of Expenditure	3	0
53	Department of Financial Services	14	0
54	Department of Investment and Public Asset Management	1	0
55	Department of Personnel and Training	11	3
56	Department of Industrial Policy & Promotion (DIPP)	4	0
57	Delhi Jal Board (DJB)	1	0
58	Department of Development of North Eastern Region (DONER)	1	0
59	Delhi State Industrial and Infrastructure Development Corporation Ltd (DSIIDC)	1	0
60	Department of Scientific and Industrial Research (DSIR)	1	0
61	Delhi Urban Shelter Improvement Board (DUSIB)	2	0
62	Export Inspection Council of India	1	0
63	Employees Provident Fund Organization	0	1
64	The Fertilisers and Chemicals Travancore Limited (FACT)	1	0
65	Food Corporation of India	2	0
66	Government of National Capital Territory of Delhi (GNCTD)	6	1

67	Govt. of Puducherry	6	0
68	Hindustan Vegetables Oils Corpn. Ltd.	1	0
69	Housing and Urban Development Corporation Ltd (HUDCO)	1	0
70	Indian Council of Agriculture Research	6	1
71	Indian Council of Medical Research	1	1
72	Indian Overseas Bank	3	0
73	Instrumentation India Ltd.	1	1
74	Indian Oil Corporation Limited (IOCL)	0	2
75	Kendriya Vidyalaya Sangathan	4	0
76	Konkan Railway Corporation Limited (KRCL)	1	0
77	Krishak Bharat Cooperatives Ltd.	1	1
78	Khadi and Village Industries Commission (KVIC)	9	0
79	Lakshadweep Admin	1	0
80	Life Insurance Corporation	1	0
81	Department of Defence	3	0
82	Ministry of Earth Sciences	1	1
83	Ministry of Electronics & Information Tech.	1	0
84	Ministry of Environment & Forests	1	0
85	Ministry of External Affairs	3	0
86	Ministry of Home Affairs	5	1
87	Ministry of Housing & Urban Affairs	10	0
88	Ministry of Information & Broadcasting	1	1
89	Ministry of Information Technology	1	0
90	Ministry of Ayush	2	0
91	Ministry of Personnel PG & Pensions	3	2

92	Ministry of Railway	19	5
93	Ministry of Rural Development	1	0
94	Ministry of Shipping	7	0
95	Ministry of Skill Development	3	0
96	Ministry of Small Scale Industry	3	1
97	Ministry of Statistics & Programme	2	2
98	Ministry of Textiles	3	0
99	Madras Fertilizers Ltd	0	1
100	Mahanadi Coalfields Ltd.	1	0
101	MCD East	8	0
102	MCD North	3	0
103	MCD South	4	1
104	Medical Council of India	4	0
105	Military Engineer Services	3	0
106	Ministry of Social Justice & Empowerment	1	0
107	National Agricultural Coop Mkt. Federation	2	0
108	National Cooperative Consumers Federation	2	4
109	National Highways Authority of India	9	0
110	National Institute of Electronics & Information Technology (erstwhile DOEACC Society)	1	0
111	National Institute of Technology	1	0
112	National Insurance Co. Ltd.	1	1
113	National Projects Construction Corp.	0	1
114	National SC & ST Finance & Dev. Corp.	1	0
115	Navodaya Vidyalaya Samiti	0	3

116	National Buildings Construction Corporation Limited (NBCC)	5	0
117	New Delhi Municipal Committee (NDMC)	2	0
118	Nehru Yuvak Kendra Sangathan	2	0
119	National Institute of Fashion Technology (NIFT)	1	0
120	Nuclear Power Corporation of India Limited (NPCIL)	1	0
121	Oil & Natural Gas Corporation (ONGC)	2	0
122	Ordance Factory Board	2	0
123	Oriental Insurance Co. Ltd.	1	0
124	Pawan Hans Helicopters Ltd.	1	0
125	Power Grid Corporation of India Limited (PGCIL)	0	1
126	Prasar Bharati	2	0
127	Project & Equipment Corp. Of India Ltd.	1	0
128	Project &Development India Ltd	2	0
129	Punjab National Bank	11	0
130	Rail India Technical and Economic Service Limited (RITES)	2	0
131	Software Technology Parks of India	0	1
132	Security Printing and Minting Corporation of India Limited (SPMCIL)	1	0
133	State Bank of India	5	0
134	The State Trading Corporation of India	1	0
135	Tribal Coop. Mktg. Development Federation	0	1
136	Union Bank of India (e-Corporation Bank & e-Andhra Bank)	12	0
137	Videsh Sanchar Nigam Limited (VSNL)	3	0
	Total	407	109

