

VIGILANCE MANUAL

2023





VIGILANCE MANUAL

2023

BHARAT ELECTRONICS LIMITED
(A Government of India Enterprise)
Under Ministry of Defence)

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PREFACE

An effective vigilance administration requires continuous capacity building of the vigilance functionaries and all other stake holders. Lack of clear understanding of rules, procedures and practices often due to the absence of user friendly information in form of compilations. To this effect The BEL Vigilance was first published in Year 2011 and further updated vigilance manual was published in the year 2018 incorporating various amendments and changes in procedures, rules and policies related to vigilance department.

As per the ministry guidelines, the revision has to take place once in five years considering the dynamic natures of amendments and changes happening in the span of five years. Considering the same, constant updating is essential in order to keep abreast with changes

The vigilance manual in its new edition hopefully incorporates all the relevant and essential information that not only the vigilance officer needs to know but also anybody else wishing to be educated in the nuances of vigilance administration

The current revised edition has been meticulously compiled by vigilance department ably supported by a corporate committee having members from various disciplines such as HR, Legal etc

BEL - Corporate Vigilance

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BHANU PRAKASH SRIVASTAVA
CHAIRMAN & MANAGING DIRECTOR



CMD's FOREWORD

Vigilance is an important management function in the organization. Its role is to take forward the organization in a healthy transparent environment. Vigilance aims at ensuring that decisions are taken by the employees in the best interest of the company, and without being unduly influenced by personal temptations, and wastage of organizational resources. Apart from taking up anti-corruption measures, watchfulness is also maintained across all the transactions in the company. Vigilance advises the management on various aspects.

Preventive vigilance is the modern tool of effective management, whereby frauds and scams are prevented before actually happening. Preventive vigilance calls for review of Rules, Procedures and Practices and it is to be exercised not only by the vigilance organization alone but in association with it.

There is always an element of misconception regarding the functioning of vigilance. The main reason for this misconception is lack of knowledge about the working of vigilance, their internal rules and procedures. It is perceived that vigilance slows down the well progressing works and discourages the executives in taking bold decisions. However, most of the perceptions are based upon assumptions only which are far from reality. There is a need of disseminating the vigilance working to all concerned. 'Vigilance Manual' is one step towards this through which the vigilance working will be made known to everybody.

CVC has updated their vigilance manual during 2021 and BEL vigilance manual was updated in-line with CVC manual. This will be useful not only to the executives, but also to the vigilance officials who are inducted into the organization. Vigilance Manual is an important document to enhance the transparency in working environment.

I congratulate entire team of vigilance team for their best efforts in bringing out this Revised Vigilance Manual-2023.

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SHRIKANT WALGAD, IAS
CHIEF VIGILANCE OFFICER



CVO's FOREWORD

Vigilance is a key management tool. It is a primarily a responsibility of the management. Vigilance with well-planned strategy to deal effectively with the cases of unfair practice is an integral part of the administration. Its function should not be viewed as impediment in achieving the objective of the company rather it should be viewed as facilitator in accomplishing its objective in fair and transparent way thus ensuring good corporate governance. Its function should emphasize more on sensitizing employees of the organization to bring awareness among the employees towards transparency in day to day activity keeping in mind the rules and regulations.

The need of an updated Comprehensive Vigilance Manual has always been felt strongly to address all the relevant issues relating to complaint during investigation and further departmental action procedure. I am extremely happy to put on record that Vigilance Department has punctiliously revised the existing Vigilance Manual-2018. The Manual comprehensively covers all important aspects of Vigilance matters. The action plan for the vigilance functionaries in terms of inspections, investigations, various reports and returns have been compiled in great detail to enable effective functioning. The current revised edition has been meticulously compiled by Vigilance department.

I wish to place on record my appreciation for the BEL Vigilance Team for the initiative and best efforts put in for bringing out this revised Vigilance Manual-2023.

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Acknowledgment

Subsequent to the update of CVC vigilance manual (2021), under the guidance and support of Shri Shrikant Walgad, IAS (CVO/BEL), a Drafting Committee was constituted by Shri Keshava Raju (AGM/Vigilance).

The drafting Committee for the preparation of the updated BEL Vigilance Manual held wide consultations & studied in detail the updated CVC vigilance manual 2021, updated BEL CDA rules 2021, Latest Vigilance Manuals of other related PSUs, other relevant circulars and guidelines during the course of this updation with able support of corporate committee.

The committees are grateful to the CVO/ BEL for his guidance and also for providing the opportunity for updating this manual. The painstaking effort of committee members and vigilance fraternity in drafting, compilation, designing and printing of this Manual is specially acknowledged.

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Disclaimer

1. This Vigilance Manual is intended only to be a reference book and it cannot be a substitute for Acts, Rules, Orders, Instructions, etc. of various authorities.
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GLOSSARY OF TERMS

AC & V	Anti-Corruption & Vigilance
ACR	Annual Confidential Report
AGM	Additional General Manager
AM	Assistant Manager
APIO	Assistant Public Information Officers
APR	Annual Property Return
BEL-OP	BEL-Optronics
BG CX	Bengaluru Complex
CBI	Central Bureau Of Investigation
CDA	Conduct, Discipline and Appeal Rules
CDI	Commissioner for Departmental Inquiries
CHN	Chennai
CMD	Chairman and Managing Director
CO	Corporate Office
COMPS	Components
CO-VIG	Corporate Vigilance
CPWD	Contract Public Works Department
CRL	Central Research Laboratory
CSG	Central Services Group
CTE	Chief Technical Examiner
CVC	Central Vigilance Commission
CVO	Chief Vigilance Officer
DGM	Deputy General Manager
DI	Doubtful Integrity
DOPT	Department of Personnel and Training
DPC	Departmental Promotion Committee
DPE	Department of Public Enterprises
ECDA	Executives Conduct, discipline & Appeal Rules
ECS/EFT	Electronic Clearing Service / Electronic Fund Transfer
EM	Export Manufacturing
EW & A	Electronic Warfare and Avionics
FVR	Fact Verification Report

GAD	Ghaziabad
GM	General Manager
Govt.	Government
HR	Human Resources
HYD	Hyderabad
IEMs	Independent External Monitors
IO	Investigating Officer
IP	Integrity Pact
IPC	Indian Penal Code
IR	Investigation Report
KOT	Kotdwara
LED	Liquid Crystal Displays & Devices
MAVU	Management Audit for Vigilance Unit
MC	Machilipatnam
MCE	Military Communication Equipment
MCs	Marketing Centers
MeitY	Ministry of electronics and information technology
MoD	Ministry of Defence
MoF	Ministry of Finance
MR	Military Radar
NAMU	Navi Mumbai
NS	Naval Systems
NU	Northern Units
PIDPI	Public Interest Disclosure and Protection of Informers
PIO	Public Information Officer
PK	Panchkula
PMLA	Prevention of Money Laundering Act 2002
PN	Pune
PO	Presenting Officer
POs	Purchase Orders
PSE	Public Sector Enterprise
PSU	Public Sector Undertaking
QPR	Quarterly Progress Report

RDA	Regular Departmental Action
ROs	Regional Offices
RTI	Right to Information
SBU	Strategic Business Unit
SC&US	Strategic Communication and Unmanned Systems
SP	Superintendent of Police
SPE	Special Police Establishment
SOP	Standard Operating Procedure
Sr. DGM	Senior Deputy General Manager
SU	Southern Units
TC	Technical Cadre
VC	Vigilance Commissioner
VO	Vigilance Officer

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INTRODUCTION

PURPOSE AND ROLE OF VIGILANCE

Vigilance is a tool of management. It is primarily a responsibility of the management. An organization has both external threats and internal dangers. The organization protects from external threats through creating security and posting manpower to guard against such threats. The role of vigilance is to protect the organization from internal dangers which are more serious than external threats.

Vigilance in any organization is an integral function like any other function of management, such as finance, personnel, operation, marketing, material, and contracts etc. If the vigilance set up is effective in an organization, it will certainly ensure the functioning of the other segment like finance, personnel, operation, and marketing etc. in an efficient way. It has therefore to be given a rightful place in the management. Vigilance is an essentially a management function aimed at ensuring above board and orderly conduct of affairs by the employees of the organization. The primary objective of vigilance is to protect the honest and punish the corrupt.

Vigilance with well-planned strategy to deal effectively with the cases of unfair practice is an integral part of administration. Vigilance is required to detect the irregularities before it is carried out, analyze and find out the reasons of such irregularities or to take effective measures to curb the same so that the irregularities are prevented and to take corrective action as per laid down procedure against the defaulter and award of punishment if the guilt is established. The effectiveness of vigilance to carry out these functions successfully and in a transparent and an impartial manner requires that it should have capacity and capability to assess the adverse impact on finances, property and image of the organization and capacity of taking appropriate action well in advance to avoid such threats and pilferages.

The vigilance must work as a system and not as an organ of a system. Vigilance must be capable of and be equipped with trained manpower and expertise to collect advance intelligence information, identify the sources of such threats and subversive designs. The vigilance must formulate the policy to achieve these goals which should be simple, clear and transparent.

An alert and effective management with serious concern for its clean image and better judicious utilization of funds and resources will rise to the occasion and take suitable, effective and result oriented measures to exercise due control to ensure the adoption of system and procedure to stop the misuse of position, power and funds.

The main objective of vigilance function in any organization is to assist the management to achieve its goal by ensuring that all transactions are carried out as

per systems and procedures while minimizing the scope of malpractices/misconduct and misuse of funds. Whereas the objective of any commercial/industrial establishment is to achieve the planned production target with optimum utilization of resources to ensure profitability, productivity and quality within laid down time and cost, being aware of its responsibility and accountability. Thus the role of vigilance department is complimentary and not contradictory to the organizational objectives as often made out.

The importance of line manager's role as a vigilance executive cannot be underplayed who will continue to be the sole guardian of the maintenance of integrity and honesty in the organization. Any amount of vigilance cannot be effective and successful unless each and every executive of the organization involves himself and assumes the role of vigilance executive.

The following are the functions of the vigilance.

- Exposing the wrongdoers and Standing by the upright and honest officials
- Keeping a careful watch on the possible areas of activities which are against the interest of any organization in order to avoid difficulties and danger
- Increasing transparency and fairness
- Ascertaining accountability
- Reducing wastages and leakages
- Promoting ethical practices and culture of honesty and integrity
- Reforming systems and procedures and spreading the awareness of them for corruption free delivery and promoting healthy growth
- Codifying the rules, procedures, norms and systems in key areas such as purchases, stores, operations, finances, award of contracts and personnel managements in order to avoid adhocism and lack of transparency and accountability
- Enhancing the image of the organization by striving for zero tolerance for corruption

Principles of vigilance

There are four cardinal principles of vigilance which are given below.

- **Transparency** – This means not hiding any facts or matter from all those who are stakeholders and who take the decisions
- **Fairness** – This means application of same principles to all concerned under similar conditions
- **Competitiveness** – This means encouraging competition within the organization in the interest of the organization
- **Accountability** – This means that if there is any deviation from the laid down rules/procedures in the business interest of the organization that should be clearly recorded upfront rather be used later as justification.

CHAPTER – I

BASIC CONCEPTS OF VIGILANCE

1.1 DIFFERENCE FACETS OF VIGILANCE

Vigilance in the context of any organization would mean keeping a watchful eye on the activities of the officers and officials of the organization to ensure integrity of personnel in their official transactions. Vigilance, in other words, is to ensure clean and prompt administrative action toward achieving efficiency and effectiveness of the employees in particular and the organization in general. Lack of Vigilance lead to wastage of resources and economic losses to the organisation. Vigilance is thus, basically and admittedly a managerial function and, therefore, it is an integral part of duties of an executive. There is a set-up of internal vigilance, in every department, and their primary responsibility is to ensure Purity, Integrity and Efficiency of the staff.

The vigilance function comprises of: *

- a) Preventive Vigilance
- b) Punitive Vigilance
- c) Surveillance & Détection

1.2 PREVENTIVE VIGILANCE

Preventive vigilance is also a pro-active vigilance which should be the main focus in any organization which aims to eliminate totally corruption risks in the organization.

Santhanam Committee while outlining the preventive measures, that should be taken to significantly reduce corruption had identified four major causes of corruption, viz; (i) administration delays; (ii) Government taking upon themselves more than what they can manage by way of regulatory functions; (iii) scope for personal discretion in the exercise of powers vested in different categories of government servants; and (iv) cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs. The salient features of Preventive vigilance suggested by Santhanam Committee are as follows:

- (i) To undertake a study of existing procedure and practices prevailing in the organisation with a view to modifying those procedures or practices which provide a scope for corruption, and also to find out the causes of delay, the points at which delay occurs and device suitable steps to minimize delays at different stages.
- (ii) To undertake a review of the regulatory functions with a view to see whether all of them are strictly necessary and whether the manner of discharge of those functions and exercise of powers of control are capable of improvement.
- (iii) To device adequate methods of control over exercise of discretion so as to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner.
- (iv) To educate the citizens about the procedures of dealing with various matters and also to simplify the cumbersome procedures as far as possible.

* (CVC Manual 2021 – Clause 2.12.1, Page No 40)

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- (v) To identify the areas in the organisation which are prone to corruption and to ensure that the officers of proven integrity only are posted in those areas.
 - (vi) To prepare a list of officers of doubtful integrity- The list would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as.
 - (a) Officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving Moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances.
 - (b) Awarded departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of government although corrupt motive may not be capable of proof.
 - (c) Against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude.
 - (d) Who was prosecuted but acquitted on technical grounds and there remained a reasonable suspicion about his integrity.
 - (vii) To prepare the “agreed list” in consultation with the CBI- This list will include the names of officers against whose honesty or integrity there are complaints, doubts or suspicions;
 - (viii) To ensure that the officers appearing on the list of officers of doubtful integrity and the agreed list are not posted in the identified sensitive/corruption prone areas;
 - (ix) To ensure periodical rotations of staff; and
 - (x) To ensure that the organisation has prepared manuals on important subjects such as purchases, contracts, etc. and that these manuals are updated from time to time and conform to the guidelines issued by the Commission.

Vigilance should be a cerebral Department in the Management of the organization and not as a standalone activity. The main activities of Preventive Vigilance can be summed up as follows:

- (a) To assist and help the Management in bringing about and sustaining propriety and integrity concurrently with efficiency at all levels of working.
- (b) To function as a service/cerebral Department to the Management to help identifying black spots and to make fair, objective and prompt investigations.
- (c) To suggest ways and means of qualitative improvement in administration by plugging loopholes.
- (d) To improve/simplify procedures to curb scope for malpractices and corruption.

-
- (e) To suggest ways and means to plug deliberate leakages of public funds.
 - (f) To conduct regular and surprise checks/inspections on its own or in association with CBI at sensitive spots with a view to detect cases of malpractices, corruption, misuse of authority and other irregularities involving misconduct.
 - (g) To spread awareness among all the employees of the Organization about the cardinal principle that Vigilance is a management function and everyone has responsibility in his/her sphere of activity.
 - (h) To protect and strengthen the hands of those that are efficient, honest and law abiding but who may be the victims of malicious complaints and also to correct gently and constructively those who may have committed genuine mistakes without malafide intention.
 - (i) To ensure implementation of the directives/guidelines of the Central Vigilance Commission in the matters of tenders/contracts/disciplinary matters etc., received from time to time.
 - (j) To lay emphasis on improving Vigilance administration by leveraging technology in areas like tenders/contracts etc.
 - (k) To ensure that Integrity Pact is implemented wherever the requirement arises in consonance with Govt. Of India/CVC guidelines issued from time to time.
 - (l) To ensure that all tenders/contracts/payments made to suppliers/contractors are put up periodically on the official website of the Company.
 - (m) To ensure that e-Payments and e-Procurements/e-Tenders are implemented in to.
 - (n) To periodically conduct awareness sessions on vigilance matters to employees and other stake holders (as and when opportunity arises).
 - (o) To undertake a review of bills (of six months duration). The review should be meant to primarily determine the time taken in clearing the bills.
 - (p) To conduct an exercise to identify the weaknesses in the existing systems and policies and the lapses that may have arisen or likely to arise due to the systemic flaws noticed.

1.3 PUNITIVE VIGILANCE

Punitive Vigilance deals with Vigilance cases, which is investigated, enquiry is held and penalty is imposed. Following actions are to be taken on the punitive vigilance aspects:

- (i) * To receive complaints from all sources and scrutinise them as per existing instructions. When he is in doubt on the issue of existence of vigilance angle in them, the CVO may refer the matter to his administrative head.

* (CVC Manual 2021 – Clause 2.14.2, Page No 44)

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- (ii) To maintain and reflect the complaints in appropriate registers and update them from time to time and to follow the guidelines of CVC while handling complaints.
 - (iii) To investigate into such specific and verifiable allegations that involved vigilance angle in accordance with the guidelines contained in the Complaint Handling Policy and Whistle Blower Policy of the Company.
 - (iv) To investigate into the allegations forwarded by the Commission or by the CBI.
 - (v) To complete investigations in a time bound manner as laid down by CVC.
 - (vi) To process the investigation reports expeditiously for obtaining orders of the competent authorities about further course of action to be taken and also obtaining Commission's advice on the investigation reports where necessary.
 - (vii) *To ensure that charge-sheet, statement of imputations, lists of witness and documents, etc. are carefully drawn up; copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority are prudently prepared, issued expeditiously and supplied to the charged officer whenever possible; .
 - (viii) To ensure that there is no delay in appointing the inquiring authorities where necessary.
 - (ix) To adduce required/relevant evidence, (oral/documentary/material) in the Departmental Enquiry as and when called upon as Management Witness.
 - (x) To examine the inquiry officer's report, keeping in view the evidence adduced by the prosecution and the defence during the course of inquiry, and obtaining orders of the competent authority about further course of action to be taken and also for obtaining the Commission's second stage advice, where necessary.
 - (xi) To ensure that the disciplinary authority concerned, issues a speaking order, while imposing a punishment on the delinquent employee. The order to be issued by the disciplinary authority should show that the disciplinary authority had applied its mind and exercised its independent judgment.
 - (xii) To ensure that rules with regard to disciplinary proceedings are scrupulously followed at all stages by all concerned as any violation of rules would render the entire proceedings void.
 - (xiii) To ensure that the time limits prescribed for processing the vigilance cases at various stages, are strictly adhered to :

* (CVC Manual 2021 – Clause 2.14.2 (v), Page No 45)

1.4 SURVEILLANCE AND DETECTION

- (i) Effective use and scan of Complaints, Inspection Reports, Audit Reports, Press Reports, CBI Reports, Judicial Remarks, Source Information.
- (ii) Detection of Corrupt practices, Malpractices, Negligence, Misconduct.
- (iii) Better surveillance of public contact points.
- (iv) Close watch on officers at sensitive posts of doubtful integrity and detect fraud.
- (v) Scrutiny of decisions taken by officials having discretionary powers.
- (vi) Assisting Police/CBI for traps/raids.

1.5 DEFINITIONS OF VARIOUS TERMINOLOGIES USED IN VIGILANCE

1.5.1 Employee

Employee means an executive, TC Personnel or non-executive of the Company who has been engaged on a permanent basis, fixed tenure basis and also includes people on deputation.

1.5.2 Public Servant

Section 2 (c) of the Prevention of Corruption Act, 1988, defines the public servant as under:-

Any person in the service or pay of a corporation established by or under a Central, Provincial or State Act, or an authority or a body owned or controlled or aided by the Government or **a Government company as defined in section 617 of the Companies Act, 1956.**

1.5.3 Fraud

Fraud is not defined in Indian Penal Code but Section 17 of Indian Contract Act defines Fraud as means of the successful practice of deception with the intention of cheating. Deception is dishonest concealment of facts on the part of a person. The deceiver's objective is to acquire or retain wrongful possession of property to which the other person has a rightful claim and is entitled to recovery by law.

1.5.4 Bribery

Section 171B in The Indian Penal Code defines Bribery as

- (1) Whoever

-
- (i) gives a gratification to any person with the object of inducing him or any other person to exercise any electoral right or of rewarding any person for having exercised any such right or
- (ii) accepts either for himself or for any other person any gratification as a reward for exercising any such right or for inducing or attempting to induce any other person to exercise any such right; commits the offence of bribery: Provided that a declaration of public policy or a promise of public action shall not be an offence under this section.
- (2) A person who offers, or agrees to give, or offers or attempts to procure, a gratification shall be deemed to give a gratification.
- (3) A person who obtains or agrees to accept or attempts to obtain a gratification shall be deemed to accept a gratification, and a person who accepts a gratification as a motive for doing what he does not intend to do, or as a reward for doing what he has not done, shall be deemed to have accepted the gratification as a reward.

In short, Bribe is an amount received by a public servant other than his legal remuneration for the performance of his official duties.

1.5.5 Misconduct

For details refer to CDA Rules for executives including TC personnel & Standing Orders for non-executives.

1.5.6. Misappropriation

Misappropriation refers to the wrongful or fraudulent use, misapplication, conversion, or appropriation of funds, property, or assets entrusted to a person's care, custody, or control, without the consent or for unauthorized or dishonest purposes. Misappropriation involves the deliberate and unauthorized diversion, embezzlement, or manipulation of funds, property, or assets that are entrusted to an employee or executive in a position of authority, responsibility, or trust. It typically encompasses acts of dishonesty, breach of fiduciary duty, or abuse of power, where the person misappropriating the funds or property had a legal or fiduciary obligation to use them for specific purposes or on behalf of the company.

1.5.7 Disproportionate Assets

"Disproportionate assets" refers to the acquisition, possession, or control or accumulation of movable or immovable properties, both tangible and intangible, by an individual that is significantly higher than their known sources of income, thereby indicating a substantial disparity between employee's lawful income and the assets acquired/accumulated by the employee.

1.5.8 Traps

Traps refers to any process/ method/technique, used/ employed by law enforcement agencies or authorities to apprehend individuals who are suspected of or engaged in criminal activities and / or red-handed while committing a criminal offense. Traps are commonly employed in cases related to bribery, corruption, or other unlawful activities. It includes Bribery Traps, Sting Operations, and Online Traps.

1.6 Principles of Natural Justice

The term "Natural Justice" is not defined in any Code including the Constitution of India. Therefore, it may be equated with un-codified Rules of Justice. Principles of Natural Justice are analogous to the Principles of Enquiry as recognized in the Codes of Law. Therefore, Principles of Natural Justice vary from case to case. Though the Principles of Natural Justice has not been defined anywhere in the statute, however, Article 311(2) gives a broad idea about the meaning of the term, Principles of Natural Justice. The article reads

"No person who is member of a Civil Service or holds a Civil Post under the Union or State shall be dismissed or removed or reduced in rank except after an enquiry in which he/she has been informed of the charges against him/her and given a reasonable opportunities of being heard in respect of those charges".

Not defined in any Code or Law or Rules but the concept is fairly crystallized through judicial pronouncements and covers the three important principles.

- (i) No one shall be a judge in his/her own cause.
- (ii) No one shall be condemned unheard.
- (iii) Justice should not only be done but it should appear that it is being manifestly done.

CHAPTER – II

GOVERNMENTAL INSTITUTIONS FOR EFFECTIVE VIGILANCE ADMINISTRATION

2.1 CENTRAL VIGILANCE COMMISSION

The Central Vigilance Commission (CVC) was set up as an apex body in 1964 by Govt. of India Resolution in pursuance of the recommendations of Santhanam Committee for exercising general superintendence and control over vigilance matters in administration and probity in public life. The Committee reviewed the then existing arrangements for checking corruption in Central Services and suggested suitable measures for producing a social climate in which corruption would not flourish.

The functions and powers of the Commission, laid down in section 8(1) of the CVC Act, 2003, are as under: -

- (a) To 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) of section 8 of CVC Act, 2003 may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (b) To 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 or giving directions to, 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) To inquire or cause an inquiry or investigation to be made on a reference made by the Central Government wherein it is alleged that a public servant being an employee of the Central Government or a corporation established by or under any Central Act, Government company, society and any local authority owned or controlled by that Government, has committed an offence under the Prevention of Corruption Act, 1988; or an offence with which a public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial;
- (d) To inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to such category of officials specified in sub-section (2) wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 and 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;
- (e) To 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;

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- (f) To review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988;
 - (g) To 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 by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise;
 - (h) * To exercise superintendence over the vigilance administration of the various Ministries of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government: Provided that nothing contained in this clause shall be deemed to authorise the Commission to exercise superintendence over the Vigilance administration in a manner not consistent with the directions relating to vigilance matters issued by the Government and to confer power upon the Commission to issue directions relating to any policy matters;

JURISDICTION OF CENTRAL VIGILANCE COMMISSION

Jurisdiction under Section 8 of CVC Act, 2003:

- (i) For the purpose of clause (d) of section 8(1) of CVC Act, 2003, the Commission's jurisdiction extends to such category of public servants as defined under section 8(2) of the Act and subsequent notifications issued by the Central Government from time to time.

Clause 8(1)(g) of the CVC Act, 2003 requires the Commission to 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 by that Government, such Government companies, societies and local authorities owned or controlled by the Central Government or otherwise and for this purpose the Commission's jurisdiction is coterminous with those provided under section 8(2) of CVC Act, 2003.

The following categories of public servants (hereinafter referred to as category 'A' officers) fall within the jurisdiction of the Commission in terms of sub-section (2) of section 8 of CVC Act, 2003:

- (a) Members of All-India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;
- (b) Such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf: Provided that till such time a notification is issued, all officers of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1) of section 8 of CVC Act, 2003.

* (Inserted Para (h), CVC Manual 2021 – Clause 1.3, Page No 10)

- (c) On a reference made by the Lokpal under proviso to sub-section (1) of section 20 of the Lokpal and Lokayuktas Act, 2013, the persons referred to in clause (d) of sub-section (1) shall also include–
- (i) Members of Group B, Group C and Group D services of the Central Government;
 - (ii) such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf: Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred in clause (d) of sub-section (1) of section 8 of CVC Act, 2003.
- (j) At present, the following levels of officers have been notified by the Central Government for the purpose of clause (b) of sub-section (2) of section 8 of CVC Act, 2003 (DoPT Notifications vide S.O. 371(E) dated 18.3.2004 & S.O. 1538(E) dated 12.9.2007):
- (i) Officers of Scale V and above of Public Sector Banks; (Scale V is in the range of Rs. 59,170-66,070 in most banks as on 01.01.2015)
 - (ii) Chief Executives and Executives on the Board and other officers of E-8 and above in respect of Schedule 'A' and 'B' Public Sector Undertakings; (E-8 Scale in Sch. 'A' & 'B' CPSEs is in the range of Rs. 51,300 – 73,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
 - (iii) Chief Executives and Executives on the Board and other officers of E-7 and above in respect of Schedule 'C' and 'D' Public Sector Undertakings; (E-7 Scale in Sch. 'C' & 'D' CPSEs is in the range of Rs. 43,200 – 54,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
 - (iv) Officers in Grade 'D' and above in respect of RBI, NABARD and SIDBI; (As on 01.01.2015 the Grade 'D' Scale in RBI is Rs. 39,850 – 46,150)
 - (v) Managers and above in General Insurance Companies;
 - (vi) Senior Divisional Managers and above in Life Insurance Corporations; and
 - (vii) Officers drawing salary of Rs. 8700/- p.m. and above on Central Government D.A. pattern, as on the date of the notification (DoPT Notification dated 12.9.2007) and as may be revised from time to time in Societies and other Local Authorities.

2.1.1 * Appointment of CVOs

The Chief Vigilance Officer in Ministries / Departments (whether fulltime or part-time) will be appointed in consultation with the Central Vigilance Commission and no person whose appointment as the Chief Vigilance Officer is objected to by the Central Vigilance Commission will be so appointed. (DoPT OM No. 371/32/97-AVD. III dated 28.11.1997 and para 6 of the GoI Resolution dated 11.02.1964)

* (Updated, CVC Manual 2021 – Clause 1.3.3 (a), Page No 13)

2.1.2 * Writing APARs of CVOs

In terms of DoPT OM No. 122/2/85-AVD.I dated 28.01.1986 and para 7 of GoI Resolution dated 11.02.1964, the Central Vigilance Commissioner would assess the work of the CVO which would be recorded in the character rolls (APARs) of the officer concerned. As laid down in DoPT OM No. 11059/2/93-AIS (III) dated 13.03.1993 and 14.04.1993, the Central Vigilance Commissioner would add his remarks in the APARs of the CVO of Public Sector Undertakings / Organisations as the accepting authority. However, in respect of the CVOs of the Ministry / Departments such assessment would be recorded on a separate sheet and added to the APARs of the CVO concerned. Such CVOs belonging to AIS or other services, whose APAR is filed online in SPARROW (Smart Performance Appraisal Report Recording Online Window), CVC would be recording his assessment in the APARs of the CVO online. A column in the forms attached with SPARROW for writing the remarks by CVC in the APARS of CVO is being introduced by DoPT.

2.1.3 # Commission's advice in Prosecution cases

In cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry / Department concerned and it would be for that Ministry / Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned.

2.1.4 Resolving Difference of Opinion between the CBI and the Administrative Authorities:

In cases where an authority other than the President is competent to sanction prosecution and that authority does not propose to accord such sanction sought for by the CBI, the case will be reported to the Commission and the authority will take further action after considering the Commission's advice. In cases recommended by the CBI for Departmental action against such employees as do not come within the normal advisory jurisdiction of the Commission, the Commission will continue to resolve the difference of opinion, if any, between the CBI and the competent administrative authorities as to the course of action to be taken.

§ Provided that in cases falling under the categories mentioned in para (2.1.3) and (2.1.4) above and where the administrative authorities do not propose to accept the advice of the Commission for grant of sanction for prosecution, it should be referred to DoPT.

§ Provided further that in cases falling under the category mentioned in para (2.1.3) above and if the CVC declines sanction for prosecution but the Ministry / Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution, the case should be referred to the DoPT.

§ Provided further that where two or more Government servants belonging to different Ministries/ Departments, or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries / Departments or the respective competent authorities. However, where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to the DoPT for resolution of the conflict, if any.

* (Updated, CVC Manual 2021 – Clause 1.3.3 (b), Page No 14)

(Clause 1.3.3 (c), Page No 14)

§ (Paras inserted, Clause 1.3.3 (d), Page No 14)

2.1.5 * Entrusting Cases to CDIs

The Commission has the power to require that the oral inquiry in any Departmental proceedings, except the petty cases, should be entrusted to one of the Commissioners for Departmental Inquiries borne on its strength or such other officer as it may deem fit.

(Para 2 (viii) of GoI Resolution dated 11.02.1964)

2.1.6 * Advising On Procedural Aspects

If it appears that the procedure or practice in a Department or Organisation is such as it affords scope or facilities for corruption or misconduct, the Commission may advise the Department or the Organisation concerned that such procedure or practice be appropriately changed, or changed in a particular manner.

(Para 2 (x) of GoI Resolution dated 11.02.1964)

2.1.7 * Review of Procedure and Practices

The Commission may initiate at such intervals as it considers suitable, the review of procedures and practices of administration in a Department or Organisation insofar as they relate to maintenance of integrity in administration.

(Para 2 (xi) of GoI Resolution dated 11.02.1964)

2.1.8 Collecting Information

The Commission may collect such statistics and other information as may be necessary, including information about action taken on its recommendations.

2.1.9 # Annual Report of Commission:

The Commission is to present annually to the President a report as to the work done by it within six months of the close of the year under report. The report shall contain a separate part on the functioning of the Delhi Special Police Establishment insofar as it relates to section 4(1) of the Delhi Special Police Establishment Act, 1946. On receipt of such report from the Central Vigilance Commission, the President shall cause the same to be laid before each House of Parliament. (Section 14 of CVC Act, 2003)

2.1.10 \$ Functions under PIDPI Resolution 2004:

CVC is the designated agency under Public Interest Disclosure and Protection of Informers Resolution 2004 to receive complaint or disclosure alleging corruption against any employee of the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government and to take further action thereon including recommending disciplinary and criminal proceedings. Commission is also empowered to take appropriate action for protection of informer. Refer to Chapter IV for more details on PIDPI Resolution.

* (Updated, CVC Manual 2021 – Clause 1.3.3 (e), (f) & (g), Page No 15)

(Clause 1.3.2 (e), Page No 12)

\$ (Clause 1.3.4, Page No 16)

2.1.11 * CVC as Specified Authority under Prevention of Money Laundering Act, 2002 [PMLA]:

Under section 66 of the Prevention of Money Laundering Act, 2002, the Director or any other authority specified by him may furnish or cause to be furnished such information to such other officer or body as the Central Government may in its opinion deem it necessary to do so in public interest, specify, by notification in the Official Gazette. Any information received or obtained by such Director or any other authority in the performance of their duties under PMLA may be shared with such notified authority. Vide Notification No. GSR 970 (E) dated 15.12.2015, the Central Government has notified "Central Vigilance Commission" as an Authority Competent to receive such information from the Director, Financial Intelligence Unit (FIU).

The information (on suspicious transactions) so received from Director FIU is relevant and crucial for detecting criminal misconducts and may lead to detection of moneys laundered. The Commission on receipt of such information would (on the facts and circumstances of the case) require either the CBI, the CVO concerned or any other agency to investigate and report the facts and to ascertain whether there is any misconduct by a public servant within the jurisdiction of the Commission. The Commission on a consideration of such a report would tender its advice.

2.1.12 # Inputs on Vigilance Status of officers for appointment to key positions:

DoPT vide its OM No. 104/33/2005-AVD-I dated 29.10.2007, No.11012/11/2007-Estt. A dated 14.12.2007 and No. 27(5) – EO/88 (ACC) dated 04.08.1988 has laid down that while considering cases for grant of vigilance clearance for the purpose of empanelment of AIS officers of any particular batch, for members of Central Civil Services / Central Civil posts, Board level positions in Public Sector Enterprises, the comments of the Central Vigilance Commission may be obtained. Further, Commission's Circular No. 3(v)/99/4 dated 12.07.1999 provides that vigilance clearance shall also be obtained from the Commission in respect of all candidates/officers recommended by the PESB for appointment to any Board level position in PSEs, irrespective of their holding a Board level or below Board level post at that point of time.

For more details on Vigilance Clearance refer to para 11.2 of Chapter XI of CVC Manual 2021.

2.1.13 \$ Other functions and activities:

- (a) **Supervision & control of CTE Organisation:** Commission exercises supervision and administrative control of Chief Technical Examiner's Organisation.
- (b) **Appointment of Independent External Monitors:** The Commission approves persons for appointment as Independent External Monitors whose function is to ensure implementation of Integrity Pact. For more details on IEM refer to Chapter X of CVC Manual 2021.
- (c) **Capacity Building Programmes:** Commission organises training programmes for the CVOs and for its own personnel. It also provides guidance on preparing course modules for imparting training by institutions or organisations active in this area. More details may be referred in Chapter X of CVC Manual 2021.

* (Updated, CVC Manual 2021 – Clause 1.3.5, Page No 16)

(Clause 1.3.6, Page No 16 & 17)

\$ (Clause 1.3.7, Page No 17)

- (d) ***Vigilance Awareness Week (VAW):** The Commission has been observing Vigilance Awareness Week every year since the year 2000 as an outreach campaign to spread awareness against corruption among citizens, especially among youths and students. The VAW begins in the week in which the Birth anniversary of Bharat Ratna Sardar Vallabh Bhai Patel, the first Home Minister of India falls. A specific anti-corruption theme is selected every year for observance of VAW. Every Ministry / Department and Organisation participate in the observance of VAW. The Awareness Week begins with taking of Integrity Pledge and thereafter outreach activities are conducted across institutions, schools, colleges, rural areas, etc. all over India. The activities, inter alia, include organising workshops, seminars, Gram-sabhas, debates, competitions, slogan / essay writing, cartoon, painting, etc. on the anti-corruption theme and the role of citizenry in fighting corruption.
- (e) ***News Letter:** Central Vigilance Commission brings out its quarterly newsletter "VIGEYEVANI" to create awareness against corruption, besides sharing its activities with all the stakeholders against corruption.

2.1.14 # Assistance to Constitutional Courts:

Whenever directed to do so, the Commission has assisted the Hon'ble Supreme Court of India or the High Courts in specific cases, e.g., cases relating to allocation of 2G spectrum, allocation of coal blocks, works executed in connection with CWG 2010, etc.

2.1.15 \$ DEFINITION OF VIGILANCE ANGLE:

Vigilance angle is obvious in the following acts:

- (a) Demanding and / or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (b) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or is likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- (c) Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- (d) Possession of assets disproportionate to his known sources of income.
- (e) Cases of misappropriation, forgery or cheating or other similar criminal offences.

** There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or wilful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible public interest is evident; failure to keep the controlling authority / superiors informed of required transactions and issues in time; cause of undue loss or a concomitant gain to an individual or a set of individuals / a party or parties; these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.

* (Updated, CVC Manual 2021 – 1.3.7, Page No 17 & 18)

(Clause 1.3.8, Page No 18)

\$ (Clause 1.4.1, Page No 18)

** (Clause 1.4.2, Page No 19)

* Any undue / unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case.

(CVC Office Order No. 74/12/05 dated 21.12.2005)

The purpose of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk-taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non-pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial / operational interests of the organisation is one possible criterion for determining the bona-fides of the case. A positive response to this question may indicate the existence of bona-fides. A negative reply, on the other hand, might indicate their absence.

\$ It would be quite unfair to use the benefit of hind-sight to question the technical merits of a managerial decision from the vigilance point of view. At the same time, it would be unfair to ignore motivated or reckless decisions, which have caused damage to the interests of the organisation. Therefore, a distinction has to be made between a business loss which has arisen as a consequence of a bona-fide commercial / operational decision, and an extraordinary loss which has occurred due to any malafide, motivated or reckless performance of duties. While the former has to be accepted as a normal part of business and ignored from the vigilance point of view, the latter has to be viewed adversely and dealt with under the extant disciplinary procedures.

** It follows that vigilance investigation on a complaint would not be called for on the basis of a mere difference of opinion / perception or an error of judgment simpliciter or lack of efficiency or failure to attain exemplary devotion in the performance of duties. (*Union of India vs. J. Ahmed AIR1979 SC 1022*). Such failures may be a matter of serious concern to the organisation but not from the vigilance point of view. They have to be dealt with separately.

The Commission has decided that the CVOs, while sending the case to the Commission for advice against the lapses of officers exercising quasi-judicial powers, should examine critically whether the criteria laid down by Hon'ble Supreme Court in K.K. Dhawan's Vs. UoI case (1993 AIR 1478) was attracted or not. The following criteria were laid down: -

- (i) Where the officer had acted in a manner as would reflect on his reputation for integrity or good faith or devotion to duty;
- (ii) If there is prima facie material to show recklessness or misconduct in the discharge of his duty;
- (iii) If he has acted in a manner which is unbecoming of a Government Servant;
- (iv) If he had acted negligently or that he omitted, the prescribed conditions which are essential for the exercise of the statutory powers;
- (v) If he had acted in order to unduly favour a party;
- (vi) If he had actuated corrupt motive, however, small the bribe may be.

(CVC F.No.007/MISC/Legal/04(Pt.) Circular No. 39/11/07 dated 01.11.2007)

* (Updated, CVC Manual 2021 – 1.4.3, Page No 19)

(Clause 1.4.4, Page No 19)

\$ (Clause 1.4.5, Page No 19 & 20)

** (Clause 1.4.6, Page No 20)

(Clause 1.4.7, Page No 20)

Further, in the judgment dated 12th July 2016 in R.R. Parekh Vs. Gujarat High Court Case (Civil Appeal Nos. 6116-6117 of 2016 [AIR 2016 SC 3356], the Supreme Court has observed in para-15 of the judgment as under:-

"The issue of whether a judicial officer has been actuated by an oblique motive or corrupt practice has to be determined upon a careful appraisal of the material on the record. Direct evidence of corruption may not always be forthcoming in every case involving a misconduct of this nature. A wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle. In the absence of a cogent explanation to the contrary, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that the judicial officer was actuated by extraneous considerations can be drawn. Cases involving misdemeanours of a judicial officer have to be dealt with sensitivity and care. A robust common sense must guide the disciplinary authority. At one end of the spectrum are those cases where direct evidence of a misdemeanour is available. Evidence in regard to the existence of an incriminating trail must be carefully scrutinised to determine whether an act of misconduct is established on the basis of legally acceptable evidence. Yet in other cases, direct evidence of a decision being actuated by a corrupt motive may not be available. The issue which arises in such cases is whether there are circumstances from which an inference that extraneous considerations have actuated a judicial officer can legitimately be drawn. Such an inference cannot obviously be drawn merely from a hypothesis that a decision is erroneous. A wrong decision can yet be a bona fide error of judgment. Inadvertence is consistent with an honest error of judgment. A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact."

The Supreme Court in R.R. Parekh Vs. Gujarat High Court Case (Civil Appeal Nos. 6116-6117 of 2016 [AIR 2016 SC 3356] has laid down the following conditions / procedure to be followed to determine as to whether an act of a judicial officer has been actuated by an oblique motive or corrupt practice:

- (i) Since, direct evidence of corruption may not always be forthcoming in every case involving a misconduct, a wanton breach of the governing principles of law or procedure may well be indicative in a given case of a motivated, if not reckless disregard of legal principle.
- (ii) In the absence of cogent explanation, it is for the disciplinary authority to determine whether a pattern has emerged on the basis of which an inference that an officer was actuated by extraneous considerations can be drawn.
- (iii) The disciplinary authority has to determine whether there has emerged from the record one or more circumstances that indicate that the decision which form the basis of the charge of misconduct was not an honest exercise of judicial power.
- (iv) A charge of misconduct against a judicial officer must be distinguished from a purely erroneous decision whether on law or on fact.

In addition to the principles enunciated in Commission's Circular dated 1st November, 2007, the afore-mentioned criteria in the judgment may also be kept in

view by CVOs while examining alleged lapses / misconducts in respect of officials exercising quasi-judicial functions / powers.

(CVC Circular No.12/10/16 dated 24.10.16)

* Absence of vigilance angle in various acts of omission and Commission does not mean that the concerned official is not liable to face the consequences of his actions. All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules.

Administrative misconduct such as lack of punctuality, drunken behaviour at work, insubordination, etc. would be left to the disciplinary authority to deal with in an appropriate manner. If the lapse is without a vigilance angle, the disciplinary authority would be within its rights to initiate appropriate penalty proceedings against erring employees.

(CVC Office Order No.23/04/04 dated 13.04.2004)

\$MANAGING CONFLICT OF INTEREST:

- (a) The Conflict of interest flows from the principle of Natural Justice that '*No one should be the judge in his / her own case (Nemo iudex in causasua)*'. It leads to biases. Bias means an act which leads to unfair activity whether in a conscious or unconscious stage in relation to the party or a cause or case. That is where the conflict of interest arises. The Conflict of interest issue is an emerging area of concern in public governance. A conflict of interest occurs when an individual's personal interests – family, friendships, financial, or social – could compromise his or her judgment, decisions, or actions in the workplace. It arises when a public servant is involved in a particular matter as part of his official duties with an outside organisation with which he also has a financial interest, i.e., the employee's (i) spouse, (ii) children & other relations, (iii) general partner, (iv) an organisation in which the employee serves as its chief, officer, director, trustee, partner, or employee, etc. or (v) a person or organisation with which the employee is negotiating for prospective or has an arrangement for prospective employment.
- (b) Conduct rules, other statutes or guidelines governing the service conditions of public servants appropriately address the conflict-of-interest issue. Prompt action should be taken for violation of such rules, statutes or guidelines.