Appendix-VI

Para (5.9)

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

1) In a work of upgradation of existing road costing around Rs. 130 cr being carried out in Engineering, Procurement and Construction (EPC) mode, following major irregularities were observed:

a) Double span Foot Over Bridge (FOB) in place of single span FOB was constructed without required cost adjustment.

b) A pedestrian under pass was constructed in lieu of single span FOB with escalators without required cost adjustment.

c) A temporary diversion road was constructed under change of scope for which additional payment of Rs. 1.28 cr was made to the contractor, whereas this was covered in Contractor's scope.

d) For certain components of Work such as underpass, side drains, PVC roof sheeting over the ramps, sump and pumping arrangement etc., full payment as per specified schedule was made inspite of reduction in scope of work.

e) Lesser thickness of road overlay was provided than specified in the contract without any corresponding cost adjustment.

2) In a case of Supply & Service contract including setting up of Pharmacy within the organization costing about Rs. 24 cr, following irregularities were observed:-

a) e-tendering was not followed, and bids were asked to be submitted in physical form.

b) The earlier contract for a period of 3 years was extended for one more year on nomination basis.

c) Performance bank guarantee was accepted for grossly insufficient period of just 6 months against a requirement of three years and three months.

3) In procurement case of about Rs. 630 cr related to establishment of Service Centers for providing manpower and equipments for executing operations and management for a Public Service, following were noticed:

a) Estimate did not have detailed analysis and calculation.

b) All facilities for old age/ persons with disabilities were not provided properly.

c) Records of equipment details were poorly maintained.

d) Grievance register was neither displayed prominently nor maintained properly with date-wise entry.

4) The organisation 'A' was procuring, assembling and installing equipment of about Rs. 127 cr for another organisation 'B'. The equipment which was to be procured consists of four major components which the vendors have to assemble before installation and commissioning. During scrutiny of the case, following irregularities were observed:

a) Makes of the components as agreed upon in the contract was changed subsequently during the supply.

b) Quality and inventory of supplied components could not be traced out with details of lot and makes of received components as records were not properly filled in.

c) The eligibility criteria as prescribed by organisation 'B' was diluted drastically by organisation 'A' even though the organisation 'A' has stated in the tender that all techno-commercial criteria terms will be on back to back basis.

5) In the construction of housing complex for Economically Weaker Section costing around Rs.180 cr, following major irregularities were observed:

a) A particular firm was favoured by relaxing the eligibility criteria of experience of similar works in last 7 years to experience of such works in last 10 years. Also, the firm was qualified based on experience of a non-similar work.

b) Mandatory statutory approvals were not obtained prior to commencement of work and even completion certificate was recorded without taking these approvals.

c) Overpayment of Rs. 5.24 cr was made by recording measurement for various items not admissible in monolithic construction, such as edges of slabs, breaks in floors and walls & additional height for centering/shuttering.

d) Overpayment of Rs. 26.54 lacs was made under the item for earth filling in parks by way of making payment under the item applicable for road embankment.

e) The site was prone to termite attack, but no anti termite treatment was done in the work. Wooden doors and window shutters of most of the ground floor quarters were found completely damaged due to termite attack.

f) There were serious quality compromises such as cracks in the structural members, exposed and rusted reinforcement steel, damaged sun sheds etc. raising doubt on durability as well as stability of the buildings.

6) In a contract involving construction of tunnel and station building etc. costing to Rs. 300 cr, following major irregularities were observed:

a) The deployed Key personnel were not as per the requirements specified in contract, e.g. the project manager was not an expatriate and even the local person engaged as project manager was not having the required experience of 10 years in relevant field.

b) For underground portion of the work, vertical cut using any suitable method for protection was to be used throughout the alignment, except in a reach of 700 m length where slope cut method was to be used. But, the slope cut method was allowed in 1016 m length without any cost adjustment.