More details on conflict of interest may be seen in Chapter IX and XI of CVC Manual 2021

* (Updated, CVC Manual 2021 – 1.4.8, Page No 22)

(Clause 1.4.9, Page No 22)

\$ (Clause 1.4A, Page No 22)

2.1.16 * Action against Persons Making False Complaints:

- (i) If a complaint against a public servant is found to be malicious, vexatious or unfounded, it should be considered seriously whether action should be taken against the complainant for making a false complaint.
- (ii) Under Section 182 of the Indian Penal Code, 1860, a person making false complaint can be prosecuted. Section 182 reads as follows:-

Whoever gives to any public servant any information which he knows or believes to be false, intending thereby to cause, or knowing it to be likely that he will thereby cause, such public servant:

- (a) *to do or omit anything which such public servant ought not to do or omit if the true state of facts respecting which such information is given were known by him, or*
 - (b) *to use the lawful power of such public servant to the injury or annoyance of any person, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one thousand rupees, or with both.*
- (iii) If the person making a false complaint is a public servant, it may be considered whether departmental action should be taken against him as an alternative to prosecution.
- (iv) Under section 195(1)(a) of Code of Criminal Procedure, 1973 a person making a false complaint can be prosecuted on a complaint lodged with a court of competent jurisdiction by the public servant to whom the false complaint was made or by some other public servant to whom he is subordinate.
- (v) In respect of complaints received by the Commission, while dealing with the matters if it comes across any such false complaint, the Commission may advise the administrative authority concerned about appropriate action to be taken. Regarding complaints received by the Departments / organisation, the administrative authorities may also, at their discretion, seek the advice of the Commission in respect of such cases involving public servants.

2.1.17 # WITHDRAWAL OF COMPLAINTS:

Some complainants, after confirming the complaint made by them, make a request for withdrawing the same or stopping the inquiry / investigation by the Commission / organisation. It is to be noted that once a complainant confirms the complaint and action has been initiated for inquiry/investigation by the Commission / organisation, it is not permissible to withdraw / stop such enquiry / investigation even if the complainant withdraws the complaint. The allegations contained in the complaint have to be taken to its logical conclusion irrespective of complainant's request for withdrawal of the complaint.

* (Updated, CVC Manual 2021 –3.12, Page No 77 & 78)

(Clause 3.13, Page No 79)

2.2 CHIEF TECHNICAL EXAMINER (CTE) OF CVC

2.2.1 * Evolution:

The Chief Technical Examiner's Organisation was set up in 1957 under the Ministry of Works, Housing & Supply, as it was known at that point of time, with a view to introduce a system of internal concurrent and continuous administrative and technical audit of the works of Central Public Works Department and to secure economy in expenditure and better technical & financial control of the works (Reference: para-3.12/Section-3/*Santhanam Committee Report*).

The *Committee*, while making recommendations on the working of CPWD, observed that: –

"The Chief Technical Examiner's Cell set up in the year 1957 has been doing extremely good work. We consider that this organisation should not only be continued but also should be suitably strengthened to discharge the functions that have been entrusted to it more effectively and intensively. The jurisdiction of the organisation should be extended to cover construction work which may be undertaken by any Ministry / Department / Central Corporate undertaking through its own agencies. The Chief Technical Examiner's Cell should also have specialized staff like wood experts, accounts men, etc. This organisation should be attached to the Central Vigilance Commission so that its services may easily be available to the Central Bureau of Investigation or in inquiries which are caused to be made under the directions of the Central Vigilance Commission."

Thus, the Chief Technical Examiner's Organisation became part of the Central Vigilance Commission when it came into existence in 1964.

In the year 1979, one more post of Chief Technical Examiner was created to cater to the increasing work load and growing complexities of public procurement. Considering the fact that a major chunk of Government expenditure was on public procurement and public procurement was one of the important means of delivery in day-to-day governance, other types of procurement were also brought within purview of scrutiny by Chief Technical Examiners' Organisation (CTEO).

2.2.2 #In the *CVC Circular No. 15/07/12, issued vide Letter No.98/VGL/25 dated 30.07.2012* the current monetary limits for reporting the contracts in QPRs are defined. The threshold limits are as follows:

Sl. No.	Name of Work	Value in Rs.
(a)	Civil Works	Rs. 5 Crores & above
(b)	Turnkey Works Projects	
(c)	Stores and Purchase	
(d)	Public –Private Partnership (Cost / Revenue values)	
(e)	Sale of goods / scrap / land	
(f)	Electrical / Mechanical Works / Maintenance / Service Contracts Including Electronics / Instrumentation / Telecommunication / Manpower supply, etc.	Rs. 1 Crore & above

* (Updated, CVC Manual 2021 –9.1.1, Page No 257)

(Clause 9.5.2, Page No 260)

Sl. No.	Name of Work	Value in Rs.
(g)	Medical Equipment	Rs. 50 lakh & above
(h)	Consultancy Contracts	Rs. 1 Crore & above
(i)	Horticulture Works	Rs. 10 lakh & above
(j)	Supply of Medicines	4 largest value contracts

2.2.3. Out of the QPRs furnished by the Chief Vigilance Officer, the Chief Technical Examiners of CVC select certain works for intensive examination and intimate these to the CVOs concerned.

2.2.4. The CVO is expected to make available all relevant documents and such other records as may be necessary, to the CTE's team examining the works. After intensive examination of a work is carried out by the CTE, an inspection report is sent to the CVO. The CVO should obtain comments of various officers at the site of work or in the office at the appropriate level, and furnish these comments to the CTE with his own comments. In case the CTE recommends investigation of any matter from a vigilance angle, such a communication should be treated as a complaint and dealt with appropriately. The investigation report in such cases should be referred to the Commission for advice even if no vigilance angle emerges on investigation.

2.3 *CDIs UNIT:

To assist the disciplinary authorities in the expeditious disposal of oral inquiries, the Ministry of Home Affairs appointed Officers on Special Duty (later re-designated as Commissioners for Departmental Inquiries) on the strength of the Administrative Vigilance Division. On the recommendation of the Committee on Prevention of Corruption, the Commissioners for Departmental Inquiries were transferred to work under the control of the Central Vigilance Commission. The officers designated as CDIs undertake the function of conducting oral inquiries in individual disciplinary cases on behalf of the Disciplinary Authority.

2.4 CENTRAL BUREAU OF INVESTIGATION (CBI)

2.4.1 #Evolution: Special Police Establishment (SPE) was set up in 1941 to investigate bribery and corruption in transactions of the War and Supply Department of India during World War II with its Headquarters in Lahore. Delhi Special Police Establishment Act was brought into force in 1946 which enlarged its scope to cover all Departments of the Government of India. Its jurisdiction extended to the Union Territories, and could be further extended to the States with the consent of the State Governments involved. Central Bureau of Investigation (CBI) was set up through a Home Ministry Resolution No. 4/31/61-T dated 1.4.1963 & SPE became one of the constituents of CBI. The Central Government has been empowered under section 5 to extend to any area (including Railway area) in a State not being a Union Territory, the powers and jurisdiction of members of the DSPE for the investigation of any offence or classes of offences specified in a notification under section 3 of the DSPE Act subject to the consent of the Government of the concerned State, under section 6 of the Act.

2.4.2 Initially the offences that were notified by the Central Government related only to corruption by Central Govt. servants. In due course, with the setting up of a large number of public sector undertakings, the employees of these undertakings were also brought under CBI purview. Similarly, with the nationalization of the banks in 1969, the Public Sector Banks and their employees also came within the ambit of the CBI.

* (Updated, CVC Manual 2021 –1.5.4 (d), Page No 24)

(Inserted Para 6.1, Page No 103)

2.4.3 As the CBI over the years established a reputation of being India's premier investigative agency with adequate resources to deal with complicated cases, demands were made on it to make it to take up investigation of more cases of conventional crime such as murder, kidnapping, terrorism etc. Apart from this, the Supreme Court and even the High Courts also started entrusting such cases for investigation to the CBI on petitions filed by aggrieved parties. Taking into account the fact that several cases falling under this category were being taken up for investigation by the CBI, it was found expedient to entrust such cases to the Branches having local jurisdiction.

2.4.4 CBI has seven divisions out of which three are *Investigation Divisions*, namely:

a) *Anti-Corruption Division* – To deal with cases of corruption and fraud committed by public servants of Central Govt. Departments, Central Public Sector Undertakings and Central Financial Institutions

b) *Special Crimes Division* – To deal with cases of terrorism, bomb blasts, sensational homicides, kidnapping for ransom and crimes committed by the mafia/underworld

c) *Economic Offences Wing* – To deal with bank frauds, financial frauds, Import Export & Foreign Exchange Violations, large-scale smuggling of narcotics, antiques, cultural property and smuggling of other contraband items, etc.

The CBI is a Central Subject under the Constitution of India, meaning that it reports to the Indian Government and not to the individual States.

(Source – CBI website)

2.4.5 Role and Functions of CBI

In view of the increasing corruption in civil services, the Government of India set up a committee headed by Shri K Santhanam, the then member of Parliament to study the circumstances leading into the increase in the corruption and make suitable recommendations for curbing it. The committee recommended constitution of The Central Bureau of Investigation on the pattern of Federal Bureau of Investigation of United States of America. Thus Central Bureau of Investigation was constituted under the Government of India, Ministry of Home Affairs Resolution No.4/31/61-I dated 1st April 1963. The investigation work is done through SPE Wing of the CBI which derives its police powers from the Delhi SPE Act 1946 to inquire and investigate into certain specified offences or classes of offences pertaining to corruption and other kinds of malpractices investigating public servants. The Director CBI also functions as the IGP in charge of SPE under section 4(2) of Delhi SPE Act 1946.

2.4.6 Anti-Corruption Division

The Anti-corruption Division investigates all cases registered under the PC Act and sections 161 to 165 -A and 168 IPC. The Anti-corruption Division investigates cases against Public Servants in the PSU under the control of Central Government and cases against the Public Servants of State Governments entrusted to CBI by the State Governments.

Every year the organization prepares a programme for Vigilance and Anti-Corruption work. The object is to produce a noticeable impact of the problem in a short time. CBI collects intelligence regarding corrupt public servants. All anti-corruption branches are required to collect intelligence on the basis of intelligence collected internally or references having been received from the Ministries or CVC or from other reliable sources, CBI registers, preliminary enquiry (PE) and regular cases (RC) against corrupt public servants. CBI essentially handles three types of anti-corruption cases in the framework of PC Act 1988.

- (a) Demand and acceptance of bribe money.
- (b) Showing undue favours by a public servant for consideration.
- (c) Possession of disproportionate assets.

2.4.7 Liaison between CBI and Vigilance Dept. officials

The need for close liaison and co-operation between the Vigilance Department and the CBI, during the course of an inquiry and investigation and the processing of individual cases, hardly needs to be emphasised. Both, the CBI and the Chief Vigilance Officer, receive information about the activities of the public servants from diverse sources. As far as possible, the information could be crosschecked at appropriate intervals to keep officers of both the wings fully apprised with the latest developments.

*The Chief Vigilance Officers or Vigilance Officers of the Ministries/ Departments / Offices should keep themselves in touch with Joint Directors / Head of Zone concerned of the S.P.E. at New Delhi. In other places, the Superintendent of Police / Head of S.P.E. Branch will frequently call on the Head of the Department / Office, etc., and discuss personally matters of mutual interest, particularly those arising from enquiries and investigations. Periodical meetings between the Chief Vigilance Officers and the Officers of the Central Bureau of Investigation will help to a great extent in avoiding unnecessary paper work and in eliminating unnecessary delay at various stages of processing cases. Such meetings could be held once a quarter or more frequently.

2.4.8 #Enquiry or investigation into complaints alleging corruption and related malpractices is taken up by CBI either after verification of information collected from its own sources (SIR-Source Information Report), or obtained from the members of the public or from public servants, or on the basis of complaints referred to them by the Commission, administrative authorities or the courts.

2.4.9 \$**Inspection of records by SPE(CBI):** The Inspector General, Special Police Establishment and his staff are authorised to inspect all kinds of official records at all stages of investigation. The Heads of Departments / Offices, etc. will ensure that the Superintendent of Police of the Special Police Establishment, or his authorised representatives, are given full cooperation and facilities to scrutinize all relevant records during investigation, whether preliminary or regular. If the C.B.I. wishes to check the veracity of information in their possession from the official records, even before registration of a P.E. or R.C., they may be allowed to see the records on receipt of a request from the S.P., S.P.E.

* (Updated, CVC Manual 2021 –Para 6.10 (b), Page No 128)

(Inserted Para 6.5.1, Page No 107)

\$ (Updated Para 6.9 (c), Page No 121)

2.4.10 * Investigations are often held up or delayed on account of reluctance or delay on the part of departmental authorities to make the records available for various reasons. Sometimes, departmental authorities express their inability to release the records without the prior permission of the superior authority or the Special Police Establishment is requested to take photostat or attested copies of documents without realising that the Special Police Establishment necessarily require the original records for purpose of investigation, as the authenticity of attested or photostat copies could be contested by the delinquent officials, thereby hampering the progress of investigation. In asking for original documents, particularly those forming part of current files, the SPE will exercise due consideration so as to ensure that day-to-day work is not impeded. The departmental authorities may thus ensure that the documents asked for by the SPE are made available to them with the least possible delay. Where necessary, the departmental authorities may keep attested or photostat copies of the records for meeting urgent departmental needs or for disposing of any action that may be pending on the part of the Department, without prejudice to the investigation being carried out by the Special Police Establishment.

2.4.11 *The records required by the Special Police Establishment should be made available to them ordinarily within a fortnight and positively within a month from the date of receipt of the request. If, for any special reasons, it is not possible to hand over the records within a month, the matter should be brought to the notice of the Superintendent of Police of the Branch concerned, by the authority in possession of the records, pointing out the reasons for not making available the records within the specified period; and also, to the notice of the Chief Vigilance Officer of the administrative Ministry concerned for such further direction as the Chief Vigilance Officer might give.

2.4.12 *The request of the C.B.I. for information relating to pay and allowances drawn by the public servants over a certain period, in cases where such public servants are alleged to have possessed disproportionate assets, should be furnished to them within a month of receipt of requisition from the C.B.I. In cases, where it is not possible to supply this information to the Central Bureau of Investigation within the specified period, the position may be suitably indicated to the Central Bureau of Investigation and simultaneously necessary steps taken to obtain and furnish the particulars to them as expeditiously as possible. In the case of officers having served in more than one Department / Organisation during the period under review, the Central Bureau of Investigation may address all the administrative authorities concerned simultaneously for furnishing the required information for the relevant period(s). Copies of such communications may also be endorsed to the Chief Vigilance Officer(s) of the Ministry(s) concerned for furnishing information about honoraria, etc., if any, received by the officer(s).

2.4.13 Thus, all Vigilance Officials will render full cooperation to CBI under the supervision of Chief Vigilance Officer.

* (Updated, CVC Manual 2021 –Para 6.10 (d), (e) & (f) Page No 128)

2.4.14 * REFERRING MATTER FOR INVESTIGATION:

The Commission has issued instructions that investigations into criminal misconduct including financial irregularities and frauds should be entrusted to the CBI. Such cases are to be entrusted to the CBI if the allegations (i) are criminal in nature (e.g., bribery, corruption, forgery, criminal breach of trust, possession of assets disproportionate to known source of income, cheating, etc. or (ii) require inquiries to be made from non-official persons; or (iii) involve examination of private records; or (iv) need expert police investigation for arriving at a conclusion; or (v) need investigation abroad. Further, the CVOs of the CPSEs are also required to interact frequently and exchange information with CBI on a quarterly basis. The CPSEs should ordinarily send to the CBI only cases involving transactions not less than 25 lakhs or otherwise possessing national or international ramifications; and other cases are to be sent to the local police authorities.

As a general rule, investigations into criminal matters involving officials of the CPSEs should be entrusted to the Anti-Corruption Branch of CBI with the approval of the CMD. If involvement of officials of the CPSE is prima-facie not evident, the matter should be referred to the Economic Offences Wing of CBI. Criminal matters of the above nature would be referred to the local police / State police only in matters wherein CBI has refused / rejected to take up investigations or where transaction value is less than Rs. 25 lakh.

Further, CVOs of the CPSEs are required to interact frequently and exchange information with CBI on quarterly basis. In their Quarterly Performance Reports, CVO should report regularly to the Commission the details of cases / matters noticed in the CPSEs and the action taken status thereon.

2.4.15 Investigation Reports Received from the CBI

On completion of their investigation, the CBI forwards a copy of the SP's report to the concerned CVO for further action. A copy of the SP's report is also endorsed to the Commission in cases in which the Commission's advice is necessary.

2.4.16 The CBI generally recommends prosecution in cases of bribery, corruption or other criminal misconduct; it also considers making similar recommendations in cases involving a substantial loss to the Government or a public body. The Commission's advice for prosecution, however, is required only if the sanction for prosecution is necessary under any law promulgated in the name of the President. In such cases, CVOs should furnish the department's comments within a month of the receipt of the CBI report by the competent authority. In other cases, as directed by the Supreme Court, the matter should be processed expeditiously to ensure that the required sanction is issued within a period of three months (the instructions issued by the Department of Personnel & Training vide O.M. No. 142/10/97-AVD.I dated 14.01.1998 also refer). However, in case of difference of opinion between the CBI and the competent authority in the PSE, the matter may be referred to the Commission for its advice irrespective of the level of the official involved.

* (Updated, CVC Manual 2021 –Para 5.3 (a) & (c) Page No 93 & 94)

2.4.17 Prosecution proposals should be able to meet the legal and technical requirements laid down by the Courts. Apart from adequate evidence to establish that an offence has been committed under the relevant provision of the law, there should be some facts on record from which it should be possible to infer or presume a criminal or guilty intention behind the omission or commission. In the absence of *mens rea*, violation of rules or codal formalities could at worst be considered as transgressions of systems and procedures of the organisation and the same would, as such, be more suitable as the subject matter of regular departmental action (RDA) rather than criminal prosecution.

2.4.18 In cases, where the CBI recommends RDA for major/minor penalty action or 'such action as deemed fit' against the officials and the Commission is to be consulted, the CVO should ensure that the comments of the department/PSE on the CBI report are furnished to the Commission within one month of the receipt of the CBI's investigation report, failing which the CVC will proceed to examine the case and tender advice. Further action in such cases may be taken as per the Commission's advice. In other cases, the CVO should take expeditious action to ensure that charge-sheets, if necessary, are issued within two months of the receipt of the investigation report from the CBI. It would not be necessary for the CBI to follow up the matter in such cases after the disciplinary authority has initiated action for RDA against the concerned officials in accordance with their recommendations. However, in case of difference of opinion between the CBI and administrative authorities, the matter would be referred to the Commission for advice irrespective of the level of the official involved. The organisation would take further action in accordance therewith.

2.4.19 The law of the land permits prosecution as well as RDA to proceed simultaneously (Jang Bahadur Singh v/s Baijnath Tewari, 1969 SCR, 134). Where the suspect officer is primarily accountable for conduct which legitimately lends itself to both criminal prosecution in a court of law as well as RDA, as a general rule, both should be launched simultaneously after consultation with the CBI or other investigating agencies charged with conducting the prosecution. Such simultaneous conduct of RDA and criminal prosecution should be resorted to especially if the prosecution case is not likely to be adversely affected by the simultaneous conduct of RDA.

Keeping RDA in abeyance should be an exception rather than rule. Copies of all the relevant documents authenticated by the competent authority may be retained, for the purpose of RDA, before the original documents are sent to the Court. If the documents have already been sent to a Court of Law for the purpose of criminal proceedings, certified copies may be procured for the purpose of RDA. Care, however, should be taken to draft the charge sheet for the purpose of RDA in such a manner that it makes the suspect official accountable for violation of various provisions of CDA Rules without reference to criminal misconduct.

2.5 CHIEF VIGILANCE OFFICERS

2.5.1. Government of India appoints Chief Vigilance Officers in various Ministries/Departments/ Central Public Sector Undertakings / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies / Societies, etc. to carry out vigilance work. The primary responsibility for maintenance of efficiency, integrity and transparency in an Organisation vests in the Secretary of a Ministry or the Head of the Department, or the Chief Executive of Public Sector Enterprises including Public Sector Banks and Public Sector Insurance Companies. Such an authority is

assisted by the Chief Vigilance Officer (CVO) in the discharge of vigilance functions. The CVO acts as an advisor to the Chief Executive and reports directly to him. He heads the Vigilance Division of the Organisation and provides a link between the Organisation and the Central Vigilance Commission as well as the Central Bureau of Investigation.

2.5.2. Large Departments / Organisations should have a full-time CVO, i.e. the officer should not be burdened with any other responsibility. If it is considered that the CVO in an Organisation does not have full-time vigilance work, he may be entrusted with such functions that serve as input to the vigilance activities, e.g. audit and inspections. However, the work related to security should not be entrusted to the CVO, as in that case, CVO may find very little time for effective performance of vigilance functions, apart from creating situations of conflict of interest. Furthermore, in order to be effective, a CVO should ordinarily be an outsider appointed for a fixed tenure on deputation terms as stipulated by Department of Personnel & Training. Chief Vigilance Officers in all Departments/Organisations are appointed after prior consultation with the Central Vigilance Commission and no person whose appointment in that capacity is objected to by the Commission may be so appointed. *(DoPT OM No. 372/8/99-AVD. III dated 18.01.2001)*

2.5.3 ASSOCIATION OF CVO WITH OTHER ORGANISATIONAL MATTERS

Participation in decision making or close association of CVO or the vigilance staff in such matters over which they might be required, at a later stage, to sit in judgment from vigilance point of view, should be avoided. Therefore, CVO and the vigilance functionaries should not be a party to decision-making processes, which are likely to have vigilance sensitivity, as this may result in conflict of interest. However, advice can be tendered on some policy matters especially those requiring implementation of preventive vigilance measures.

2.5.4 DUTIES AND FUNCTIONS OF CVO

A CVO heads the Vigilance Division of an Organisation and acts as an advisor to the Chief Executive in all matters pertaining to vigilance. He is also the nodal officer of the Organisation for interaction with CVC and CBI. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of his Organisation; investigating or causing an investigation to be made into allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices and commission of misconducts, etc. Thus, the CVO's functions can broadly be divided into three categories, as under: -

- (i) Preventive vigilance
- (ii) Punitive vigilance
- (iii) Surveillance and detection.

While 'punitive action' for commission of misconduct and other malpractices is certainly important, 'surveillance' and 'preventive measures' to be taken by the CVO are equally more important as these are likely to reduce the occurrence of vigilance cases. Thus, the role of CVO should be predominantly preventive.

2.5.5 PREVENTIVE VIGILANCE FUNCTIONS BY CVO

The CVO is expected to take following measures on preventive vigilance side: -

- (i) To undertake study of existing procedures and practices prevailing in his Organisation with a view to identify those procedures or practices which provide a scope for corruption and require modification.
- (ii) To find out the causes of delay, the points at which delay occurs and devise suitable steps to minimize delays at different stages;
- (iii) To review the regulatory functions to see whether all of them are strictly necessary and whether the method of discharge of those functions is capable of improvement;
- (iv) To devise adequate methods to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner; and in accordance with some laid down guidelines.
- (v) To educate the citizens about the procedures of dealing with various matters and also to simplify these as far as possible;
- (vi) To identify the areas in his Organisation which are prone to corruption and to ensure that officers of proven integrity only are posted in those areas;
- (vii) To identify sensitive posts in the Organisation;
- (viii) *To ensure periodical rotations of staff and in particular officers holding sensitive posts; (CVC Circular No. 004/VGL/090 dated 11.09.2013 and No. 18/MISC/02-392171 dated 23.08.2018)
- (ix) To ensure that well-defined internal processes as well as corresponding controls with clear responsibilities, for different kind of activities, are set out;
- (x) To ensure that the Organisation has prepared manuals on important subjects such as purchases, contracts, procurement, recruitment, etc. and that these manuals are updated from time to time and conform to the guidelines issued by the Commission and the Ministries concerned;
- (xi) To develop and implement an effective Whistle Blower mechanism;
- (xii) To leverage technology for making preventive vigilance function effective;
- (xiii) To ensure prompt observance of Conduct rules relating to integrity, covering (i) statements of assets and acquisitions (ii) gifts (iii) relatives employed in private firms or doing private business (iv) to scrutinise immovable property returns of at least 20% executive employees every year and (v) keep an eye on benami transactions;
- (xiv) To ensure observance of Vigilance Awareness Week as per directions of the Commission;

* (Inserted circular, CVC Manual 2021 –2.13 (viii) Page No 41)

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- (xv) To scrutinise (a) Internal auditor's reports, (b) Statutory auditor's report (c) CAG audit report;
- (xvi) To scrutinize inspection reports;
- (xvii) In order to keep a watch on the activities of public servants who are of doubtful integrity, the Ministries / Departments / Organisations are required to maintain two lists viz. (i) "Agreed list" and (ii) list of public servants of gazetted status of "doubtful integrity". The "Agreed list" of suspected officers has its origin in the "Programme for vigilance and anti-corruption work during 1966", whereas the list of public servants of gazetted status of doubtful integrity was prescribed in 1969. The criteria for making such lists have been provided in the *Ministry of Home Affairs Letter No.130/1/66-AVD dated 05.05.1966 and letter No. 105/1/66-AVD dated 28.10.1969*. It has been provided in these instructions that the "Agreed list so prepared will remain in force for one year from the date of preparation and officials' work / activities / behaviour during the period would be watched and the list would be reviewed after this period".

The list of Officers of Doubtful Integrity will remain in force for a period of three years. In the above perspective, the CVO has to perform the following functions: -

- (1) To prepare a list of 'Officers of Doubtful Integrity' which would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as (a) officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving Moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances; (b) awarded Departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of Government although corrupt motive may not be capable of proof; (c) against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude; and (d) who was prosecuted but acquitted on technical grounds as there remained a reasonable suspicion about his integrity;
- (2) To prepare the 'Agreed List' in consultation with the CBI which will include the names of officers whose honesty or integrity is doubtful or suspicious. The following action would be taken by the CVO and the CBI in respect of the officers appearing on the list:
 - (a) Closer and more frequent scrutiny and inspection of their work and performance by the Departments concerned, particularly in spheres where there is scope for discretion or for showing favours;
 - (b) Quiet check about their reputation both by the Department and the CBI;
 - (c) Unobtrusive watch of their contacts, style of living, etc. by the CBI;
 - (d) Secret enquiry by the CBI about their assets and financial resources. The Departments will make available their property returns and other relevant records to the CBI; and
 - (e) Collection of information by the CBI of specific instances of bribery and corruption practices.

(CVC Circular No. 3(v)/99(6) dated 18.08.1999; No. 3K-DSP-10 dated 07.04.2000 and 03.09.2001)

(xviii) Adequate precautions should be taken in drawing up and maintaining the "Agreed list" and the "list of Officers of Doubtful Integrity" to ensure that they are correctly and objectively prepared and reviewed from time to time. CVO should ensure that the officers who are placed on the aforesaid lists should not be posted in sensitive positions. CBI would co-ordinate with the Ministries / Departments / Organisations so that the lists so prepared are periodically reviewed. Director of CBI and the CVOs of the Departments will keep the Commission posted about developments from time to time.

(MHA OM No.: 105/1/66-AVD-I dated 28.10.1969 and CVC Circulars No.004/VGL/090 dated 11.09.2013, 04.01.2012&01.05.2008, and Nos. 98/VGL/60 dated 02.11.2001&15.04.1999)

(xix) To conduct CTE type inspection in his organisation; and

(xx) To tender advice to the Disciplinary Authority and the Appellate Authority in vigilance cases, irrespective of level of officers involved.

2.5.6 PUNITIVE VIGILANCE FUNCTIONS BY CVO

The CVO is expected to scrutinise reports of Parliamentary Committees such as Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings; audit reports; proceedings of both Houses of Parliament; Standing committee report for the Ministry, CAG audit report, Statutory auditor's report, internal audit reports, complaints and allegations appearing in the press; and to take appropriate action thereon.

The CVO, inter-alia, is expected to take following action on the punitive vigilance aspects:

(i) To receive complaints from all sources and scrutinise them as per existing instructions. When he is in doubt on the issue of existence of vigilance angle in them, the CVO may refer the matter to his administrative head;

(i) (a) *To update the status of action taken on each complaint sent by Commission for necessary action on Commission's portal (i.e., portal.cvc.gov.in);

(CVC Circular No. 07/08/2020 dated 13.08.2020)

(ii) To investigate or cause an investigation to be made into such allegations involving vigilance angle;

(iii) To investigate or cause an investigation to be made into the allegations forwarded to him by the Commission or the CBI, within the prescribed time lines of 03 months;

(CVC Office Order No. 08/08/2020 dated 14.08.2020)

* (Inserted, CVC Manual 2021 –2.14(i)(a) , Page No 44)

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- (iii) (a) *In case of complaints sent by Commission for investigation, if it is not possible to complete the investigations and refer the matter to Commission within three months, the CVO should seek extension of time stating the specific reasons / constraints in each case, within 15 days of receipt of reference from the Commission. Such request from the CVO should be with the approval of the Secretary / CMD / Chief Executive of the Department / Organization concerned as the case may be;

(CVC Office Order No. 08/08/2020 dated 14.08.2020)

- (iv) To process the investigation report expeditiously for obtaining orders of the competent authority about further course of action to be taken and also for obtaining Commission's advice on the investigation reports, where necessary;
- (iv) (a) *To prioritize the activities of conducting investigations and completion of disciplinary action in cases involving public servants due to retire shortly well in advance so as to ensure that such retirement cases for advice should be received in the Commission 30 days before the date of retirement of the officer;

(CVC Officer Order No. 13/10/20 dated 01.10.2020)

- (v) To ensure that charge-sheet, statement of imputations, lists of witness and documents, etc. are carefully drawn up; copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority are prudently prepared, issued expeditiously and supplied to the charged officer whenever possible.
- (vi) To ensure that there is no delay in appointing the inquiring authorities where necessary;
- (vi) (a) *The CVOs are required to closely monitor the progress of inquiry proceedings including the quality of performance of Presenting Officers before the IO on a regular basis and keep the disciplinary authorities posted about it.

(CVC Circular No. 018/VGL/044 dated 27.07.2018)

- (vii) To examine the inquiry officer's report, keeping in view the evidence adduced by the prosecution and the defence during the course of inquiry, and to obtain orders of the competent authority about further course of action to be taken and also obtain the Commission's second stage advice and UPSC's advice, where necessary;
- (viii) To ensure that the Disciplinary Authority concerned, issued a speaking order, while imposing a punishment on the delinquent employee. The order to be issued by the Disciplinary Authority should show that he had applied his mind and exercised his independent judgment;
- (ix) To ensure that rules and time limits with regard to disciplinary proceedings are scrupulously followed at all stages by all concerned as any violation of rules would render the entire proceedings vitiated;

* (Inserted, CVC Manual 2021 –2.14 (iiia), (iv)(a) ,(vi)(a), Page No 45)

- (x) To scrutinize on a continuous basis, complaints and grievances received by other divisions/ units in the Organisation.
- (xi) To see that proper assistance is given to the CBI in the investigation of cases entrusted to them or started by them on their own source information;
- (xii) To take proper and adequate action with regard to petitions filed by delinquent officers in Courts of Law / Tribunal;
- (xiii) To review from time to time the existing arrangements for vigilance work in the Ministry / Department, to see if the work of subordinate officers is adequate and to ensure expeditious and effective disposal of vigilance work;
- (xiv) To ensure that the competent disciplinary authorities do not adopt a dilatory or lax attitude in processing vigilance cases, particularly in cases when officers are due for promotion or retirement. CVO shall refer such instances to the Commission;
- (xv) To ensure that cases against the public servants on the verge of retirement do not lapse due to time-limit for reasons such as misplacement of files, etc. and that the orders passed in the cases of retiring officers are implemented in time;
- (xvi) To review pendency of references received from Commission.
- (xvii) To refer cases, within his jurisdiction, to CBI with the administrative approval of CEO. In case of difference of opinion with the CEO, the matter may be referred to the Commission.
- (xviii) *To ensure that the cases receive due consideration of the appropriate Disciplinary Authority before these are referred to the Commission and its tentative recommendation is indicated in the references made to the Commission. The cases requiring reconsideration of the Commission's First Stage Advice (FSA) should be sent with the approval of the concerned Disciplinary Authority / Chief Executive, or the Head of the Department, as the case may be, within one month of receipt of Commission's FSA and that too only in those exceptional cases having additional / new material facts. The Commission would not entertain any reconsideration proposal / request of first stage advice received beyond the revised time limit of one month;

(CVC Circular No. 06/08/2020 dated 06.08.2020)

- (xix) Although the discretion to place a public servant under suspension, when a disciplinary proceeding is either pending or contemplated against him, is that of the disciplinary authority, the CVO is expected to assist the disciplinary authority in proper exercise of this discretion;

* (Para re-written, CVC Manual 2021 –2.14 (xviii) , Page No 47)

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- (xx) To ensure that all cases, in which the officers concerned have been under suspension, are reviewed within a period of 90 days with a view to see if the suspension order could be revoked or if there was a case for increasing or decreasing the subsistence allowance;
- (CVC Circular Nos. 006/PRC/1 dated 11.12.2014;014/VGL/ 061 dated 03.12.2014;015/MS/016 dated 27.04.2015;010/ VGL/095 dated 07.12.2012)*
- (xxi) *To scrutinise the matter carefully, wherever the Appellate Authority has disagreed with Commission's Advice which was earlier accepted by the Disciplinary Authority. To take up such matter with the reviewing authority and also to report such cases immediately after decision / orders issued at the Appellate / Review stage to the Commission and also indicate in the relevant column in the online QPRs submitted by the CVOs to the Commission;
- (CVC Circular No. 05/07/2020 dated 20.07.2020)*
- (xxii) To bring to the notice of the Board specific cases where the Disciplinary Authority has disagreed with the CVO's advice in respect of officials not under the jurisdiction of the Commission;
- (xxiii) To ensure that the CVO is invited and remains present at the time of review of vigilance work by the Board;
- (xxiv) To monitor and to take up for necessary action any case of recruitment in violation of the laid down rules and procedure and wherever necessary to report the matter to the Commission.
- (Para VII of CVC Circular No. 006/VGL/065 dated 6th July 2006)*
- (xxv) Identify cases having vigilance angle reported in inspection reports, audit reports, media reports, reports of Parliamentary Committees, etc., carry out investigation and take misconducts, if any, to its logical conclusion.
- (xxvi) Examine the decision of the DA and if they are not in tune with the advice of the Commission, bring it to the notice of the Commission for further consideration.
- (xxvii) Examine the orders of DA in respect of officers not within the jurisdiction of the Commission and to ensure even handedness, fairness, etc. Recommend revision of inappropriate orders by the competent authority.

2.5.7 SURVEILLANCE AND DETECTION BY CVO

- (i) The CVO should conduct regular and surprise inspections in the sensitive areas in order to detect if there have been instances of corrupt or improper practices by the public servants. He should carry out at least six CTE type inspections on one of the projects / works in the organisation every year.

* (Para re-written, CVC Manual 2021 –2.14 (xxi) , Page No 47)

- (ii) He should also undertake prompt scrutiny of annual property returns and intimations given by the public servants under the conduct rules and take further necessary action, if called for.
- (iii) In addition, he should also gather intelligence from his own sources in whatever manner he deems appropriate about the misconducts/malpractices having been committed or likely to be committed. He should also collect source material on misconducts and examine them for logical conclusion with necessary approval. He may also initiate suo motu enquiries based on any prima facie information regarding misconducts. He shall, however, carry out enquiries with necessary approvals.

2.5.8 * No prior approval / sanction of CVO's tour programmes is required from CMD / CEO for proceeding on tour for carrying out any surprise inspections (*CVC Circular No. 005/VGL/15 dated 04.05.2005*). In the interest of transparency and accountability, whenever prior approval/intimation has not been given to the competent authority, a detailed report be submitted to the competent authority on conclusion of the tour and the outcome thereof.

2.5.9 #VIGILANCE ADMINISTRATION OF SUBSIDIARIES AND JOINT VENTURE COMPANIES

Commission has jurisdiction over any organisation so long as the administrative Ministry / Department of the Central Government continues to exercise administrative control over these organisations including appointment of Chief Executive and Board Members, etc.

Accordingly, the CVOs are expected to ensure that vigilance activity is carried out in PSUs, their subsidiaries and joint venture companies in accordance with guidelines of the Commission. All important issues should be reported to the Commission.

(CVC Circular No. 000/VGL/66 dated 24.07.2003)

2.5.9.1 Jurisdiction over Joint Venture Companies:

Jurisdiction of Commission extends to such companies where, in a combination of the Central Government, one or more State Government, one or more Government Companies and one or more corporations owned or controlled by the Central Government / State Government, the cumulative share of the Central Government is not less than 51% of the paid-up share capital.

(DoPT OM No. 399/9/2010-AVD-III(Part-II) dated 15.01.2019)

2.5.9.2 The *Ministry of Petroleum and Natural Gas* vide their *OM No.C-36011/22/2012-Vig. dated 19.11.2013* has also introduced a mechanism of vigilance administration in the Joint Venture and Subsidiary companies of the PSUs under their administrative control. A proposal has been made by the Commission to DoPT to advise other Ministries/ Department to issue guidelines similar to those issued by *Ministry of Petroleum and Natural Gas*. Further instructions are awaited.

* (Para re-written, CVC Manual 2021 –2.15.2 , Page No 49)

(Inserted, CVC Manual 2021 –2.17 , Page No 49-50)

2.6 DEPARTMENT OF PERSONNEL & TRAINING (DOPT)

Department of Personnel and Training (DOP&T) is a nodal agency of the Government of India for formulation and implementation of personnel policies as well as selection, placement and development of the human resources engaged in public service.

2.6.1 Roles & Responsibilities

The role of the Department of Personnel & Training can be conceptually divided into two parts, In its large nodal role, it acts as the formulator of policy and the watch-dog of the Government ensuring that certain accepted standards and norms, as laid down by it, are followed by all Ministries/Departments, in the recruitment, regulation of service conditions, posting/transfers, deputation of personnel as well as other related issues. Towards this end, guidelines are issued by it for the benefit of all Ministries/Departments and it monitors the implementation of these guidelines. It also advises all organizations of the Central Government on issues of personnel Management. At a more immediate level, the Department has the direct responsibility of being the cadre controlling authority for the IAS and the three Secretariat Services in the Central Secretariat. The Department also operates the Central Staffing Scheme under which suitable officers from All India Services and Group 'A' Central Services are selected and then placed in posts at the level of Deputy Secretary/Director and Joint Secretary, on the basis of tenure deputation. The Department also deal with cases of appointment to posts of Chairman, Managing Director, full-time functional Director/Member of the Board of Management of various Public Sector Undertakings/ Enterprises, Corporations, Banks and financial institutions. It also deals with the assignment of Indian experts to various developing countries. It is also responsible for formulation and coordination of training policies for the All India and Central Services and providing support for the capacity building of State Government officials

2.6.2 Senior Appointments under the Government of India

All proposals for senior appointments under the Government of India, which require the approval of the Appointments Committee of the Cabinet (ACC), are processed through the Establishment Officer as Secretary of the ACC. These include Board level appointments to Central Public Sector Undertakings and appointments of Joint Secretaries, Directors and Deputy Secretaries in the Ministries/Departments. In addition, all appointments by promotion, which require the approval of the ACC are also processed through the Establishment Officer, whose office is located in the North Block, New Delhi.

2.6.3 Administrative Vigilance

An important element of personnel management is the maintenance of the professional ethics and standards of the bureaucracy. The Department of Personnel & Training determines Government policy for the maintenance of the integrity of the public services and eradication of corruption and coordinates the activities of various Ministries/Departments in that area. However, all Ministries/Departments and offices of the Government of India have the direct responsibility for the maintenance of discipline and integrity of their staff by taking preventive measures and eradication of corruption in their operational area of work.

2.6.4. Public Enterprises Selection Board

Beside the three Departments of the Ministry, the Public Enterprises Selection Board (PESB) has also been functioning as a part of the Department of Personnel and Training since August, 1986. The PESB is an expert body responsible for selection and placement of personnel for top managerial posts in the Public Sector Undertakings. The Board was originally constituted in 1974 and placed under the administrative control of the Ministry of Industry (Bureau of Public Enterprise). In 1986, the administrative control of the Board was transferred to the Department of Personnel and Training. The Board consists of a full time Chairman and three full time Members. The Secretariat of the Board is headed by an officer, designated as 'Secretary' who is an officer of the rank of Joint Secretary to the Government of India.

2.7 CENTRAL INFORMATION COMMISSION:

2.7.1 The Right of information is a cherished right. Information and right to information are intended to be formidable tools in the hands of responsible citizens to fight corruption and to bring in transparency and accountability. In this background, the provisions RTI Act, 2005 should be enforced strictly and all efforts should be made to bring to light the necessary information which relates to securing transparency and accountability in the working of Public authorities and in discouraging corruption. To meet this objective and to ensure the Act is not misused by the potential applicants, the Central Information Commission has been constituted with effect from 12-10-2005 under the Right to Information Act, 2005. The jurisdiction of the Commission extends over all Central Public Authorities.

2.7.2 POWERS AND FUNCTIONS OF CENTRAL INFORMATION COMMISSION:

The Commission has certain powers and functions mentioned in sections 18, 19, 20 and 25 of the RTI Act, 2005. These broadly relate to adjudication in second appeal for giving information; direction for record keeping, suo motu disclosures receiving and enquiring into a complaint on inability to file RTI etc; imposition of penalties and Monitoring and Reporting including preparation of an Annual Report. The decisions of the Commission are final and binding.

CHAPTER – III

VIGILANCE SET UP IN BHARAT ELECTRONICS

3.0 *Bharat Electronics Limited (BEL) was established at Bengaluru, India, by the Government of India under the Ministry of Defence in 1954 to meet the specialized electronic needs of the Indian Defence Services. Over the years, it has grown into a multi-product, multi-technology, multi-unit company serving the needs of customers in diverse fields in India and abroad. BEL offers products and services in a wide spectrum of technology like Radars, Missile Systems, Defence Communications, Network centric systems, Naval Systems, Electro optics, Home Land Securities & Smart Cities, Electronic Warfare & Avionics, Tank Electronics & gun upgrades, other areas like Electronic fuses, Unmanned Systems, missile seekers, software and non-defence products. With its expertise development over the years, the company also provides turnkey systems solutions.

BEL has its Registered Office at Bengaluru and manufacturing units at nine locations in India & two subsidiary companies, i.e., M/s BEL-Thales Systems Ltd. at Bengaluru and M/s BEL-Optronics Devices Ltd. at Pune. A network of marketing and customer support centers across India and Eight overseas offices at New York (NYRO), Singapore (SIRO), Myanmar (MYRO), Vietnam (VIRO), Srilanka (SLRO), Oman (OMRO), Nigeria (NARO) and Brazil (BLRO) supporting the operations of the manufacturing units.

3.1 VIGILANCE SET UP

3.1.1 The full-fledged Vigilance Department in BEL headed by Chief Vigilance Officer was set up in the year 2003. Full time Vigilance Officers posted in all Units and SBUs spread throughout the country who report to the CVO stationed at the Corporate Office, Bengaluru.

3.1.2 The Vigilance department plays a vital role in ensuring the Rules and laid down Procedures of the Govt and Company are adhered to in all circumstances and the discretionary powers vested with the individuals are exercised judiciously so that there is transparency in all official dealings. Vigilance Department pioneers the Anti- Corruption work of the Company.

3.1.3 The Vigilance Department primarily focuses on Preventive and Participative role. Another role is Investigative, Detective / Surveillance and Punitive role. Preventive Vigilance is a proactive approach, which looks at creating awareness and education on anti-corruption measures, simplification of rules and procedures, plugging loopholes in the system etc.

Punitive vigilance deals with disciplinary action against the employees who have engaged in corrupt activities. The major work profile of the Department comprises of investigation of complaints, preventive vigilance like routine and surprise inspections, regular scrutiny of procurement and contracts files and carrying out System Studies, CTE type inspections, and intensive examination of High value contracts, sensitization of employees on vigilance matters etc.

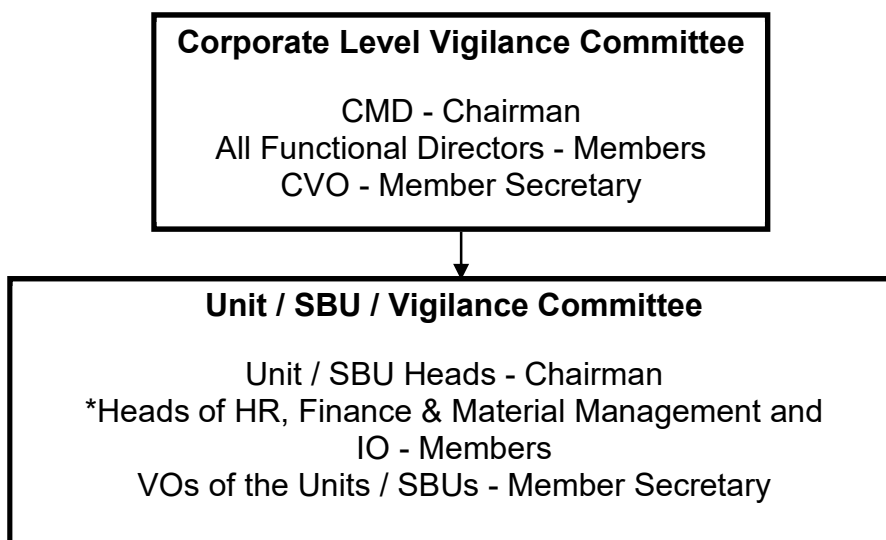
* Para updated

3.1.4 Vigilance Department in BEL has been instrumental in bringing far-reaching policy changes in almost every sphere of activity of the Company, like implementation of e-payments, e-tendering, File life cycle Management, Online filing of Annual Property Returns & vigilance clearance etc., to mention a few. The changes brought in due to the initiatives have not only streamlined the system but also paid rich dividends in the form of savings to the Company. The department has been in the forefront striving consistently to improve vigilance administration, by leveraging technology aiming to reduce bottlenecks/delays in systems/processes and thereby bring in more transparency and expediency in handling businesses of the organization. Vigilance department through its various preventive vigilance activities is making all efforts to reduce scope for corruption.

3.2 CHIEF VIGILANCE OFFICER (CVO)

The CVO heads the Vigilance Division of the organisation concerned and acts as an advisor to the CMD in all matters pertaining to vigilance. He also provides a link between his organisation and the Central Vigilance Commission on one hand and his organisation and the Central Bureau of Investigation on the other. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of his organisation; investigating or causing an investigation to be made into verifiable allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary, taking steps to prevent commission of improper practices/misconducts, etc. Duties and functions are covered in detail in chapter II of this manual.

3.3 VIGILANCE COMMITTEES



* updated

3.4 CONSTITUTION AND FUNCTIONS OF VIGILANCE COMMITTEE OF UNIT / SBU

The Unit / SBU Vigilance Committee will be constituted as follows:

Unit / SBU Head	-	Chairman
*Divisional HR Head	-	Member
Divisional Finance Head	-	Member
Divisional MM Head	-	Member
Investigation Officer	-	Member
Vigilance Officer	-	Member Secretary

The Vigilance Committee constituted as above may co-opt any other senior Executive of the Unit / SBU as member of the committee on need basis when there is requirement of such member in the committee to discuss the vigilance matters pertaining to area of activity of such member.

For tenure of Vigilance officers and their transfer refer CVC Circular No. 020-VGL-054-502950 & Circular No. 07/02/22 Dated 03.02.2022).

3.4.1 Role and Functions of Vigilance Committees

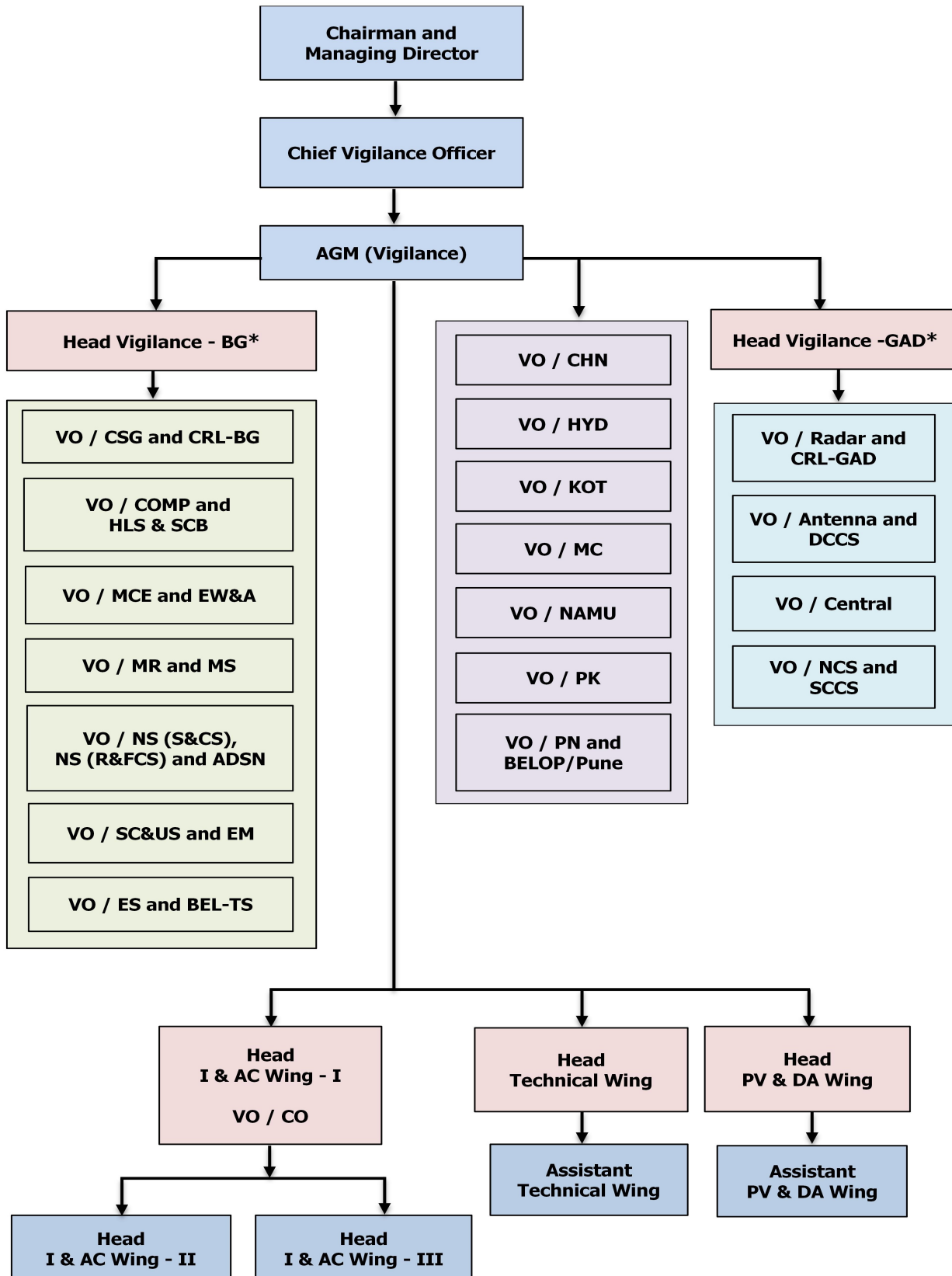
1. *The meeting of Vigilance Committee is to be held every month to deliberate on vigilance matters pertaining to the Unit / SBU. In the absence of the Chairman, the senior most Member of the Committee officiates as Chairman of the Committee. The Minutes of the meeting along with the Monthly Report of vigilance status is to be sent by the Member Secretary through Chairman Vigilance Committee to Corporate Vigilance so as to reach by 27th of every month (25th for February).
2. The Vigilance Committee reviews the status of pending Investigation / Enquiry / Disciplinary Proceedings cases in the Unit / SBU and takes necessary action to ensure timely disposal of such cases. The Member Secretary puts before the Committee, the details of such pending cases and other vigilance matters requiring the attention of the Committee
3. The Vigilance Committee reviews the status of implementation of e-tendering/ e-procurement in the Unit / SBU and ensures that, CVC Guidelines / CMD / CVOs instructions on the subject is complied with to bring transparency in procurement and contracts.
4. The Vigilance Committee reviews the status of implementation of instructions contained in CVC / MoD / DPE Guidelines and CMD / CVO Circulars received from time to time on vigilance matters in the Unit / SBU. For this purpose, the Member Secretary puts up the list of such Guidelines and Circulars received every month and requiring / pending implementation.
5. *The Vigilance Committee identifies the corruption prone / sensitive areas of the sections in the Unit / SBU and plan and implement rotation of Executives and Non-Executives working in corruption prone / sensitive areas for more than three years within the period of next one or two months. The Member Secretary puts up the list of such Executives and Non-Executives in the monthly meeting held in April every year and thereafter status of implementation of job rotation every month.

* updated

6. The Vigilance Committee reviews monthly, the system of surprise and regular inspection in the Unit / SBU and takes appropriate steps for its efficient working. The Vigilance Committee takes notice and also reviews the lapses observed during such surprise and regular inspection and takes appropriate actions. The Member Secretary puts up before the Committee, a brief on surprise / regular inspection conducted in the month highlighting the lapses found. He also puts up actions pending for implementation in earlier surprise / regular checks.
7. * Vigilance Officer shall scrutinise procurement/service orders/works contract orders as per the slabs mentioned below every month.
 - All POs / Contracts of more than Rs.3 Cr are to be scrutinised 100% compulsorily,
 - 50% of POs/contracts between Rs 1 Cr to 3 Cr,
 - 10% of POs/contracts between Rs 1 Cr to Rs 50 Lakh
 - 10% of POs/contracts between Rs 50 Lakh to Rs 25 Lakh
 - 10% of POs/contracts up to Rs 25 LakhThe Member Secretary puts up list of such cases pending action before Committee every month.
8. * The Vigilance Committee appoints sub-committee to assist the VOs to scrutinise the POs / Sub – contracts/works contract orders.
9. * The Vigilance Committee reviews the status of implementation of actions and on lapses found by Vigilance officer and the sub - committee every month
10. The Vigilance Committee reviews the status of comments / replies and actions pending on CTE type Intensive Examination Reports and takes appropriate actions on timely compliance. The Member Secretary will put up list of such pending Paras and actions pending relating to such CTE Type Intensive Examination Reports.
11. SBU/Unit shall take up at least one system improvement project on preventive vigilance every year.
12. The Vigilance Committee facilitates study of system improvement taken by the SBU/Unit on different areas at least once in three months and ensures implementation of measures recommended.
13. The Vigilance Committee reviews the implementation of Corruption Risk Management Policy and submits the report to Corporate Vigilance every month.
14. The Vigilance Committee ensures that all Executives are put through Vigilance Awareness training Programme at least once in 10 years. Besides, it also ensures that, Non-Executives who are functioning in sensitive areas are to be exposed to Vigilance Awareness training Programme.
15. *The Vigilance Committee shall ensure that all executives/non-executives posted in MM/Contract are imparted structured classroom training on purchase / sub-contract/ works contract procedures.
16. The Vigilance Committee provides all logistics support and other facilities to VO / IO to facilitate efficient functioning of vigilance in the Unit / SBU.
17. Any other task assigned by CMD / CVO.

* updated

3.5 VIGILANCE ORGANISATION CHART



*** One of the VO from BG and GAD will head the Unit Vigilance respectively**
Note: All Field VOs will administratively report to respective Unit/ SBU Head.

3.6 FUNCTIONAL RESPONSIBILITIES OF VIGILANCE OFFICERS

3.6.1 *Chairman Vigilance Committee

1. As Chairman of Vigilance Committee, he will Endeavour to maintain integrity and transparency in all functions of Unit / SBU.
2. *Chair the Monthly Meeting of Vigilance Committee every month to review the status of vigilance activities in the Unit / SBU. The meeting to be held every month, so that the Minutes / Monthly Report / Quarterly Report could reach Corporate Vigilance every month.
3. Along with VO, will identify Executives / TC Personnel who are to be kept under Agreed List and Doubtful Integrity List and send the same to CO-VIG for further action. Also approve names of those Non-Executives, who are to be kept under Internal Agreed List and Doubtful Integrity List.
4. Conduct surprise checks / inspection in corruption prone areas / sensitive areas. Initiate and monitor actions on the lapses observed. Report the same during ROP review.
5. Ensuring alternate vendor development for Items value more than Rs 50 Lakh where future requirement exist and report the same during ROP review.
6. Any other task assigned by CMD / CVO.

3.6.2. * AGM (VIGILANCE) / CO

1. He will report administratively and functionally to the CVO.
2. As Principle Staff Officer, will assist CVO for ensuring implementation of Corporate policies and CVC /DPE/MoD guidelines on all Vigilance matters in the company.
3. Responsible for compilation/collation of all Vigilance reports, correspondences and returns from all the SBUs/Units including Corporate Office (considered as a Unit), and further onward submission to MoD/CVC/CBI/MoD/and other Govt. departments.
4. Follow up the cases pending investigation/enquiry/disciplinary actions in all SBUs/Units for timely disposal, as per CVC Guidelines.
5. Put up shortcomings and difficulties faced if any in the working of Vigilance and recommend improvement needed.
6. Put up before CVO all the pending Vigilance matters of the Company in the first of week of every month and along with suggestions for expediting action.
7. Maintain a Vigilance Compliant register in prescribed format at the corporate level for keeping records of Complaints received in Corporate Vigilance and maintain register for keeping track of progress of investigation and disciplinary proceedings in prescribed format.

* updated

8. Ensure circulation of all CVC / DPE / MoD guidelines / CMD / CVO Circulars to all Units / SBUs, for compliance.
9. Liaise with the CBI and vigilance set up of other central PSU's in Bangalore, regarding Vigilance matters.
10. Co-ordinate with CVC for carrying out their audit on Vigilance function (like Management Audit for Vigilance Unit (MAVU), etc.) and take corrective actions based on Audit Reports.
11. Monitor and review the implementation of Corruption Risk Management Policy across the company.
12. Put up review of vigilance work done by Heads of Vigilance-BG and GAD, Field Vigilance Officers and VOs of Corporate Office.
13. Put up nominations of Executives for external training / seminars / meetings relating to vigilance and disciplinary proceedings and maintain record of trained Executives.
14. Put up for CVO agenda points for MoD / CVC / Board / Roll on Plan/ CMD / Quarterly and other important meetings, relating to Vigilance.
15. Visit Units / SBUs in connection with vigilance related activities.
16. *Ensure conduction of Induction and mid-career vigilance training program as per CVC guidelines.
17. * Coordinating with CBI & other investigation agencies in matters related to BEL during their visits.
18. * Planning and executing Vigilance Awareness Week activities.
19. Look after the work of CVO in his absence.
20. Carryout any other duties entrusted to him by CVO.

3.6.3 * Sr. DGM (Vigilance)/Corporate Vigilance

1. He will act to strengthen vigilance and supervisory control through awareness, detect possible weakness and loopholes in the systems and take positive measures, to prevent their occurrence.
2. Maintaining information about persons of bad reputation, maintaining lists of persons of doubtful integrity, maintaining in consultation with CBI, an agreed list-keeping liaison with CBI and CVC.

* updated

3. Request CBI to undertake investigations in more grave irregularities involving wider ramifications.
4. Continuous review of Procurement Procedures and other Policies and suggestion for improvement in procedures and instructions in line with CVC, MoD, DoPT and Government guidelines.
5. Updating works contract manual, purchase procedure manual and sub contract manual, in line with CVC, MoD, MoF, DPE guidelines.
6. Scrutiny of APR's of Executives in the Grade of AGMs, General Managers and Executive Director in coordination with AGM(Vigilance) and report the status to CVO.
7. Review of Job Rotation plans and monitor the implementation in the Units and SBUs
8. Examine the File proposals put up by the VOs of Corporate Vigilance relating to Fact Verification, Investigation, PO reviews etc., before putting up to AGM (Vigilance) for concurrence and CVO for approval.
9. Monitor the implementation of MoD's Actionable Points relating to Preventive Vigilance measures.
10. Coordinate inter organization audit of DPSUs on MoD's Actionable Points as laid down from time to time.
11. ISO 9001/2015 certification Audit related activities.
12. Simplification of procedures, rules, circulars, regulations, instructions etc.
13. Any other works assigned by CVO from time to time.

3.6.4 * Vigilance Officers - Investigation and Anti-corruption Wing in Corporate Office

1. Processing of Complaints received from CVO's office and arrange for Fact Verification by the concerned Field Vigilance Officer of the Unit/SBU.
2. Monitoring the progress of Fact Verification/Investigation of Complaints referred to the Field Vigilance Officer.
3. Process the Fact Verification report/Investigation Reports received from Field Vigilance Officers/Heads of Vigilance- BG & GAD, do further examination/verification, if required, and put up the case to CVO for approval.
4. Verification of files in which irregularities are suspected based on Source Information.
5. Analysis of various Internal, Statutory and C & AG Reports and submit a detailed report to CVO with recommendations and corrective action.

* updated

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6. ISO 9001/2015 certification Audit related activities.
 7. Acts as VO of corporate office & coordinates for VAW activities of corporate office.
 8. Any other duties assigned by CVO /AGM (Vigilance)

3.6.4 # Vigilance Officers - Technical Wing in Corporate Office

1. Coordinate Training programs at corporate level in coordination with AGM (Vigilance).
2. Coordinate IEM review of Procurement Proposals above the threshold limit specified from time to time.
3. Arrange for the Intensive Examination of High Value Procurement Orders by the specially constituted IE teams.
4. Examine to IE Reports submitted by IE teams, make further examination and put up the observations along with comments and further action to CVO for approval.
5. Conduct periodic review of High Value Purchase Orders/Works Contract Order and submit detailed report to CVO.
6. ISO 9001/2015 certification Audit related activities.
7. Review is to be done for Purchase Orders/Works Contract covered under the Integrity Pact and submit a detailed report with regard to compliance of Procedures under IP, Procurement procedures and CVC/MoD guidelines on Procurement.
8. Coordinates for VAW activities of corporate office
9. Any other works assigned by CVO from time to time.

3.6.5. * Vigilance officer/s - Preventive and Disciplinary Action Wing in Corporate Office

1. Act as nodal Officers for implementation of Preventive Vigilance measures initiated by Corporate Vigilance in the respective Units and SBUs.
2. Compilation and submission of various monthly, quarterly and annual reports to various Government agencies, Departments, Board and the CMD.
3. Compilation of data and information required for various meeting like RoP, periodic review meetings at Corporate and at various Units/SBUs.
4. Reporting implementation of Corruption Risk Management Policy of the Company.
5. Monitor the implementation of MoD's Actionable Points relating to preventive vigilance in the Units/SBUs.

Inserted, * Updated

6. Conduct periodic inspection visit to the office of Field Vigilance Officers, examine the records maintained in the Office of Field VO and submit detailed report to CVO.
7. Maintaining information about persons of bad reputation, maintaining lists of persons of doubtful integrity, maintaining in consultation with CBI, an agreed list-keeping liaison with CBI and CVC.
8. Monitor the Inquiry Proceedings on Disciplinary Action cases referred to the Disciplinary Authority and report the progress.
9. Conducting and coordinating the various Training and Awareness Programs related Vigilance administration across the Units and at Corporate Office.
10. Analysis of reports on Surprise and Regular inspections.
11. Periodic review of Works Contract manual, Purchase Procedures and Sub Contract Procedures in line with CVC, MoD, MoF, DPE guidelines issued from time to time and to submit recommendation for updation.
12. Scrutiny of APR's at Corporate Office and review of APRs Scrutiny at Units/SBUs.
13. Review Job Rotation of employees posted in sensitive areas.
14. Recommend measures by which opportunity to indulge in corrupt practices is reduced.
15. Coordinates for VAW activities of corporate office
16. Any other duties assigned by CVO and AGM(Vigilance) from time to time.
17. ISO 9001/2015 certification Audit related activities.

3.6.6 *Head of Vigilance - BG and GAD: (Nominated by Corporate Vigilance)

1. Will be under administrative control of Unit Head where he/she is presently working and will functionally report to CVO through AGM (Vigilance) and not to be assigned any other administrative/Production/Project related works of Unit/SBU work including Audits.
2. Will discharge duties as resource person on vigilance matters of the Units/SBUs assigned. Supervise the work of Field Vigilance Officer of the SBUs under the unit and monitor personally all Vigilance activities in the unit.
3. Regularly visit the SBUs under the unit to review the Vigilance functions carried out in these SBUs.
4. Will earmark separate timings and days to meet visitors / staff / vendors who come with specific complaint / information on vigilance issues relating to unit.

* Updated

5. Scrutinize and analyze complaints received in respect of Non Executives either directly or through the VO/IO / SBUs for investigation. In the case of Executives, forward such Complaints to Corporate Vigilance.
6. Monitor the timely completion of Investigation / Enquiry / Disciplinary Proceedings pending in different SBUs of the unit.
7. Examine the Fact Verification Report submitted by the Field Vigilance Officers and forward the observations and comments to Corporate Vigilance.
8. Monitor the implementation of CVC / MoD / DPE Guidelines / CMD / CVOs instructions in the Unit.
9. Monitor and ensure timely compliance of submission of all periodical reports and returns to Corporate Vigilance on vigilance activities of Unit.
10. Organize Vigilance Seminars / Workshops, besides arranging training programs for executives working in vigilance and other sensitive areas.
11. Will maintain a list of experienced faculty external as well as internal and also prepare training modules of short duration covering desired aspects of vigilance work / disciplinary proceedings.
12. Monitor the progress in the DA proceedings in the Domestic Enquiry / Departmental Inquiry and monitor the progress in the DA proceedings. Provides required assistance to the Disciplinary Authority in Disciplinary proceedings.
13. Assume the role of Presenting Officer in any DA Proceedings in respect of any cases/Complaints in which Fact Verification/Investigation are done by the Vigilance Officer.
14. Will be the Liaison Officer on vigilance matters and will liaise and co-ordinate with the Officers of the CBI in the region where the Units of BEL/Office is located.
15. Organize the Vigilance Awareness Week and other vigilance related activities to bring awareness about vigilance among Executives / Non Executives.
16. Monitor the rotation of Executives and Non Executives working in sensitive areas for more than 3 years.
17. Monitoring the scrutiny of 20% of Annual Property Returns by Vigilance Officer of Unit / SBU and monitor the actions on abnormalities noticed during scrutiny.
18. Monitor strict implementation of e-tendering and e-procurement within Units / SBUs and report to Corporate Vigilance, lapses if any.
19. Monitor the study of system improvements in sensitive / corruption prone areas taken up by Vigilance Officers of Units/SBUs and ensure its implementation.
20. Send list of Executives for inclusion in Agreed List and List of Doubtful Integrity to Corporate Vigilance by 30th January and also hold periodic meeting with SP, CBI in the unit.
21. Monitor and make arrangements for watching employees placed in Agreed List / DI List and report on adverse activities.
22. Audit periodically the system of surprise / regular inspections carried out in the Units and report on its effectiveness to Corporate Vigilance.

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23. Collect intelligence / information on vigilance related matters in the Units.
 24. Monitor the implementation of actionable points of MoD in the unit.
 25. Coordinating with unit Management for observe the vigilance awareness week activities.
 26. Any other task assigned by CVO/AGM (Vigilance).

3.6.7. * Field Vigilance Officer (VO) Unit/SBU

1. The Field VO will be responsible for Vigilance function of the Unit / SBU and not to be assigned any other administrative/Production/Project related works of Unit/SBU work including Audits.
2. As Vigilance Officer of the Unit / SBU, will act as the Member Secretary of the Vigilance Committee of the Unit / SBU.
3. Will be responsible for the timely submission of all periodical reports / returns / correspondences to Corporate Vigilance, with a copy to the concerned Head of Vigilance-BG and GAD
4. Review and report the status of implementation of e-tendering / e-procurement in the Unit/SBU to the Vigilance Committee every month to ensure strict compliance of CVC guidelines.
5. Ensure SBU/Unit takes up system improvement project in preventive vigilance to stream line and simplify the procedures. Periodic status report should be submitted to corporate vigilance every quarter. Final report has to be submitted after implementation of the same by January every year.
6. Records pertaining to the Scrutiny of POs / Sub - contracts / Works should be maintained in vigilance portal of SAP. Initiate appropriate actions on the lapses found on scrutiny. Serious / major lapses to be intimated to Corporate Vigilance for further action. Put up brief note on scrutiny of POs / Contracts to Vigilance Committee highlighting lapses found and actions pending on lapses.
7. Proactively conducting in depth review of all the Procurement Proposals covered under the Integrity Pact as per the threshold limit specified by the Company from time to time and send detailed report to Corporate Vigilance in the specified format with the Check list and connected documents.
8. Maintain the list of Executives / Employees who are not put through any Vigilance Awareness Program in the last 10 years and put up list to Vigilance Committee. Organize such program at least once in 3 months at the Unit/SBU level through HR.
9. Maintain the list of executives/non-executives posted in MM/Contract who have not been imparted structured classroom training on purchase / sub-contract/ works contract procedures and put-up to the vigilance committee on time to time basis.
10. Monitor the implementation of various CVC / MoD / DPE / CMD Guidelines / Circulars and CVOs instructions received from time to time within the Unit / SBU and send the status of compliance to Corporate Vigilance. Put up list of various guidelines / circulars received and actions pending before Vigilance Committee every month.

* Updated

11. Maintain a separate office as a VO and earmark specific timings and days in a week to meet the Visitors / Staff / Vendors, who come with specific complaint / information on vigilance issue relating to Unit / SBU, exclusively and confidentially.
12. Monitor the timely completion of Investigation / Enquiry / Disciplinary Proceedings pending in the Unit / SBU and bring it to the notice of Vigilance Committee / Corporate Vigilance of any delay if any.
13. Conduct scrutiny of at least 20% APRs of Executives and TC Personnel in a financial year and maintain the record of scrutiny in the prescribed format so that, all Executives and TC Personnel are covered in a block period of 5 years and report any abnormalities to the Chairman, Vigilance Committee and Corporate Vigilance noticed during the scrutiny requiring further action to Corporate Vigilance and keep Chairman Vigilance Committee informed. APRs will be kept in custody of HR Head of the Unit / SBU.
14. Put up a list of Executives and Non-Executives working in sensitive areas who have completed /are completing 3 years during the year at the beginning of the year to the Vigilance Committee for draw out a plan for Job rotation and submit the same to Corporate Vigilance.
15. Identify Executives / employees working in the Unit / SBU for keeping in Agreed List and Doubtful Integrity List in consultation with Chairman Vigilance Committee and send the list to Corporate Vigilance for approval by 20th of January every year. Make arrangements to keep watch on persons kept in Agreed List and Doubtful Integrity List and send quarterly reports by 10th of next month of quarter.
16. Maintain the vigilance complaint register in the prescribed format in 3 Parts. Part I for Executives, Part II for Non-Executives and Part III for non-vigilance complaints. If complaint relates to Executives (with or without Non-Executives), then it should be entered in Part I and if it relates to Non-Executives only, it should be entered in Part II. If complaint relates to non - vigilance matters which are received in vigilance section, then it may be separately entered in the register in Part III and after entering the details, the complaints may be forwarded to HR or the concerned department for further action. Vigilance Officer will sign the entries in the vigilance complaint register.
17. When complaint having vigilance angle is received against Executives/Non-executives, forward such Complaints to Corporate Vigilance for further action.
18. Submit the Fact Verification/Investigation / Preliminary Enquiry reports on the complaint taken up for investigation in the prescribed format as per the timelines issued by corporate vigilance.
19. Organise / conduct surprise and regular checks / inspection in corruption prone areas / sensitive areas and make a record of such checks in the prescribed formats. Initiate and monitor actions on the lapses observed. Put up note on outcome of surprise / regular inspections conducted every month and actions pending on lapses found to Vigilance Committee every month. Report on Serious / major lapses to be intimated to Corporate Vigilance for further action.
20. Collect intelligence / information on vigilance related matters in the Unit / SBU and act properly on such information.
21. Expedite the comments / replies on CTE / In-house Intensive Examination Reports on POs/Contracts and other reports. Monitor actions recommended in such reports and send the status of implementation to Corporate Vigilance, whenever and wherever asked for.

Put up such examination reports and actions pending on reports before the Vigilance Committee for appropriate timely action.

22. Monitor the implementation of Corruption Risk Management Policy and maintaining and updating Corruption Risk Register in the Unit/SBU.
23. Keep all vigilance related documents including Complaint Register, Files, Correspondences, Circulars, Returns, Reports, Periodicals / Books etc., in personal custody and hand over the same to the next incumbent after the completion of his/her tenure as VO, along with authenticated list of such documents / files.
24. Grant Vigilance Clearance for all non-executives and Executives up to the grade of DGM (E-VI) in accordance with instructions and directions issued by Corporate Vigilance from time to time.
25. Any other task assigned by CVO/AGM (Vigilance).

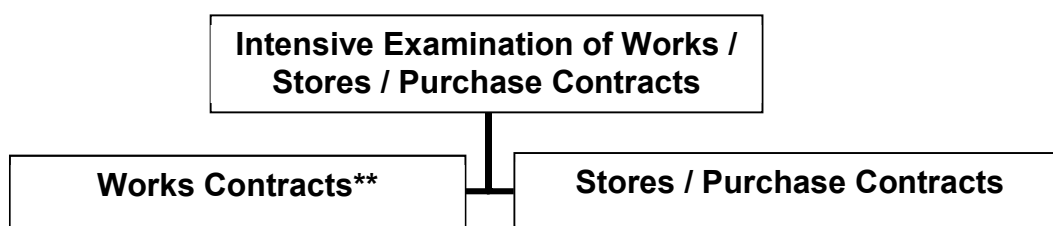
3.7 INVESTIGATION OFFICER (IO) UNIT/SBU

1. Assist and report to Vigilance Officer of Unit / SBU for vigilance activities.
2. Investigate the cases entrusted by Vigilance Officer / Chairman, Vigilance Committee / Corporate Vigilance and submit the report timely in prescribed format. Keep documents relating to investigation in safe custody and make them available to appropriate authority.
3. Assist Vigilance Officer in organizing / conducting regular / surprise inspections and also conduct independent inspection in corruption prone and sensitive areas of Unit / SBU.
4. Develop and maintain effective Vigilance Information Network in Unit / SBU.
5. Assist Vigilance Officer in keeping watch over persons kept in agreed list/ Doubtful Integrity list and Internal Agreed list / Doubtful Integrity list.
6. In the absence of Vigilance Officer, discharge the duties of Vigilance Officer of the Unit / SBU.
7. Assist Vigilance Officer in preparation and submission of periodical reports / returns and in maintenance of records / registers.
8. Carry out any other task assigned by VO / Chairman, Vigilance Committee / Corporate Vigilance.

3.8 IN-HOUSE INTENSIVE EXAMINATION OF CONTRACTS:

3.8.1 IN-HOUSE INTENSIVE EXAMINATION OF CONTRACTS

Units / SBUs are sending Quarterly Progress Reports of various contracts as per prescribed financial limits given below. Based on these reports, Corporate Vigilance selects the Works Contract and Stores / Purchase Contracts for conducting Intensive Examination.



* Below mentioned are the categories of Works Contracts containing prescribed financial limits:

Category I	Civil Works/Turnkey Works Contracts/PPP (Public Private Partnership)	Rs.5 crores & above
Category I	Stores & Purchase Orders/Contracts	Rs.5 crores & above
Category II	Electrical/Mechanical Works/Maintenance/Service Contracts	Rs.1 crore & above
Category II	Medical Equipment	Rs.50 lakhs & above
Category II	Consultancy Contracts	Rs.1 crore & above
Category III	Sub Contract/Horticulture Works	Rs.10 lakhs & above
Category III	Supply of medicines	4 larger value contracts

* **3.8.2 Purpose of Intensive Examination**

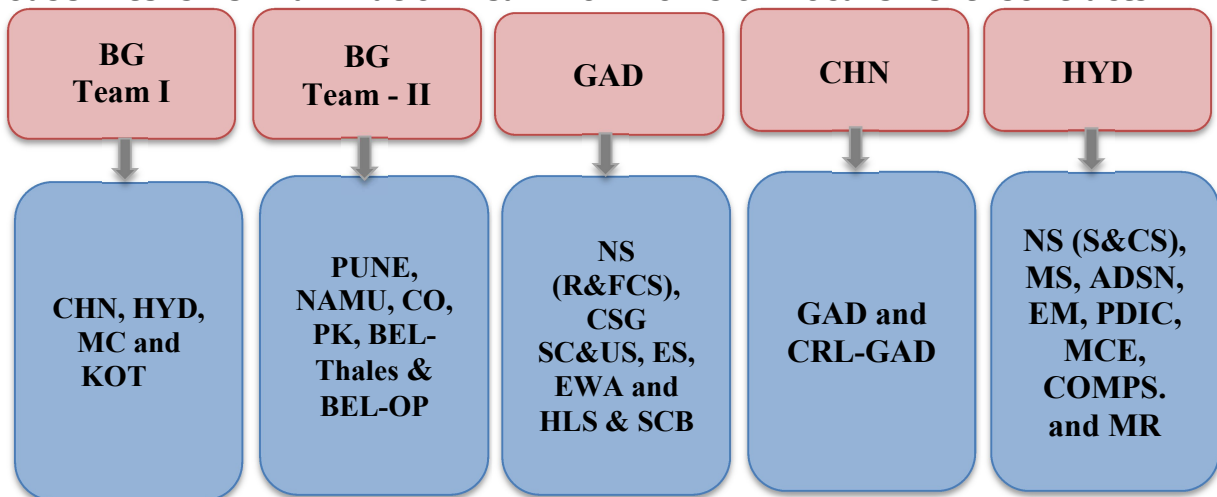
- Quality deficiencies and remedial actions.
- Detection/recovery of over payment.
- Tax compliances and follow up action.
- Penal action in cases involving gross inaction /oversight and cases involving vigilance angle.
- System improvements based on lessons learnt from examined contract.

* **3.8.3 Formation of Internal Intensive Examination Teams**

1. As per the guidelines issued by CVC, the Public Sector Enterprises are required to form internal Inspection Teams for conducting Intensive Examination of Works Contracts and Stores / Purchase Orders on the pattern of CTE Organisation, periodically. The results of such inspections are reported to CTE by BEL Corporate Vigilance along with Quarterly Progress Reports in the prescribed format.
2. Five Inspection Teams have been constituted in BEL for carrying out Intensive Examination on the pattern of CTE Organization for Works Contract and Stores/Purchase Contract.
3. Before conducting Inspection at Unit / SBU, Chairman, Intensive Examination Teams for Works Contract would obtain the details from the concerned Unit / SBU in the specified format.
4. List the deficiencies identified during the review of the contract based on the information received by the respective Unit/SBU and verify during site visit.

* Updated

*** In-House Intensive Examination Team For Works & Procurement Contracts.**



*** 3.8.4 Facts**

- The relevant facts relating to the issue under examination should be presented in chronological or activity – wise sequence.
- Each fact should be supported by documentary evidence.
- While annexing the evidence, the relevant portion of the document should be annexed.
- The evidence of technical/financial credentials for meeting the qualifying requirements should consist of the photocopy of the relevant clause prescribing the qualifying the requirements.
- All relevant facts needed to support the observations/conclusion should be gathered and presented.
- Evidence presented should be credible and adequate.

*** 3.8.5 Observations**

- Ordinarily, observations are logically derived through a set of facts.
- Observations should be in the nature of objections or anomalies observed with reference to the gathered facts.
- Observations arising out of the analysis of facts to be recorded.
- Observations are also arrived at by evaluating the facts against certain criteria viz, Rules, Regulations, Policies, Procedures, Norms, Good practices or normative principles.

*** 3.8.6 Recommendation for Action**

Recommendation for closure of the case in case there is no discernible vigilance angle or criminal misconduct if any, that should be clearly spelt out.

CHAPTER - IV

PREVENTIVE VIGILANCE

4.1 PREVENTIVE VIGILANCE

It is a well-known adage that prevention is better than cure. Preventive vigilance includes those steps which are instrumental in reducing or eliminating corruption from public services. Corruption denotes motivated exercise of authority and influence attached to a public office or to the dominant position one occupies in public service. This complex phenomenon which is now a deep seated malaise in society, cannot be eradicated so long as there is someone willing to corrupt and capable of corrupting and someone willing to be corrupted. There are many causes of corruption, such as, social, historical, procedural, etc.

The following causes which fall within the purview of Public Administration are relevant for administration of Preventive Vigilance measures. Some of these causes along with the remedial measures are indicated below:

4.1.1 * POSTING OF OFFICERS ON SENSITIVE POST(s)

Every year job rotation for sensitive assignment is to be carried out in respect of the officers holding sensitive assignments for 3 years. Company should identify the sensitive posts for this purpose and place the matter before the Board and after its approval, arrange to implement the same in the company, as mentioned in the GIPSA letter dated 26.11.2019 to member companies.

4.1.2 Agreed List

An exercise to identify officials who are known for bad reputation or suspected of corruption as a result of public complaints against them goes a long way in reducing corruption. Agreed lists are prepared in consultation with the Central Bureau of Investigation. Special watch is then kept on their work and way of life. Periodical reviews of such lists are undertaken. A study of property returns of such officials also yield useful results in nabbing them.

4.2 INTERNAL VIGILANCE

Vigilance activities mostly pertain to complaints received from sources outside departments. An efficient administration, however, should prefer to discover misconduct on its own. This internal vigilance depends on the efficiency of inspections.

4.2.1 Inspections are indeed meant to ensure that what was intended to be done, has been done correctly, honestly, economically, promptly and efficiently. Regrettably, inspections are considered a routine matter and, therefore, of less importance than more demonstrable activities. A consequence is that larger dependence has come to be placed on outside complaints for unearthing misconduct cases arising out of inspections/audit. Obviously, inspections are not as effective as they were intended to be.

* updated, CVC Manual 2021 –8.18.8 , Page No 251

4.2.2 Prevention is preferable to detection, investigation, inquiry and penal action. Normally, rules and procedures are made with a view that the public is served without fear or favour, justly, fairly and uniformly. A misconduct, therefore, would generally be reflected in violation or these rules and procedures, resulting in absence of entries, incorrect entries, fabrication of entries, etc. If the rules and procedures are, therefore, well-conceived then inspections in depth should not only bring out many of the corrupt acts to light, but also help to improve procedures and deter fresh attempts. It is necessary, therefore, that inspections are regularly planned and thoroughly carried out and their outcome is promptly processed. A continuous watch over the results of inspections cannot but fail to bring out lacunae in procedures.

4.2.3 If the purpose of vigilance is to reduce the occurrence of corruption/misconduct to the minimum, emphasis ought not to be given only on creation of machineries to investigate, inquire and punish the offender. What is important is continuous emphasis on good conduct. It should be a matter of concern whether or not Government activities take place correctly, honestly, economically, promptly and efficiently. It follows those things should get done and public should receive what they are entitled to without difficulty, without delay, without having to know somebody or without having to approach somebody. In practice, there is no compulsion on departments to be watchful over the continuous observance of good conduct. Together with continual inspection, constant check on the end result and administrative practice is essential. This matter deserves serious consideration.

4.2.4 It follows that every opportunity should be taken to improve and simplify rules and procedures whether such suggestion come out of inspections, investigations inquiries or reports. Any sensitive areas (where they can go on changing) where there are more opportunities of corruption would naturally receive adequate consideration.

4.3* CENTRAL VIGILANCE COMMISSION

(a) Genesis: The Central Vigilance Commission was set up by the Government of India by a Resolution, dated 11.2.1964 in pursuance of the recommendations made by the Committee on Prevention of Corruption (popularly known as Santhanam Committee). Further, it was in pursuance of the directions of the Hon'ble Supreme Court in the case of Vineet Narain vs. Union of India (CWP 340-343 of 1993-1 SCC 226) that the Commission was accorded statutory status with effect from 25.8.1998 through "The Central Vigilance Commission Ordinance, 1998". It was followed by CVC (Amendment) Ordinance dated 27.10.1998, CVC Ordinance dated 8.01.1999, DoPT Resolution No. 371/20/99-AVD-III dated 04.04.1999 and DoPT Resolution No. 371/20/99-AVD-III dated 13.08.2002, while the CVC Bill was under the consideration of the Parliament. Subsequently, the CVC Bill was passed by both Houses of Parliament in 2003 and the President gave assent on 11th September 2003. Thus, the Central Vigilance Commission Act, 2003 (No. 45 of 2003) came into effect from that date.

* Paras inserted from CVC Manual 2021, Clause No 1.1.1, Page No 2

(b) ***Set-up:** In terms of the provisions contained in section 3 & 4 of CVC Act, 2003, the Commission shall consist of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members). The Central Vigilance Commissioner and the Vigilance Commissioners are appointed by the President by warrant under his hand and seal for a term of four years from the date on which they enter upon their offices or till they attain the age of sixty-five years, whichever is earlier. The Commission is assisted by a Secretary who is appointed by the Central Government.

4.3.1 * ADMINISTRATIVE VIGILANCE DIVISION

The Administrative Vigilance Division was set up in the Ministry of Home Affairs, in August 1955, to serve as a central agency to assume overall responsibility for anti-corruption measures. With the establishment of the Central Vigilance Commission, a good part of the functions performed

by the Administrative Vigilance Division are now exercised by the Central Vigilance Commission. The Administrative Vigilance Division of the Department of Personnel and Training in the Ministry of Personnel, Public Grievances & Pension is now responsible for the formulation and implementation of policies of the Central Government in the field of vigilance, integrity in public services, anti-corruption and to provide guidance and coordination to Ministries / Departments of Government of India in matters requiring decisions of Government.

4.3.2 Creating A Culture Of Honesty

Many organizations have a reputation for corruption. The junior employees and officers who join the organizations hopefully may not be so corruption minded as those who have already been part of the corrupt system. In order to ensure that a culture of honesty is encouraged and the junior officers do not have the excuse that because their seniors are corrupt, that they have to also adopt the corrupt practices, it is decided with immediate effect that *junior* employees who initiate any proposal relating to vigilance matters which is likely to result in a reference to the CVC can send a copy directly to the CVC by name. This copy will be kept in the office of the CVC and data fed into the computer.

If within a reasonable time of say three to six months, the reference does not come to the CVC, the CVC then can verify with the concerned authorities in the department as to, what happened to the vigilance case initiated by the junior employee. If there is an attempt to protect the corrupt or dilute the charges, this will also become visible. Above all the junior officers will not have the excuse that they have to fall in line with the corrupt seniors. Incidentally, the seniors also cannot treat, the references made directly to the CVC as an act of indiscipline because the junior officers will be complying with the instructions issued under Section 8 (1) (h) of the CVC Ordinance 1998. However, if a junior officer makes a false or frivolous complaint it will be viewed adversely.

* Paras inserted from CVC Manual 2021, Clause No 1.1.1 & 1.1.2, Page No 2 & 3

4.3.3 Greater Transparency in Administration

One major source of corruption arises because of lack of transparency. There is a scope for patronage and corruption especially in matters relating to tenders; cases where exercise of discretion relating to out of conferment of facilities/privileges and so on. Each Organization may identify such items which provide scope for corruption and greater transparency would be useful. There is a necessity to maintain secrecy in such matters where discretion has to be exercised. But once the discretion has been exercised or as matters of tenders once the tender has been finalized there is no need for the secrecy. A practice, therefore, must be adopted with immediate effect by all organizations within the purview of the CVC that they will publish on the notice board and in the organization's regular publication the details of all such cases regarding tenders or out off turn allotments or discretion exercised in favour of an employee/party, The whole process of publication of this information will provide an automatic check for corruption induced decisions or undue favours which go against principles of healthy vigilance administration.

4.3.4 The CVC will in course of time take up each organization and review to see whether any additions and alterations have to be made to the list of items which the organization identified in the first instance for the monitoring of communications for publicity in the interests of greater transparency. This may be implemented with immediate effect.