7) In a civil works of about Rs. 38 cr awarded by a Government organization, following irregularities were observed:

a) Bids for selection of design consultant and project management consultant were invited only from the firms enlisted with the organization, whereas, no consultant was enlisted with the organization on the date of issue of NIT.

b) The organization invites tenders only from enlisted firms. But the process of enlistment was not continuous, which is done on three yearly basis. As such, no new agency can participate in tenders in between.

c) Extension of time was granted to the contractor on grounds of delay on part of design consultant in supplying drawing for pile work. However, no action was taken for failure of the consultant in timely supply of drawings.

8) A highway work was awarded to a Concessionaire through Global tendering. The work of utility shifting, worth Rs 171 cr, along with this Highway, was awarded straightaway to concessionaire on nomination basis, without tendering and without ascertaining the rate reasonability.

9) In a work contract for construction of multi-storeyed residential apartments costing around Rs. 340 cr, following major irregularities were observed:

a) Wrong indices and higher component of the material were considered for payment towards price escalation which resulted in an overpayment of around Rs. 13 cr to the contractor.

b) A payment of around Rs.3 cr was made to the contractor for construction of a community center which was not admissible as quoted price of the contractor included providing this building without any extra cost.

c) Quality compromises, such as vertical through cracks in the entire retaining wall of basements, seepage through these cracks at various locations and covering of expansion joints by extending the concrete slab, were also observed.

10) In a work contract for construction of office building costing around Rs. 180 cr, following major irregularities were observed:

a) Use of moulded stainless-steel structural members was prescribed in the tender without ensuring their availability. This resulted in inordinate delay in work as the vendors specified in the tender could not supply these members in required quantity.

b) An amount of around Rs.15 cr was paid as extra item of shore pilling, whereas, during pre-bid conference, use of this item was ruled out. Rate at which this extra work was paid was on higher side.

c) Around Rs. 50 cr were paid as part rate for materials brought to site but not used in work. Had the payment been made as per the method prescribed in the contract i.e. as secured advance, the amount payable would have been much lesser.

d) Payment for stainless steel junction members used in the rear side of the building was made at same rate as of other side members which was on higher side. Overpayment of around Rs. 21 lacs was made on this account.

e) Stainless steel plates of 8mm were found used in the structural members without any cost adjustment against contract provision of minimum 12 mm.

11) In a work contract for construction of exhibition cum convention Center costing around Rs. 2100 cr, following major irregularities were observed:

a) Payment was made to the contractor on delivery of materials by splitting the stage payment amount. Had the payment been made as per the prescribed method of secured advance, the amount payable would have been much lesser.

b) Columns were casted up to roof level without any support. The supports i.e. beam and slabs were casted later separately using rebars and couplers. The methodology was not as per approved drawings.

c) Heavy seepage was observed in the exhibition halls at various locations whereas, full payment was released for the waterproofing.

12) In a Public Private Partnership (PPP) project for development of car parking cum commercial center for around 2000 Equivalent Car Space (ECS), following major irregularities were observed:

a) After award of contract, height restriction of 15 meters for the building was relaxed. This relaxation is beneficial to the Concessionaire as it enabled reduction in number of basements having higher cost of construction.

b) The concessionaire was permitted to construct total built up area of 36,163 sqm for commercial activities against their entitlement of only 18,524 sqm.

c) The concessionaire was unduly favoured by accepting delay in depositing 3 installments (excluding 1st installment) of lease premium, Rs.111.25 cr each, without any cogent reason and action.

13) In a transportation contract related to transportation of CNG, costing about Rs. 35 cr, following major irregularities were observed:

a) Technical Evaluation Committee had awarded more number of vehicles to some of the transporters against the provisions stipulated in the tender documents.

b) The price bid of non-eligible bidder was not returned to them in violation of extant instructions.

c) Various deficiencies have been observed in the contract agreements executed by the organization with the transporters e.g.in some of agreements, either date/duration of agreement was not mentioned or agreement executed for shorter period. In one of the case, agreement was executed after two years since operation and payment was being made to the transporter.