4.4 SURVEILLANCE AND DETECTIVE VIGILANCE

This area relates to the detection of corruption or misconduct on the part of Govt. servant. Complaints received from Govt. servants and members of public play an important part in detecting misconduct/corruption. Audit reports, Press reports, inspections, surprise checks are other useful means of locating misconduct/corruption. Speedy investigation holds the key for effective detective vigilance. The Chief Vigilance Officer of the organisation has to play a very constructive role in detection of misconduct/corruption.

4.5 PUNITIVE VIGILANCE

Wherever a misconduct or corruption has come to notice against a Govt. servant, it is necessary to penalise such a Govt. servant to set an example for others. Speedy conclusion of disciplinary proceedings goes a long way in having the desired effect. This area includes the implementation of the Discipline and Appeal Rules. The various steps involved are:

1. Investigation and collection of evidence
2. Issue of charge sheet
3. Holding of inquiry wherever necessary
4. Consideration of the inquiry report; and
5. Passing of the final order.

The area of Punitive Vigilance is very well defined and hence most of the Chief Vigilance Officers concentrate more on this area with the neglect of the areas of Preventive and Detective Vigilance.

4.6 SPEEDY DEPARTMENTAL INQUIRIES

One major source of corruption is that the guilty are not punished adequately and more important they are not punished promptly. This is because of the prolonged delays in the departmental inquiry procedures. The reasons for the departmental inquiry being delayed is that the officers along with has regular burden of work and this inquiry is to be done in addition to their work. The same is true for the Presenting Officers also.

Each organization, therefore, may immediately review all the pending cases and the Disciplinary Authority may appoint Inquiry Officers from among retired honest officer for conducting the inquiries. The names of these officers may be got ensured by the CVC. The CVC will also separately issue an advertisement and start building a panel of names all over India which can supplement the inquiry officers' work in the department. In fact, it can be a healthy practice to have all the inquiries to be done only through such retired employees because it can then be ensured that the departmental inquiries can be completed in time. If any service/departamental rules are in conflict with the above instructions they must be modified with immediate effect.

(CVC Circular No. 01/01/22 & No 006/PRC/1/501490 dated 12.01.2022 for "Timely Completion of Departmental Inquiries-Procedure regarding)

CHAPTER – V

PREVENTIVE VIGILANCE MEASURES

5.1 INTRODUCTION

Corruption cannot be totally eliminated but can be brought to tolerable limits by preventive measures. It is often quoted that prevention is better than cure. Corruption proven areas should be located like drawl of false TA/DA, bogus reimbursement of LTA/Medical claims, nepotism, favoritism and possession of disproportionate assets.

5.2 SENSITISING THE PUBLIC ABOUT CORRUPTION

In Order to improve vigilance administration, it is better to sensitize the public about corruption. Prevention of corruption is far better than the post corruption hunt for the guilty. There should be system improvement to prevent the possibilities of corruption. In order to caution against the misuse of official powers leading to corruption, it is desired that a standard notice-board be prominently displayed above the reception counter of each Units/SBUs, ROs/MCs offices written in English, Hindi and regional languages "Do not pay bribe...." You can complain to Head of the Unit/Department or C.V.O. or Secretary CVC or CBI". The Complete addresses, Telephone numbers and e-mail addresses of the Chief Vigilance Officer and the Head of CBI, ACB in the regional should be displayed in the notice board.

5.3 MONTHLY MEETINGS OF UNITs/SBU's DIVISIONAL COMMITTEES

*The meeting of Vigilance Committee will be held every month to deliberate on vigilance matters pertaining to the Unit / SBU. In the absence of the Chairman, the senior most Member of the Committee will officiate as Chairman of the Committee. The Minutes of the Meeting along with the Monthly Report of vigilance status will be sent by the Member Secretary through Chairman Vigilance Committee to Corporate Vigilance to reach by 27th of every month (25th of February).

5.4 SENSITIVE AREAS

Posts where jobs of sensitive nature are dealt with are classified as "Sensitive Posts". Based on the CVC guideline, CVO identifies the "Sensitive Posts" in the departments. Employees working in Sensitive Posts are to be rotated after they have completed 3 years in a Sensitive Post. This is done to maintain objectivity in decision making which may be affected if a person is allowed to continue in a Sensitive position for a longer period of time owing to development of familiarity.

*For effective vigilance management, following departments are considered as sensitive areas (BEL Circular Ref. No. 17556/SA/CO-HR dated 21.03.2023):

1. Purchase
2. Sub Contract
3. Bills Payable (Incl. TA DA & Medical payments)

* Updated

4. Purchase Finance
5. Funds Management (FM)
6. Materials Inspection (IG)
7. HR (Recruitment) at Units/Corporate
8. Works Contracts
9. Transportation Contracts
10. Disposals
11. Purchase Co ordination
12. Customs clearance
13. Medical Procurement and Inspection
14. Estate Maintenance
15. Shipping
16. Any other areas of sensitivity specific to Unit / SBU.

5.5 JOB ROTATION OF EMPLOYEES POSTED IN SENSITIVE AREAS

Vigilance Department obtains data regarding employees working in sensitive areas from time to time and concerned VO presents it to the Vigilance Committee during the monthly meetings to rotate the employees who will be completing three years in a sensitive area.

5.6 AGREED LIST & DOUBTFUL INTEGRITY LIST

The corrupt officers have become very skillful in their task. Sometime they do not leave any evidence behind by which they can be caught. They become expert in their nefarious activities and create an atmosphere of corruption all around. It becomes absolutely necessary that a strict watch is kept on their each and every activity.

5.6.1 Agreed List

If some doubt arises about the conduct/life style of the officer, it is necessary to keep a close watch on the conduct of the officer concerned by the CBI and the Vigilance Department of BEL. The Agreed List of officers of Gazetted status against whose honesty or integrity there are complaints, doubts or suspicion is prepared in consultation with the CBI by the Departments / Organisations to keep a secret watch on them. The list is prepared on the information available with the CBI or with BEL.

Inclusion of employee name in the Agreed List does not carry any penal implication. In other words, it is only a 'Watch list' which remains in force for a year. In case, a year watch does not bring out any concrete result, his/her name will be removed automatically from the list.

* The following action would be taken by the CVO and the CBI in respect of the officers appearing on the list:

- (a) Closer and more frequent scrutiny and inspection of their work and performance by the Departments concerned, particularly in spheres where there is scope for discretion or for showing favours;
- (b) Quiet check about their reputation both by the Department and the CBI;
- (c) Unobtrusive watch of their contacts, style of living, etc. by the CBI;
- (d) Secret enquiry by the CBI about their assets and financial resources. The Departments will make available their property returns and other relevant records to the CBI; and
- (e) Collection of information by the CBI of specific instances of bribery and corruption practices. (CVC Circular No. 3(v)/99(6) dated 18.08.1999; No. 3K-DSP-10 dated 07.04.2000 and 03.09.2001)

Adequate precautions should be taken in drawing up and maintaining the "Agreed list" and the "list of Officers of Doubtful Integrity" to ensure that they are correctly and objectively prepared and reviewed from time to time.

CVO should ensure that the officers who are placed on the aforesaid lists should not be posted in sensitive positions. CBI would co-ordinate with the Ministries / Departments / Organisations so that the lists so prepared are periodically reviewed. Director of CBI and the CVOs of the Departments will keep the Commission posted about the developments from time to time. (MHA OM No.: 105/1/66-AVD-I dated 28.10.1969 and CVC Circulars No.004/VGL/090 dated 11.09.2013, 04.01.2012&01.05.2008, and Nos. 98/VGL/60 dated 02.11.2001&15.04.1999) To conduct CTE type inspection in his organisation; and to tender advice to the Disciplinary Authority and the Appellate Authority in vigilance cases, irrespective of level of officers involved.

5.6.2 * Doubtful Integrity List

This list of doubtful integrity is prepared by the vigilance officer of each of the unit and SBU each year, in consultation with the head, CBI of the region and duly approved by the chairman, vigilance committee. The list signed by both the vigilance officer and the Head CBI of the region should be forwarded to CVO.

This list would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as

- (a) officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances;
- (b) awarded departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of Government although corrupt motive may not be capable of proof;
- (c) against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude; and
- (d) who was prosecuted but acquitted on technical grounds as there remained a reasonable suspicion about his integrity;

* (Inserted circular, CVC Manual 2021 –2.13 (xvii) Page No 42)

5.6.3 The Purpose of maintaining and updating these lists is to bring to the notice of the department concerned that such officers should not be posted in sensitive departments. These lists also help the department in putting special attention and closer supervisory scrutiny of the work assigned to them.

5.6.4 Extract from Ministry of Home Affairs' OM No. 130 / 1 / 66-AVD dated 05.5.1966.

Agreed Lists will be prepared of officers of Gazetted status against whose honesty or integrity there are complaints, doubts or suspicious after consultations between the officers of the Departments concerned and of CBI. Except in regard to Port Trusts, Public sector Undertakings and Union Territories these lists will be settled by discussion at Delhi between the Head of the Departments concerned and the additional I.G.P. and the D.I.G(Spl) of the CBI. The agreed lists relating to Port Trusts, Public Sector Undertakings and Union Territories will be settled by mutual discussion between the Head of the Port Trust or the Public Sector Undertakings or the Chief Secretary of the Union Territory concerned and the D.I.G. of Police C.B.I and the S.P. of the local Branch of the C.B.I to achieve the best result it is important that there should be free and frank exchange of information during these discussions.

The following action will be taken in respect of officers on these agreed lists by the Departments or the Undertakings and by the C.B.I.

- (i) Closer and more frequent scrutiny and inspection of their work and performance by the Departments concerned, particularly in spheres there is scope for discretion or for showing favours.
- (ii) Check about their reputation both by the Department and the C.B.I.
- (iii) Unobtrusive watch of their contracts style of living etc. by the C.B.I
- (iv) Secret enquiry by the C.B.I. about their assets and financial resources. The Departments will make available their property returns and other relevant records to the C.B.I.
- (v) Collection of information by the C.B.I. of specific instances of bribery and corruption practices.

5.6.4.1 If these secrets checks and enquiries revel positive material, open enquiries will be started by the C.B.I. and further action taken in the light of the results of that enquiry. It may be emphasized that no adverse or punitive action is contemplated against any officer on these lists unless these checks, verifications or enquiries bring for the adequate material to reasonably conclude that he is lacking in integrity. These agreed lists will remain in force for one year from the date of preparation. At the end of this period, the list will be reviewed and the name of those officers against whom there is not sufficient evidence to proceed against will be deleted from the list

5.6.4.2 The CBI branches may prepare their own lists of officers of non-gazetted status about whose integrity or honesty, there are complaints, doubts or suspicions, but these need not be 'Agreed list'. The Superintendents of police of the CBI branches, should however, consult the

Heads of the Departments, Public Undertakings and Administration about any names of these lists as and when this is considered necessary. As and when requested by the CBI, the Departments etc. should arrange for closure and more frequent scrutiny and inspection of the work of those employees and also for affording assistance to the CBI in making in checks and verification about them.

5.7 VIGILANCE CLEARANCE – PROCEDURE THEREOF AND OTHER RELATED ISSUES.

CVC has issued instructions from time to time to improve the Vigilance Administration in the organizations under its purview and to ensure that the posts in the organizations are occupied by persons with exemplary service and clean vigilance track records. Corporate Vigilance has standardized the procedure for issuing Vigilance clearance to both Executives and Employees for various purposes. In order to ensure that this mandatory function is performed by the Vigilance Officers, in line with the DoPT and CVC guidelines and to streamline the process of granting Vigilance Clearance, the following guidelines are issued for compliance of all concerned.

1. Vigilance Clearance is required to be obtained for the following purposes.
Extension/Re-employment / Commercial employment after retirement.
 - (i) Recruitment
 - (ii) Promotion
 - (iii) Confirmation of appointment / promotion
 - (iv) Compulsory retirement / Normal retirement / Voluntary retirement / Resignation
 - (v) Deputation within the country and foreign assignments including business trips and official trips abroad.
 - (vi) Training abroad including Seminars / Conferences
 - (vii) Awards including National and International Awards
 - (viii) No Objection for issue of Passport.
 - (ix) Posting to sensitive areas including transfers to and from sensitive areas / Departments
 - (x) Premature Retirement.
 - (xi) Forwarding of applications through proper channel to other PSUs / Government Departments (both Central and State Governments)
 - (xii) Issue of NOCs for private visits abroad/passport.
 - (xiii) Posting in positions carrying special pay/allowance.
 - (xiv) Forwarding of applications for deputations to other organizations.
 - (xv) Repatriation of person on deputation to his/her parent cadre.

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2. As per DoPT circular No.11012/11/2007-Estt (A) dated 14-12-2007, Vigilance clearance shall not be withheld unless:
- (a) The Officer is under suspension
 - (b) A Charge Sheet has been issued against the Officer in a disciplinary proceeding and the proceeding is pending
 - (c) Orders for instituting disciplinary proceedings have been issued by the Disciplinary Authority against the Officer concerned.
 - (d) Charge sheet has been filed in a Court by the Investigating Agency in a criminal case and the case is pending.
 - (e) Orders for instituting a criminal case against the Officer have been issued by the Disciplinary Authority provided that the Charge Sheet is served within three months from the date initiating proceedings.
 - (f) Sanction for investigation or prosecution has been granted by the Competent Authority in a case under the PC Act or any other criminal matter.
 - (g) An FIR has been filed or a case registered by the concerned Department against the employee concerned provided that the charge sheet is served within three months from the date of filing/registering the FIR/case.
 - (h) The Officer is involved in a trap/raid on charges of corruption and investigation is pending.
 - (i) Due to an FIR filed on the basis of a Private Complaint unless a charge sheet has been filed by the investigating agency provided that there are no directions to the contrary by a competent Court of Law.

Further, while deciding vigilance clearance cases, Consolidated Guidelines regarding grant of 'Vigilance Clearance' to AIS Officers & Central Civil Services/Central Civil posts as per DoPT Office Memorandum F.No. 104/76/2022-A VD.IA dated 28th September 2022/any other further instructions/guidelines will be referred.

3. Vigilance Clearance shall not be withheld due to the filing of a Complaint, unless it is established on the basis of at least preliminary inquiry or on the basis of information that there is a prima facie, substance to verifiable allegations regarding (i) Corruption, (ii) possession of assets disproportionate to known sources of income (iii) moral turpitude (iv) violations of Company's Conduct Rules. In case of any doubt, the required clarification in writing needs to be obtained from Corporate Vigilance before granting Vigilance Clearance.
4. As per DoPT circular No.11012/11/2007-Estt (A) dated 14-12-2007 Vigilance Clearance will not normally be granted for a period of three years after the currency of the punishment, if minor penalty has been imposed on the employee. In case of imposition of Major Penalty, Vigilance Clearance will not normally be granted for a period of five years after the currency of the punishment.
5. Vigilance Clearance shall be decided on a case to case basis keeping in view the sensitivity of the purpose, the gravity of the charges and the facts and circumstances of each case. The extant guidelines of CVC, DoPT and High Court/Supreme rulings and Judgements needs to be referred for proper guidance.

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6. As per DOPT OM No.F.No.22034/4/2012-Estt(D) dated 02-11-2012, Vigilance Clearance for promotion may be denied in the following circumstances:
 - i. Employee/Officer under suspension.
 - ii. Charge sheet has been issued and the disciplinary proceedings are pending.
 - iii. Prosecution for criminal charge is pending against the employee/officer concerned.
 7. Grant of Vigilance Clearance for Passport: Vigilance clearance can be withheld only under the following circumstances:
 - The officer is under suspension
 - The charge sheet has been filed in a court by the investigation agency in a criminal case or after grant of sanction by the competent authority under PC Act or any other criminal matter and taken cognizance of by the court of law

(DoPT F. No. 11012/7/2017/-Estt.A-III dated 18th Feb 2020)

8. However, the list of pendency of Vigilance Case/contemplation of Disciplinary proceedings against the Officer/employee concerned has to be brought to the notice of Departmental Promotion Committee (DPC) by providing an updated Vigilance Profile. The Speaking Order of the DPC/Selection Committee should be forwarded to Corporate Vigilance in case any of the Officer belongs to the above category, have been promoted or appointed to the higher post.
9. The format in which the Vigilance Profile is required to be given is given in Appendix IV
10. Vigilance Clearance proposals for all purposes listed above should be forwarded in the prescribed format as given in Appendix I to IV. The jurisdiction of Vigilance Officers who are authorized to give Vigilance Clearance is given in the Table appended below.
11. All vigilance Clearances should be routed through Unit/SBU/Corporate HR as applicable. All the files and application for Vigilance Clearance need to be sent sufficiently in advance to enable the Vigilance Department give the Vigilance Status/Clearance in time of the requirement.
12. The Unit or SBU unit, in whose vigilance jurisdiction the employee is presently serving, shall be fully responsible for maintenance of the up-to-date Vigilance Status and no cross reference in this regard need be made. To facilitate this, the Vigilance branch of the transferring unit shall furnish the Vigilance Status of the employee to the Vigilance branch of joining unit as a onetime exercise on transfer and thereafter it shall be kept up-to-date by the vigilance branch of the concerned joining Unit/SBU.
13. In addition to the above points, Consolidated Guidelines regarding grant of "Vigilance Clearance" shall be withheld for the reasons mentioned in the DoPT Office Memorandum F. No.104/76/2022-AVD.IA Dated 28th Sept 2022.

14. Corporate IS has created the Vigilance Clearance file for the following purposes in the FLM Module.
 - (i) Confirmation in Service
 - (ii) Foreign Deputation
 - (iii) Promotion
 - (iv) Resignation
 - (v) NOC for Passport
15. The Vigilance clearance shall be initiated, concurred and approved only through the SAP-FLM System.

5.7.1 Jurisdiction of Vigilance and Investigation Officers Authorized to Give Vigilance Status/Vigilance Clearance

SI No.	Details of employees	Vigilance Officer who are authorized for granting Vigilance clearance.
1	All Non-Executive, TC personnel and Executives up to Grade E-VIA of all Units/SBUs	Unit/SBU Vigilance Officer in consultation with Corporate Vigilance. In the absence of Vigilance Officers on official tour or on leave, Investigation Officers of these Units and SBUs are authorised to give Vigilance clearance by following the above procedure.
2	All Non Executives, TC personnel and Executives up to Grade E-VIA who are on the rolls of Corporate Office including Corporate Office, Corporate Quality, Corporate IS, Internal Audit, International Marketing Division, Regional Offices and Marketing Centres which comes under the administrative control of Corporate Office.	Vigilance Officer/Corporate Office in consultation with AGM(Vigilance) Sr.DGM(Vigilance). In the absence of Vigilance Officer on official tour or on leave, Investigation Officer/Corporate Office is authorized to give Vigilance clearance by following the above procedure
3	Executives in the grade of AGM, General Managers, Executive Directors, Functional Directors and CMD	Chief Vigilance Officer

5.8 WHISTLE BLOWER POLICY:

(BEL Office Order No HO/011/001 dated 29th June 2016)

- a) BHARAT ELECTRONICS LIMITED (BEL) believes in conduct of the affairs of its constituents in a fair and transparent manner by adopting highest standards of professionalism, honesty, integrity and ethical behaviour. BEL is committed to developing a culture where it is safe for any Whistle Blower to raise concerns about any poor or unacceptable practice and any event of misconduct.
- b) Section 177 (9) of the Companies Act, 2013 mandates every listed companies shall establish a vigil mechanism for directors and employees to report genuine concerns about unethical behaviour, actual or suspected fraud or violation of the company's code of conduct or ethics policy. The vigil mechanism so established shall provide for adequate safeguards against victimization of persons who use such mechanism and make provision

for direct access to the chairperson of the Audit Committee in appropriate or exceptional cases. The details of establishment of such mechanism shall be disclosed by the company on its website, if any, and in the Board's report.

- c) As per Regulation 4 (2) (d) (iv) of SEBI (Listing Obligations and Disclosure Requirements) Regulations, 2015 (hereinafter referred to as "SEBI Listing Regulations, 2015") which, *inter alia*, provides for a mandatory requirement for all listed companies to devise an effective whistle blower mechanism enabling stakeholders, including individual employees and their representative bodies, to freely communicate their concerns about illegal or unethical practices. The BEL Whistle Blower Policy was issued in Nov 2014. In view of notification of SEBI Listing Regulations, the Policy has been revised and was approved by the Board.
- d) The Guidelines issued by DPE on Corporate Governance in the year 2010, requires CPSUs to include in their Annual report on Corporate Governance on the establishment of Whistle Blower Mechanism in the company.
- e) Keeping in view of above statutory requirements, the Whistle Blower Policy (herein referred as "the Policy") has been formulated with a view to provide a mechanism for employees and other stake holders to raise concerns of any violations of legal or regulatory requirements, incorrect or misrepresentation of any financial statements and reports, etc.
- f) The policy also provides necessary safeguards for protection of employees from reprisals or victimization and to prohibit managerial personnel from taking any adverse personal action against such employees. The main intent of the policy is to ensure that the Company continues to strive to the highest possible standards of Ethical, Moral and Legal Business Conduct and its commitment to open communications.
- g) As mandated under SEBI Listing Regulations 2015, the Whistle Blower Policy has been posted on the Company's website at **www.bel-india.com**. The revised "BEL Whistle Blower Policy" is annexed to this Office Order.

5.9 VIGILANCE STUDY CIRCLE (VSC):

AIMS AND OBJECTIVES OF VIGILANCE STUDY CIRCLE:

- 1) To bring all Vigilance Functionaries in the Country together and promote the growth of Anti-Corruption Movement by establishing Vigilance Study Circles all over the Country.
- 2) To Co-operate and Coordinate with Institutions connected with elimination of Corruption in the Society.
- 3) To establish Training institutions to impart knowledge and Skills to Vigilance Functionaries in anti-corruption and Vigilance work.
- 4) To establish Distance Education Centres for the propagation of Vigilance.
- 5) To assist organizations by undertaking 'Turn Key' projects to enhance the utility and efficacy of Vigilance Personnel and Organizations;
- 6) To assist, co-operate and collaborate with like-minded persons and organizations for the promotion of vigilance and elimination of Corruption.

- 7) To organize Workshops, Symposia, Seminars and Consultations, to enable sharing of experiences of Vigilance / Anti-Corruption work;
- 8) To Publish Journals, Professional literature etc., to assist Vigilance Professionals;
- 9) To assist 'Whistle Blowers' in exposing Corruption.
- 10) To establish a Public Website to enable Citizens to report about the prevalence of corruption to the authorities.
- 11) To educate the Students in Colleges and Schools about ethics and the evil effects of Corruption and prepare them to fight corruption.
- 12) To undertake all other activities for the furtherance of the basic aim of promoting the growth of Vigilance and elimination of Corruption.

5.10 OBSERVANCE OF VIGILANCE AWARENESS WEEK:

All units of BEL observe the Vigilance Awareness Week under the direction and guidance of the Commission every year with a specific theme to create awareness among public servants as well as citizens about the menace of corruption and need for its eradication.

Different activities like Integrity Pledge, Public outreach programmes, Vigilance Gram Sabha, Activities in School / College, Seminars / Workshops / Presentation, etc. as per directives of CVC are carried out during the campaign period.

5.11 Vendor Development:

Vendor Development is covered under Sub-Contract procedure of BEL. Vendor development is a continuous process to identify and develop new vendors to bring the competition among the vendors and to reduce cost to the company.

1. Vendor meet is organized as per the business needs of the company. In addition to open tendering, BEL also participates in various exhibitions, seminars organized by MSME/NSIC/PIA/CODISIA etc for outsourcing requirements.
2. The annual procurement from MSMEs is reported and the annual requirements have been uploaded on BEL website.
3. BEL follows the procedure of temporary vendor codes for potential vendors after assessment without any charges for development activity.
4. Alternate sources developments for both critical and non-critical items are being done on continuous basis.
5. BEL follows Long Term Agreement (LTA) to retain developed vendors/encourage active participation of the vendors.

5.12 e-procurement:

e-Procurement is the business-to-business purchase of supplies and services over the internet. E-Procurement makes use of a system utilizing internet technology to streamline the purchase of goods, works and services in order to reduce costs.

Implementing an e Procurement system benefits at all levels of the organization. e-Procurement system offers improved spend visibility and control and help finance officers match purchases with purchase orders and receipts.

System also manages tenders through a web site. This can be accessed anywhere globally and has greatly improved the accessibility of tenders

The two main processes of e-Procurements are – e-Bidding and e-Auction.

5.12.1 e-Bidding:

e-Bidding is the electronic equivalent of traditional manual tendering process. In e- Bidding, the Bid Invitations are received from the buying organization by the bidders online and the bidders can submit bids online till the submission deadline. The bids submitted by the bidders will be available for display to the authorized persons only after the opening date and time are reached for further processing.

5.12.2 e-Auction:

e-Auction / Reverse Auction is an electronic auction where suppliers bid and compete against each other online in real time for purchase orders/contracts for products/services against a published specification and pre-established criteria. e-Auction enables online, real time dynamic price negotiation between a buying organization and a group of prequalified suppliers.

5.12.3 e-Procurement:

To put in place a simplified alternative to traditional tendering/ procurement/negotiation process aimed at

- a) Increasing operational efficiency
- b) Enhanced transparency in purchase process
- c) Cost rationalization
- d) Digitization of purchase documentation

As per BEL, e-procurement is mandatory for all procurements (Indigenous project/Non-project/Capital items).

5.13 Updating of Manuals/Procurement manuals:

Manuals are the most valuable reference source in a business environment. They are used to instruct and guide officers/employees on technical procedures, Company Policies and guidelines as a ready reckoner of various kinds of information. Since policy procedures keep changing with time, it is imperative that manual is constantly updated.

5.14 Preventive Vigilance - Need of the Hour

The challenges of today's changing economic scenario and the various ethical lapses that are occurring call for a more sophisticated approach in managing day to day works in the Organization. In the context of increasing economic, technological and social instability, the risk & responsibility of the officers are rapidly changing. In an uncertain and fast changing globally interdependent business environment we need a system of vigilance, which can quickly let go of the past and adapt to changing circumstances.

One should remain ever vigilant against the faults and errors and avert all deviations guided by improper motives. The system of preventive vigilance needs to be strengthened to avoid any deviation in compliance of Systems and Procedures and also for detecting such deviations in time so that corrective actions can be taken. Preventive Vigilance does not mean imposing more and more impractical rules and regulations. The measures adopted should be practical and economical to operate. In short, Vigilance is focusing mainly on preventive vigilance measures to reduce the number of non-compliances and the consequent reduction in Complaints.

Some of the salient points of preventive vigilance are enumerated below in brief:

Do's:

- ✓ Follow Rules & regulations without any violation. When the situation warrants a deviation on account of exigencies, record the reasons for departure and preferably get them confirmed by your higher authorities
- ✓ Follow systems & procedures meticulously.
- ✓ Remember, each one of us as a public servant.
- ✓ Discharge your duty sincerely, honestly and faithfully at all times.
- ✓ Always demonstrate a sense of fair play and impartiality in disposing of official matters.
- ✓ Show courtesy and consideration in dealings with the public, colleagues, subordinates and superiors.
- ✓ Attend the public grievances if any immediately.
- ✓ Pay immediate attention to the customers' demand.
- ✓ Observe strictly the rules and regulations concerning your personal conduct.
- ✓ Be discriminate in attending parties hosted by the Bank's constituents, clients etc.
- ✓ Avoid seeking and receiving cash donations and advertisements from the Company's clients, constituents, business associates etc.
- ✓ Complete the assigned job promptly.
- ✓ Confirm oral instructions given to subordinates in writing.
- ✓ Get all oral instructions/ decisions of the higher ups in writing and get them confirmed
- ✓ Record your every decision in paper with reasons.
- ✓ Sign nothing without reading and understanding.
- ✓ Always put the date while putting your signature.
- ✓ Monitor each & every aspect of functional area to ensure avoidance of delay and accomplishment of the job in a time-bound schedule.
- ✓ Do intensive monitoring of delays and disposal of files.
- ✓ Ensure job rotation on periodical interval.
- ✓ Make a habit of surprise checking.
- ✓ Pay utmost attention and importance to internal control.

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- ✓ Always be watchful to avoid malpractices.
 - ✓ Publicize the rules and procedures, as widely as possible in simple words.
 - ✓ Remember always that corruption starts in a small way. Check the same at the initial stage itself. Keep a quiet watch over the style of living, types of visitors etc. of the employees posted at sensitive areas; it will help detection of corruption at an early stage.
 - ✓ Ensure the integrity and devotion to duty of persons under your control and authority.
 - ✓ Submit correctly and promptly your APRs to the appropriate Authority.
 - ✓ Manage your affairs within your net salary.
 - ✓ Avoid using of plastic money unnecessarily

Don'ts:

- Do not conduct yourself in a manner unbecoming of your status.
- Do not solicit, seek or accept any gift or valuables either from the constituents of the Company or from any one, more than what is permissible under the rules.
- Do not engage in any commercial proposition while being in the service of the Company.
- Do not make any attempt to short-circuit the prescribed procedure; for it may give rise to suspicion against you and the attendant unpleasant consequences.
- Do not forget to report any irregularities/ deviations you come across to the higher authorities, lest you be suspected to be party to it.
- Do not route the savings and funds of your relatives and others through your account.
- Do not be under any obligation to anyone, particularly those with whom you have official dealings. Do not indulge in any dishonest or improper act even in your private life, for it would bring discredit to your service.
- Do not enter into any borrowing arrangement with any bank except with prior permission of the competent authority.
- Do not make any false bills or make any attempt to falsify any record/ account; it may cost your career.
- Do not cultivate extra friendship with Company's contractors, Vendors, Service providers etc.,
- Do not handle but pass on to your higher authorities files concerning matters in which you and your relatives have interest, for your decision (if any) in such matters might not be dispassionate or objective.
- Do not get influenced by personal prejudices while disposing of files.
- Do not relax while you are on invigilation or supervision duties.
- Do not show any favoritism or commit any irregularity in inviting tenders and awarding contracts. Do not misuse the Company's car or any other Company's property which are in your care.
- Do not fail to seek prior permission for acquisition or disposal of immovable property of any amount above the prescribed limit.
- Do not delay disposal of complaints.
- Do not speculate in any stock, share or other investment.
- Do not place undue reliance on your subordinates and colleagues

APPENDIX - I

(Vigilance Clearance - Promotion Related format)

VIGILANCE PROFILE

01.	Name of the Officer(In Full)				
02.	Father's Name				
03.	Date of Birth				
04.	Date of Joining				
05.	Date of Superannuation				
06.	Service to which the Officer belongs including Batch/Year Cadre etc., wherever applicable				
07.	Position Held (During Ten Preceding Years)				
Sl. No	Organization	Designation / Place of Posting	Administrative/Nodal Ministry/Department Concerned in Case of Officer in PSU)	From Date	To Date
1					
2					
08.	Whether the Officer has been Placed on Agreed List of Officer of doubtful integrity (If Yes Details to be given)				
09.	Whether any allegation of Misconduct involving vigilance angle was examined? If So with what result				
10.	Whether any punishment was awarded to the officer during his tenure in BEL and if so, the date of imposition and details of the penalty				
11.	Is any disciplinary/Criminal proceedings or Charge sheet pending against the Officer, as on Date				
12.	Remarks of Vigilance Department (Indicate Complete Status and Recommendations, if any Attach separate Sheet, if required)				

Contd...

: 2 :

13.	Vigilance clearance (Accorded / Not Accorded)	
Vigilance Officer/Chief Vigilance Officer		
Place : Date :		
<u>Note:</u> 01 . The format is applicable for Vigilance Clearance relating to Promotions and to be filled by Unit/SBU in all cases of promotions of Executives in Grade upto DGM. 02 . In respect of Executives in Grade AGM and Above, Vigilance Profile will be furnished by CVO.		

APPENDIX - II

(APPLICATION FORM FOR VIGILANCE CLEARANCE FOR PASSPORT)

Reference No: _____

Ref Date: _____

Part - A To be filled by the Applicant		
01.	Name of the Officer (In Full)	
02.	Department and Personnel No.	
03.	Designation & Grade/Group	
04.	Purpose for seeking Clearance	
(i)	Passport NOC/Permission for Private Travel Abroad/Visa (Attach form) Any other, as applicable	
05.	Passport No / Date	
<p>Date : _____ Name : _____</p>		
Part- B - To be filled by HR Department		
05.	Is any disciplinary proceedings contemplated/initiated against the individual (Also indicate previous record, if any)	
06.	If Yes, Indicate Details/ Status if any	
07.	Whether officer under punishment period	
08.	Whether any local police case filed by BEL and Pending	
09.	Whether Annual Property Returns Submitted in time (Applicable in case of Officers)	
10.	Whether leave sanctioned, Period of Leave	
<p>Date : _____ Name : _____</p>		

Contd....

: 2 :

Part- C -To be filled by Vigilance Department		
11.	Remarks of Vigilance Department (Indicate Complete Status and Recommendations, if any Attach separate Sheet, if required)	
12.	Vigilance clearance (Accorded / Not Accorded)	
13.	Reason for withholding vigilance clearance (if applicable)	
Date: _____ Name: _____		

APPENDIX- III

(APPLICATION FORM FOR VIGILANCE CLEARANCE FOR TRAVELLING ABROAD)

Part - A To be filled by the Applicant					
01.	Name of the Officer(In Full)				
02.	Department and Personnel No				
03.	Designation & Grade/Group				
04.	Father/Husband Name				
05.	Date of Birth / Age				
06.	Date of Joining -				
07.	Became Permanent Employee on Date				
08.	Residential Address				
09.	Passport No/Date				
10.	Name of person(s) and Relationship being visited abroad				
11.	Arrangements for Stay				
12.	Details of private /official foreign travels to be undertaken :				
Sl. No	Begin Dt.	End Dt.	Purpose	Estimated Expenditure (travel, boarding, lodging, visa, misc etc)	Source of funds
1					
2					
13.	Details of previous official / Private foreign travel if any undertaken during the last three years (enclose separate sheet, if required) and Photocopy of the Visa Application attached				
<p>Date : _____ Name: _____</p>					

Part- B - To be filled by HR Department		
01.	Is any disciplinary proceedings contemplated/ initiated against the individual (Also indicate previous record, if any)	
02.	If Yes, Indicate Details/ Status if any	
03.	Whether officer under punishment period	
04.	Whether any local police case filed by BEL and Pending	
05.	Whether Annual Property Returns Submitted in time (Applicable in case of Officers)	
06.	Whether leave sanctioned, Period of Leave	
Date: Name:		
Part - C -To be filled by Vigilance Department		
07.	Remarks of Vigilance Department (Indicate Complete Status and Recommendations, if any Attach separate Sheet, if required)	
08.	Vigilance clearance (Accorded / Not Accorded)	
09.	Reason for withholding vigilance clearance (if applicable)	
Date : Name :		

(APPLICATION FORM FOR VIGILANCE CLEARANCE FOR VISA)

Reference No:

Ref Date:

Part - A To be filled by the Applicant		
01.	Name of the Officer(In Full)	
02.	Department and Personnel No	
03.	Designation & Grade/Group	
04.	Purpose for seeking Clearance	
(i)	Passport NOC/Permission for Private Travel Abroad/Visa (Attach form) Any other, as applicable	
05.	Passport No / Date	
<p>Date : _____ Name : _____</p>		
Part- B - To be filled by HR Department		
06.	Is any disciplinary proceedings contemplated/initiated against the individual (Also indicate previous record, if any)	
07.	If Yes, Indicate Details/ Status if any	
08.	Whether officer under punishment period	
09.	Whether any local police case filed by BEL and Pending	
10.	Whether Annual Property Returns Submitted in time (Applicable in case of Officers)	
11.	Whether leave sanctioned, Period of Leave	
<p>Date : _____ Name : _____</p>		
Part- C -To be filled by Vigilance Department		
11.	Remarks of Vigilance Department (Indicate Complete Status and Recommendations, if any Attach separate Sheet, if required)	

Contd...

: 2 :

12.	Vigilance clearance (Accorded / Not Accorded)	
13.	Reason for withholding vigilance clearance (if applicable)	
Date: _____ Name: _____		

APPLICATION FORM FOR VIGILANCE CLEARANCE - OTHER PURPOSES

Ref. No. :

Date :

Part A - To be filled by HR Department

Name of the Applicant :
Staff No. :
Department :
Designation :
Date of joining in BEL :
Date of Superannuation :
Purpose for seeking Vigilance Clearance :
Whether any Disciplinary proceedings contemplated/
initiated against the individual (Also indicate previous
record, if any) : YES/NO
If Yes, indicate details / status :
Whether under punishment period : YES/NO
Whether any local police case filed : YES/NO
Whether Annual Property Returns Submitted in time : YES/NO

Date :

(Signature of Head /HR)

Part B - To be filled by Vigilance Department

1. Remarks of Vigilance Department :
(Indicate Complete Status and Recommendations, if any. Attach separate Sheet, if required)
2. Vigilance Clearance : ACCORDED/NOT ACCORDED
3. Reasons for withholding Vigilance clearance :
(if applicable)

Signature of the Vigilance Officer/AGM(Vigilance)/CO

Vigilance Clearance accorded/ not accorded:

Date:

(Signature of VO/CVO)

CHAPTER – VI

COMPLAINTS, INVESTIGATION AND DISPOSAL MEASURES

6.1 *COMPLAINTS:

INTRODUCTION:

A complaint is a piece of statement or information containing details about offences alleged to have been committed under the PC Act, 1988, or malpractice / misconducts under Conduct Rules governing specified categories of public servants.

6.2 * SOURCE OF COMPLAINTS:

6.2.1 Information about corruption, malpractice or misconduct on the part of public servants may flow to the administrative authority, the Commission, the CBI or the police authorities from any of the following or other sources:

- (a) Complaints received from employee(s) of the organisation or from the public;
- (b) Departmental inspection reports and stock verification surveys;
- (c) Scrutiny of annual property statements;
- (d) Scrutiny of transactions reported under the Conduct Rules;
- (e) Reports of irregularities in accounts detected in the routine audit of accounts; e.g., tampering with records, over-payments, misappropriation of money or materials, etc.;
- (f) Audit reports on Government accounts and on the accounts of public undertakings and other corporate bodies, etc.;
- (g) Reports of Parliamentary Committees like the Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings;
- (h) Proceedings of the Houses of Parliament;
- (i) Complaints and allegations appearing in the press, etc.;
- (j) Source information, if received verbally from an identifiable source, to be reduced in writing; and
- (k) Intelligence gathered by agencies like CBI, ACB, Lokayuktas, etc.

6.2.2 In addition, the Chief Vigilance Officer concerned may also devise and adopt such methods, as considered appropriate and fruitful in the context of nature of work handled in the organisation, for collecting information about any malpractice and misconduct among the employees. Similarly, CVOs in all the organisations must also scrutinize the news items relevant to their organisations on a continuous basis to check whether any cases of corruption are revealed in them. Information gathered from reports, returns, news-papers, etc. will be included under the term "complaint" and will be dealt with in the same way as letters of complaints. Information received verbally will be reduced to writing and such information should be registered in the Vigilance Complaints Register to process it like at any other complaint.

* (Inserted, CVC Manual 2021 –Chapter III Page No 55 & 56)

6.2.3 Information about corruption and malpractices on the part of Public Servants may also be received from their subordinates or other Public Servants. While normally a Public Servant is required to address communications through the proper official channel, there is no objection in entertaining direct complaints or communications giving information about corruption or other kinds of malpractices. While genuine complainants should be afforded protection against harassment or victimization, serious notice should be taken if a complaint is, after verification, found to be false and malicious. There should be no hesitation in taking severe departmental action or launching criminal prosecution against such complainants.

Complaints can be classified as:

- a. Written – Signed /lodged through electronic means
- b. Oral / Verbal
- c. Anonymous / Pseudonymous

6.3 REGISTRATION OF COMPLAINTS

- (i) Every Vigilance Section of Units/SBUs will maintain a vigilance complaints register in the prescribed format in 3 Parts. Part I for Executives, Part II for Non-Executives and Part III for non-vigilance complaints. If complaint relates to Executives (with or without Non-Executives), then it should be entered in Part I and if it relates to Non-Executives only, it should be entered in Part II. Vigilance Officer will sign the entries in the vigilance complaint register.
- (ii) Normally an employee/executive can enter a direct complaint in the complaint register provided in the vigilance office of the respective Units/SBUs giving information about corruption or other kinds of malpractice. While genuine complainants should be afforded protection against harassment or victimization, serious notice should be taken if a complaint, after verification, is found to be false and malicious. There should be no hesitation in taking severe departmental action or launching criminal prosecution against such complainants.
- (iii) Every complaint, irrespective of its source, would be entered in the Complaints Register in the prescribed format I chronologically and taken notice of. A complaint containing allegations against several officers may be treated as one complaint for the purpose of statistical returns.
- (iv) Entries of only those complaints in which there is an allegation of corruption or improper official misconduct or if the alleged facts prima facie indicate an element or potentiality of a vigilance angle should be made in the register. Complaints, which relate to purely administrative matters or technical lapses, such as late attendance, disobedience, insubordination, negligence, lack of supervision or operational or technical irregularities, etc. should be dealt with separately under “non-vigilance complaints”. Then it may be separately entered in the above register in Part III and after entering the details, the complaints may be forwarded to HR or the concerned department for further action.

6.4 COMPLAINTS RECEIVED IN THE UNIT/SBU

Complaints received in the Unit/SBU will be registered and examined initially by respective Vigilance Officer. If complaint relates to Executives then it should be forwarded to Corporate Vigilance with intimation to Chairman vigilance committee. Then CVO will decide action to be taken on the complaint according to the nature of each complaint. If it relates to Non-Executives, The Unit/SBU Vigilance Officer can take suitable action on the complaint with permission of Chairman Vigilance Committee with intimation to Corporate Vigilance according to the nature of each complaint.

6.5 COMPLAINTS RECEIVED IN THE CORPORATE VIGILANCE DEPARTMENT

Complaints received in the Corporate Vigilance will be registered and examined initially by the Corporate Vigilance Department. The CVO may decide, according to the nature of each complaint, that does not merit any action and may be filed, or it should be sent to the administrative Department concerned for disposal, or for inquiry and report, or it should be sent to VO for detailed investigation, or the CVO himself can undertake the inquiry.

6.6 * DISPOSAL OF COMPLAINTS

A complaint which is registered can be dealt with as follows:

- (i) file it without or after investigation; or
- (ii) forward it to the CBI for investigation / appropriate action; or
- (iii) forward it to the concerned administrative authority for appropriate action on the ground that no vigilance angle is involved; or
- (iv) To take up for detailed investigation by the departmental vigilance wing or by the Corporate Vigilance Department.
- (v) An entry to that effect would be made in vigilance complaint register maintained at Corporate Vigilance with regard to "action taken" and "date of action".
- (vi) A complaint will be treated as disposed of in Quarterly Performance Report (QPR) either on issue of charge-sheet or on final decision for closing or dropping the complaint.

If a complaint is taken up for investigation by the Unit/SBU Vigilance Officer or in cases in which it is decided to initiate departmental proceedings or criminal prosecution, further progress would be monitored and recorded in the register at corporate vigilance. If there were previous cases / complaints against the same officer, it should be indicated in the remark's column.

* (replaced, CVC Manual 2021 –3.5.3(a) Page No 67)

6.7 ACTION ON ANONYMOUS AND PSEUDONYMOUS COMPLAINTS

6.7.1 The instructions / guidelines issued from time to time in the matter by *DoPT/ CVC* are as follows: -

- (a) *DoPT OM No. 321/4/910-AVD.III dated 29.09.1992* states that no action is required to be taken on anonymous / pseudonymous complaints in general. However, it provided the option to inquire into such complaints which contained verifiable details.
- (b) Commission's initial *Circular No.3(v)/99/2 dated 29.06.1999* prescribes that no action should be taken on anonymous / pseudonymous complaints and they should just be filed.
- (c) Commission's *Circular No. 98/DSP/9 dated 31.01.2002* reiterates that under no circumstances, should any investigation be commenced on anonymous / pseudonymous complaints.
- (d) * Commission's *Circular No. 98/DSP/9 dated 11.10.2002* reviewing its earlier instructions of 1999, envisaged that if any Department / organisation proposes to look into the verifiable facts alleged in anonymous/ pseudonymous complaints, it may refer the matter to the Commission seeking its concurrence through the CVO or the head of the organisation. These guidelines stand withdrawn vide CVC Circular No. 07/11/2014 dated 25.11.2014.
- (e) *DoPT OM No. 104/76/2011-AVD.I dated 18.10.2013* provides that no action is required to be taken on anonymous complaints irrespective of the nature of the allegations and such complaints need to be simply filed.
- (f) Commission's *Circular No. 07/11/2014 dated 25.11.2014* withdrawing *Circular No. 98/DSP/9 dated 11.10.2002*, reiterates previous *Circular No.3(v)/99/2 dated 29.6.1999* and *Circular No. 98/DSP/9 dated 31.01.2002* to the effect that no action should be taken on anonymous / pseudonymous complaints and such complaints should be filed.
- (g) As per DoPT complaint handling policy issued vide *OM No. 104/76/2011-AVD.I dated 18.10.2013*, complaints containing vague allegations could also be filed without verification of identity of the complainant even if identity of complainant is mentioned in the complaint.

6.7.2 The Commission has furnished clarifications through *Circular No.03/ 03/16 dated 07.03.2016* to Ministries / Departments on action to be taken on anonymous / pseudonymous complaints which were acted upon and were at different stages of process including disciplinary proceedings before issue of *CVC Circular No. 07/11/2014 dated 25.11.2014*. Accordingly, it has been clarified that:

- (a) No action should be taken on anonymous / pseudonymous complaints in line with Commission's present *Circular No. 07/11/2014 dated 25.11.2014*, and such complaints should be filed.
- (b) However, where the action was initiated on anonymous / pseudonymous complaints prior to the issue of *CVC's Circular No.3(v)/99/2 dated 29.6.1999*, it can be pursued further to its logical end.

* (replaced, CVC Manual 2021 –3.10.1 (d) Page No 72)

- (c) Where action was initiated on anonymous / pseudonymous complaints between the period 11.10.2002 and 25.11.2014 with prior concurrence of the Commission but is pending, further action is permissible on such complaints.
- (d) Material / evidence gathered during the investigation / verification of anonymous complaints when the action was prohibited on such complaints (i.e. between 29.6.1999 & 11.10.2002), or where such inquiry was initiated without the approval of the Commission, can be utilised for further initiation of disciplinary proceedings on misconducts noticed in such verification/inquiry.

6.7.3 The procedure for handling anonymous / pseudonymous complaints has been modified in view of the fact that complainants who desire to protect their identity now have the protection of the *Public Interest Disclosure & Protection of Informer's Resolution – 2004 (PIDPIR)*. Relevant instructions on this have been issued vide *DoPT OM No. 104/76/2011-AVD.I dated 18.10.2013*.

6.7.4 Any complaint that does not bear the name and address of the complainant is an anonymous complaint. No action is to be taken on anonymous complaints by the Ministries / Departments / Organisations, irrespective of the nature of allegations, and such complaints should be filed. Such complaints shall not be treated as registered complaints.

6.7.5 Similarly, no action is to be taken by the Ministries / Departments/Organisations in the case of complaints which are treated as pseudonymous. A complaint that does not bear the full particulars of the complainant or is unsigned or is not subsequently acknowledged by a complainant as having been made is a pseudonymous complaint. Pseudonymous complaints will be referred to the complainant for confirmation / genuineness verification and if no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. After waiting for 15 days of sending the reminder, if still no response is received, the said complaint may be filed as pseudonymous by the concerned Ministry / Department.

The relevant Circulars on the subject are CVC's Circular No. 07/11/2014 dated 25.11.2014, DoPT OM No. 104/76/2011-AVD.I dated 18.10.2013 and Circular No.03/03/16 dated 07.03.2016.

6.7.6 * The Commission vide Circular No. 98/DSP/09 dated 24.09.2020 has reiterated that no action shall be taken on anonymous / pseudonymous complaint by Ministries / Departments / Organisations in the light of the guidelines issued vide DoPT OM No. 104/76/2011-AVD.I dated 18.10.2013. The Commission has observed that some Departments / Organisations are still taking cognizance of anonymous complaints despite strict guidelines of DoPT and CVC. Such non-compliance of guidelines by authorities would be viewed seriously by the Commission.

* (Inserted , CVC Manual 2021 –3.10.6 Page No 74)

6.7.7 * INSTRUCTIONS TO COMPLAINANTS FOR MAKING COMPLAINTS TO THE COMMISSION

6.7.7.1 Lodging of Complaints:

- (i) Complaints can be lodged by addressing the written communication / letter directly to the Commission or on Commission's portal www.portal.cvc.gov.in or through the Commission's website www.cvc.gov.in under the link "Lodge Complaint" on home page.
- (ii) Complaints sent through written communication / letter should contain complete postal address (mobile / telephone number, if any) of the sender with specific details / information of the matter.
- (iii) Complaints sent on any e-mail ID of officers of the Commission will not be entertained or taken cognizance of by the Commission.
- (iv) Procedure for lodging complaints under the PIDPI Resolution by the whistle-blowers is given in detail in Chapter IV of CVC manual 2021 (updated).

6.7.7.2 Complainants to be careful *before lodging complaints (Guidelines):*

- (a) Complainants are important stake holders for an anti-corruption institution like Central Vigilance Commission. The Commission expects that the complaints lodged with the Commission are genuine and not malicious, vexatious or frivolous; are based on verifiable facts and pertain to the Commission's jurisdiction. Complainants must keep in mind that the resources at the command of the Commission and other vigilance formations are precious; and so, it needs to be used prudently in unearthing serious issues of corruption that would serve the public interest. Apart from using the resources of the Commission, false and frivolous complaints create administrative delays in decision making like in the selection processes, project implementations apart from tarnishing personal reputations of the Government functionaries. Though there are provisions in law to deal with false and frivolous complaints, the same are not invoked ordinarily so that genuine complainants are not deterred. However, in appropriate cases where complaints are lodged with a malafide / ulterior motive to harass or harm an innocent Government servant, necessary action could be taken against such complainants by applying the existing provisions.
- (b) The complaint should not be anonymous or pseudonymous. If the complainant expects that the Commission should not file (take no action) their complaints on the basis of it being anonymous or pseudonymous, the complainants are expected to mention their name, correspondence address and contact details properly / correctly. It is also expected that the complainants will be quick to respond to the verification / confirmation being sought from them by the Commission. The complainants may lodge complaint under PIDPI Resolution, 2004 if they wish to protect their identity. (Refer Chapter IV for more detail).

* (Inserted , CVC Manual 2021 –3.11 Page No 74 to 77)

- (c) Similarly, complaints having incomplete / vague / generic observations are difficult to inquire into or investigate and are normally filed (no action taken). Therefore, it is expected from the complainants to go through the Complaint Handling Policy of the Commission, which is available on its website www.cvc.gov.in, so that only those complaints are lodged which are specific and where adequate evidence is enclosed so that it can indicate a substantive vigilance angle prima-facie.
- (d) The complaint should not be biased or based on any personal grievances, not having any vigilance angle as such.
- (e) The complaint should be pertaining to Ministries / Departments/Organisations falling within the normal jurisdiction of the Commission. For example, complaints against any authority or employee pertaining to State Governments do not fall within the normal jurisdiction of the Commission and hence the same would be filed (no action taken). The process of filing complaints and its processing within the Commission may lead to the use of the resources within the Commission in an unproductive manner.
- (f) The complainants who want to make whistle blower complaint under PIDPI Resolution are also expected to familiarise themselves with the proper procedure as enumerated in the Commission's Circular for complaints under PIDPI Resolution. If these procedures are not followed, then the complaints made thereunder will be treated like a general complaint and the identity of the complainant may get revealed. This may put the complainant in a disadvantageous position.
- (g) The complainants are advised to raise only those issues in their complaints to Commission which may not have been raised by anyone before any authority. At times, the complainant addresses his complaint to multiple agencies rather than addressing to the Commission only. In such situations, it becomes very difficult for the Commission to initiate action as it is felt that since the complaint is addressed to other agency / agencies they may take appropriate action in the matter. Therefore, it is expected from the complainant to address their complaints only to the Commission, in those cases where they expect action to be taken by the Commission.
- (h) It has also been the experience of the Commission that some complainants raise a large number of issues in one complaint in a way that all the issues get mixed up / intertwined with each other and it becomes difficult to discern and delineate the specific issues individually. The Commission expects that the complainants, while forwarding their complaints to the Commission, should mention about the various specific issues one by one in a coherent manner so that any person of normal prudence can understand these issues unambiguously.
- (i) It has also been observed that many a time, hand written complaints received in the Commission are not legible at all and it becomes difficult to understand the contents of complaints and take appropriate action. If a hand-written complaint is forwarded to the Commission, it is expected that it should be legible. The same applies to the enclosures sent along with the complaints. All types of complaints, even if printed or photocopied should be clearly legible.
- (j) The complainants are also expected to lodge complaints regarding only those issues having vigilance angle which are not part of any litigation in any courts, tribunals, etc., i.e., the matter should not be sub-judice.

6.7.9 ACTION AGAINST PERSONS MAKING FALSE COMPLAINTS:

Refer 2.1.16 of this manual

6.7.10 WITHDRAWAL OF COMPLAINTS

Some complainants, after confirming the complaint made by them, make a request for withdrawing the same or stopping the inquiry / investigation by the Commission / organisation. It is to be noted that once a complainant confirms the complaint and action has been initiated for inquiry/investigation by the Commission / organisation, it is not permissible to withdraw / stop such enquiry / investigation even if the complainant withdraws his complaint. The allegations contained in the complaint have to be taken to its logical conclusion irrespective of complainant's request for withdrawal of the complaint.

6.8 VIGILANCE ANGLE:

(Refer 2.1.15 of this BEL Vigilance manual)

- 6.8.1** It is therefore incumbent on the part of all the Vigilance Officials to clearly understand the scope of Vigilance angle so that only those issues bearing clear cut Vigilance angle are taken up during vigilance work, lest the resources and time is spent in unproductive and non-core area defeating the scheme and purpose of vigilance in the Company
- 6.8.2** Vide Office Memorandum No.321/77/91-AVD.III dated 3rd June 1992 Department of Personnel & Training has decided that vigilance functionaries should not be party to processing and decision making processes or in other similar administrative transactions of such nature which are likely to have a clear vigilance sensitivity.

6.9 *PRELIMINARY ENQUIRY / INVESTIGATION – Agencies for conducting preliminary enquiry / investigation

6.9.1 **CBI / ACB of Union Territories:**

As soon as a decision has been taken by the competent authority to investigate the allegations contained in a complaint, it will be necessary to decide whether the allegations should be enquired into departmentally or whether a police investigation is necessary. As a general rule, investigation into allegations of the types given below should be entrusted to the Central Bureau of Investigation or to the Anti-Corruption Branch in the Union Territories:

- (a) Allegations involving offences punishable under law which the Delhi Special Police Establishment are authorised to investigate; such as offences involving bribery, corruption, forgery, cheating, criminal breach of trust, falsification of records, etc.;
- (b) Possession of assets disproportionate to known sources of income;
- (c) Cases in which the allegations are such that their truth cannot be ascertained without making inquiries from non-official persons; or those involving examination of non-Government records, books of accounts, etc.;
- (d) Other cases of a complicated nature requiring expert police investigation.

6.9.2 **Local police:**

In cases in which the allegations are such as to indicate prima facie that a criminal offence has been committed but the offence is one which the Delhi Special Police Establishment are not authorised to investigate, the case should be handed over to the local police authorities.

6.9.3 **Departmental agency:**

In cases where allegations relate to a misconduct other than an offence, or to a departmental irregularity or negligence, and the alleged facts are capable of verification or inquiry within the Department / Office, the inquiry / investigation should be made departmentally.

6.9.3 Consultation with CBI: In certain cases, the allegations may be of both types. In such cases, it should be decided in consultation with the Central Bureau of Investigation as to which of the allegations should be dealt with departmentally and which should be investigated by the Central Bureau of Investigation.

6.9.4 Allegations difficult to segregate: If there is any difficulty in separating the allegations for separate investigation in the manner suggested above, the better course would be to entrust the whole case to the Central Bureau of Investigation.

* (Inserted, CVC Manual 2021 –5.1 Page No 91 & 92)

6.9.5 * PARALLEL INVESTIGATION BY DEPARTMENTAL VIGILANCE AGENCY AND THE CBI

Once a case has been referred to and taken up by the CBI for investigation, further investigation should be left to them and a parallel investigation by the Departmental agencies should be avoided. Further action by the Department in such matters should be taken on completion of investigation by the CBI on the basis of their report. 1However, the departmental agency is not precluded from investigating the non-criminal misconducts in such matters for achieving quick results and if they decide to do so, the CBI should be informed of the non-criminal aspects which the departmental agency is investigating. Further, if the Departmental proceedings have already been initiated on the basis of investigations conducted by the Departmental agencies, the administrative authorities may proceed with such Departmental proceedings. In such cases, it would not be necessary for the CBI to investigate those allegations, which are the subject matter of the Departmental inquiry proceedings, unless the CBI apprehends criminal misconduct on the part of the official(s) concerned.2[..] CVC Circular No. 99/VGL/87 dated 30.09.2005 may be kept in view.

Instances have come to the notice of the Commission that while CBI is investigating allegations made in a complaint against a public servant on issues involving criminal misconduct, the concerned organisation does not take up investigation into other misconducts contained either in the same complaint or in other complaints which are of departmental nature, pending investigation by CBI. It is to be clarified that the concerned organisation shall enquire / investigate on issues which are not being investigated by CBI and take the matter to logical conclusion as per laid down procedure. Further, if CBI is investigating criminal misconduct by a bank employee or a borrower relating to some loan / fraud / forging of accounts, etc., the bank must not wait for CBI to complete its investigation to initiate action for recovery.

6.9.6 *PRELIMINARY ENQUIRY BY DEPARTMENTAL AGENCIES:

After it has been decided that the allegations contained in the complaint should be enquired departmentally, the vigilance officer should proceed to make a preliminary enquiry with a view to determining whether there is, prima facie, some substance in the allegations. The preliminary enquiry may be made in several ways depending upon the nature of allegations and the judgment of the enquiry officer, e.g.:

- (a) If the allegations contain information which can be verified from any document or file or any other departmental records, the enquiry / vigilance officer should, without loss of time, secure such records, etc., for personal inspection. If any of the papers examined is found to contain evidence supporting the allegations, such papers should be taken over by him for retention by the vigilance Department to guard against the possibility of available evidence being tampered with.

* (rewritten, CVC Manual 2021 –5.5 Page No 95 & 97)

If the papers in question are required for any current action, it may be considered whether the purpose would not be served by substituting authenticated copies of the relevant portions of the records; the original being retained by the enquiry officer in his custody. If that is not considered feasible for any reason, the officer requiring the documents or papers in question for current action should be made responsible for their safe custody after retaining authenticated copies for the purpose of enquiry;

- (b) In case, where the alleged facts are likely to be known to other employees of the Department, the enquiry officer should interrogate them orally or ask for their written statements. The enquiry officer should make a full record of the oral interrogation which the person interrogated should be asked to sign in token of confirmation. Wherever necessary, any important facts disclosed during oral interrogation or in written statements should be verified by documentary or collateral evidence to make sure of the facts;
- (c) In case, it is found necessary to make inquiries from the employees of any other Government Department or office, the investigating officer may seek the assistance of the Department concerned, through its CVO, for providing facility for interrogating the person(s) concerned and / or taking their written statements;
- (d) In certain types of complaints, particularly those pertaining to works, the enquiry officer may find it helpful to make a site inspection, or a surprise check, to verify the facts on the spot and also to take suitable action to ensure that the evidence found there, in support of the allegations, is not disturbed;
- (e) If during the course of enquiry, it is found that it will be necessary to collect evidence from non-official persons or to examine any papers or documents in their possession, investigation in the matter may be entrusted to the Central Bureau of Investigation.
- (f) If the public servant complained against is in-charge of stores, equipment, etc., and there is a possibility of his tampering with the records pertaining to such stores or equipment, the enquiry / vigilance officer may consider whether the public servant concerned should not be transferred immediately to other duties. If considered necessary, he may seek the assistance of the Head of the Department or Office in doing so.
- (g) While, normally, the preliminary enquiry will be made by the vigilance officer himself, he may suggest to the administrative authority to entrust the inquiry to any other officer considered suitable in the particular circumstances of the case, e.g., it may be advisable to entrust the conduct of the preliminary enquiry to a technical officer if it is likely to involve examination and appreciation of technical data or documents. Similarly, the administrative authority may entrust the inquiry to an officer of sufficiently higher status if the public servant complained against is of a senior rank.
- (h) While conducting the inquiry, it is recommended that the Enquiry Officer may take the help of the Scientific Tools and Forensic Tools to aid the enquiry / investigation, whenever required. It is described in Chapter XI of CVC Manual 2021 (updated).
- (i) During the course of preliminary enquiry by the Vigilance Department, the public servant concerned may be given an opportunity to say what he may have to say about the allegations against him to find out if he is in a position to give any

satisfactory information or explanation. In the absence of such an explanation, the public servant concerned is likely to be proceeded against unjustifiably. It is, therefore, desirable that the enquiry officer tries to obtain the suspect officers' version of "facts" and why an inquiry should not be held. There is no question of making available to him any document at this stage. Such an opportunity, however, may not be given in cases in which a decision to institute Departmental proceedings is to be taken without any loss of time, e.g., in a case in which the public servant concerned is due to retire or to superannuate soon and it is necessary to issue a charge-sheet to him before his retirement; the facts are not in dispute; officer is not traceable; the officer is deliberately delaying his reports, etc.

- 6.9.7** On completion of the enquiry process, the officer conducting the enquiry would prepare a self-contained report including the material available to controvert the defence. The enquiry report should contain the explanation of the suspect officer. The fact that an opportunity was given to the officer concerned should be mentioned in the enquiry report even if the officer did not avail of it. The enquiry officer should also take all connected documents in his possession as this becomes very helpful if departmental action has to be taken against the officer.
- 6.9.8** The enquiry officer will submit his report to the CVO, who will decide whether on the basis of the facts disclosed in the report of the preliminary enquiry, the complaint should be dropped or whether regular departmental proceedings should be recommended against the public servant concerned or the administration of a warning or caution would serve the purpose. He will forward the inquiry report to the disciplinary authority, along with his own recommendations, for appropriate decision.
- 6.9.9** The CVO, while submitting his report / comments to the disciplinary authority in the organisation, may also endorse an advance copy of the inquiry report to the Commission if the officials involved are under the jurisdiction of the Commission, so that it may keep a watch over deliberate attempts to shield the corrupt public servants either by delaying the submission of inquiry report to the Commission or by diluting the gravity of the offences / misconducts. The inquiry report of the CVO should broadly conform to the instructions issued vide Commission's Circular No. 21/8/09 dated 06.08.2009.
- 6.9.10** The decision, whether departmental action should be taken against a public servant should be taken by the authority competent to award appropriate penalty specified in the BEL CDA Rules or relevant Certified Standing Orders. In cases, where during the course of the preliminary enquiry or before a decision is taken on the report of the preliminary enquiry, a public servant is transferred to another post, the decision should be taken by the disciplinary authority of the latter post. The Commission's advice would, however, be obtained in category 'A' cases before the competent authority takes a final decision in the matter. In category 'B' cases, if there persists an unresolved difference of opinion between the chief vigilance officer and the disciplinary authority concerned about the course of action to be taken, the matter would be reported by the CVO to the chief executive for appropriate direction.

6.9.11 As soon as it is decided by the disciplinary authority to institute disciplinary proceedings against the public servant(s) concerned, the complaint should be regarded as having taken the shape of a vigilance case.

6.9.12 *ENQUIRY AGAINST OFFICERS ON DEPUTATION:

Enquiry against an officer on deputation should be carried out by the CVO of the organisation where the misconduct has occurred. However, when enquiry has started against an officer, who is on deputation, by parent Department, it will be appropriate if parent Department sends an intimation to that effect to the borrowing organisation. In such cases, the result of final enquiry should also be sent to the borrowing organisation. Further, where enquiry was initiated by the parent organisation in respect of an officer for a misconduct in the parent organisation and the officer proceeds on deputation, the CVO of the parent organisation shall take the matter to a logical conclusion and not transfer to CVO of the organisation in which the suspect officer is on deputation.

If a misconduct is detected in the borrowing Department / Organization on the part of an officer after his repatriation to his parent Department / Organization, the then borrowing Department / Organization should bring the fact of the matter to the notice of the parent Department / Organization which will decide the further course of action. It should be noted that only the current disciplinary authority under whom an officer is functioning including the parent department, is competent under relevant CDA rules to initiate disciplinary proceedings against him.

6.9.13 *ENQUIRY AGAINST OFFICERS UNDER SUSPENSION / CLOSE TO RETIREMENT:

Enquiry into the allegations against officers under suspension, or those about to retire should be given the highest priority. It should also be ensured that there is sufficient time for processing the enquiry reports involving retiring and retired employees so that the matter does not get time barred for action (if warranted) under the Pension Rules or Regulations. Sending cases of retiring officials close to their retirement / superannuation to the Commission should be avoided. Such cases may be sent to the Commission preferably three months in advance in the prescribed format duly approved by the competent authority.

6.9.14 *RESIGNATION BY OFFICERS PENDING INVESTIGATION / INQUIRY:

(a) If an officer against whom enquiry or investigation is pending, irrespective of whether he has been placed under suspension or not, submits his request for resignation, such request should not normally be accepted or taken.

* (Inserted, CVC Manual 2021 –5.6 to 5.8 Page No 99 to 100)

Where, however, the acceptance of resignation is considered necessary in the public interest, because the alleged offence(s) do not involve moral turpitude; or the evidence against the officer is not strong enough to justify the assumption that if the proceedings are continued, the officer would be removed or dismissed from service; or the proceedings are likely to be so protracted that it would be cheaper to the public exchequer to accept the resignation, the resignation may be accepted with the prior approval of the Head of the Department in the case of holders of Group 'C' and 'D' posts and that of the Minister-in-charge in respect of Group 'A' and 'B' posts. Prior concurrence of the Commission should also be obtained, in respect of the officers falling under its jurisdiction, before submitting the case to the Minister-in-charge, if the Commission had advised initiation of Departmental action against the officer concerned or such action had been initiated on the advice of the Commission.

- (b) In case of Group 'B' officers serving in the Indian Audit and Accounts Department, such a resignation may be accepted with the prior approval of the Comptroller and Auditor General. Approval of the Commission should also be obtained if the Commission has tendered advice in respect of that officer.

6.9.15 *GRANT OF IMMUNITY / PARDON TO APPROVERS:

- (a) If during an enquiry or investigation, the SPE or the CVO finds that a public servant, against whom the Commission's advice is necessary, has made a full and true disclosure implicating himself and other public servants or members of the public and that such statement is free from malice, the IG / SPE or the CVO, as the case may be, may send his recommendation to the Commission regarding grant of immunity / leniency to such person from the Departmental action or punishment. The Commission will consider the recommendation in consultation with the administrative Ministry / Department / Organisation concerned and advise that authority regarding the course of further action to be taken.
- (b) In cases investigated by the CBI, if it is decided to grant immunity to such a person from Departmental action, the Commission will advise the SPE whether to produce him at the appropriate time before a Magistrate of competent jurisdiction for the grant of pardon u/s 337 of *Cr.P.C.*; or to withdraw prosecution at the appropriate stage u/s 494 of *Cr.P.C.*
- (c) In cases pertaining to the officials against whom Commission's advice is not necessary, the recommendation for grant of immunity / leniency from Departmental action and for the grant of pardon u/s 337 of *Cr.P.C.*; or for the withdrawal of prosecution u/s 494 of *Cr.P.C.* may be made to the Chief Vigilance

* (Inserted, CVC Manual 2021 –5.9 Page No 100 & 101)

Officer, who will consider and advise the disciplinary authority regarding the course of further action to be taken. If there is a difference of opinion between the SPE and the administrative authorities or between the CVO and the disciplinary authority, the SPE or the CVO, as the case may be, will refer the matter to the Commission for advice.

- (d) The intention behind the procedure prescribed above is not to grant immunity / leniency in all kinds of cases but only in cases of serious nature and that too on merits. It is not open to the public servant involved in a case to request for such immunity / leniency. It is for the disciplinary authority to decide in consultation with the Commission or the CVO, as the case may be, in which case such an immunity / leniency may be considered and granted in the interest of satisfactory prosecution of the disciplinary case.

- 6.9.16** *Once a decision has been taken to refer the case to Special Police Establishment (SPE/ CBI), unless there are special reasons to the contrary, the complaints, which are to be investigated should be handed over to them at the earliest stage. Apart from other considerations, it is desirable to do so to safeguard against the possibility of the suspect public servant tampering with or destroying incriminating evidence against him. The SPE, however, should not take up inquiries or register a case where minor procedural flaws are involved. They should also take a note of an individual officer's positive achievement so that a single procedural error does not cancel out a lifetime of good work. However, law does not bar investigation of such cases.
- 6.9.17** In cases, in which the information available appears to be authentic and definite so as to make out a clear cognizable offence or to have enough substance in it, the C.B.I. may register a regular case (R.C.) straightaway under section 154 of the Code of Criminal Procedure, 1973.
- 6.9.18** If the available information appears to require verification before formal investigation is taken up, a Preliminary inquiry (P.E.) may be made in the first instance. As soon as the preliminary inquiry reveals that there is substance in the allegations, a regular case may be registered.
- 6.9.19** # In cases, in which the allegations are such as to indicate, prima facie, that a criminal offence has been committed but Special Police Establishment are not empowered to investigate that offence, the case should be handed over to the local police authorities.
It may not be possible for the CBI to take up all cases falling under these categories because of limited resources and the need to concentrate on cases having inter-state or international ramifications and those involving bribery and corruption. It is, therefore, a matter of discretion, whether the State Police or the CBI should investigate a particular offence even though it may have been notified under section 3 of the Delhi Special Police Establishment Act, 1946.

* (rewritten, CVC Manual 2021 –6.5.2 Page No 107), # 6.5.5(a) - Page No 110)

Ordinary cases of theft, misappropriation, cheating, etc. even if committed by Central Government employees have, therefore, to be dealt with by the State Police.

6.9.20 The SPE will normally take into confidence the head of the Department or office concerned, before taking up any enquiry (PE or RC), or as soon after starting the enquiry as may be possible according to the circumstances of each case. This will also apply in case a search is required to be made of the premises of an officer.
#(Refer para 15.13-Chapter-15 of Crime Manual of CBI)

6.9.21 * Forwarding copies of FIR / PE Registration Report to administrative authorities: As soon as the Preliminary inquiry (P.E.) or a Regular case (R.C.) is registered, a copy of the P.E. Registration report or the F.I.R. will be sent by the SPE confidentially to the Head of the Department and / or the administrative Ministry concerned, and the Chief Vigilance Officer of the organisation concerned.

A copy of the P.E. / F.I.R. will also be endorsed to A.G.'s Branch (P.S.I.) (AFHQ) in respect of Commissioned officers and Organisation of the A.G.'s Branch (AFHQ) in respect of civilian gazetted officers. The copy of the P.E.R.R. or the FIR endorsed to the Ministry of Defence in such case will indicate that a copy has been sent to the A.G.'s Branch.

In the case of officers of Public Sector Enterprises or Public Sector Banks, etc., a copy of the P.E.R.R. or the F.I.R. will be sent to the head of the Organisation concerned.

6.10 PROCESS OF INVESTIGATION

The purpose of investigation is to determine whether there is prima facie substance in the allegations. Investigation can be conducted as given below:

6.10.1 Fact Verification / Fact Finding Enquiry:

A preliminary Fact Finding Enquiry be conducted to know if prima facie, there is adequate substance in the complaint. The Fact Verification can be made depending upon the nature of the allegation by verifying certain documents, files, official records etc. in a tactful manner. If the Fact Finding Enquiry / Fact Verification brings out some substance in the complaint, then a full-fledged investigation should be conducted.

6.10.2 Fact Verification Report (FVR) May be Prepared Indicating:

- Reference
- Allegation
- Examination of rules
- Examination of documents
- Violation of procedures, rules and directions

updated , CVC Manual 2021 –6.5.6 Page No 110, *modified 6.5.8 - Page No 110

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- If allegations are proved mention the allegation with names of the officials who are responsible for the violations indicating the financial loss to the company or gain to the individual or others.
 - Recommendation for detailed investigation
 - Copies of relevant documents / guidelines / procedures to be enclosed to the report.
 - Format of FVR

6.10.3 The investigating officer will submit his report in the prescribed format to the CVO, who will decide whether on the basis of the facts disclosed in the report of the preliminary enquiry, the complaint should be dropped or whether regular departmental proceedings should be recommended against the employee/executive concerned or the administration of a warning or caution would serve the purpose.

6.10.4 CVO will forward the investigation report to the disciplinary authority, along with his own recommendations, for appropriate decision.

6.10.5 The CVO, while submitting his report/comments to the disciplinary authority, should also endorse an advance copy of the investigation report to the Commission if a category 'A' Officer is involved, so that it may keep a watch over deliberate attempts to shield the corrupt officer either by delaying the submission of investigation report to the Commission or by diluting the gravity of the offences/misconducts.

6.10.6 The decision, whether departmental action should be taken against a public servant should be taken by the authority competent to award appropriate penalty specified in the Discipline and Appeal Rules. In cases, where during the course of the preliminary enquiry or before a decision is taken on the report of the preliminary enquiry, a public servant is transferred to another post, the decision should be taken by the disciplinary authority of the latter post. The Commission's advice would, however, be obtained in category 'A' cases before the competent authority takes a final decision in the matter.

6.11 INVESTIGATION OF VIGILANCE CASES

After submission of investigation report by vigilance dept to DA, DA shall follow course of action as suggested in CVC manual/Instructions.

6.11.1 All complaints/public disclosures having vigilance angle directly received by Unit/SBU should be intimated and handed over to Vigilance for carrying out proper and detailed investigation. This includes cases of misappropriation, theft, fraud and dishonesty in case of Company business or property, misuse / abuse of facilities given by the Company (like HRA, LTC, Interest Subsidy, Loan etc.), any illegal gratification, false statements made in application for appointment, forgery, falsification of records and other cases involving vigilance angle.

6.11.2 However, Non-vigilance cases which relates to indiscipline of employees like, absenteeism, gambling, sleeping while on duty, proxy punching, insubordination, disobedience, habitual late attendance etc., need not be covered in the report.

6.12 ACTION ON FACT VERIFICATION REPORT/INVESTIGATION REPORT

On receipt of the investigation report and recommendations thereon, the disciplinary authority is to decide, on the basis of the facts disclosed by this preliminary inquiry, whether the complaint should be closed, warning/ caution is to be administered or regular disciplinary proceedings launched. Regular disciplinary proceedings are required for imposition of major and minor penalties.

6.13 PIDPI COMPLAINTS

6.13.1 Department of Personnel and Training's Resolution No. 89 dated 21st April, 2004, commonly known as Public Interest Disclosure and Protection of Informers Resolution, 2004, envisages a mechanism by which a complainant can blow a whistle by lodging a complaint and also seek protection against his victimisation for doing so. The Central Vigilance Commission is the designated agency to receive complaints from whistle blowers under the PIDPI Resolution.

6.13.2 PIDPI RESOLUTION : In 2004, in response to a Writ Petition (Civil) No. 539/2003 filed after the murder of Shri Satyendra Dubey, the Supreme Court directed that a machinery be put in place for acting on complaints from whistleblowers till a law is enacted. Pursuant to that, the Government of India vide *Gazette Notification No. 371/12/2002-AVD- III dated 21.04.2004 r/w Corrigendum dated 29.04.2004* notified the *Public Interest Disclosure and Protection of Informers Resolution (PIDPI), 2004* which gave the powers to the Commission to act on complaints from whistle-blowers. The PIDPI Resolution has the following main provisions:

- (a) The Commission is authorised as the Designated Agency (a) to receive written complaints or disclosure on any allegation of corruption or of misuse of office by any employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government;
- (b) Any public servant or a person including an NGO can make written disclosure to the designated agency except those referred in clauses (a) to (d) of *Article 33 of Constitution*;
- (c) * The designated agency may, if it deems fit, call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the designated agency shall not take any action in the matter;
- (d) Anonymous complaints shall not be acted upon;
- (e) The identity of the complainant will not be revealed unless the complainant himself has disclosed his identity;

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- (f) The Head of the Department / Organisation to keep the identity of informant secret if he comes to know about it;
 - (g) The designated agency may call the comments / explanation of the Head of Department / Organisation on the disclosure made;
 - (h) The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received;
 - (i) The designated agency on finding the allegation of misuse of office or corruption substantive, shall recommend appropriate action to the concerned Department or Organisation;
 - (j) If the informant feels he is being victimised, he may make an application before the designated agency seeking redress in the matter. The designated agency may give suitable directions to the concerned public servant or the public authority;
 - (k) If on an application or on the basis of information gathered, the designated agency is of the opinion that the complainant or the witness need protection, it shall issue appropriate directions to the concerned Government authorities; and
 - (l) In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

6.13.3 Pursuant to the *PIDPI Resolution, 2004*, the Commission vide *Office Order No. 33/5/2004 dated 17.05.2004* issued guidelines and Public Notice on the procedure to be followed for filing whistle-blower complaints under the *PIDPI Resolution, 2004*. Subsequent to the Resolution of 2004, the *DoPT* vide *Notification No.371/4/2013-AVD.III dated 14.08.2013* partially amended the PIDPI Resolution.

The amendment, inter alia, authorised the Chief Vigilance Officer of the Ministries or Departments of Government of India to act as the designated Authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or Department. The amendment also authorised the Central Vigilance Commission to supervise and monitor the complaints received by the designated authority. The amendments have the following provisions:

- (a) Para 1A- The Chief Vigilance Officers of the Ministries or Departments of the Government of India are also authorised as the designated authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or the Department.

* re-written , keeping in line with para 2 of PIDPI Resolution , CVC Manual 2021 –Page 84

- (b) Para 7A- Either on the application of the complainant, or on the basis of the information gathered, if the designated authority is of the opinion that either the complainant or the witnesses need protection, the designated authority, shall take up the matter with the Central Vigilance Commission, for issuing appropriate directions to the Government authorities concerned.
- (c) Para 11A- The Central Vigilance Commission (CVC) shall supervise and monitor the complaints received by the designated authority.

6.13.4 HANDLING OF COMPLAINTS RECEIVED UNDER PIDPI RESOLUTION

The Commission has the responsibility of keeping the identity of the complainant secret. Hence the Public Notice was issued by the Commission, informing the general public that any complaint, which is to be made under this Resolution should comply with the following conditions:

- (a) The complaint should be in a closed / secured envelope.
- (b) The envelope should be addressed to Secretary, Central Vigilance Commission and should be super-scribed "**Complaint under The Public Interest Disclosure**". If the envelope is not super-scribed and closed, it will not be possible for the Commission to protect the complainant under the above Resolution and the complaint will be dealt with as per the normal complaint handling policy of the Commission. The complainant should give his/her name and address in the beginning or end of complaint or in an attached letter.

*The Department of Posts vide Circular No. 31-01/2021-PO dated 03.03.2021 has directed all post offices not to insist on the name and address of the complainant. It is mandatory for all post offices. The directions are reproduced as below:

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

- (c) Commission will not entertain anonymous / pseudonymous complaints.
- (d) The text of the complaint should be carefully drafted so as not to give any details or clue as to the complainant's identity. However, the details of the complaint should be specific and verifiable.
- (e) In order to protect identity of the person, the Commission will not issue any acknowledgement and the whistle-blowers are advised not to enter into any further correspondence with the Commission in their own interest. The Commission assures that, subject to the facts of the case being verifiable it will take the necessary action, as provided under the Government of India Resolution

mentioned above. If any further clarification is required, the Commission will get in touch with the complainant.

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

6.13.4.1 *Certain categories of complaints received under PIDPI Resolution where it is not possible to maintain confidentiality about the identity of the complainants, are considered as Non-Public Interest Disclosure and Protection of Informers (Non PIDPI) Complaints, but before processing such complaints, the identity of the complainant is masked, thus taking adequate safeguard in an attempt to maintain confidentiality about the complainant's identity. Some categories of complaints, which one similarly dealt with, are as under: -

(i) The complaint has been received in an open condition

(ii) The complaint has been addressed / endorsed to several authorities.

(iii) The issues raised in the complaint had earlier been taken up with other authorities.

(iv) The information has been sought / obtained under the provisions of RTI Act, by the complainant himself.

(v) The complainant had earlier taken up the issue with this Commission in the form of an ordinary complaint, under the Commission's Complaint Handling Policy.

(vi) The complainant makes a complaint through email or seeks status / information regarding his earlier PIDPI Complaint by sending an email, thus making his identity public, which is violation of the guidelines issued by the Commission for making complaints under the provisions

of PIDPI Resolution.

(vii) The complaint has been addressed / endorsed to many authorities of the Central Vigilance Commission, thus, disclosing his identity.

6.13.5 At present the procedure being followed in the Commission for handling complaints received from whistle blowers under PIDPI Resolution is as follows:

(a) * Complaints received under PIDPI Resolution are opened in the Confidential Section and parallel files (separate file for each complaint) are created after concealing the name, address and the identity of the complainant disclosed in the body of complaint.

(b) The complaints which have been addressed to other / several authorities are not treated as complaint under PIDPI Resolution and are forwarded by the Confidential Section to the section concerned of the Commission for taking necessary action. Anonymous and Pseudonymous complaints received under PIDPI Resolution are also sent directly to the section concerned of the Commission for taking necessary action under Complaint Handling Policy of the Commission.

(b) In respect of those complaints which are considered fit for processing under PIDPI Resolution, a letter is sent to the complainant to obtain (a) confirmation as to whether he / she has made the complaint or not and (b) a certificate that that he / she has not made similar / identical allegation of corruption / misuse of office to any other authorities to qualify as a Whistle Blower complainant. Prescribed time limit for receiving the confirmation and the certificate from the

* Inserted, CVC Manual 2021 4.2.1 A –Page 87

Complainant is 30 days from the date of receipt of Commission's letter by the complainant. In case of no response within the prescribed time limit, a reminder is issued, giving additional two weeks' time to the complainant for sending confirmation and the certificate to the Commission. If there is still no response from the complainant, the complaint is sent to the Branch concerned of the Commission for necessary action under Complaint Handling Policy of the Commission.

- (c) * In case the matters are personal in nature or it is very difficult to hide the name / identity of the complainant, the complaint is filed in the Confidential Branch without any further action.
- (d) * After receiving necessary confirmation along with the certificate from the complainant, the complaint is placed before the Screening Committee for decision.
- (e) The Screening Committee is headed by the Secretary and the Additional Secretaries of the Commission are members. The Screening Committee examines all complaints and recommends complaints for Investigation and Report (I & R) / Necessary Action (NA) / Filing.
- (f) * The complaints, where necessary action has been recommended by the Screening Committee, are referred to the concerned Branch for further action. Complaints recommended for investigation and report are sent to the concerned Branch for further action after approval of the Commission vide Office Order No. 12/09/18 dated 28.09.2018, has prescribed a period of twelve weeks from the date of receipt of reference of the Commission for submitting report to it.

6.13.6 PROTECTION TO WHISTLEBLOWERS:

According to the PIDPI Resolution, following provisions have been made for protection of Whistle Blowers:

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

* rewritten, CVC Manual 2021 4.2.2 –Page 88 & 89

6.13.7 * If any person is aggrieved by any action on the ground that he is being victimized due to the fact that he had filed a complaint or disclosure, he may file an application before the designated agency seeking redress in the matter, who shall take such action, as deemed fit. The designated agency may give suitable directions to the concerned public servant or the public authority as the case may be.

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

6.13.9 SUPERVISION AND MONITORING OF DESIGNATED AUTHORITY

Keeping in view the Clause 11A of *Resolution dated 14.08.2013* (amendments to its earlier PIDPI Resolution) which says that the Commission shall supervise and monitor the complaints received by the designated authority, a report on PIDPI complaints including cases of alleged harassment / victimisation received by the Chief Vigilance Officers of the Ministries or Departments of the Government of India are required to be sent to the Commission by the CVOs of the Ministries/ Departments.

6.14 DIFFERENCE OF OPINION BETWEEN THE CVO AND THE CMD

6.14.1 Where there is a difference of opinion between the disciplinary authority and the CVO with regard to cases which are not to be referred to the Commission, the CVO may report the matter to the next higher authority/CMD for the resolution of the difference of opinion between the two. A case of difference of opinion between the CVO and the CMD in respect of any case falling within the jurisdiction of the CVC should be referred to the CVC. In the case of a Board level appointee, the comments of the administrative ministry along with all relevant files are required to be sent to the CVC so as to enable the Commission for better appreciation of the facts and circumstances of the case and the viewpoints of authorities who might have had the occasion to comment upon its various aspects.

6.14.2 If during an investigation, the CVO finds that an officer, in whose case the advice of the Commission is necessary, has made a full and true disclosure implicating himself and other public servants or members of the public and further that such statement is free from malice, the CVO may send his recommendation to the CVC regarding grant of immunity/leniency to such officer from departmental action or punishment. The Commission would consider the CVO's recommendation and advise that authority regarding the further course of action;

6.14.3 *In cases pertaining to officials against whom the Commission's advice is not necessary, the recommendation for grant of immunity/leniency may be made to the CVO who would consider and advise the disciplinary authority regarding the further course of action. If there is a difference of opinion between the CVO and the disciplinary authority, the CVO would refer the matter to the Commission for advice.

The Commission tenders its advice at two stages:

(a) First Stage Advice (FSA): The Commission is required to be consulted:

* rewritten, CVC Manual 2021 4.3.2 –Page 90

- 1) * In all cases where vigilance angle is present and in respect of the public servants specified in section 8(2) of CVC Act, 2003 (Category-A), after conclusion of preliminary inquiry / investigation and before the issue of charge-sheet;
- 2) where an Investigation Report on a complaint forwarded by the Commission has been called for, the CVO is required to submit the Investigation Report to the Commission for advice;
- 3) in following cases for public servants other than Category-A:
 - (i) in Composite cases, wherein public servants other than Category-A (i.e., Category-B) are also involved along with those belonging to Category-A and wherein vigilance angle is present.
 - (ii) where there is difference of opinion between the CVO and the Chief Executive of the Organisation, action may be taken as described below.

Difference of opinion: *The Commission's advice would also be necessary in cases of difference of opinion between the disciplinary authority and the CVO with regard to the action to be taken against officers who are not within the jurisdiction of the Commission if these differences cannot be resolved with the intervention of the Secretary of the Ministry or Head of the Departments.*

(CVC Circular No. 98/VGL/15 dated 16.04.2004)

(b) Second Stage Advice (SSA):

- (1) In all such cases where First stage advice has been tendered, on conclusion of oral inquiry after issue of charge-sheet but before a final decision is taken by competent authority, the Commission is required to be consulted for second stage advice. (Subject to exception & exemptions mentioned below).
- (2) Further, in respect of other cases where there is difference of opinion between the CVO and the Disciplinary Authority, action may be taken as described in para 1.2.2(b) above.

Exception:

In respect of a Presidential appointee, if the Disciplinary Authority proposes a penalty and where UPSC is required to be consulted, the Commission's advice is not required. However, in respect of a Presidential appointee, if the Disciplinary Authority proposes exoneration, the Commission's second stage advice is required to be obtained.