14) In a work related to laying of extra high voltage cables costing Rs. 80 cr by an organization, following irregularities were observed:

a) As per clauses of the tender documents, all the prospective bidders had to quote guaranteed cable loss in their techno-commercial bid, which would further be used for loading on to the price bid during bid evaluation. But, neither method was prescribed in the tender document for its verification, nor the losses were confirmed during evaluation.

b) With respect to Quality Assurance Program (QAP) mentioned in the tender document, there was no mention of sampling plan for each material/item, Lot size, frequency of inspections etc.

c) As per cable laying arrangement drawing, at joints, junction box has to be provided and therefore cable length between any two junction boxes can be calculated. Accordingly, Contractor i.e. cable manufacturer had manufactured each cable drum having the required cable length except one drum in which additional length of approx. 29m (approx.) was provided. It is observed that during every Factory Acceptance Test, only the drum having additional cable length was selected to carry out the acceptance test i.e. Impulse Voltage Test and Water Penetration Test. Thus, the very purpose of random sampling and testing to check the electrical/performance parameters for quality seems to be defeated.

d) No training was organized for departmental officials by the contractor as per contract provisions.

e) For certain items, the quantity executed were less in comparison to quantity supplied however payment was made to the contractor for that supply part which was not executed at site.

15) In a transmission line contract awarded by PSU worth Rs. 215 cr, following irregularities were observed:

a) General principles of e-Reverse Auction were not followed in proper and effective manner to achieve competitive rates.

b) Approval of competent authority was not obtained by contractor while engaging a sub-contractor.

c) Following has been observed with respect to inspections/quality checks carried out by department officials:

(i) Soil testing for a particular stretch was not carried out before casting foundations. Further, joint samples were not taken for soil testing as per provisions of contract and Standardized Field Quality Plan.

(ii) Chemical tests for reinforcement steel were not carried out.

d) During inspection, some of the items such as Grading ring, arcing horn, space dampers, anti-climbing devices etc. were found not executed at site although work was commissioned and line was charged.

Appendix-VII

Para (5.10)

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

1) In the work for extraction of precious metal from Concentrator Plant Tailings:

a) A particular firm, whose turnover along with turnover of their consortium partner was Rs. 50.56 cr, was favoured by prescribing the turnover criteria of Rs. 50 cr instead of Rs. 88.38 cr required as per procurement manual of the organization.

b) While seeking approval from the Board, the facts were misrepresented by projecting the said firm as sole technology provider, submitting the bid as an individual firm and the only responsive bidder.

c) After approval from the Board, existing offer of this firm submitted in consortium with another firm was dispensed with and a fresh price bid was taken from them as an individual bidder.

d) To further favour this firm, the turnover criteria was totally dispensed with as standalone turnover of this firm was only Rs. 8.43 cr.

2) In a dredging work, Organization had awarded the work without proper environmental clearance which led to stoppage of work and giving rise to a legal dispute with the Contractor. This resulted additional expenditure of Rs. 0.89 cr in re-handling of the dumped material and Rs. 1.99 cr for idle charges of dredging equipments. Due to non-availability of site, dredger deployed for the work was de-mobilized for which Rs. 9.26 cr was paid to the dredging Contractor. This clearly shows improper planning of work causing wasteful expenditure of the organisation.

3) In case of procurement of a communication system for medium and long distance by a PSU, following were observed:

a) The specifications framed were found restrictive.

b) During collection of budgetary quotations, the organisation specifically intimated that project will be implemented on Supply, Inspection, Testing and Commissioning (SITC) basis but subsequently it was changed to 'Supply' only. Thus, there was restrictive call of budgetary quotations and faulty preparation of estimates.

c) The amount of Administrative Approval & Estimate Sanction was based on the estimate prepared by taking average of only two vast varying budgetary quotations in violation of their own procurement manual.

d) There was restrictive global publicity of NIT. The corrigendum, having major relaxations in Pre-Qualification criteria, was neither circulated to any embassy nor

published in global newspapers (except one global paper which was published from one foreign city only).