(CVC Circular No. 17/12/12 dated 07.12.2012)

6.14.4 Time limit for completing the investigation and Disciplinary Action

SI No	State of Investigation or inquiry	Time limit
1	Decision as to whether the complaint involves a vigilance angle	One month from the receipt of the complaint
2	Decision on complaint, whether to be filed or to be entrusted to CBI or to be sent to the concerned administrative authority for necessary action.	One month from the receipt of the complaint
3	Conduction investigation and submission of report	Three months
4	Department comments on the CBI reports in cases requiring Commission's advice	One month from the date of receipt of CBI report by the disciplinary authority
5	Referring departmental investigation reports to the Commission for advice	One month from the date of receipt of investigation report
6	Reconsideration of Commission's advice if required	One month from the date of receipt of Commission's advice.
7	Issue of Charge Sheet, if required	i) One month from the date of receipt of Commission's advice ii) Two months from the date of receipt of investigation report
8	Time for submission of Defence Statement	Ordinarily 15 days or as specified in CDA Rules
9	Consideration of Defence Statement	15 (Fifteen Days)
10	Issue of Final order Minor Penalty cases	Two months from the date of receipt of Defence statement
11	Appointment Inquiry Officer/Presenting Officer in Major Penalty cases	Immediately after receipt of defence statement.
12	Conducting Department Enquiry and submission of Report	Six months from date of appointment of Inquiry Officer
13	Sending a copy of the Inquiry Officer's Report to the Charged Officer for his representation	Within 15 days of receipt of Inquiry Report, if any of the Articles of charge has been held as proved
14	Consideration of CO's representation and forwarding IO's report to the Commission for second stage advice	One month from the date of representation
15	Issuance of orders on the Inquiry Report	One month from the date of Commission's advice Two months from the date of receipt of Inquiry Report if commission's advice is not required

6.14.5 * Time limits for finalisation of Departmental Inquiry Proceedings:

In continuation of CVC Guidelines vide Circular No. 000/VGL/18 dated 23.05.2000 and DoPT OM No. 372/3/2007AVD-III (Vol. 10) dated 14.10.2013, the Commission has advised to ensure prompt / timely action in disciplinary matters where major penalty proceedings have been initiated / are to be initiated and further prescribed the following time limits for finalisation of departmental inquiry proceedings:

Sl. No.	Stage of disciplinary action	Time limits
1.	Issue of Charge Sheet to the stage of appointment of IO and PO.	All the required action may be completed within a period of two months from the date of issue of First Stage Advice of the Commission.
2.	Conducting departmental inquiry and submission of report by the inquiry officer (I.O).	The inquiry report should be submitted within six months from the date of appointment of inquiry officer.
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 maybe taken, if required.

(CVC Circular No. 18/12/20 dated 14.12.2020: Timely finalisation of Departmental Inquiry Proceedings – improving vigilance administration)

(CVC Circular No. 20/12/20 dated 30.12.2020: Disposal of old pending cases)

6.15 # JURISDICTION OF CENTRAL VIGILANCE COMMISSION (Jurisdiction under Section 8 of CVC Act, 2003)

6.15.1 (a) For the purpose of clause (d) of section 8(1) of CVC Act, 2003, the Commission's jurisdiction extends to such category of public servants as defined under section 8(2) of the Act and subsequent notifications issued by the Central Government from time to time.

Clause 8(1)(g) of the CVC Act, 2003 requires the Commission to 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 by that Government, such Government companies, societies and local authorities owned or controlled by the Central Government or otherwise and for this purpose the Commission's jurisdiction is coterminous with those provided under section 8(2) of CVC Act, 2003.

The following categories of public servants (hereinafter referred to as category 'A' officers) fall within the jurisdiction of the Commission in terms of sub-section (2) of section 8 of CVC Act, 2003: —

(a) Members of All-India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;

(b) Such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf: Provided that till such time a notification is issued, all officers of the said

* Inserted, CVC Manual 2021 7.47.2A – Page 205

updated, CVC Vigilance Manual 2021 Clause 1.2, Page No – 05

corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1) of section 8 of CVC Act, 2003.

(c) On a reference made by the Lokpal under proviso to sub-section (1) of section 20 of the Lokpal and Lokayuktas Act, 2013, the persons referred to in clause (d) of sub-section (1) shall also include -

- (i) Members of Group B, Group C and Group D services of the Central Government;
- (ii) such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf: Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred in clause (d) of sub-section (1) of section 8 of CVC Act, 2003.

6.15.1 (b) At present, the following levels of officers have been notified by the Central Government for the purpose of clause (b) of sub-section (2) of section 8 of CVC Act, 2003 (DoPT Notifications vide S.O. 371(E) dated 18.3.2004 & S.O. 1538(E) dated 12.9.2007):

- (i) Officers of Scale V and above of Public Sector Banks; (Scale V is in the range of Rs. 59,170-66,070 in most banks as on 01.01.2015)
- (ii) Chief Executives and Executives on the Board and other officers of E-8 and above in respect of Schedule 'A' and 'B' Public Sector Undertakings; (E-8 Scale in Sch. 'A' & 'B' CPSEs is in the range of Rs. 51,300 – 73,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
- (i) Chief Executives and Executives on the Board and other officers of E-7 and above in respect of Schedule 'C' and 'D' Public Sector Undertakings; (E-7 Scale in Sch. 'C' & 'D' CPSEs is in the range of Rs. 43,200 – 54,000 effective from 01.01.2007 pursuant to pay revision after 6th CPC)
- (iv) Officers in Grade 'D' and above in respect of RBI, NABARD and SIDBI; (As on 01.01.2015 the Grade 'D' Scale in RBI is Rs. 39,850 – 46,150)
- (v) Managers and above in General Insurance Companies;
- (vi) Senior Divisional Managers and above in Life Insurance Corporations; and
- (vii) Officers drawing salary of Rs. 8700/ - p.m. and above on Central Government D.A. pattern, as on the date of the notification (DoPT Notification dated 12.9.2007) and as may be revised from time to time in Societies and other Local Authorities.

6.15.2 * JURISDICTION OVER OTHER CATEGORIES IN SPECIAL CASES

- (a) Composite cases:** In composite cases, Commission's advice would be necessary in respect of all officers of the Central Government or an organisation under it, irrespective of their level, if they are involved in the same matter in which a Category 'A' officer is involved. (May also refer to para 7.9.5 & 7.9.6 of Chapter VII)
- (b) Difference of opinion:** The Commission's advice would also be necessary in cases of difference of opinion between the disciplinary authority and the CVO with regard to the action to be taken against officers who are not within the jurisdiction of the Commission if these differences cannot be resolved with the intervention of the Secretary of the Ministry or Head of the Departments. (CVC Circular No. 98/VGL/15 dated 16.04.2004)
- (c) Complaints under PIDPI Resolution:** For the purpose of Public Interest Disclosure and Protection of Informers Resolution 2004, the Commission's jurisdiction extends to any employee of Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government irrespective of the category or class or group of employees.
- (d) Below Group 'A' Gazetted officers of Central Government:** In terms of *GoI Resolution dated 11.02.1964*, the Commission's jurisdiction extended to Group 'A' and Group 'B' gazetted officers of the Ministry or Department and equivalent level of officers in organisations. However, after the enactment of *CVC Act, 2003*, the jurisdiction of Commission extends to the officers as described in paras 1.2.1 (a) & (b) hereinabove. Further, in respect of cases involving Gazetted officers below Group 'A' of the Central Government, in which the Commission has tendered its first stage advice before issue of *CVC Circular No. 98/VGL/15 dated 16.04.2004*, the matter need not be referred to the Commission for second stage advice if the disciplinary authority, on conclusion of the disciplinary proceedings, proposes to impose a penalty which coincides with the Commission's first stage advice, provided that none of the officers involved in that matter is an officer of All-India Service or a Group 'A' officer. The case, however, may be referred to the Commission for its advice if the disciplinary authority proposes to take action, which does not conform to the Commission's first stage advice, (or it differs with the recommendation of the CVO with regard to the quantum of punishment to be imposed).

6.16 DISCIPLINARY ACTION AND PENALTIES.

For details on Process of Disciplinary Action, Major and Minor Penalties refer BEL CDA rules / Standing Orders

In case of interpretation / further clarification provisions of CVC Manual Prevails.

* updated, CVC Vigilance Manual 2021 Clause 1.2, Page No – 07 & 08

CHAPTER – VII e-VIGILANCE

7.1 INTRODUCTION

In normal parlance 'vigilance' means careful attention that we pay to what is happening around us to find out lapses or violations. It connotes watchfulness, prevention and detection of wrongdoings in governance activities. e-Vigilance is a modern tool of watchfulness, prevention and detection by leveraging of modern technology. e-Vigilance ensures compliance of laws, rules and instructions in governance activities by means of inbuilt system of machine intelligence, and thereby detecting violations, if any. It also ensures integrity, transparency and equity in the functioning of Government and public entities which are epitome of good governance.

In this era of technological revolution, it has become possible to deal with complex and diverse government activities in an efficient, transparent, and citizen-centric manner. Over the years, a large number of initiatives have been undertaken by various organizations and authorities of Central and State Governments to usher in an era of e-Governance. Sustained efforts have been made at multiple levels to improve the delivery of services and simplify the processes of accessing them. Use of ICT in India has steadily evolved from computerisation of Government Departments to initiatives that encapsulate the finer points of Governance, such as citizen centricity, service orientation, speed, and transparency.

Organizations undertake automation, digitization and digitalization in order to streamline their internal systems, processes to ensure effective customer interface and delivery of seamless services, such as Government to Government (G2G), Government to Citizen (G2C), Citizen to Government (C2G), Government to Business (G2B) and Business to Consumers (B2C) services, etc. The major areas where online systems have made huge impact are e-procurement, e-land records, e-office, e-exams, e-recruitment, e-payments, e-banking, scholarship, life certificate for pensioners, e-subsidies, online booking / reservation (railways, airlines, roadways, etc.), passport services, e-courts and other legal services, medical consultancy, and other IT enabled services.

While digitisation has brought in lots of merits, reducing petty corruptions, efficient delivery of services, improving the quality of life, reduction in time taken for availing services, enhanced transparency, awareness amongst citizens, it poses its own challenges of vulnerability of intentional /

Un-intentional manipulations which need to be diagnosed and tackled on continuous basis. Instances of cyber frauds, cyber-crimes, malpractices by government officials and employees of vendors manning the IT systems and outsiders also have come to notice. Apart from the organisations concerned, the Commission is receiving / has received reports / complaints, about incidents of such malpractices.

Organizations should have robust systems and processes of IT based platforms and Vigilance needs to play a pro-active role and to adapt to such organizational changes so that

the processes and information in such an environment are within their ambit for scrutiny against vigilance angle or systemic deficiencies.

In order to undertake such examination, there is felt need for requisite capacity building in the form of competencies, skills and tools that would help Vigilance examine the data, the reports and the processes.

7.2 ISSUES FACED

Few possibilities to illustrate existing IT systems' susceptibility to corruption and incidents of malpractices are cited below: -

(i) E-procurement / e-tender: There may be instances wherein some bidders could get to know critical information such as bids of the competitors because of inherent infirmities / vulnerabilities of the system itself and succeed in clinching the tender in their favour. Non-encryption of technical / financial bid and its accessibility is a vulnerability area. Encryption and audit trail / log needs to be ensured. The trails / logs are required to be maintained in such a manner that they cannot be modified / altered by the system administrators.

(ii) E-Recruitment: Delayed publishing of vacancies / recruitment notices on e-platform and actual reduction in e-visibility period of the said notice; additionally, the broken link to open the online form and the system becoming slow / hung in the last few days / hours of the cut off time and non-provision of objection period is an area of concern.

(iii) E-payment – fraud and duping: Numerous cases are reported on a regular basis wherein citizens are duped while making online transactions with various banks and available apps. Payment gets deducted from the account of the customer, but services / goods not delivered and without auto reversal of payment or instant refund. Huge amount of money gets siphoned off in this kind of malpractice. Involvement of employees of the Banking, Financial Services and Insurance (BFSI) sector, outsiders or the employees of the vendor engaged by the BFSI sector partner connivance

in incidents / malpractices cannot be ruled out. Given the extensive use of technology in BFSI sector, the risk of unauthorised access, disclosure and modification by unscrupulous employees remains high.

Many government schemes now involve Direct Benefit Transfer to the intended beneficiaries. Such kind of e-payment transfers need to be protected from any possible unscrupulous manoeuvring. Pay & allowances to employees, payment to the contractors / vendors are now made through electronic transfers and are vulnerable to manipulations and frauds. Modification of bank details of intended beneficiaries (for contractual payments, refunds, etc.) should normally not be allowed. If it becomes

absolutely necessary (for example in case of closure / merger of banks, etc.) it should be done in a controlled manner, with multi-level approvals, and audit trails.

7.3 PROACTIVE MEASURES TO ENHANCE THE ROBUSTNESS OF THE IT BASED SYSTEMS

(a) E-Systems and processes should be aligned with provisions in the IT Act, Rules and guidelines issued by *Ministry of Electronics & Information Technology (MeitY)* from time to time.

-
- (b)** Relevant SOPs should be put in place by the organizations for strict adherence.
- (c)** To ensure information security in terms of Confidentiality, Integrity, Availability and Indisputable authentication of ownership of any action (Non-Repudiation), the ICT infrastructure such as E-platforms and IT enabled services comprising of websites, portals, applications, database, user accounts, cloud services, mobile applications, storage devices, Application Program Interfaces (API), encryption mechanisms, etc. are needed. Electronic service environment of the organizations are requires to be updated and made robust.
- (d) Security Audit:** All the IT systems and processes should be security audited by agencies such as STQC or CERT-In empanelled agencies. The software applications, IT system should be tested / audited on regular interval as per the CERT-In guidelines. However, if there is a major change in software application or IT system, then impact of change should be analysed and testing / auditing for security should be done before putting the changed application / IT system in production environment. However, basic details of key personnel of the CERT-In empanelled agencies or any other such organization, like name, Aadhar number, PAN number, etc. need to be maintained and dynamically updated by CERT-In or any other similarly placed organization.
- (e) Information Security Management System:** Organizations should have policy which ensures data authorization, process authorization, data safety, non-repudiation, etc. depending upon the need and necessity of the organization. The hiring organization having sensitive and confidential data may exercise due diligence to ensure the integrity of the key personnel of the empanelled agency while getting the security audit done for the organisation.
- (f)** Ownership and control of the data shall exclusively rest with the concerned public organization.
- (g) Maker / Checker Concept:** The Agency which has made / supplied the IT systems should not be the Checker of the IT system. The checker should, inter-alia examine the code for the possibility of leakage of confidential data / data loss through malicious code. This should be done for each and every patch that is deployed thereafter.
- (h)** IT system and its online auditing system should be in separate silos so as to maintain exclusivity of the auditing system. Control of the auditing system should not be with the administrator of the IT system.
- (i)** Organisations may consider to have backup server(s) placed at a different place other than the primary server(s) where exact replica of the primary server(s) are created on run time basis or at regular intervals as may be decided by the organisation. This will help the organisation recover data in case of any disaster, crashing of primary server, etc.
- (j)** System of auto generated alert in cases, such as it is becoming slow below a certain level or disruption during submission of bids, application for various services, etc. on the cut-off date and time. A window period for receiving grievances and their redressal should be there.
- (k)** All transactions should be time stamped with the server clock time. The server time should be synced with a verified source like NPL clock, ISRO clock, etc. to prevent denial or service,

unauthorised availing of service after due date, and unauthorised access of confidential data (e.g., viewing of bids before closing time) through tampering of server clock time. A log should be maintained for any change in server time, and such changes should also trigger SMS / E-mail alerts to designated officials.

(l) Guidelines to be prepared by the organization concerned for comprehensive audit on the lines of e-procurement 'Guidelines for compliance to Quality requirements of e-procurement Systems' issued by MeitY, also mandated by Ministry of Finance.

(m) Audit trails: All the IT systems (Hardware & Software) should maintain audit trails which can establish the digital footprints of the user login, access duration, etc. These logs must be enabled and maintained for appropriate period as per extant guidelines of the Government.

(n) Forensic readiness: E-Services should have robust forensic readiness so as to maintain usefulness of incident evidence data and ability to perform forensic investigation quickly and with ease. Organisation should have policy for recording, preserving, validating the transactions & activity logs records. E-Services should be periodically tested for their forensic readiness in case of breach or manipulation by insiders or external actors.

(o) Continuous monitoring and visibility: ICT infrastructure facilitative e-services should be continuously monitored for the security status and visibility on operations. Apart from monitoring the e-services itself, organisations should maintain ongoing awareness of information security, assets, vulnerabilities, and threats to protect the systems and prevent cyber-attacks and misuse from external as well as internal actors.

(p) Awareness: Operators, insiders and owners of the e-services could intentionally or unintentionally facilitate breach or manipulation of the e-services. A role-based information security awareness program including concepts of external and internal threats needs to be devised for key staff members. The awareness program may also include vendors and suppliers of the e-services. Senior management may monitor effectiveness of such programs.

(q) Capacity Building: Regular training programs encapsulating the major areas of vulnerability, system and security audit, robustness of IT infrastructure, etc. should be organized for the key managerial, IT personnel and other staff members of the concerned public organizations.

(r) In case, the deployed software and hardware are not security audited, it should be done at the earliest by STQC or CERT-In empanelled agencies. These audit certificates, if displayed on the home page of the IT system, will instil a sense of confidence in the minds of the users.

(s) When a software system is developed through a hired agency, ample care should be taken to distinguish the software developed and testing setup from the life setup. This means that the server or machine used for development and testing must be different from the server or hardware where software is going to be operated preferably at a different place.

(t) All the IT systems in operation must ensure periodic re-audit every two to three years or when a major functional change has been incorporated.

(u) IT systems must use digital signature system, e-sign, OTP or biometric based user authentication rather than just relying on user ID and password. Additionally, the system of screen log out after an appropriate time lapse as may be decided by the organisation can also be introduced so as to ensure safeguard against any un-authorized person's access to the system. Besides, sensitive documents should be encrypted before transmission. For example - in an e-tender system a technical bids as well as financial bids should be encrypted so that nothing is visible to the back-end staff.

(v) Chief Vigilance Officer needs to take up a periodic review to ensure integrity of the existing automated systems and processes. Such review shall be carried out at-least once a year by a Committee comprising an officer of Vigilance Department, HR Department and IT Department of the Organization. A report on such review shall be submitted within one month to the Head of the Organization. Any serious deficiencies identified during the review shall be examined from vigilance angle and further investigation taken up wherever required.

(w) Government has empanelled information auditing organisations to facilitate regular audits of ICT infrastructure. Guidelines related to good information security audit practices are published for auditees, auditors, data handling and Cyber security audit baseline requirement.

For further details the following weblinks may be visited: -

https://www.meity.gov.in/writereaddata/files/CISCO_Roles_Responsibilities.pdf

https://www.cert-in.org.in/PDF/guideline_auditee.pdf

https://www.cert-in.org.in/PDF/Auditor_Guidelines.pdf

<https://www.cert-in.org.in/PDF/CyberSecurityAuditbaseline.pdf>

7.4 Internet of Things (IOT):

Increasing digitization and networking of processes and physical devices– Popularly known as Internet of Things (IOT)- generates massive amount of diverse data streams. By subjecting accumulated data to analytic and intelligence tools which are now widely available at low cost, it is not only possible to generate entirely new insight into organizational functions and boost productivity and efficiency but also to spot hard-to-detect vulnerabilities within. On the flip side, as

more and more processes, transactions and interactions continue to get driven from ICT-interfaces, different kind of threats can arise in the form of potential manipulators and fraudsters exploiting possible weaknesses & loopholes in the digital infrastructure.

Following measures should be in the knowledge of the senior management of the organization:

- Initialization and calibration of embedded sensors in any IOT (Internet of Things) System.
- Compatibility of multiple software's driving disparate / legacy ICT hardware.
- Real time corrective action and evidence gathering on alerts generated from any IOT device.
- Use of big data analytics enhance capacity building within organization and minimize external dependence for sensitive processes.
- Have a proper Data Storage Protocol, Quantum and Mode of Storage, Retrieval frequency.
- Study operational data through freely available open-source business intelligence software to spot hidden trends, productivity, loss, etc. to the extent possible.
- Identify sensitive / vulnerable areas prone to cybercrime / insider malpractices and sharing of such information among organisations for prevention.

CHAPTER - VIII

VIGILANCE REPORTS AND FORMATS

8.1 INTRODUCTION

Reports and returns from the basic information of vigilance and information to various authorities such as MoD, CVC, CBI, CMD etc., at different levels have to be submitted by the Corporate Vigilance on monthly, quarterly, half yearly and yearly.

8.2 CLASSIFICATION OF REPORTS

In accordance with the periodicity of the submission, reports are classified as under:

1. Monthly Reports
2. Quarterly Reports
3. Yearly Reports
4. Other Reports

8.3 REPORTS & FORMATS (to be sent to other agencies)

8.3.1 * MONTHLY REPORTS

Every month Corporate Vigilance has to submit the following reports on vigilance matters in respect of Bharat Electronics to various authorities before the dates given below:

Sl. No.	Subject	Report to	Format of the Report	To be sent by
1.	Assessment of work done by CVO (SI & APR)	CVC	Annexure - I	25th of every month
2.	Report on Pending Prosecution sanctions requests of CBI	MoD	Annexure - II	Last working day
3.	Inputs for Monthly D.O. letter to the Cabinet Secretary	MoD	-	Last working day
4.	Online Vigilance Status of Board Level Executives of CPSEs	MoD	-	Last working day
5.	Monthly Report on the Status of Pending Disciplinary cases/ complaints falling within the purview of Ministry of Defence	MoD	Annexure - III	1st of every month
6.	Monthly Progress Report on the Status of Disciplinary Cases i.r.o. Class - I (Group 'A') and Board Level Officials of DPSUs monitored by DDP Vigilance	MoD	Annexure - IV	1st of every month

* updated

7.	Monthly Report Status on Banned / Black Listed Firms / Contractors	MoD	Annexure - V	1st of every month
8.	Undesirable Contact Men & Contact Women Action regarding keeping a check & Control on their activities - Monthly Report	CBI, B'lore	-	5th of every month
9.	Purchase Orders / Contracts with a value exceeding more than one Crore	CBI, B'lore	Annexure - VI	5th of every month
10.	Report on Vigilance Status	CMD	Annexure - VII	5th of every month

8.3.2 * QUARTERLY REPORTS:

Corporate Vigilance has to submit the following reports to various authorities/Government agencies before the dates of month following the end of the Quarter given below:

Sl. No.	Subject	Report to	Format of the Report	To be sent by
1.	Action Plan on Anti - Corruption Measures	MoD	Annexure - VIII	5th of month following quarter
2.	Submission of online Quarterly Reports by CVOs	CVC	Annexure - IX	5th of month following quarter
3.	List of Actionable Points on Preventive Vigilance	MoD	Annexure - X	1st of month of following quarter
4.	Quarterly Review of Vigilance Activities	Company Secretary, BEL and CVC	Annexure - XI	10th of month of following quarter
5.	Submission of Quarterly Progress Reports (QPRs) as per the threshold limits given categorywise	CTE/CVC	Annexure - XII	15th of month of following quarter

8.3.3 * MONTHLY REPORTS FROM THE FIELD VIGILANCE UNITS

Sl. No.	Subject	Report to	Format of the Report
1.	MONTHLY REPORT ON VIGILANCE WORK AT THE UNITS	CVO	FORMAT I

* updated

8.3.4 QUARTERLY REPORTS FROM THE FIELD VIGILANCE UNITS

Sl. No.	Subject	Report to	Format of the Report
1.	QUARTERLY REPORT ON ACTION PLAN ON ANTI CORRUPTION MEASURES.	CVO	Annexure - VIII
2.	QUARTELRY REPORTS ON HIGH VALUE CONTRACTS FOR INTENSIVE EXAMINATION BY CTE/CVC	CVO	Annexure - XII
3.	LEVERAGING OF TECHNOLOGY FOR TRANSPARENCY – e-PROCUREMENT	CVO	FORMAT II
4	LEVERAGING OF TECHNOLOGY FOR TRANSPARENCY – POS/SCO/WORKS CONTRACTS POSTED IN WEBSITE	CVO	FORMAT III
5	QUARTERLY REPORT ON SYSTEM IMPROVEMENT STUDY UNDERTAKEN	CVO	FORMAT IV

8.3.5 OTHER FORMATS & REGISTERS

Sl. No.	Subject	Report to/ Maintained at	Format of the Report
1	COMPLAINTS REGISTER	All Units/SBUs	FORMAT V
2	REGISTER FOR TRACKING THE PROGRESS OF INVESTIGATION	All Units/SBUs	FORMAT VI
3	REGISTER FOR DISCIPLINARY PROCEEDINGS	All Units/SBUs	FORMAT VII
4.	FACT VERIFICATION REPORT	CO-VIG	FORMAT VIII
5.	INVESTIGATION REPORT	CVO	FORMAT IX
6.	REPORT ON INTENSIVE EXAMINATION OF WORKS CONTRACTS	CVO	FORMAT X
7	REPORT ON INTENSIVE EXAMINATION OF PROCUREMENT CONTRACTS	CVO	FORMAT XI
8	FORMAT FOR AGREED LIST	CO-VIG	FORMAT XII
9	FORMAT FOR INTERNAL AGREED LIST & DOUBTFUL INTEGRITY LIST	CO-VIG	FORMAT XIII
10	FORMAT FOR POs COVERED UNDER INTEGRITY PACT	CVO	FORMAT XIV

Annexure I

Assessment of work done by CVO (SI & APR):

Systemic Improvements:

Sl. No.	File Number	Systemic Improvements carried out

Annual Property Returns:

Number of Executives as on 31 ST MARCH	
Percentage of Executives who have filed APR	
Percentage of Executives whose APR has been analyzed	

Annexure II

Report on Pending Prosecution sanctions requests of CBI

Sl. No.	Name of the Officer and designation (against whom Prosecution Sanction asked by CBI)	CBI RC No. & Date	Brief description of the case	Date of receipt of CBI's request	Present status of action taken on CBI request	If the CBI request is pending for more than 3 months, the reason for such pendency and the level at which it is pending
1	2	3	4	5	6	7

Annexure III

Monthly Report on the Status of Pending Disciplinary cases/ complaints falling within the purview of Ministry of Defence:

Name of the organization:

Sl. No.	Subject of the case / Complaint where a report has been requested by the Ministry	MoD File Number, if any	Brief background of the case	Present Status i.e. whether pending with CVO / MoD / CVC / Inquiry Officer etc. and since when (date should be given)
1	2	3	4	5

Annexure IV

Status of Disciplinary Cases of Class I and Board Level Officials of OFB / DGQA / DGAGA and DPSUs monitored by DDP Vigilance:

Name of the Organisation:

For the Month:

Sl. No.	Name of Charged Officer	Subject	Date of CVC Advice	Date of Charge Memorandum	Date of Appointment of IO / PO	Date of Inquiry Report	Date of Inquiry Report sent by DPSUs to Ministry with comments	Date of serving Inquiry Report to the CO by the Ministry	Date of Proposal of DPSUs forwarding the representation of CO to the Ministry	Date of Final Order in case of serving Officials	In case of Retired Officials				Reason for delay, if any, with reference to the CVC Circular No. 02/01/2016 dt. 18.01.2016 and steps taken by CVO to expedite it
											Date of sending case to UPSC for advice	Date of UPSC advice served on the CO	Date of proposal of DPSU forwarding the representation of CO on UPSC advice	Date of Final Order	
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

Annexure - V

List of Firms / Contractors who are currently banned / black listed:

Sl. No	Name & Address of the firm / contractor banned / blacklisted	Items / works for which banned / blacklisting	Date w.e.f. banned / blacklisted	Period of banning/blacklisting	Reasons for blacklisting	Authority who banned (Ministry/Orgn.)	Letter Ref. & Date of banning order	Remarks
1	2	3	4	5	6	7	8	9

Annexure-VI

Purchase Orders / Contracts with a value exceeding Rs. One Crore

REPORT for the Month of

Sl. No.	Purchase Order / Contracts		Value in Rs.	Currency	Country	Vendor	Part Nos.	Qty. in Nos.	Description
	No.	Date							
1	2	3	4	5	6	7	8	9	

Annexure VII

REPORT ON VIGILANCE STATUS FOR THE MONTH OF

Sl. No.	Description	SBU's/ Units	SBU's/ Units	SBU's/ Units	SBU's/ Units	Total
1	MEETING & MINUTES					
(i)	No. of Monthly Vigilance meeting held during the month					
(ii)	Total Meeting held up to the month of reporting in the Calendar year					
(iii)	Monthly Report received in prescribed format					
2	COMPLAINTS					
(i)	No. of Complaints brought forward from last month					
(ii)	No. of complaints Recd/ detected during the month					
(iii)	No. of cases disposed during the month					
3	Complaints pending under Disciplinary Authority					
4	Cases Pending under FVR / Investigation/ DA/ Enquiry beyond prescribed time limits *					
5	Pending with Other Agencies if any					
6	INSPECTIONS					
(i)	Periodic Inspection					
(ii)	Lapses under Periodic Inspection					
(iii)	Surprise Inspection					
(iv)	Lapses under Surprise Inspection					
(v)	Cases detected under Inspection					

* 3 months for FVR / Investigation from the date of commencement of Investigation and 2 months for DA from the date of sending Investigation Report to DA.

UNIT / SBU:.....

**ACTION PLAN ON ANTI-CORRUPTION MEASURES
FOR QUARTER ENDING.....
(PART- I is for CO-Vigilance)**

PART-I

MINISTRY OF DEFENCE

NAME OF THE PSU: BEL

A. FOR MINISTRIES/DEPARTMENTS

Sl. No.	Subject	Action Required	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Remarks
A. PREVENTIVE							
(i)	Studies for streamlining the existing rules procedures etc.	Each Ministry to identify at least two areas for systems improvement such as streamlining rules/ procedures or staffing pattern					Please Refer Part II. 1 (i)
(ii)	Strengthening of Vigilance Machinery	Filling up all vacant posts of CVOs					Please Refer Part II. 2
(iii)	Annual Review of Property Return filed by Group 'A' & 'B' Service Officers	Review to be completed					Please Refer Part II. 1 (iii)
B. SURVEILLANCE AND DETECTION							
(i)	Agreed List	Preparation of Agreed List					Please Refer Part III. 1
(ii)	No. of cases pending investigation with the CVOs and pending action after investigation, as on						Please Refer Part III. 2
(iii)	Comments awaited by CVC on the CBI's Report	Cases pending on.....					
C. DETERRENT PUNITIVE ACTION							
(i)	Cases pending decision for more than 6 months after CVC's first stage advice	Cases pending on					
(ii)	Appointment of CDIs nominated by CVC	Cases pending on					
(iii)	Oral Inquiries against GOs.	Cases pending on					
(iv)	Oral Inquiries against NGOs.	Cases pending on					

Sl. No.	Subject	Action Required	1st Qtr.	2nd Qtr.	3rd Qtr.	4th Qtr.	Remarks
(v)	Cases pending for more than 6 months after CVC's 2nd stage advice	Cases pending on					
(vi)	CBI cases pending for want of sanction for prosecution	Cases pending on					
(vii)	Premature retirement of Govt. servants under FR 56 (i)	Review to be done according to the following schedule					
	Quarter in which review is to be made	Cases of employees who will be attaining the age of 50/55 years completing 30 years of service qualify for pension as the case the quarter indicated					
	1. January to March	July to September of the same year					
	2. April to June	October to December of the same year					
	3. July to September	January to March of the same year					
	4. October to December	April to June of the same year					
	D. MONITORING OF VIGILANCE WORK	To be done monthly					
1.	Monthly review of pending investigations, inquiries and other vigilance matter to be done by the CVOs						
2.	Quarterly review by Head of Dept. / Secretary concerned						
3.	Quarterly report to be sent to Department of Personnel and Training.	Report to be sent to Dept. of Personnel & Training for the previous Quarter along with review report of Head of the Dept. / Secretary by 15th of the month following the quarter					

PART – II to PART- V (To be filled up by VO's)

PART-II

PREVENTIVE VIGILANCE

1.	(i)	Simplification of Rules and Procedures		Whether study completed	Details of implementation	Remarks
		Areas selected				
		1.				
		2.				
	(ii)	No. of inspections conducted during the Quarter		Number of cases detected	Action taken	Remarks
		a) Regular inspections:				
		b) Surprise inspections:				
	(iii)	Annual Review of Property Returns filed by Officers as on			No. of Officers filed	Total Officers
		Group 'A'				
		Group 'B'				
	(iv)	Whether a plan for rotation of staff in sensitive areas has been drawn up				
		a) No. of staff working on same post / in the same division for more than three years (at the beginning of the Quarter)				
		b) No. of staff transferred during the Quarter, out of Col. (a), in pursuance of plan drawn up for rotation of staff				
c) Reasons for non-implementation of plan for rotation of staff						
2.	Strengthening of vigilance machinery					
	(i)	No. of vacant posts of CVOs as on				
	(ii)	No. of posts filled-up				
	(iii)	Details of Vacant posts				

PART – III

SURVEILLANCE AND DETECTION:

I.	a)	No. of names included in the Agreed List (to be indicated in the return for the 1st Quarter. In case of the Agreed List is not finalised in the 1st Quarter, the No. should be indicated in the Quarter for which it is finalised)			
	b)	The details of the surveillance (to be indicated from the 2nd Quarter onwards) with respect to Agreed List			
			Over 1 Year	Between 6 to 12 months	Between 3 to 6 months
II.	Cases pending Investigation with CVOs / VOs (Preliminary Investigation) :				
	a)	No. pending at the beginning of the Quarter			
	b)	No. of cases added during the Quarter			
	c)	No. in which investigation has been completed			
	d)	No. carried forward			
The cases referred above does not pertain to any corruption (With reference to Section Officer (B&C) Ltr. No. 3 (5)/2008/D (B&C) dt. 02.04.09)					
III.	Cases pending for communication of comments of Department/PSU on CBI's investigation report to CVC:				
	a)	No. pending in the beginning of the Quarter			
	b)	No. in which comments have been sent in the Quarter			
	c)	No. of cases added during the Quarter			
	d)	No. carried forward			

		GOVERNMENT SERVANTS		EMPLOYEES OF PSUs	
		Gazetted	Non-gazetted	Jr. Mgmt level & above (Executives)	Others
		1	2	3	4
IV.	Cases under Investigation				
	Departmentally:				
	a)	less than 3 months			
	b)	3 to 6 months			
	c)	more than 6 months			
	By the CBI:				
	a)	less than 3 months			
	b)	3 to 6 months			
	c)	more than 6 months			
	Total				
V.	Action on Investigation Reports (cases pending issue of charge sheet)				
	a)	less than 3 months			
	b)	more than 3 months			

PART-IV

DETERRENT PUNITIVE ACTION:

		Over 1 Year	Between 6 to 12 months	Between 3 to 6 months
I.	Cases pending decision for more than 6 months after CVC's first stage advice			
	a)	No. pending in the beginning of the Quarter		
	b)	No. disposed of		
	c)	No. of cases added during the Quarter		
	d)	No. carried forward		
II.	Cases in which appointment of CDI (Commissioners for Departmental Inquiries) nominated by CVC are pending for more than 3 months			
	a)	No. of cases pending at the beginning of the Quarter		
	b)	No. in which CDI has been appointed		
	c)	No. of CCS (Central Civil Service) cases added during the year		
	d)	No. carried forward.		

		Over 1Year	Between 6 to 12 months	Between 3 to 6 months
III.	Oral Inquiries (Departmental enquiries) against Gazetted Officers (Executives)			
	a)	No. pending at the beginning of the Quarter		
	b)	No. of cases added during the Quarter		
	c)	No. disposed off		
	d)	No. carried forward.		
IV.	Oral Inquiries (Departmental enquiries) pending against Non-gazetted Officers (Non-Executives)			
	a)	No. pending at the beginning of the Quarter		
	b)	No. of cases added during the Quarter		
	c)	No. disposed off		
	d)	No. carried forward.		
V.	Cases pending for more than 6 months after CVC's Second stage advice:			
	a)	No. pending at the beginning of the Quarter		
	b)	No. of cases added during the Quarter		
	c)	No. disposed off		
	d)	No. carried forward		
VI.	Cases pending for want of sanction for prosecuting in CBI cases			
	a)	No. pending at the beginning of the Quarter		
	b)	No. decided		
	c)	No. of cases added during the Quarter		
	d)	No. carried forward and reasons for delay in taking a decision in these cases		
VII.	Review under FR 56(i) [Central Civil Service Fundamental Rule 56 (i)] : weeding out incompetent, corrupt, medically unfit and those of doubtful integrity - Executive above 50 years:			
	a)	No. of Officers due for review		
	b)	No. reviewed		
	c)	No. weeded out/decided to be weeded out		
	d)	No. yet to be reviewed with reasons for delay		
VIII	Please indicate whether the return has been reviewed at Secretary's level			

Note: Department-wise break-up of the cases pending (if any) under each para above to be attached

		EMPLOYEES OF PSUS		
		Jr. Mgmt level & above (Executives)	Others	
I.	Suspension			
	a)	Under suspensions		
	b)	Under suspension for less than 6 months		
	c)	No. under suspension for over 6 months		
	d)	Whether over 3 months cases have been reviewed		
II.	Pending minor penalty proceedings			
	a)	Less than 6 months		
	b)	Between 6 months & 1 year		
	c)	More than 1 year		
III.	Pending Major penalty proceedings			
	a)	Less than 6 months		
	b)	Between 6 months & 1 year		
	c)	More than 1 year		
	d)	No. pending with E.O. for more than 6 months		

VIGILANCE OFFICER

CHIEF VIGILANCE OFFICER

Annexure IX

QUARTERLY PERFORMANCE REPORT

Section	Topics
1	Complaints
2	Vigilance Investigation
3	Prosecution Sanctions
4	Departmental Proceedings
5	Advice of CVC
6	Status of Pendency of FI and CA Cases
7	Punitive Vigilance
8	Preventive Vigilance
9	Preventive Vigilance Activities

FI - Further Information

CA - Comments Awaited

QUARTERLY REPORT ENDING

1. COMPLAINTS

Source	Opening Balance	Received during the Quarter	Total	Disposal during the Quarter (Filed/Sent for NA and registered as Vig. For Investigation by CVO)	Balance Pending	Age wise pendency (months)		
						< 1	1 to 3	> 3
1	2	3	4	5	6	7	8	9

NA - Necessary Action

\$ Exclude details of PIDPI (Whistle Blower) complaints which are to be provided in para 1.3 below

Complaints received for necessary action from CVC only to be reflected

PI note: Anonymous complaints received should not be included/reflected in Col. 3 above

1.1 Break up of complaints received under source 'OTHERS' during the quarter

(a) Signed Complaints received by CVO	
(b) Complaints from Ministry/Department	
(c) Complaints from CBI	
(d) Complaints from Other Source	
(e) Detected through Audit (No. of paras turns into Vigilance paras)	
(f) Detected through Inspection/Scrutiny of Contracts etc.	

1.2 Break-up of Disposal of complaints during the quarter

(a) Sent to CBI for Investigation/appropriate action	
(b) Taken up for detailed investigation by CVO	
(c) Signed complaints filed being non-specific/vague/general allegations	
(d) Signed complaints not confirmed by sender- Filed as Pseudonymous	
(e) Passed on to administrative authorities for appropriate action having no vigilance angle/allegation of corruption	

NB: Aggregate of (a), (b), (c), (d) & (e) of para 1.2 should tally with total figure under Col. 5 of para 1

1.3 PIDPI* Complaints

Source	Opening Balance	Received during the Quarter	Total	Reports submitted to CVC/CVO, Admin. Ministry during the Quarter	Balance Pending	Age wise pendency (in months) for Investigation by CVO			Reasons for delay beyond 3 months
						< 3	3 to 6	> 6	
1	2	3	4	5	6	7	8	9	10
CVC									
Other Designated Authority									
TOTAL									

*Complaints as received for Investigation & Report from CVC and Admn. Ministry to be reflected separately under Public Interest Disclosure & Protection of Informers Resolution dated 21.4.2004 and amendment Resolution dated 29.8.2013/Whistle Blowers Protection Act, 2011 (when WBP Act, 2011 comes into effect)

1.4 Advice and Action Taken on PIDPI investigation reports

Agency	Advice of CVC/ Designated Agency received till end of previous Quarter	Reports sent during the quarter by CVO (Col.5 of para 1.3 above)	Reports in which Advice received during the Quarter	Total Advice received	Action taken during the Quarter	Balance pending for Action by Management/ Orgn. (in months)			
						< 3	3 to 6	6 to 12	> 12
1	2	3	4	5	6	7	8	9	10
CVC									
CVO, Admn. Ministry									
TOTAL									

* Final decision taken by DA after CVOs recommendations and charge-sheet for major/minor RDA issued/final decision taken for administrative action or decision of CVO for closure of case on investigation reports.

1.5 Action taken report on complaints sent by CVC for "Necessary Action" under PIDPI resolution

Brought forward	Received during the Quarter	Total	Filed/ closed without taking any action	Taken up for further investigation	Complaints resulting in administrative action	Complaints resulting in imposition of major/minor penalty	Total complaints disposed of during the Quarter	Pending at the end of the Quarter
1	2	3	4	5	6	7	8	9

1.6 Scrutiny of Audit Reports

Type of Audit	Paras B/F from previous years	No. of reports examined during the Quarter	No. of para in which Vigilance angle observed and identified for examination*	No. of paras in which investigation completed	No. of paras pending for investigation
1	2	3	4	5	6
CAG					
Concurrent	NA	NA	NA	NA	NA
Internal					
Statutory					
Others					
TOTAL					

* Should match with figures at para 1.1 (e)

Note: Examination completed during the quarter only must be taken in to account. (Col. 3)

2. VIGILANCE INVESTIGATION

2.1. Complaints, Audit Reports, Inspection Reports of Works / Procurements etc. taken up for investigation (nos.)

Agency	Opening Balance	Taken up for investigation during the Quarter	Total	Reports received from IO	Balance Pending	Age wise pendency (months) of Investigations			
						< 3	3 to 6	6 to 12	> 12
1	2	3	4	5	6	7	8	9	10
CVC*									
CVO **									
TOTAL									

*Only Complaints received by CVO seeking Investigation and Report from CVC.

** Figures as reported at Para 1.2 (b) to be included in Column no 3.

2.2 Vigilance Investigation pending where Officers under CVC jurisdiction are due for retirement in next one year (Cases referable to CVC).

Opening Balance	Taken up for investigation during the Quarter	Total	Reports received from IO (other than Prosecution sanctions)	Balance Pending	Age wise pendency (months) of Investigations			Reasons for Pendency
					< 3	3 to 6	6 to 12	
1	2	3	4	5	6	7	8	9

2.3 Action on Investigation Reports

2.3 (A) Category A (officials falling under CVC jurisdiction)

Agency	Investigation report B/F from last Quarter	Received during the Quarter	Total	Disposed during the Quarter *	Balance Pending investigation Reports	Age wise pendency (months) of Investigation Reports (awaiting action)			
						< 3	3 to 6	6 to 12	> 12
1	2	3	4	5	6	7	8	9	10
CBI									
CVO									
TOTAL									

2.3 (B) Break up of Disposal

(a) C/Sheet for RDA for Major Penalty issued	
(b) C/Sheet for RDA for Minor Penalty issued	
(c) Final decision taken for Administrative Action	
(d) Final decision taken for Closure of case	

* Disposal Criteria - Final decision taken by DA after CVC advice and when charge-sheet for major/minor RDA issued/final decision taken for administrative action or closure of case.

NB: Aggregate of (a), (b), (c) & (d) in para 2.3 (B) should tally with total figure under Col 5 of para 2.3 (A)

2.3 (C) Category B (officials not falling under CVC jurisdiction)

Agency	Investigation report B/F from last Quarter	Received During the Quarter	Total	Sent to Das concerned for Action (ie RDA/AA)	Disposed during the Quarter* (After decision of DA)	Balance Pending Investigations	Age wise pendency (months) of Investigation Reports (awaiting action)			
							< 3	3 to 6	6 to 12	> 12
1	2	3	4	5	6	7	8	9	10	11
CBI										
CVO										
TOTAL										

©

2.3 (D) Break up of Disposal*

(a) C/Sheet for RDA for Major Penalty issued	
(b) C/Sheet for RDA for Minor Penalty issued	
(c) Final decision taken for Administrative Action	
(d) Final decision taken for Closure/No action	

* Final decision taken by DA after CVOs recommendations and charge-sheet for major/minor RDA issued/final decision taken for administrative action or decision of CVO for closure of case on investigation reports.

2.4 Investigation Reports submitted by the CVO w.r.t all Complaints/Audit Reports, Inspection Reports of Works/Procurements.(Nos)

Reports submitted by the CVO during the Quarter	Action Recommended on the Investigation Reports/Cases of the Quarter*			
	Major pp	Minor pp	Others incl. Admn. Action etc.	Closure
1	2	3	4	5

2.5 Rank wise Break up of Action Recommended in Para 2.4 above during the Quarter

**Category	Action Recommended on the cases of the month					**Category		
	Major pp	Minor pp	Others incl. Admn. Action etc.	Closure	Total			
1	2	3	4	5	6	Group C	Upto EIV	Upto Dy.Mgr
Group C						Group B	EV to EVIA	Mgr to Sr. DGM
Group B						Group A	E7, E8 & E9	AGM, GM, ED
Group A Upto DS/ Dir level						JS and above	Board level	Director
JS and above								
Total								

Number of officials to be specified under each type of action recommended by CVO

**Also see explanation appended at the end for equivalent categories in organisations.

3. PROSECUTION SANCTIONS

3.1 (A) Details regarding requests for Prosecution sanctions received and disposed

**Category	Opening Balance	Received during the Quarter	Total	Sanction granted	Sanction refused	Balance Pending	Age wise pendency (months)		
							< 3	3 to 6	> 6
1	2	3	4	5	6	7	8	9	10
Group C									
Group B									
Group A upto DS/ Dir level									
JS and above									
Total									

** Also see explanation appended at the end for equivalent categories of officers in organisations.

**Category		
Group C	Upto EIV	Upto Dy.Mgr
Group B	EV to EVIA	Mgr to Sr. DGM
Group A	E7, E8 & E9	AGM, GM, ED
JS and above	Board level	Director

3.1 (B) Details of cases pending for Prosecution sanctions beyond 3 months

S.No	CB I FIR No	Name & Designation of officer	Date of recommendation by Investigating Agency	Date of receipt of recommendation/request	Sanction sought under PC Act/IP C /Other Laws	Status of request/ Reasons for pendency	Name & designation of authority with whom pending
1	2	3	4	5	6	7	8

3.2 Suspension on Vigilance / Corruption Grounds - Category A-Officers under CVC Jurisdiction

3.2 (A) Details regarding suspension (Nos.)

Nos. of officers under suspension at the beginning of Quarter	Suspensions ordered during the Quarter	Total	Suspension revoked during the Quarter	Nos. of officers under suspension at the end of Quarter
1	2	3	4	5

* Include number of officers falling under CVC Jurisdiction - Category A officers only

4. DEPARTMENTAL PROCEEDINGS

Departmental Inquiries (Nos.,)

4 (A) Major Penalty cases pending with IO's/IA's

Category	B/F from last Quarter	Inquiries assigned to IO during the Quarter	Total	Reports received from IO's	Enquiries Pending with IO's	Age wise pendency (months)**			
						< 6	6 to 12	12 to 18	> 18
1	2	3	4	5	6	7	8	9	10
Cases under CVC Jurisdiction									
Other (non-CVC cases)									
Total									

* Minor Penalty Proceeding pending with Inquiry Officers to be included also.

** Pendency to be reckoned w.r.f. date of appointment of IO.

Note: New cases are not recorded, as neither CS is issued nor IO is appointed.

(B) Minor Penalty Proceedings pending with Disciplinary Authorities

Category	B/F from last Quarter	Minor penalty charge sheet by Das during the Quarter	Total	Cases in which Final Orders issues by Das	Balance pending	Age wise pendency (months)**			
						< 6	6 to 12	12 to 18	> 18
1	2	3	4	5	6	7	8	9	10
Cases under CVC Jurisdiction									
Other (non-CVC cases)									
Total									

** Pendency to be reckoned w.r.f. date of issue of charge sheet

4 (C) Details of inquiry against charged officers due for superannuation in next one year

S.No.	Name & designation of charged officer	Date of Charge-sheet	Date of IO/PO appointment	Date of superannuation	Remarks
1	2	3	4	5	6

5. ADVICE OF CVC

5. Advice of CVC & Action taken thereon (Nos.)

5 (A) Advice CVC (Nos.)

Stage of Advice	Cases referred to CVC & advice awaited (B/F from previous Quarter)	Cases referred to CVC during the Quarter	Advice received during the Quarter	Advice awaited from CVC
1	2	3	4	5
1 st				
2 nd				
1 st stage reconsideration				
2 nd stage reconsideration				
Total				

5 (B) Action on CVC Advice (Nos.)

Stage of Advice	Type of Proceeding	Opening Balance	Advices received during the Quarter	Disposed	Balance Pending	Age wise pendency (months)			
						< 1	1 to 3	3 to 6	> 6
1	2	3	4	5	6	7	8	9	10
1 st	Major								
	Minor								
2 nd	Major								
	Minor								
Total									

Explanation: *Disposal criteria:

1st stage- Major is on appointment of IO/PO. 1st stage- Minor is on issue of final orders.

2nd stage – Major & Minor – issue of final orders by DA

5 (C) Non-Acceptance/deviation of CVC Advice

S.No.	Type	Nature of CVC Advice	CVC File No.	Dept. Ref. No.	Name of Officer and Designaion	Name & Designation of DA	Action taken by DA
1	2	3	4	5	6	7	8

5 (D) Appellate authority Deviations (Deviation / Non-acceptance)

S.No.	Type	Nature of CVC Advice	CVC File No.	Dept. Ref. No.	Name of Officer and Designaion	Action taken by DA and Name & Designation of DA	Action taken by AA
1	2	3	4	5	6	7	8

*for 5 (C) & 5 (D) - Type /Nature of CVC Advice – (in drop down menu)

Sanction for Prosecution/ Denial of Prosecution/ First stage –Major penalty proceedings / Minor penalty proceedings/Admn. Action

Second Stage – Imposition of Major penalty/Minor penalty/ Exoneration

6. STATUS OF PENDENCY OF 'FI' AND 'CA' CASES

6 (A) FI Cases (Further information/Clarification to be furnished to the Commission) (Nos.)

B/F from previous Quarter	Added during the Quarter	Total	Reply furnished to the Commission during the Quarter	Reply pending	Age wise pendency of reply (months)			
					< 3	3 to 6	6 to 12	> 12
1	2	3	4	5	6	7	8	9

Upload updated list in the format given below (.pdf Only)

S. No.	CVC case registration No. [CVO, CBI, OTH, CDI, REC, MIS number as given in the FL list]	CVC File No.	Date since pending	Name & Designation of officers	Departmental ref. No.	Present Status	Likely date for submission of response	Remarks

6 (B) Comments Awaited (CA) Cases (CBI reports awaiting comments of Department/ Organization)[Nos.]

B/F from previous quarter	Added during the quarter	Total	Comments furnished to the Commission during the Quarter	Comments Pending	Age wise pendency of comments (months)			
					< 1	1 to 2	2 to 3	> 3
1	2	3	4	5	6	7	8	9

Upload updated list in the format given below (.pdf Only)

S. No.	CVC case registration No. [CVO, CBI, OTH, CDI, REC, MIS number as given in the FL list]	CVC File No.	Date since pending	Name & Designation of officers	Departmental ref. No.	Present Status	Likely date for submission of response	Remarks

7. PUNITIVE VIGILANCE

7 Age-Wise data of Disposed Departmental Proceedings during the Quarter (Nos.)

7 (A) Time taken to conclude the proceedings from the stage of registration of Complaint till final disposal (Nos.)

Nature of Proceedings	3 to 6 months	6 m to 1 y	1 to 2 year	> 2years	> 3 years
1	2	3	4	5	6
Major					
Minor					

7 (B) Major Penalty Proceedings

No. of Case	No. of Officials against whom proceeding finalized (out of column 1)	Cut in pension (out of column 2)	Dismissal removal Compulsory Retirement (out of column 2)	Reduction in Lower time Scale/ Rank (out of column 2)	Other Major penalties (out of column 2)	Minor Penalties other than Censure / Warning (out of column 2)	Censure/ Warning (out of column 2)	No Action/ exoneration (out of column 2)
1	2	3	4	5	6	7	8	9

7 (C) Minor Penalty Proceedings

No. of Case	No. of Officials against whom proceeding finalized	Reduction to lower stage	Postponement/ Withholding of Increment	Recovery from pay	With hlding of promotion	Censure	Exoneration
1	2	3	4	5	6	7	8

7 (D) Rank- wise Break up of Major Penalty Awarded / Final Order Issued

Group	No. of Cases	No. of officials against whom proceedings finalized	Cut in pension imposed	Dismissal/ Removal/ Compulsory Retirement imposed	Reduction to lower time scale/in Rank imposed	Other Major penalties imposed	Minor Penalties other than Censure/ Warning	Censure imposed	No action exoneration
1	2	3	4	5	6	7	8	9	10
Group C									
Group B									
Group A upto DS/Dir level									
JS and above									

8. PREVENTIVE VIGILANCE

8.1 Preventive Vigilance Measures (Nos.)

8.1 (A) By the CVO

Type	Up to end of the previous quarter	During the quarter	No. resulting in Vig.Cases / System Improvement	Recovery effected, if any (in Rs.)
1	2	3	4	5
Periodic Inspection				
Surprise Inspection				
Major Work/Procurements-CTE type Inspection				
Scrutiny of Files				
Scrutiny of Property Returns				
Audit reports examined				
Training Programs/Workshops held				
System Improvements undertaken				

8.1 (B) By the Administration/Management

8.1 (B) (1) Sensitive Posts and Job Rotation

No. of Sensitive Post Identified	No. of Posts due for rotation during the Quarter	No. of Posts rotated during the Quarter	No. of Post due for rotation and not rotated during Quarter	Reasons for not effecting rotating the sensitive posts
1	2	3	4	5

8.1 (B) (2) FR 56J (or equivalent provisions in other rules/regulations)

No. of officials covered	No. of reviews undertaken	No. of cases taken up under FR 56J	Action taken
1	2	3	4

8.1 (B) (3) (A) Details of Vigilance Mechanism set up in subsidiaries/JVs/SPVs/RRBs etc

S.No.	Name of sub /JV/SPV/RRB etc. where Vig. Mechanism set up	No.of officers/ staff appointed	Method of control exercised by parent Organisations
1	2	3	4

8.1 (B) (3) (B)

S.No.	Name of sub /JV/SPV/RRB etc. where Vig. Mechanism set up	Method of control exercised by parent organisation	likely time for creating functional vigilance mechanism
1	2	3	4

8.2

(a) Whether Agreed list for current year prepared	
(b) Whether List of Officers of Doubtful Integrity Prepared	
(c) Whether annual property returns/Personal files of the officials in Agreed/ODI list scrutinised	
(d) Whether any information shared with CBI on I	
(e) Whether data relating to pendency of Complaints and advices reconciled with CVC	

8.3 Other Activities

(A) Leveraging Technology	
(1) Extent of IT usage and the E-governance	
(a) Percentage of E-payment	
(b) Percentage of E-tendering/E-auction	
(c) Procurements/Contracts made through Central Procurement Portal	
(d) Percentage of procurement through Government E-Marketplace(GeM) wherever applicable	
(B) Whether QPR due have been furnished to CTE	
(C) Whether Review of vigilance work was done by the board/Head of Department	
(D) Whether structured meeting held by the C.E.O./Head of Department with CVO	
(E) Whether Report on implementation of integrity pact sent	
(F) Whether applications being used are reporting deviations as alerts	
(G) Whether Changes in technology is being dovetailed with changes in instructions Guidelines/ Manuals	
(H) Whether E- Learning methodology is being used	
(I) Whether Pending Disciplinary Cases are Monitored	
(J) Whether CVO/VO Deputed for Training Abroad	
(K) Visits Abroad by CVO, if any	
(L) Whether Prior Approval of Commission obtained for Official foreign visits by CVO/VO	
(M) Expenditure incurred on Festival Gifts any (Rs.) (see CVC's Office Order No.40/8/2003 dated 27.08.2003)	
(N) Whether Tour Details of CVO Submitted to CVC (see CVC's Circular No 26/07/010 dated 15.07.2010)	
(O) Whether Guidelines on Appointment of Outsiders/Retired officers as I.O for Oral Inquiries laid down including provisions in CDA Rules (Only for orgns. Other than Govt : see Circular no. 98/MS/23 dt 25.3.2003)	

(P) Victimisation of vigilance officials reported to Commission, if any (Circular No.16/3/06 dt 28.3.2006)	
(Q) Whether secrecy of Passwords Monitored by CVO in Terms of Policy Approved by the Respective Board (For Banks Only)	NA

[Last date of activity to be mentioned against the date]

* If you are not able to fill up any of the above paras, give a time line for completing the same.

9. PREVENTIVE VIGILANCE ACTIVITIES

9. Preventive Vigilance Activities during the Quarter: (Upload Doc giving brief details)

Eg:	
(a) Simplification and standardization of rules inter-alia including in Procurement processes, recruitment and transfer policies, Standard Operating Procedures (SOP), Manuals etc	Refer Point No. 10 (Remarks)
(b) Leveraging Technology and Automation inter-alia including in procurement, recruitment, service delivery, sales and disposal etc.	
(d) Transparency Initiatives	
(e) Accountability Initiatives	
(f) Control & Supervision	
(G) Training & Awareness including awareness among client /vendors, public employees etc.	
(h) Internal Whistle Blower Mechanism and its effectiveness in measurable terms	

10. Remarks, if any:

Place:

Date:

Annexure - X

Report on the Actionable Points for the financial year

Report for the Quarter ended.....

(i) Independent (Inter Organisation) Audit -

(ii) Covering 90% contracts under Integrity Pact (IP) –

The cumulative figure for the year starting from 01.04..... is furnished in the following table:

Name of the organisation	Total value of contracts signed during the period (starting from 01.04.....) (Rs.in crore)	Value of the contracts not covered under IP i.e. below threshold value – out of col. (ii) (Rs.in crore)	Value of contracts covered under IP i.e. above threshold value -out of col (ii) (Rs. in crore)	Value of contracts where IP has actually been signed – out of col (iv) (Rs. in crore)
(i)	(ii)	(iii)	(iv)	(v)
Bharat Electronics Limited				

Remarks if any:

(iii) Efforts made and results achieved for vendor development –

The cumulative figure for the year starting from 01.04..... is furnished in the following table:

Name of the organisation	Total number of Registered Vendors as on 30.....(previous quarter)	Total number of Registered Vendors as on 30..... (current quarter)	Summary of the efforts made for vendor development during the period
(i)	(ii)	(iii)	(iv)

Remarks if any:

(iv) The Proportion of Limited/Single Tenders to be reduced through vendor development –

The cumulative figure for the Quarter starting from 01.04.... is furnished in the following table:

Name of the Organisation	Total value of SOs issued during the period starting from 01.04.....	Value of SOs issued through Open Tender/ GeM out of col. (ii)	Value of SOs issued through ST/LTE out of Col. (ii)		Value of SOs issued through ST/LTE coming under unavoidable cases out of col. (iv)	
(i)	(ii)	(iii)	(iv)		(v)	
	(Rs.in Cr)	(Rs.in Cr)	Single Tenders (Rs.in Cr)	Limited Tenders (Rs. in Cr)	Single Tenders (Rs.in Cr)	Limited Tenders (Rs. in Cr)
Total						

Remarks if any:

(v) 90% of Procurements (by value), through e-procurement-

The cumulative figure for the Quarter starting from 01.04.... is furnished in the following table:

Name of the Organisation	Total value of procurements during the period starting from 01.04..... (Rs. in crore)	Value of procurements coming under – Exempt Category - out of col.(ii) (Rs. in crore)	Value of procurements coming under– Other than Exempt Category - out of col (ii) (Rs. in crore)	Value of the contracts where procurement has been made actually through e-procurement – out of col (iv) (Rs. in crore)
(i)	(ii)	(iii)	(iv)	(v)

Remarks if any:

(vi) Rotational transfer of staff holding sensitive posts – The cumulative figure of the rotational transfer on sensitive posts during the financial year, is furnished in the following table:

Name of the Organisation	Total number of posts identified as sensitive	Total Number of employees holding sensitive posts and due for transfer during the year.....–out of col (ii)	Number of employees transferred during the year out of col (iii)	Number of employees yet to be transferred out of col (iii)
(i)	(ii)	(iii)	(iv)	(v)

Remarks if any:

(vii) CTE Type Inspections (4 Minimum) by the CVOs-The number of CTE type inspection conducted by CVO in respective organization for the year is furnished with necessary details.

(viii) Monitoring of Public Procurement:

Sl. No.	Notice inviting tender issued during the quarter with estimated cost of tender above Rs. 5 Crores	Restrictive and Discriminative clause against domestic supplier noticed, if any	Observations / Comments on column (ii)
(i)	(ii)	(iii)	(iv)

Annexure XI

QUARTERLY REVIEW OF VIGILANCE ACTIVITIES

VIGILANCE REVIEW BY BOARD OF DIRECTORS FOR THE QUARTER ENDED

1. PROPERTY RETURNS BY EXECUTIVES (Block Period)

APRs submitted as on	
APR Scrutiny completed (20% Scrutiny every year)	

2. COMPLAINTS (for the Quarter under Report)

As at the beginning of the Quarter	Received during the Quarter	Disposed during the Quarter	Pending as at the end of the Quarter

3. ROTATION OF STAFF IN SENSITIVE AREAS (For the Quarter under Report)

3.1 Summarized Position:

	No. of Executives	No. of Non Executives
Staff pending to be rotated as on		
Job Rotation done as on		
Staff pending to be rotated as on		

3.2 SBU / Unit wise break up of Job Rotation pending as on

Sl. No.	Unit / SBU	Executives	Non Executives	Total
1				

4. REGULAR / SURPRISE INSPECTIONS (During the Quarter)

Type	No. of Inspections
Regular Inspection	
Surprise Inspection	
Total	

5. VIGILANCE AWARENESS TRAINING

6. REVIEW OF PURCHASE ORDERS / CONTRACTS

7. AGREED LIST / DOUBTFUL INTEGRITY LIST FOR THE YEAR

- Agreed List -
- Officers of D.I. List -
- Internal Agreed List -
- Internal D.I. List -

8. CTE REPORTS

9. HIGHLIGHTS ON VIGILANCE ACTIVITIES (Nature of important activities carried out during the Quarter under Report)

10. Vigilance Training Programme / Induction Training Programme / Seminar on Vigilance

11. Other Activities

12. General comments on the activities

13. Status of implementation of Integrity Pact in BEL as on 31.03.17

14. Payments through ECS / EFT for the Quarter ending 31.03.17

15. ACTION PLAN FOR THE YEAR 2017 - 18

Annexure XII

STATEMENT SHOWING THE QUARTERLY PROGRESS OF ORIGINAL WORKS FOR QUARTER ENDING.....

i) CIVIL WORKS/TURNKEY PROJECTS/PUBLIC PRIVATE PARTNERSHIP (PPP) CONTRACTS COSTING Rs. 5 CRORE AND ABOVE:

Sl. No.	Name of work & Location	Estimated Cost (in Rs)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

ii) ELECTRICAL / MECHANICAL WORK COSTING Rs. 1 CRORE AND ABOVE:

Sl. No.	Name of work & Location	Estimated Cost (in Rs)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

iii) SUB-CONTRACTS / HORTICULTURE CONTRACTS COSTING Rs.10 LAKHS AND ABOVE:

Sl. No.	Name of work & Location	Estimated Cost (in Rs)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

(iv) MEDICAL EQUIPMENT CONTRACTS COSTING Rs. 50 LAKHS AND ABOVE:

Sl. No.	Name of work & Location	Estimated Cost (in Rs.)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

v) CONSULTANCY CONTRACTS – COSTING RS.1 CRORE AND ABOVE:

Sl. No.	Name of work & Location	Estimated Cost (in Rs.)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

vi) SERVICE CONTRACTS - 2 LARGEST VALUE CONTRACTS:

Sl. No.	Name of work & Location	Estimated Cost (in Rs.)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

vii) SUPPLIES OF MEDICINES CONTRACTS - 4 LARGEST VALUE CONTRACTS

Sl. No.	Name of work & Location	Estimated Cost (in Rs.)	Tendered Cost (in Rs.)	%Above/ Below schedule rates applicable	Agreement No. & Date	Agency	Date of Commencement	Time of Completion	Physical Progress of work	Name of the Engineer in-charge	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.	10.	11.	12.

viii) STORES / PURCHASE CONTRACTS VALUING RS. 5 CRORES AND ABOVE

Sl. No.	Name of work & Name of the Supplier with Location	Contract No. & Date	Brief details of the materials procured	Currency / Value of the contract	Mode of tendering (Open/Limited/ Single tender)	Scheduled delivery period	Present Status	Remarks
1.	2.	3.	4.	5.	6.	7.	8.	9.

“CERTIFIED THAT ALL THE WORKS / PURCHASES / CONSULTANCY AND OTHER CONTRACTS IN PROGRESS, AS PER THE PRESCRIBED MONITORY LIMIT HAVE BEEN REPORTED IN THIS QPR”.

SIGNATURE

(.....)
VIGILANCE OFFICER
.....Unit / SBU

Monthly Report on Vigilance activities

Unit / SBU :

Month / Year :

Meeting Date :

1. Complaints

Type	Opening Balance	Received during the month	Total	Disposed during the month	Balance
Vigilance					
HR					

Details to be provided in Annexure 1a & 1b

2. Checks

Type	Checks done during the month	No. of cases with lapses	Cumulative Checks done during the year
Periodic Checks			
Surprise Checks			

Details to be provided in Annexure 2

3. PO / SCO / Works Contract review

Type (Order Value)	Sample Size	No. of orders placed during the month	Reviewed during month	No. of cases with lapses
> 3 Crore	100 %			
3 Crore to 1 Crore	50%			
50 Lakhs to 1 Crore	10%			
Less than 50 Lakhs	10%			

Details to be provided in Annexure 3

4. Annual Property Returns

Cadre	No. of employees	Total submitted for the year	No. scrutinised during the month	Cumulative scrutinised during the year	scrutinised during the block period
Executives					
Non Exec					

Details to be provided in Annexure 4

* updated

5. Training

Training	Executives (During Month)	Non-Executives (During Month)	Cumulative Executives (Year)	Cumulative Non-Executives (Year)
Vigilance Awareness				
Principles of Natural Justice and Domestic Enquiry				
Others (Specify)				

Details to be provided in Annexure 5

6. Job Rotation

Cadre	Due for rotation as on first of this month	rotation done during the month	Pending job rotation
Executives			
Non Executives			

Details to be provided in Annexure 6

7. Systems Improvement

Description of SI taken up	Commencement Date	Target Date	Present Status

8. ECS Payment

Category	Percentage of e- payment (Vendor/Employee wise)	Percentage of e- payment (Value wise)	Reasons for shortfall
Vendor Payment			
Salary			

9. E-Procurement

Details	Nos.	Value	% age Coverage Value wise
PO processed on FLM			
PO placed during the Month			N/a
PO processed on SRM			

10. Awarded tenders published on BEL website

Category	Published Status	Reasons for not publishing
Above Rs. 5 Lakh (in case of Single Tender)	Yes / No	
Above Rs. 10 Lakh (non-production)	Yes / No	
Above Rs. 1 crore (for Production items)	Yes / No	

11. Banned and Black Listed Companies / Suppliers

Name of the banned Firm / Contractor with complete address	Ref. of Banning Order	Banned w.e.f.	Period of Banning	Remarks

12. Integrity Pact

No. of Contracts released (above Rs. 3 crores)	No of IPs not received with Bids for awarded contracts	No. of contracts for which IP signed by both parties	No. of contracts reviewed

13. Expenditure incurred by the Unit / SBU on festival gifts to Government Servants

--

14. Other activities related to Vigilance matters

- a. Repeat orders
- b. Proprietary Article Certificate
- c. Progress made in CPPP / CPCM
- d. Others

**Signature of
 Vigilance Officer**

Date :

**Signature of
 Chairman,
 Vigilance Committee**

Date :

To : CVO

Annexure - 1 (a)

Status of Complaints / Investigations / Disposed in Unit / SBU

Sl. No	Source of Complaint Name & address of Complainant	Date of receiving Complaint	Gist of Complaint	Against whom the complaint Name / Desgn.	Nature of complaint (Vigilance / HR)	Action taken on Complaint (Filed without investigation, taken up for investigation)	If taken up for investigation, date of Commencement of Investigation	Name of Investigator	Date of Submission of Investigation Report	Charge whether proved or not, if proved, gist of charges proved	Action taken on Investigation Report (Filed / Sent to DA)	Date of action on Investigation Report	Date of disposal

Annexure – 1 (b)

Details of Pending Departmental Proceedings in HR Department

Sl. No.	Nature of complaint (Vigilance / HR)	Name of the Employee / Desgn.	Gist of charges	Whether major or minor penalty	Date of decision of minor / major penalty proceedings	Date of issue of Charge Sheet	Date of party's reply	Date of appointment of Inquiry Officer	Name of the Inquiry Officer	Name of the Presenting Officer	Date of submission of Inquiry Report	Date of final order of DA	Date of disposal

Annexure - 2

Surprise / Regular Checks

Name of the Area / Sub-area	Item / aspects checked	Date of checking	Checked by whom	Results of checking / Lapses noticed	Action taken

List of POs reviewed

No.	PO / SCO / Works Contract No.	Reviewed on	Details of review
			Annexure -3(i)

Format for Annexure – 3(i)

Review of Purchase Orders / Sub - Contract Orders / Works contracts

1.	PO / SCO / WC No. & Date	
2.	Value of PO / SCO / WC	
3.	Firm's Name and Address	
4.	Description of the Item and Qty.	
5.	Cost per Unit	
6.	Required for project	

Previous Purchase / Sub Contract / Works Contract Orders Details

1	Category of Order	
2	Previous Supplier	
3	Previous PO / SCO /WC No. & Date	
4	Previous PO / SCO/WC Price and Qty	

Whether Purchase / Sub Contract /WC Procedure is followed? If So,

1	Purchase Requisition No. / Sub Contract /WC Requisition No. & Date	
2	Note Sheet Ref. & Date	
3	a) No. of Firms contacted b) Whether the firms are from AVD?	
5	No. of Firms as per MPN List	
6	No. of Quotes received	
7	Comparative Statement prepared.	
8	Management approval reference & Date	

Findings / Observations / Lapses in the procedures noticed

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Action taken on Findings / Observations / Lapses

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* updated

Annexure - 4

Scrutiny of APRs

Sl. No.	Name	Staff No.	Review Date	Observations

*Annexure - 5

Training on Vigilance Awareness / Natural justice and Domestic Enquiry / Other Vigilance programmes

Sl. No.	Name	Staff No.	Date	Training details

Annexure - 6

Job Rotation details of personnel working in sensitive areas

Name	Staff No.	Sensitive area	Date of posting to sensitive area	Due for rotation since	Rotated / Not Rotated	Planned date for rotation

Annexure 7

INTEGRITY PACT REPORT

Sl. No.	PO / Contract No. & Date	Value of PO / Contract	Name of Supplier / Vendor / Contractor	Brief Description of the Contract	Date of signing IP	Remarks if any

* updated

QUARTERLY REPORTS

Leveraging of Technology for Transparency (DETAILS OF TENDERS)

SBU / UNIT.....

For the Quarter ending.....

(1)				(2)				(3)				(4)				(5)				(6) *							
No. of Tenders i. r. o. POs / Contracts Issued				No. out of (1) issued through ST				Balance [(1) - (2)]				No. out of (3) issued through e-tendering / e-procurement				Balance [(3) - (4)]				Reasons for not following e-tendering / e-procurement							
Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts				

* (i) Reasons for not following e-tendering / e-procurement should be furnished for each category i.e., Production Items, Non Production Items, Capital Items, Works Contracts including Service / Sub Contracts.

(ii) Break up of No. of Cases for each reason should also be furnished

FORMAT III

Leveraging of Technology for Transparency

(DETAILS OF AWARDED POs / CONTRACTS)

SBU / UNIT.....
ending.....

For the Quarter

(1)				(2)				(3)				(4)*			
No. of POs / Contracts Issued				No. out of (1) for which details of awarded POs / Contracts put on website				Balance [(1) - (2)]				Reasons for not putting on the website			
Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts	Production Items	Non Production Items	Capital Items	Works Contracts including Service / Sub Contracts

* (i) Reasons for not putting on the website should be furnished for each category i.e., Production Items, Non Production Items, Capital Items, Works Contracts including Service / Sub Contracts.

(ii) Break up of No. of Cases for each reason should also be furnished.

FORMAT IV

**REPORT ON THE SYSTEM STUDY FOR IMPROVEMENT
OF PROCESSES/PROCEDURES**

REPORT FOR THE QUARTER ENDED

SBU / Unit: _____

Ref. No.

Date:

- 1.0 Area selected for System Study.
- 2.0 Introduction / Back ground: (To give details of reasons for undertaking the study and brief description about the objective of the study)
- 3.0 The existing System: (Discussions on existing policies / guidelines and practices and procedures)
- 4.0 Policy Circular on the subject (if any):
- 5.0 Grey area / Lapses identified during system study:
- 6.0 Projected loss due to Lapses identified:
- 7.0 Measures suggested for system improvement and relative advantages over the existing system:
- 8.0 Recommendations:
- 9.0 Action Plan and schedule for implementation:
- 10.0 Present Status:

Vigilance Officer
Unit / SBU

FORMAT VI

Register for tracking progress of the Investigations is to be maintained in the following format

Sl. No	Source of Complaint Name & address of Complainant	Date of receiving Complaint	Gist of Complaint	Against whom the complaint			Date of Commencement of Investigation	Name of Investigator	Date of Submission of Investigation Report	Charge whether proved or not, if proved, gist of charges proved	Action taken on Investigation Report (Filed / Sent to DA)	Date of action on Investigation Report
				Name	Desig- nation	Unit/ SBU						
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

FORMAT VII

Register for Disciplinary Proceedings is to be maintained in the following format

Sl. No.	Name of the party / executive charged	Gist of charges	Whether major or minor penalty	Date of decision of minor / major penalty proceedings	Date of issue of Charge sheet	Date of party's reply	Date of appointment of inquiring officer	Name of the Enquiry Officer	Name of the Presenting Officer	Date of submission of Inquiry Report	Date of final order of DA	Punishment Awarded
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

SOURCE INFORMATION - FACT VERIFICATION REPORT

Whenever some information is given by some source or some verifiable facts are mentioned in the anonymous complaint, which need to be verified, this format should be used for fact verification report.

1. REFERENCE

Mention the reference by which the fact verification is taken up.

2. ALLEGATION

- 2.1 This should specify in brief the allegation contained in the source information.
- 2.2 Specify against whom allegation is?
- 2.3 The allegations are to be serially numbered.

3. ADHERENCE TO SCHEDULE

State date of receipt of source information for fact verification and date of sending the Fact Verification Report (maximum 2 months).

State whether allegations are substantiated partly / fully by the fact verification?

4. FACT VERIFICATION

- Examination and mention of the
 - Rules
 - Procedures (Purchase/Sub contract/Works Contract)
 - Guidelines /Directions relevant to the event/transactions
- (Enclose extract of relevant provisions)

5. EXAMINATION OF DOCUMENTS

Examination of documents concerning allegations / transactions. Facts emerging from the examination. (Take authenticated copies in custody)

Violations of Procedures/Rules/Directions :

From examination of documents, what are violations vis-à-vis the procedures prescribed as approved by BEL, by different persons. If financial loss caused, then estimation of the correct financial loss.

6. CONCLUSION

- If allegations are proved by fact verification, then mention what is proved, against which official / employee and also mention financial loss to the Company or gain to individual or vendors if any.
- If allegations not proved, mention accordingly.

7. RECOMMENDATION

Whether detailed investigation is recommended or if any other action proposed.

8. ANNEXURES

- Copies of relevant documents.
- Extracts of relevant guidelines and procedures.

NOTE: The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

FORMAT IX

INVESTIGATION REPORT

- (i) When there is a written complaint received and Investigation Report is asked, then this format should be used **or**
- (ii) When there is a prima-facie case made out from the fact verification report conducted on a source information on verifiable facts of anonymous complaint and detail investigation has to be done on the prima-facie case established, then this format should be used for detailed investigation.

1. REFERENCE

- This should specify the source of Complaint / Name & Designation of the complainant.
- Mention on whose order the Investigation is taken up. (SBU/Unit, Vigilance Committee, Corporate Vigilance, direction of higher authority).

2. ALLEGATION

- This should specify in brief the allegation contained in the Complaint.
- Specify against whom allegation is?
- The allegations are to be serially numbered.

3. ADHERENCE TO SCHEDULE

State date of receipt of complaint for investigation and Date of sending the Investigation Report (3 months maximum)

Whether Allegation Substantiated :

State whether allegations are substantiated partly / fully by the Investigation.

4. INVESTIGATION

Examination and mention:

- Rules
- Procedures (Purchase/Sub contract/Works Contract)
- Guidelines /Directions relevant to the event/transactions

(Enclose extract of relevant provisions)

Examination of Documents:

Examination of documents concerning to allegations / transactions. Facts emerging from the examination. (Take original records/files and / or authenticated copies in custody)

5. VIOLATIONS OF PROCEDURES/RULES/DIRECTIONS

From examination of documents, what are violations vis-à-vis the rules / procedures prescribed in BEL, by different persons? If financial loss caused, then estimation of the correct financial loss caused to the company by each individual and / or gain caused to an individual / vendors / parties.

- a. Statements of persons involved.
- b. Statement of witnesses who corroborate & support charges.
- c. Interrogation / Written statement of the concerned delinquent Executives / Employees regarding the violations whether with or without financial loss to the Company. (If oral statements taken, then signature of person making the statement to be taken. Also Investigating Officer should sign after writing "statement recorded by me")

6. ASSESSMENT OF EVIDENCE

After investigation, the documentary /oral evidence should be assessed on the facts, which have emerged from examination of documents & explanations of the concerned parties to arrive at conclusion as to what is proved against whom, allegation wise. Assessment of evidence will focus on the following points:

The allegations taken up:

- i. The allegations prime facie "Not Substantiated" or "Substantiated", including the financial loss / gain. Tate the evidences leading to the proof of the allegation (both oral and documentary).
- ii. Suspected Officer's / Employees version of the case.
- iii. Discussion of both versions.
- iv. Conclusion of the Investigation Officer on each of the allegations whether proved or not proved.

7. CONCLUSION

- a. If allegations are proved then, points, which are proved against each delinquent official / employee, enumerated serially. Mention also the relevant misconduct as mentioned in BEL CDA Rules. Also mention financial loss to the company or gain to individual or vendor.
- b. If allegations not proved, mention accordingly.

8. RECOMMENDATION

Recommendation proposed against each delinquent official / employee whether minor penalty / major penalty / criminal prosecution etc.

9. ANNEXURES

- Copies of relevant documents.
- Extracts of relevant guidelines and procedures.
- Copies of written statements/interrogation.
- Articles of charge proved.
- Imputations of misconduct.
- List of oral and documentary evidence to prove against delinquent official / employee allegation wise.

NOTE: The Language of the report should satisfy four basic requirements,

- a) Brevity
- b) Clarity
- c) Accuracy
- d) Readability

Format for Intensive Examination Report (Format for Works Contract)

I BASIC PARTICULARS

Name of the Unit/SBU	
Name of the Work	
Location of the Work	
Estimated cost of the work as per CNP estimates	
Tendered Cost	
Brief particulars of the work carried out	
Contract /Agreement reference and date of the Contract	
Purchase Order No & Date	
Value of the Contract	
Name of the Contractor	
Date of Commencement of the Contract	
Scheduled date of completion of the Contract	
Actual date of Completion of the Contract	
If the Works is in progress, value of Works completed as on the date of inspection	
Percentage of Completion of the Work	

II DETAILS OF EXECUTIVES CONNECTED TO THE PROJECT

Name of the Executive in charge for execution of the work with staff No and designation	
Name of the Site Engineer in charge of execution of the project with staff No and designation	
Name of the Executive involved in preparing the estimates with staff no and designation	
Name of the Finance Head concurred the proposal with staff no and designation	
Name of the approving authority with designation.	

III. DETAILED SCOPE OF THE WORK

--

IV. APPROVALS & SANCTIONS

1	Whether Preliminary estimate is prepared for the work and name and Designation of the authority who prepared the preliminary estimates,	
2	Name and designation of the authority who approve the preliminary estimates	
3	The basis of preparation of making the preliminary estimates and whether the Standard scheduled rates of CPWD/State PWD are considered in the preliminary estimates	
4	Whether the drawings, inputs and costing of the project were examined by the IE team and the calculations are in order	
5	The date of administrative approval and the designation of the approving authority who have granted the administrative approval	
6	The date of Technical sanction and the designation of the approving authority who have accorded the technical sanction	
7	The date of financial approval taken and the designation of the authority who accorded the financial approval	
8	The name and Designation of the authority who prepared the Detailed estimates,	
9	Name and designation of the authority who approve the Detailed estimates	
10	The basis of preparation of making the Detailed estimates and whether the Standard scheduled rates of CPWD/State PWD are considered in the detailed estimates	
11	Observations of the IE Team Note: a) The IE team should report here any	

	<p>lapses in not taking the approvals as mentioned in SI No.5,6 and 7.</p> <p>b) If the approval is taken from the authority other than the competent approving authority as SDOP, this should be recorded in the observation.</p> <p>c) The basis of making preliminary/Detailed estimates are other than the one mentioned in the above para, this need to be brought in the observation.</p> <p>d) Any outside consultant is engaged in the estimation work, this should be brought in the observation with the name of the Consultant, remuneration package, terms and period of engagement and the approval process followed.</p>	
--	--	--

V TENDERING

1	Type of tendering followed i.e, whether Open tender, limited tender or Single tender	
2	Any Tender Committee is constituted, and if so name and designation of the Tender Committee members and whether the approval of the Competent approving authority is taken for constituting the Tender Committee	
3	In case of Open Tender, Date of advertisement. Whether detailed particulars about the Tenders is posted in the BEL web site and NIC website for Public domain.	
4	The pre Qualification process adopted and whether the same is line with Works Manual.	
5	Whether the pre qualification criteria is approved by the competent approving authority as per SDOP before inviting Tender/uploading the tender documents	
6	In case of Limited Tender, whether Tenders are issued to all the Contractors appearing in the approved list of Vendors.	
7	If the tenders are restricted to few Contractors from the approved list, whether the reasons for the same and the justification is brought in the file proposals..	
8	Any market survey, web search or other methods were explored to locate the new Contractors who are capable executing similar	

	type of work.	
9	If the work is awarded on Single Tender, the reason and justification for the same and whether the same is brought in the file proposal.	
10	Whether Notice inviting Tenders (NIT)/Tender documents were approved the Competent approving authority	
11	Whether the minimum period given for prequalification and tender is as per Works Manual.	
12	Whether Single Bid System or Two Bid System followed.	
13	Date of pre bid meeting conducted and whether points discussed in the pre bid meeting and accepted by BEL are incorporated in the Tender.	
14	Whether the Electronic tendering process followed and if not, the reasons for the same and whether the approval of the Competent approving authority is taken for the same	
15	Whether the tenders are issued to all the Contractors who were pre qualified as per the criteria adopted and intimated to all the Contractors. If the tenders are rejected to any Contractors, the reasons for the same.	
16	Last Date of submission of Tender and if any extension is given whether the same is intimated to all the Contractors. Whether such extension is approved by Competent approving authority.	
17	<p>Observations of the IE Team</p> <p>Note:</p> <p>a) The IE team should report parawise, any observations, lapses or deviations in compliances of the procedures mentioned above in SI No.1 to 16.</p>	

VI OPENING & PROCESSING OF TENDER

1	Whether EMD, if applicable are collected from the Contractors who submitted their Bid.	
2	Whether Integrity pact is signed by Vendors and BEL and accompanied the Bid.	
3	The date of time of opening of tenders and details of the Officials who have opened the tenders	
4	Whether the online generated Comparative Statement/Price Comparative statement is signed by the Officials who opened the tenders and vetted by finance	
5	Whether the L1 status of the Contractor is properly arrived after considering all cost elements, including statutory levies and discounts, if any offered by the Contractor(s)	
6	Whether Abnormally high/Abnormally Low quoted items are identified	
7	Whether Price negotiating committee (PNC) is constituted with the approval of the Competent approving authority and the name and designation of approving authority	
8	Name and Designation of PNC members	
9	Proceedings of PNC and the Final rate/discount offered by the L1 Contractor and accepted by the PNC	
10	Whether approval of the Competent approving authority is taken for awarding of work to L1 tender and the designation of the authority who approve the proposal.	

VII AWARD OF CONTRACT/WORK

1	Whether EMD, if applicable are collected from the Contractors who submitted their Bid.	
2	The date of time of opening of tenders and details of the Officials who have opened the tenders	
3	Whether the online generated Comparative Statement/Price Comparative statement is signed by the Officials who opened the tenders and vetted by finance	
4	Whether the L1 status of the Contractor is properly arrived after considering all cost elements, including statutory levies and discounts, if any offered by the Contractor(s)	
5	Whether Abnormally high/Abnormally Low quoted items are identified	
6	Whether Price negotiating committee (PNC) is constituted with the approval of the Competent approving authority and the name and designation of approving authority	
7	Name and Designation of PNC members	
8	Proceedings of PNC and the Final rate/discount offered by the L1 Contractor and accepted by the PNC	
9	Whether approval of the Competent approving authority is taken for awarding of work to L1 tender and the designation of the authority who approve the proposal.	

VIII EXECUTION OF THE WORK

1	List of extra, additional items and substituted items to be examined and whether all the extra/substituted items has been verified and certified by the Contracts Department and whether approval of competent approving authority is taken	
2	Whether interim approvals from Competent authority is taken for the major deviations	
3	Whether all extra and substituted items are paid at provisional rates which is 80% of the rate estimated by the Engineer in charge.	
4	IE team observations on the following registers /documents (i) Site order book (ii) Works Diary (iii) Cement Register (iv) Hindrance Register (v) Register of dismantled materials (vi) Register of materials at site (vii) Measurement Book/Records (viii) Register/record test conducted at site/on materials (ix) Any other register/documents which are to be maintained as per the provisions of contract	
5	Whether any mobilization/secured advance is given and has the approval of the competent approving authority.	
6	Whether Completion certificate signed by the Project Engineer	
7	Whether LD is deducted and if not whether waiver is with the approval of the competent authority and justification for LD waiver is in order.	
8	Whether the provisions contained in Works manual relating recording and certification of measurements has been complied with.	
9	Whether any Technical Audit team is constituted to check the quality of work, technical aspects, specifications of materials used, quantities done	

IX PREPARTION OF BILLS AND PAYMENTS

1	Whether Running/Final bills are prepared based on the Joint measurement by taken by the Contractor and the Engineer in charge.	
2	Whether secured advance given is recovered while releasing payment against Running bills/final bills.	
3	While release Secured advance /payment against running bills, Whether all extra and substituted items are paid at provisional rates which is 80% of the rate estimated by the Engineer in charge.	
4	Statement of total running bills submitted with value, payment status against these running bills and whether all recoveries towards security deposit, secured advance and other dues are recovered while settling payment against the Running/Final bills	
5	Whether the labour engaged by the Contractors are paid wages as per the minimum wages act and PF and ESI recoveries are remitted to the concerned authorities.	
6	Whether Completion certificate signed by the Project Engineer	
7	Whether LD is deducted and if not whether waiver is with the approval of the competent authority and justification for LD waiver is in order.	
8	Whether the provisions contained in Works manual relating recording and certification of measurements has been complied with.	