4) In the work for construction of Station Buildings, Foot Over Bridges, Platform Shelters, Passenger Platforms, following major irregularities were observed:

a) Minimum cement content for various grades of concrete specified in the contract was on higher side and mix design done without use of admixture was accepted. It resulted in use of excessive cement without adding any value to the work. Cost of the excess cement was borne by the department.

b) Proper record for receipt of cement was not maintained. There were duplicate entries of the vouchers in the cement registers. There was substantial gap between cement shown in cement register and vouchers made available.

c) Extra payment of Rs. 35.66 lacs @ Rs.500/ cum was made to the contractor for procuring the cement concrete from RMC Plant own by the contractor, whereas, as per contract conditions, the contractor was to set up Batching Plant at site.

d) Use of steel from secondary producer was allowed without taking mandatory approval from the competent authority and without ensuring non-availability of steel from primary producers stipulated in the contract. Also, the cost reduction @ 15%, as mentioned in the contract, was not done while allowing the contractor to use such steel.

e) While working out the price variation for cement, wholesale price index for cement were taken as per the date of measurement of work done, rather than date of purchase of cement without verifying the purchase invoices.

5) In the work for construction of head quarter building of an organization, costing around Rs. 350 cr, following major irregularities were observed:

a) It took around 4 years to finalize the contract with the architectural firm, process for which started on 16.4.2007 and the agreement was signed on 01.03.2011.

b) The architect quoted a lump sum fee of Rs. 3.99 cr; however, before signing of contract, the architect demanded a fee of Rs.4.90 cr, which was agreed by the organization. After signing of contract, the fee was further enhanced to Rs.10.32 cr.

c) The organization paid penalty of Rs. 5.03 cr due to the failure on part of the contractor to meet the deadline fixed by local authority, which as per the contract conditions, was the responsibility of contractor.

d) Cracks were observed in the slabs and retaining wall at various locations. Dampness and seepage of ground water from backside was also observed through these cracks at certain locations.

6) In a public works related to one of the public service to be provided at Railway Stations, awarded on Public Private Partnership model, following irregularities were noticed:

a) Evaluation criteria for awarding the tender were not fair and transparent.

b) One of the bidder was not meeting the eligibility criteria of experience, however was awarded work thereby extending undue favour to the firm.

c) Licensees were allowed to deposit the security deposit beyond the agreeable period prescribed in the contract.

d) Licensees were also allowed to deposit annual license fee on pro-rata basis in violation of the tender document/contract provisions. Further, no interest was collected from them who had submitted the license fee beyond the agreeable period prescribed in the contract.

7) In a works contract related to power plant of a PSU having tendered cost of around Rs. 230 cr-

a) A bidder was disqualified after opening of price bids even though this bidder had produced all the documents required for eligibility. After disqualification of this bidder, the contract was awarded to L-2 bidder at a cost higher by around Rs. 10 Crore than the original L-1 bidder.

b) For pilling work, the contractor engaged a specialized agency. However, bank guarantee as per the contract condition related to getting the work done through specialized agency was not taken from the contractor.

c) Contractor failed to maintain the required pace in the work due to his own financial failures. The PSU granted advances, beyond contract provision and deferred recovery of existing advances; but still the contractor did not improve progress of work.

d) In spite of unsatisfactory performance of the contractor, the PSU issued a certificate mentioning satisfactory performance by the contractor. Based on this certificate the contractor was qualified in another work of the same PSU.

8) In a works contract related to power plant of a PSU having tendered cost of around Rs. 140 cr-

a) The estimated cost was enhanced twice by 25% and 47%, respectively, from the initial estimate, without adequate justification. Apparently, the estimate was inflated for award of work at higher price.

b) There was delay on part of contractor in submission of bank guarantees towards performance guarantee and additional security deposit. No action was taken for this lapse on part of contractor.

9) In a works contract related to power plant of a PSU having tendered cost of around Rs. 490 cr-

a) Competition was restricted by way of disqualifying one of the bidders, meeting all the qualification requirements, on the basis of a policy formulated in an arbitrary manner just few days prior to invitation of bids.

b) The firm found unsuitable in this tender was, subsequently, awarded a contract of larger scope and substantially higher value.

10) In one work of integrated steel plant, maximum power requirement was assessed to be higher; however actual utilization of power at site was in the range of 1.08 MVA to 2.556 MVA. Due to such erroneous estimate of required power, PSU had to incur otherwise avoidable expenditure of Rs. 6.62 cr towards minimum demand charges paid to DISCOM.

11) In a contract for development of residential properties costing around Rs. 283 crores, following major observations have been referred to Concerned CVO for detailed vigilance investigation:

a) Against tender requirement in respect of carpet area of houses in the range of 117-118 sqm, the L1 bidder proposed carpet area of only 114.90 sqm. Moreover, during execution the contractor provided the houses with carpet area of only around 98 sqm.

b) Although reasons for delay in the work were attributed to the contractor, the contract amount was enhanced by Rs 22 cr and also price escalation was allowed beyond stipulated contract period on account of delay in commencement of work.

c) In spite of substantial delay on part of contractor in completion of work, liquidated damages (LD) for delay, to the tune of Rs. 28 cr were waived off by the organization.

12) In a contract costing around Rs. 6700 cr for laying of double railway track, following major observations have been referred to concerned CVO for detailed vigilance investigation:

a) Mechanized track laying work was done by one of the partners of the Joint Venture (the contractor), whereas this component was to be done by a specialized agency, based on whose credentials for this component, the contractor was qualified.

b) Construction of minor structure works was in the scope of the lead partner of Joint Venture; however, these works were being executed by the junior partner of the Joint Venture, which resulted in substantial delay in work.

13) In a contract for Hydroelectric Power project costing around Rs. 200 cr, following major observations have been referred to Concerned CVO for detailed vigilance investigation:

a) The contractor was allowed to sublet the entire scope of work to an inexperienced firm, whereas, as per contract conditions, subletting of only non-substantial part of contract was allowed. This resulted in substantial delay in completion of work.

b) The contractor was allowed to use cement content in concrete up to 567 kg/cum and extra payment of Rs.2.31 cr was made on this account, whereas the relevant BIS code allows cement content only up to 450 kg/cum.

Appendix-VIII

Para (5.11)

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

1) A Central Government Department issued systemic improvement for mandatory submission of invoices in original along with manufacturer's test certificates for all supply items. The invoices should contain make / brands of the materials. All such invoices and test reports shall be properly maintained as site records of the work and mandatorily considered before passing of bills.

2) As a systemic improvement, an organization widened the list of approved make for procurement of structural steel. Besides, in case of non-availability of steel from these approved makes, procurement from other sources has been allowed with approval of competent authority, duly satisfying that Structural steel procured is as per required specifications by conducting independent tests.

3) A Central Government Department issued systemic improvement for sticking to provision made in relevant BIS code as regard to specifying minimum cement content in contracts, except for bridges for which relevant bridge code shall be applicable.

4) In an organization, there was no provision of penalty for late submission of Bank Guarantee. On raising this issue in the Intensive Examination, the organization issued systemic improvement guidelines for future NITs. Now the provision for penalty on late submission of BG has been introduced.

5) In a PSU, elapse time and Auto extension time in e- Reverse auction, were not defined initially in the tender documents. This made the e-reverse procedure non-transparent. Moreover, price bid format did not have adequate safety features to arrest chances of manipulations. After pointing it out in Intensive Examination, a system improvement has been issued to address these issues.

6) After raising the issue in Intensive Examination, an organization issued systemic improvement for specifying the eligibility criteria to be fulfilled by lead member as well as other members of consortium in proportion to the job assigned to them.

7) On raising the issue in intensive examination report, a PSU implemented the systemic improvement for mandatorily posting of all the tenders on CPP Portal. Systemic improvement for maintaining the insurance policies and proper record of cement and steel was also made.

8) In an organization, systemic improvement has been done to include the following clauses in the tender documents while procuring equipment/machineries etc. from manufacturer/ OEM/firms: -

a) Dates/details regarding 'End of Sale' and 'End of after sales service and spares' for various sub-assemblies/main components of the products offered and,

b) Certificate/declaration that technology supplied, if any, is latest and not obsolete.

CENTRAL VIGILANCE COMMISSION
Satarkta Bhavan, A-Block, GPO Complex,
INA, New Delhi - 110023