LIST OF DOCUMENTS TO BE ATTACHED WITH THE REPORT

1. Copy of the Preliminary Estimates made by the CNP/Service Department duly signed
2. Copy of the File proposals for approval of the Preliminary Estimates
3. Copies of the Administrative approval

4. Copies of financial approval
5. Copies of the Technical sanction
6. Copy of the Advertisement issued in the leading newspapers
7. Copy of the NIT (Notice inviting Tender)
8. Copy of the documents evidencing the constitution of Tender committee along with the file noting.
9. Extract of the Tender document indicating the prequalification process.
10. Copy of the Management approval for uploading of Tender documents in the website.
11. List of Contractors to whom Tender documents were issued.
12. File noting evidencing the Single tender justification, if applicable
13. Pre bid meeting Minutes
14. If E procurement/e tendering is not followed, Management approval for the deviation.
15. Statement of EMD received.
16. Copy of the Integrity pact received, if applicable to the Contract.
17. Copy of the Tender opening statement
18. Copy of the comparative statement of Technical proposal, in case of Two Bids system of tendering
19. Copy of the Comparative statement of prices vetted by Finance
20. Copy of the File proposal containing the management approval for constitution of PNC.
21. Copy of the PNC minutes signed by the members.
22. Copy of the Management approval for award of the Contract.
23. Copy of the Contract and Purchase Order along with terms and condition, both general and special terms and conditions.
24. Payment status

FORMAT XI
Format for Intensive Examination Report (Format for Procurement Contracts)
I BASIC PARTICULARS

Name of the Unit/SBU	
Brief particulars of the items procured	
Contract /Agreement reference and date of the Contract	
Purchase Order No & Date	
Value of the Purchase Order	
Name of the Vendor	
Date of Commencement of the Delivery	
Scheduled date of completion of delivery of the Ordered Quantities.	
Actual date of Completion of the Delivery	
If the Staggered delivery mentioned, the quantity delivered on the date of IE inspection	
Percentage of Completion of the Purchase Order	

II DETAILS OF EXECUTIVES CONNECTED TO THE PROJECT:

Name of the Purchase Officer who initiated the Purchase Proposal	
Name of the MM Head with staff no and designation	
Name of the Production Head with staff No, and designation.	
Name of the Finance Head concurred the proposal with staff no and designation	
Name of the approving authority with designation.	

III. DETAILED DESCRIPTION OF GOODS COVERED IN THE PURCHASE ORDER

1	Description of items with part No and quantity, If it is more than one line items, High cost items may be listed	
2	Production order/Work order reference	
3	Customer indent reference/Sale order reference, if it is against Advance ESO, advance ESO reference	

IV. APPROVALS & SANCTIONS

1	Whether BOM exists and items ordered are as per the frozen BOM.	
2	Purchase Requisition reference	
3	Number of approved Vendors available for the part No as per the drawing.	

V. TENDERING

1	Type of tendering followed i.e, whether Open tender, limited tender or Single tender	
2	Any Tender Committee is constituted, and if so name and designation of the Tender Committee members and whether the approval of the Competent approving authority is taken for constituting the Tender Committee	
3	In case of Open Tender, Date of advertisement.	
4	Whether detailed particulars about the Tenders is posted in the BEL web site and NIC website for Public domain.	
5	The pre Qualification process adopted and whether the same is line with Works Manual.	
6	Whether the pre qualification criteria is approved by the competent approving authority as per SDOP before inviting Tender/uploading the tender documents	
7	In case of Limited Tender, whether Tenders are issued to all the Vendors.	
8	If the tenders are restricted to few Vendors from the approved list, whether the reasons for the same and the justification is brought in the file proposals..	
9	Any market survey, web search or other methods were explored to locate the new Vendors who are capable meeting the requirements..	
10	If the Contract is awarded on Single Tender, the reason and justification for the same and whether the same is brought in the file proposal.	
11	Whether Tender enquiry and the list of	

	Vendors to whom the Enquiry/Tender proposed to be issued are approved by the Competent approving authority	
13	Time limit for given for response to Tender Enquiry.	
14	Whether Single Bid System or Two Bid System followed.	
15	Date of pre bid meeting conducted and whether points discussed in the pre bid meeting and accepted by BEL are incorporated in the Tender.	
16	Whether the Electronic tendering process followed and if not, the reasons for the same and whether the approval of the Competent approving authority is taken for the same	
17	Whether the tenders are issued to all the Vendors who were pre qualified as per the criteria adopted. If the tenders are rejected to any Vendors, the reasons for recorded for the same.	
18	Last Date of submission of Tender and if any extension is given whether the same is intimated to all the Vendors ⁶ . Whether such extension is approved by Competent approving authority.	
19	Observations of the IE Team Note: b) The IE team should report para wise, any observations, lapses or deviations in compliances of the procedures mentioned above in SI No.1 to 18.	

VI OPENING & PROCESSING OF TENDER

1	Whether EMD, if applicable are collected from the Contractors who submitted their Bid.	
2	Whether Integrity pact is signed by Vendors and BEL and accompanied the Bid.	
3	The date of time of opening of tenders and details of the Officials who have opened the tenders	

4	Whether the online generated Comparative Statement/Price Comparative statement is signed by the Officials who opened the tenders and vetted by finance	
5	Whether the L1 status of the Contractor is properly arrived after considering all cost elements, including statutory levies and discounts, if any offered by the Contractor(s)	
6	Whether Abnormally high/Abnormally Low quoted items are identified	
7	Whether Price negotiating committee (PNC) is constituted with the approval of the Competent approving authority and the name and designation of approving authority	
8	Name and Designation of PNC members	
9	Proceedings of PNC and the Final rate/discount offered by the L1 Contractor and accepted by the PNC	
10	Whether approval of the Competent approving authority is taken for awarding of work to L1 tender and the designation of the authority who approve the proposal.	

VII AWARD OF CONTRACT/WORK

1	Whether the contract is awarded to L1 Contract.	
2	If the work is distributed among L1 and L2, whether such distribution is pre disclosed in the Enquiry /Tender document	
3	The rate at which distribution of quantities is done among L1, L2 and L3.	

VIII EXECUTION OF THE WORK

1	Whether the Quantities are delivered in time and if not whether LD is deducted for the	
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	delayed delivery.	
2	If extension to delivery period is given, whether LD waiver is approved by the Competent approving authority.	
3	Whether supply of excess quantities within the tolerance limit within the Purchase Order..	
4	Acceptance remarks/rejection remarks in the Deviation Report and if the item are accepted on deviation bass, whether approval of competent authority is obtained	

IX PREPARTION OF BILLS AND PAYMENTS

1	Whether Payment is released as per the payment terms	
2	If there is delay releasing of payment, the reasons for the same..	
3	If the items supplied are covered under warranty period whether Performance Bank Guarantee (PBG) is furnished by the Supplied or payment is withheld to cover the Vendor's obligation for the warranty period.	
4	Whether all recoveries towards security deposit, secured advance and other dues are recovered while settling payment against the Running/Final bills	
5	Whether the labour engaged by the Contractors are paid wages as per the minimum wages act and PF and ESI recoveries are remitted to the concerned authorities.	

LIST OF DOCUMENTS TO BE ATTACHED WITH THE REPORT

1. Copy of the Customer Indent
2. Copy of the Bill of material
3. Copy of Purchase Requisition
4. Copies of financial approval
5. Copy of the Advertisement issued in the leading newspapers in case of Open Tender
6. Copy of the Tender /Enquiry along with terms and conditions.
7. Copy of the documents evidencing the constitution of Tender committee along with the file noting.

8. Extract of the Tender document indicating the prequalification process.
9. Copy of the Management approval for uploading of Tender documents in the website.
10. List of Approved Vendors.
11. List of Vendors to whom the enquiry sent.
12. In case of Single tender based on Customer approved sources, Customer request, documentary evidence obtained from the Customer.
13. In case of Single tender based on Proprietary items, Proprietary Article certificate.
14. In case of Single Tender based on Designer approved sources, documentary evidences in support of such tender.
15. If E procurement/e tendering is not followed, Management approval for the deviation.
16. Statement of EMD received if applicable.
17. Copy of the Integrity pact received, if applicable to the Contract.
18. Copy of the Tender opening statement
19. Copy of the comparative statement of Technical proposal, in case of Two Bids system of tendering
20. Copy of the Comparative statement of prices vetted by Finance
21. Copy of the File proposal containing the management approval for constitution of PNC.
22. Copy of the PNC minutes signed by the members.
23. Copy of the File proposal for approval of the placement of order.
24. Minutes of the Procurement sub-committee of the Board, if applicable as per the sub delegation of powers
25. Minutes of the Board meet for granting of approval for release of advance payment
26. Copy of the Contract and Purchase Order along with terms and condition, both general and special terms and conditions.
27. Copy of Bank guarantee given towards Security deposit and performance of the Contract.
28. Payment status

Observation:

Sd/-	Sd/-	Sd/-	Sd/-
Member Secretary	Member	Member	Chairman

CONFIDENTIAL

To

Unit / Division Head
 Bharat Electronics Limited
 Address
 Place.

**Letter Format for obtaining details from concerned
 Unit / SBU before going for Inspection for Works
 Contract**

Sub: Intensive Examination of Works Contract

Ref: Corporate Vigilance letter No..... dated.....

1. It has been decided to carry out intensive examination of the following works at BEL SBU / Unit as detailed below:

Sl. No.	Name of Work & Location	Contract No.	Name of Contractor / Agency

2. To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the undersigned as explained below:

PROFORMA FOR "GENERAL INFORMATION" IN ANNEXURE – I

Item under Paras 1 to 3.4 may be filled in and the Proforma returned immediately duly signed. In case the administrative set up is different from that indicated in Paras 1.2 and 1.3, the information may be furnished as per the set up available in your organisation.

PROFORMA FOR "TECHNICAL INFORMATION" IN ANNEXURE – II

This may please be filled in, signed and forwarded immediately along with copies against item Nos. 2,7,8,9 and 17.

DOCUMENTS FOR INSPECTION AT SITE OFFICE ANNEXURE – III

Please arrange to send photocopies of each of the documents listed in Annexure – III and all the original documents will be examined at site office / Dept. Office and may please be kept ready after inspection programme is intimated.

3. After intimation of inspection programme, arrangements may please be made for the inspection of work along with required tools and documents. You may please see that all the parts / items covered under above contract may be made available for inspection.

4. The information in Proforma at Annexure I and II is to be furnished on factual basis as per records already available. As such it may please be ensured that requisite information in these Proforma is forwarded immediately so as to reach this office within 15 days after issue of this letter. If one or two teams are not already available, submission of entire Proforma should not be delayed on that account. The remaining information may follow shortly thereafter.

5. Kindly acknowledge receipt of this communication.

Sd/-
()
Chairman
Intensive Examination Team

Encl: Annexure I, II, III

PROFORMA FOR "GENERAL INFORMATION"

1. Particulars of Work

• **NAME OF WORK**

Agreement No.

Name of Contractor

Estimated Cost

Tendered Cost

Date of Start of Work

Due Date of Completion of Work

Present Progress of Work

2. DEPARTMENTAL AUTHORITIES

UNIT / SBU HEAD

HEAD OF CONTRACTS

FINANCE HEAD

SECURITY HEAD

3. OFFICIALS IN CHARGE OF WORK

DIVISIONAL HEAD

DEPARTMENTAL HEAD

ENGINEER-IN-CHARGE

NAME & DESIGNATION OF

SUPERVISORY STAFF

Name & Signature of
Departmental Head

PROFORMA FOR "TECHNICAL INFORMATION"

1. Name of Work
2. Agreement No. (Please supply Copy of Agreement)
3. Name of Contractor
4. Estimated Cost
5. Tendered Cost
 - a. Date of Commencement
 - b. Stipulated date of completion
 - c. % Progress
6. Ref Memo and Date of Sanction of project (Please supply Copy of memo)
7. Ref and date of technical sanction (Please supply Copy of Sanction)
8. Date of approval of NIT (Please supply Copy of Letter of Approval)
9. Date of publication of NIT in press
10. Date of receipt of tenders
11. No. of tenders sold
12. No. of tenders received
13. Whether work awarded to lowest tenderer
14. Whether market rate justification available on record
15. Works manual adopted
16. Sl. No. and date of last running bill paid (Please supply copy of bill with enclosures)
17. Whether AHR / ALR items identified

- | | | | |
|------------------------------|-------------------|-------------------------|-----------------------|
| 18. No. of Statements | Extra item | Substituted item | Deduction item |
| a) Sanctioned | | | |
| b) Proposed | | | |

- | | | |
|--|-------------------|---------------|
| 19. Test check carried out up to last RA bill | Prescribed | Actual |
| % test check by AE / Dy. Mgr. / Asstt. Mgr.: | | |
| % test check by Dy Mgr / Mgr., Sr. Mgr. | | |
| % test check by DGM/ Sr. DGM | | |

Name & Signature of
Departmental Head

Annexure – III

DOCUMENTS FOR INSPECTION AT SITE OFFICE

- 1 a) Press cuttings, including extended dates, if any.
 - i) For pre-qualification of architects / consultants.
 - ii) For pre-qualification of contractors.
 - iii) Call of tenders.
- b) Register of sale of tenders.
- c) Register of Opening of tenders.
2. File giving reference to Financial sanction and approval of competent administrative authority – preliminary estimate.
3. Copy of detailed estimate and its technical sanction by competent technical authority.
4. Approval of NIT (Notice Inviting Tenders) in original.
5. Rejected tenders and comparative statements for:
 - a) Selection of architects / consultants.
 - b) Short listing of pre-qualification of tenders.
 - c) Other tenders.
6. Justification statement and corresponding nothings in support of tenders / offers accepted.
7. Details of negotiations, if any, made before acceptance of tenders.
8. Original contract with consultant / contractor.
9. Guarantee bond etc., towards security for work, machinery / mobilization advance etc. including extension of validity.
10. Insurance policies for work, materials, equipment, men etc. etc. including extension of validity.
11. Guarantee for water tightness, termite proofing etc.
12. Standard specifications.
13. Standard schedule of rates.
14. Drawings – Architectural, structural and services.
15. All connected measurement book, level books, field books and lead charts.
16. All running account bills with all connected statements / vouchers.

17. Materials at site accounts / cement, steel, bitumen, paints, water proofing compound, pig lead, anti-termite chemical etc.
18. Site order book / test records/ log books.
19. Details of extra / substituted items and of deviated quantities being executed / considered for execution in the work along with analysis of rates.
20. Hindrance registers.
21. Office, correspondence files and inspection notes, if any, issued by inspecting officer.
22. Complaint record, if any.
23. Any other documents relevant to the works.

APPENDIX

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Letter Format for obtaining details from concerned Unit / SBU before going for Inspection for Purchase Contract

To
 Unit / Division Head
 Bharat Electronics Limited
 Address
 Place.

Sub: Intensive Examination of Stores / Purchase Contracts more than 2 crores
Ref: Corporate Vigilance letter No..... dated.....

1. It has been decided to carry out intensive examination of the "Stores / Purchase Contracts more than 2 crores" at BEL SBU / Unit as detailed below:

Sl. No.	Purchase Order No. & Date	Brief Description of Items	Name of Supplier

2. To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the under signed:

PROFORMA FOR "GENERAL INFORMATION" AT ANNEXURE – I

The details may please be filled in and the Proforma may be returned immediately duly signed along with the following documents:

Photocopy of the note sheet portion of the complete purchase file comprising of all details beginning from initiation of procurement till placement of contract including comparative / ranking statement of bids, briefs and minutes of various TPC and negotiation meetings.

- a. Photocopy of note sheets of post contract portion of purchase file.
- b. One attested true copy of each contract/agreement and the suppliers quotation.
- c. Photocopies of the bills paid till date.

DOCUMENTS FOR INSPECTION AT SITE OFFICE AT ANNEXURE – II

1. Please arrange to send photocopies of each of the documents listed in Annexure – II and all the original documents will be examined at site office / deptt. Office and may please be kept ready after inspection programme is intimated.
2. After the intimation of inspection programme, arrangements may please be kept at warehouse/ godown for the inspection of inventory. You may kindly ensure that all the documents like receipt and issue of stores register are made available for inspection.
3. The documents and information as per para 2.1 & 2.2 above may please be forwarded immediately so as to reach this office within **15 days** after the issue of this letter.
4. Kindly acknowledge receipt of this communication.

Sd/-
()
Chairman
Intensive Examination Team

Encl: Annexure I, II, III

PROFORMA FOR "GENERAL INFORMATION"

A. Departmental Authorities

1. SBU
2. DIVISION
3. DEPARTMENT
4. PURCHASE HEAD

B. Contract / Tender Information

Contract Details

1. Contract No / PR No.
2. Description of Item / Items Purchased
3. Name of supplier / agency
4. Estimated cost
5. Value of contract
6. Delivery period stipulated in contract
7. Inspection authority
8. Present position of supply
9. Present position of payments

Tender Details

1. Mode of tender enquiry
2. Date of issue of N.I.T. / Tender enquiry
3. Date of publication of N.I.T.
4. Whether the tender documents were approved
5. Date of receipt of tenders
6. No. of tenders sold.
7. No. of tenders received
8. Whether contract awarded to lowest tenderer
9. Whether negotiations conducted.

DOCUMENTS FOR INSPECTION AT SITE OFFICE

1. File giving reference to Financial Sanction and approval of competent administrative authority for provisioning of stores.
2. Details of calculating the estimated value
3. Press cutting of NIT including extended dates, if any.
 - a) For pre-qualification of bidder
 - b) Call of regular tenders
 - c) Register of sale of tenders
 - d) Register of receipt of tenders
 - e) Approval of tender document
4. Rejected tenders and comparative statement for:
 - a) Short listing of pre-qualification of bidders
 - b) Regular tenders.

Original file with complete noting and correspondence portion from initiation of procurement till placement of contract and completion of supplies.

Original contract with supplier

- Guarantee Bond etc. towards security deposit / performance security.
- Insurance policy, if applicable.
- Letter of credit in original
- Inspection notes issued by the inspecting officer and their file.
- Bills paid in "original" with complete enclosures.
- Stock / Issue register of stores.
- Complaint records, if any.
- Details of payment.

FORMAT XII

PROFORMA FOR AGREED LIST (TO BE FILLED IN QUADRUPLICATE)

BHARAT ELECTRONICS LIMITED / _____ UNIT

LIST "A": REVIEW OF THE EXISTING AGREED LIST OF OFFICERS

FOR THE YEAR _____

Sl. No.	Name of the Officer Shri / Smt.	Designation and place of posting	Deletion / Retention	Reasons for Deletion / Retention

NAME:

SUPDT. OF POLICE / CBI

PLACE :

DATE :

SEAL

BHARAT ELECTRONICS LTD.,

PLACE:

DATE :

LIST - 'B' (ADDITIONS FOR THE YEAR _____)

Sl. No.	Name of the Officer Shri / Smt.	Designation and place of posting	Reasons for Inclusion

NAME:

SUPDT. OF POLICE / CBI

PLACE :

DATE :

SEAL

BHARAT ELECTRONICS LTD.,

PLACE:

DATE :

LIST - 'C': Names of Officers suggested for Retention / Deletion / Inclusion by SP / CBI on which no agreement could be reached:

Sl. No.	Name of the Officer Shri / Smt.	Designation and place of posting	SP / CBI's Comments	CVO's Comments

NAME:

SUPDT. OF POLICE / CBI

PLACE :

DATE :

SEAL

BHARAT ELECTRONICS LTD.,

PLACE:

DATE :

Format for finalization of Internal Agreed list and Doubtful Integrity list

List of Executives in the "Agreed List" for the year

Sl. No.	Name	Staff No.	Designation	Nature and Date of Complaint against honesty / integrity of the official	Date of discussions with CBI	Date of bringing on the List	Authority Approving Name in the List	Reasons for keeping in the List	Remarks

List of Executives in the "Doubtful Integrity List" for the year

Sl. No.	Name	Staff No.	Designation	Date of Issue of Charge Sheet	Date of Final Order	Punishment Awarded	Date of bringing on the List	Authority Approving Name in the List	Reasons for keeping in the List	Remarks

List of Non Executives in the "Internal Agreed List" for the year

Sl. No.	Name	Staff No.	Designation	Nature and Date of Complaint against honesty / integrity of the official	Date of bringing on the List	Authority Approving Name in the List	Reasons for keeping in the List	Remarks

Contd..

List of Non Executives in the "Internal Doubtful Integrity List" for the year

Sl. No.	Name	Staff No.	Designation	Date of Issue of Charge Sheet	Date of Final Order	Punishment Awarded	Date of bringing on the List	Authority Approving Name in the List	Reasons for keeping in the List	Remarks

Place:
Date:

Sd/-
SBU/Unit Head
Chairman Vigilance Committee

REVIEW OF POs COVERED UNDER INTEGRITY PACT

UNIT / SBU: _____

PO No. & Date: _____

(Rs. in Crores)

PO Value (Rs. in crores)	Vendor Name	Vendor Country	Mode of Tender (ST / LT)	Project	Material #			Unit Rate (Rs. in Crores)	
					Part No.	Description	Qty.		
1	2	3	4	5	6	7	8	9	
Observation of Vigilance Officer									
Ref. No. & Date	Qty.	Rate (Rs. in crores)	13						14
10	11	12	<ol style="list-style-type: none"> 1. Brief of the Project. 2. Customer Indent reference and Sale Order No. 3. Method and Process of Tendering . 4. Selection of Vendor. 5. Formation of PNC and Price Negotiation with L1 Vendor. 6. Process of Approval including administrative and technical approval, (if applicable). 7. Order Quantity and Scheduled Delivery Date. 8. Delivery status. 9. Integrity pact whether taken along with Bid or signed subsequently. 10. Integrity Pact Bank Guarantee. 						Remarks

Note: # In case of multiple items, details of high value items need to be indicated. Documents to be enclosed with the report:

1. Purchase Order /Contract Copy
2. Management approval for Administrative/Technical approval (Works Contracts)
3. Copy of Tender issues/NIT
4. Advertisement issued, if any
5. Tender opening Statement
6. Price Comparative Statement
7. Mgt approval for Price negotiating committee Minutes of meeting including Pre qualification/Pre Bid/PNC
8. Minutes of meeting including Pre qualification/Pre Bid/PNC
9. File Proposal along with copy of documents flagged with the proposal,
10. Procurement Sub Committee approval/Board Approval, if applicable .
11. Integrity Pact signed by Vendor and the Principal (BEL)
12. Integrity Pact Bank Guarantee

Signature
Vigilance Officer
Date: _____

CHECK LIST FOR EXAMINATION OF PURCHASE ORDERS COVERED UNDER REVIEW BY IEM

SI No	Particulars	Compliance status
PURCHASE/SUB CONTRACT PROPOSALS		
1	Budgetary sanction and Financial approval is taken from the competent approving authority.	
2	Type and process of Tendering adopted (i.e., Open Tendering, Limited Tender, Single Tender, Single Tender on nomination basis, In case of Non Production costing more than Rs.50 lakhs, whether OPEN tender, through paper advertisement was followed.	
3	Process of prequalification of Contractors adopted whether the same is in line with Company's works manual and within the frameworks of guideline issued by CVC.	
4	Pre-qualification criteria adopted whether they are in line with the requirement Of the contract and easily understandable by the Bidders.	
5	Number of Contractors pre-qualified and whether the pre-qualification is done as per the prequalification criteria disclosed in the tender document.	
6	Check whether sufficient numbers of Contractors are prequalified to ensure fair competition among vendors.	
7	Whether Two Bid system followed (Technical Bid and Price Bid obtained separately).	
8	If one bid system followed, examine whether the specification of the item is frozen before finalizing the Tender.	
9	Check whether Pre bid meeting is done with the Vendors before finalizing the Tender Documents. Check whether pre bid meeting proceedings are minuted and signed by all the members who attended the meet.	
10	Check whether Integrity Pact is submitted by the Tenderer at the time of Bidding. If not signed, record the date of signing of Integrity pact both by the Principal and the Vendor	
11	Check the method of tendering, whether through SAP or manual.	
12	If, it is manual method of tendering, (not E-procurement) record the reasons for the same.	
13	Examine whether tendering other than e tendering has the approval of CMD as required under Purchase Procedure.	
14	Examine the method of evaluation of tendering. Whether the evaluation is done as per the criteria given in the Tender and no new conditions are added after bids are opened.	
15	Examine the Comparative Statement of prices and check all the factors are taken in to account while arriving at the L1 status of Vendor. Examine whether the comparative statement is vetted by Finance and signed by Finance representative.	
16	Check whether EMD is received from all the tenderers as given in the tender document.	

17	Check Whether security deposit is received in the Form of Bank Guarantee as given in the tender if any.	
18	In case of Limited tender, examine Tenders are issued to all the Registered Vendors as per AVD. If Tenders are Restricted to few Vendors, examine the reasons for the same and check whether specific approval of the Management is obtained for the deviation.	
19	In case of Single Tender, examine whether Justification for Single Tender is clearly brought out in the Note.	
20	Examine the Single Tender procurement made on nomination basis, and if it due to reasons mentioned in Purchase Procedure, the related documentary evidences may be sought and examined.	
21	Examine Price negotiating committee (PNC) is constituted with the approval of competent authority. The competent authority is one level higher than the normal approving authority.	
22	Examine the minutes of PNC and whether the deliberations are minuted and signed by all the members present in the meet.	
23	Examine whether the reasonability of prices finalised with the Vendor is brought out in the File proposal.	
24	Examine whether the proposal to award the contract is approved by the Competent authority as per sub delegation of powers, with concurrence of Finance.	
25	Examine whether the proposals are split in to more than one to avoid referring the proposal to the competent authority who is approving authority in the normal course.	
26	Examine whether the Resultant Single Tender (i.e. Single response to Limited Tender enquiry) has the approval of authority one level higher.	
27	Examine the Board approval for advance payment, if any, made as per the terms of Contract.	
28	Examine the pagination of the documents in the file and check whether the documents/papers filed are serially numbered. In case of any missing page, called for the details/explanation from the concerned department.	
29	In case of Sub Contract works, examine whether IED estimates made compared with the prices quoted and reduction obtained.	
30	Examine Repeat ordering is as per the procedures and rules laid down in Sub Contract and Purchase Procedure.	

CHECK LIST FOR EXAMINATION OF WORKS CONTRACTS COVERED UNDER REVIEW BY IEM

SI No	Particulars	Compliance status
	WORKS CONTRACTS	
1	Availability of detailed estimates done by CNP and administrative approval and technical sanction were taken from the competent approving authority.	
2	Availability of Administrative and Technical approval for the works is taken from the competent approving authority.	
3	Budgetary sanction and Financial approval is taken from the competent approving authority.	
4	Type and process of Tendering adopted (i.e., Open Tendering, Limited Tender, Single Tender, Single Tender on nomination basis,	
5	In case of Open tendering whether advertisement through paper media given and details are posted in the BEL website.	
6	Process of prequalification of Contractors adopted whether the same is in line with Company's works manual and within the frameworks of guideline issued by CVC.	
7	Pre-qualification criteria adopted whether they are in line with the requirement Of the contract and easily understandable by the Bidders.	
8	Number of Contractors pre-qualified and whether the pre-qualification is done as per the prequalification criteria disclosed in the tender document.	
9	Whether Two Bid system followed (Technical Bid and Price Bid obtained separately).	
10	If one bid system followed, examine whether all the specification of the works is frozen before finalising the tender.	
11	Check whether Pre bid meeting is done with the Vendors before finalizing the Tender Documents. Check whether pre bid meeting proceedings are minuted and signed by all the members who attended the meet.	
12	Check whether Integrity Pact is submitted by the Tenderer at the time of Bidding and signed by both the buyer and the bidders.	
13	Check the method of tendering, whether through SAP or manual.	
14	If, it is manual method of tendering, (not E-procurement), justification for the same is brought in the file proposal and approved by the Management.	
15	Examine whether Tendering other than e-mode has the approval of CMD.	

16	Examine the method of evaluation of tendering. Whether it is as per the tender documents and no new condition is added for evaluation of tender after the bids are opened.	
17	Check whether EMD is received from all the tenderers as given in the tender document.	
18	Check Whether security deposit is received in the Form of Bank Guarantee as given in the tender if any.	
19	In case of Limited tender, examine Tenders are issued to all the Registered/Approved Contractors as per AVD. If Tenders are Restricted to few Vendors, examine the reasons for the same and check whether specific approval of the Management is obtained for the deviation.	
20	In case of Single Tender, examine whether Justification for Single Tender clearly brought out in the Note.	
21	If Single Tender is resorted to due to recommendation from Customer, examine the documentary evidences.	
22	Examine Price negotiating committee (PNC) is constituted with the approval of competent authority. The competent authority is one level higher than the normal approving authority.	
23	Examine the minutes of PNC and whether the deliberations are minuted and signed by all the members present in the meet.	
24	Examine whether the justification on the reasonability of price is brought in the file proposal.	
25	Examine whether the proposal to award the contract is approved by the Competent authority as per sub delegation of powers, with concurrence of Finance.	
26	Examine whether the proposals are split in to more than one to avoid referring the proposal to the competent authority who is approving authority in the normal course.	
27	Examine the Board approval for advance payment, if any, made as per the terms of Contract.	
28	Examine the pagination of the documents in the file and check whether the documents/papers filed are serially numbered. In case of any missing page, called for the details/explanation from the concerned department.	

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INTEGRITY PACT (IP)

(For latest format of IP and other details refer SAMVAD portal)

Integrity Pacts are a tool for preventing corruption in public contracting. They are essentially an agreement between the government agency offering a contract (the “contracting authority”) and the companies bidding for it (the “bidders”) that they will abstain from bribery, collusion, extortion and other corrupt practices for the extent of the contract. To ensure accountability, Integrity Pacts also include a monitoring system typically led by civil society organisations.

Integrity Pacts have been around since the 1990s, and have been applied in more than 15 countries and 300 separate situations. They help save taxpayer funds, ensure that projects and public works are delivered efficiently, and stave off avenues for illicit gain. Beyond the individual impact on the contracting process in question, Integrity Pacts also intend to create confidence and trust in the public decision-making, a more hospitable investment climate and public support for the government’s own procurement, privatisation and licensing programmes.

Integrity Pacts can be used in a wide variety of situations. They can be used for:

- Construction contracts,
- Supply contracts,
- Engineering, architectural or other consultants contracts,
- State permits, licenses or concessions, or for government-regulated services (such as telecommunications, water supply or rubbish collection services),
- State asset privatisation programme,
- Other services delivery contracts.

Whenever possible, the Integrity Pact should cover all the activities related to the contract from the identification of a need for procurement, the designing of the tender, the pre-selection of bidders, the bidding and contracting proper, through the implementation, to its completion and operation.

In the preparatory phase of the procedure (from the identification of a need for procurement up to the moment of publishing a call for tenders) the **contracting authority** and the **monitor** constitute the parties of the Integrity Pact. In the bidding phase, the Integrity Pact is joined by the **bidders**, the persons making an offer for carrying out the task that the procurement is aimed at. In the third, closing phase, which is the implementation of the contract signed by the winner of the public procurement procedure, only the **successful bidder**, the **contracting authority** and the **monitor** take part.

Donors and **investors** as well as **sub-contractors** of the bidders can also join the Integrity Pact.

The monitor follows closely all stages of the procedure and the implementation of the contract, and signals the eventual unlawful components to the parties. Within his duties is also the preparation of regular reports on the transparency and fairness of the process, which are made publicly available.

An Integrity Pact is signed for a particular project between the contracting authority undertaking the project, the monitor and the bidders. The major elements are:

- (i) An undertaking by the contracting authority that its officials will not demand or accept any bribes, gifts or payments of any kind and maintain appropriate disciplinary, civil or criminal sanctions in case of violation.
- (ii) A statement by each bidder that it has not paid, and will not pay, any bribes in order to obtain or retain the contract.
- (iii) An undertaking by each bidder to disclose all payments made in connection with the contract in question to anybody.
- (iv) The explicit acceptance by each bidder that the commitments and obligations remain in force for the winning bidder until the contract has been fully executed.
- (v) Bidders must have a company code of conduct and a compliance programme for the implementation of the code of conduct throughout the company.
- (vi) A set of sanctions for any violation by a bidder of its statements or undertakings, such as: - Denial or loss of contract - Forfeiture of the bid or performance bond or other security - Liability for damages to the contracting authority and the competing bidders - Debarment of the violator by the contracting authority for an appropriate period of time
- (vii) An independent external expert monitor, who has wide-reaching rights and functions.

The cost of implementing an Integrity Pact may vary depending on the implementation arrangements, the activities included in the process and the complexity of bidding procedures. Whatever the case, experience has shown that they remain a very small percentage of the project costs and can be covered by different sources:

- The authority's own resources,
- Contributions from donors or project financiers,
- Bidders' fees,
- A combination of the above.

Integrity Pacts increase transparency and accountability, enhance trust in authorities and government contracting, contributes to a good reputation of government agencies, brings cost savings and improves competition through better procurement.

Integrity Pacts are essentially contracts establishing the rights and obligations of all the parties to a public contracting process. They are very simple, flexible and adaptable:

- They can be implemented within the regular authority of contracting officials and bodies,

- They allow the implementation of desirable standards without the need for additional legal reform,
- They can be applied to a wide variety and size of public contracts.

1. PRIMARY OBJECTIVES OF IP

IP is intended to accomplish the following primary objectives:

- (a) To enable companies to abstain from bribing by providing assurances to them that :-
 - (i) Their competitors will also refrain from bribing
 - (ii) Government procurement, privatization or licensing agencies will undertake to prevent corruption including extortion, by their officials and to follow transparent procedures and
- (b) To enable governments to reduce high cost and the distortionary impact of corruption on public procurement, privatization or licensing. Beyond the individual contract in question, the IP is of course also intended to create confidence and trust in the public decision making process, procurement, privatization and licensing programmes.

2. OPERATION OF IP

- (i) IP covers all the activities relating to the contract from pre-qualification of bidder, bidding and contracting proper, implementation, completion and operation.
- (ii) IP will cover planning, design, construction, installation or operation of the assets by the authority, the issuing by the Authority of licenses and concessions, as well as the corresponding services such as consulting services and similar technical, financial and administrative support.
- (iii) IP begins when the bidder submits Expression of Interest or purchases the bid document. It ends after the execution of the contract when payments have been made to the satisfaction of the contracting authority.

3. EFFECTS OF IP

- (i) It helps Governments, businesses and civil society which are prepared to fight corruption in the field of public contracting – both for procurement and works.
- (ii) It enhances public trust in government contracting.
- (iii) It improves the credibility of government procedures and administration.

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- (iv) It achieves maximum transparency all along various steps leading to the contract and throughout the implementation which calls for extensive and easy access to the relevant information.

The IP programme offers preventive way to supplement existing methods and make the total effort more effectively in reducing corruption.

4. POTENTIAL BENEFITS OF IP

- (i) It would help in speeding up and streamlining the contract management process.
- (ii) It would lower the cost of procurement and works.
- (iii) It reduces harassment faced by honest officials.

5. BENEFITS TO THE CONTRACTORS/SUPPLIERS

Contractors and suppliers are also benefited by implementation of IP as it makes processes more efficient and reduces the business cost.

6. KEY FEATURES OF IP

- (i) The Commitments and obligations of the Principal (the concerned PSU/Govt agency)
- (ii) The Commitments and obligations of the counter party (i.e. the bidder, contractors, suppliers of goods and services)

7. COMMITMENTS AND OBLIGATIONS OF PRINCIPAL

- (i) The Principal will commit to have ethical and corruption-free business dealings with counter parties.
- (ii) The Principal will value its relationship with all counter parties and will deal with them in a fair and transparent manner.
- (iii) The Principal and/or its associates (employees, agents, consultants, advisors etc) will not seek any favour, undue benefit or accept bribes for themselves or for third parties.
- (iv) Will deal with all counterparties with equity, reasonableness and fairness.
- (v) Will exclude all associates who may be prejudiced or have a conflict of interest in dealings with counter parties.
- (vi) Will honour its commitments and make payments in a time bound manner.

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- (vii) Will initiate action and pursue it vigorously whenever corruption or unethical behavior comes to notice.

8. COMMITMENTS AND OBLIGATIONS OF COUNTER PARTY

- (i) Counterparty directly or indirectly (through agent, consultant, advisor etc) will not pay any bribe or extend illegal benefit or provide undue advantage to any one dealing with the Principal.
- (ii) The counterparty will not engage in collusion, price-fixing etc. with other counterparties in dealing with the principal.
- (iii) The counterparty will not pass to any third party any information unless authorized by the principal.
- (iv) The counterparty will disclose all commissions and similar expenses paid by them to anybody in connection with the contract.
- (v) The counterparty will promote and observe best ethical practices within its organization.
- (vi) The counterparty will not make any false statement or allegation against the principal.
- (vii) The counterparty will inform the IEM :
- If it receives demand for a bribe or illegal payment/benefit/favour.
 - If it comes to know of any unethical or illegal practice of the principal. Of all payments if makes to the associates of the principal.

9. VIOLATIONS AND CONSEQUENCES

- (i) If a counter party commits any violation of the IP it may lose bid security and performance bond. In addition the Principal may terminate any current contract and business relationship with such counterparties and their associates.
- (ii) The Principal would ban the business and exclude the counterparty from future dealings until the EIM is satisfied that the counterparty will not commit any violation in future.
- (iii) The counterparty will be liable to damages as determined by the IEM
- (iv) The Principal may initiate criminal proceedings against violating counterparties.

10. INDEPENDENT EXTERNAL MONITORS

- (i) The Principal in consultation with CVC will appoint an IEM to oversee IP program implementation and effectiveness.
- (ii) IEM will be a person of impeccable integrity and knowledgeable of Government tendering/contracting processes.
- (iii) At the time of appointment as IEM, the person should be less than 70 years of age. On completion of tenure of initial three years if age of seventy years has been crossed, further extension of 2 years will not be admissible. (CVC Circular No 06/07/12 Dt 23rd July 2012)
- (iv) IEM preferably should have domain knowledge/experience of the principal's work area
- (v) The major role of IEM will be to prevent/reduce/eliminate corruption, bribing and other unethical practices.
- (vi) IEM will not have any administrative, implementation or enforcement responsibilities. He will coordinate with other anti-corruption organisations such as CVC. He may engage services of outside agencies such as accounting firms, law firms etc., if required in discharge of his responsibilities.
- (vii) IEM will have access to all offices and internal records of the principal. He will also have access to counterparty's records and information regarding their dealings with the principal.
- (viii) IEM will have the right to attend any meeting between Principal concerned and the counterparties as well as internal meetings of principal.
- (ix) If the IEM observes or suspects any irregularity, he will inform the appropriate senior most officer of Principal concerned. He may also inform CVC and make the information public.
- (x) IEM can be removed from his office by the Principal concerned with the consent of CVC through an open and transparent process.
- (xi) IEM will be a voluntary and non-salaried position.

11. IMPLEMENTATION STEPS

- (i) To get commitment from all Senior-level officials of Principal to implement the program.
- (ii) To identify Nodal Officer and Nodal Department.

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- (iii) To develop a phased implementation program, initially all contracts worth over a threshold limit and more should be covered under this Program.
 - (iv) To select and appoint IEMs in consultation with CVC.
 - (v) To develop detailed implementations plans and modify the Integrity Pact document in consultation with the TI India and/or IEM.
 - (vi) To notify all senior staff members and major contractors about the plans to implement Integrity Pact Program.
 - (vii) To include it in the web-site and publicize this initiative through the media.
 - (viii) To modify the Integrity Pact Document in consultation with Transparency International India and IEMs.
 - (ix) To notify all senior staff members and major contractors about the plans to implement the Integrity Pact Program.

12. PERIODIC REVIEW AND EVALUATION

The Principal periodically reviews the effectiveness of Integrity Pact Program through all or some of the following:

- i. IEM will have to submit a Quarterly Report on the progress and effectiveness of Integrity Pact Program.
- ii. IEM and senior leadership of the Principal will do a self-assessment of Integrity Pact Program's effectiveness and identify areas / ways to improve.
- iii. Principal will have to conduct a complete and periodic review by an outside agency, including Government Officials, suppliers, Independent Observers etc. about IP's effectiveness in reducing corruption.
- iv. Principal will have to meet with CVC and TI-India on an annual basis to discuss the above.

Adoption of Integrity Pact –Standard Operating Procedure - CVC Circular No. 10/5/09 dated 08-05-2009, Office Order No.41/12/07 dated 04-12-2007, CVC Circular No.24/8/08 dated 05-08-2008, the revised Standard Operating procedures issued under CVC Circular No.02/01/2017 dated 13-01-2017.

CHECK LIST FOR REVIEW OF PURCHASE ORDERS & CONTRACTS

OPEN TENDER

1. Whether the work or quantity has been split to avoid open tender.
2. If the value of the order exceeds Rs. 50 Lakhs, whether limited tender resorted to.
3. Whether the reasons for not following open tender have been recorded and justification for deviating the procedure recorded while obtaining approval.

LIMITED TENDER

4. If the item is not of proprietary nature, whether quotes have been obtained to generate adequate competition.
5. Whether quotes have been received in sealed envelopes and opened by a Committee?
6. Whether the secrecy of the price ensured, in case of quotes received by fax/e-mail or other modes, other than sealed envelopes.
7. If there are more than one PRs for the same item, whether the quantities have been combined to obtain quantity related benefits, like discounts, lower order processing costs, better logistics management etc.
8. Whether the requirement has been broken into smaller quantities or smaller values with a view to circumvent to the delegated powers.
9. Whether enquiries have been sent to all the approved vendors.
10. Whether the approved vendor directory has been up-dated to include new entrants to the market.
11. If the item has been procured earlier,
 - (a) Whether enquiries have been sent to all the Manufacturers / Authorized dealer of the previous enquiry.
 - (b) Whether the reasons for the non-inclusion of any previous suppliers justified and approval obtained.
12. If the item has been purchased in the past, whether the earlier procurement prices have been compared.
13. In case of capital items, items of technical complexity or items capable of resulting in multiple choices, brands, etc.
 - (a) Whether technical and price bids have been separately obtained.
 - (b) Whether technical clarifications, if any have been obtained and discussions held with all suppliers in order to obtain prices that are technically comparable.
 - (c) Whether price bids (original or revised) of only technically acceptable quotes are opened for comparison.

14. Whether the bid has been opened in the presence of the bidders or their representatives?
15. Whether the price bid of any supplier has been rejected on technical grounds after the same are opened.
16. Whether any changes have been effected in the technical parameters of the item/supply conditions/payment terms after the price bid is opened.
17. Whether any changes in the item/supply parameters have been effected after deciding the lowest price (L1).
18. If so, whether all the contenders to the tender have been given adequate and equal opportunity to revise their technical and price bids.
19. Whether the landing cost of the items has been considered in all cases for arriving at L1 status.
20. Whether the supply and payment terms are same for all the suppliers? If not, whether the prices have been suitably loaded to make the prices comparable.
21. Whether Purchase Order has been released on the L1 only.
22. Where the L1 supplier has been identified based on overall price but prices for different items vary compared to others. Whether negotiations have been held to bring down the prices of items quoted at higher prices on par with the lower prices quoted by other bidders.
23. Whether the negotiation has been held without Finance Representative.

SINGLE TENDER

1. Whether a technically equivalent product or a product with comparable performance exists.
2. Whether item procured is proprietary by choice and not by design.
3. Whether ST has been resorted due to urgency.
4. Whether procurement under ST has been adequately justified while obtaining approval.
5. In case the item is of proprietary nature, whether the prices of similar or technically comparable items obtained and compared.

GENERAL

1. Whether any deviations have been allowed in supply date & time, resulting in any undue favour to the supplier.
 2. Whether LD clause has not been stipulated.
 3. Whether LD has not been levied even though supply has been delayed.
 4. Whether a time overrun / cost overrun report has been prepared and reasons thereof analyzed.
1. Whether LD has been waived off even though time overrun is attributable to supplier.

NOTE

- The review of P.O/Contracts should be done by (i) a committee consisting of members who are not involved in routine purchase / contracting activity or (ii) those working in other SBUs/Units.

CTE / CVC's GUIDELINES FOR IMPROVEMENT IN THE PROCUREMENT SYSTEM

1) Purchase Manual

A codified purchase manual containing the detailed purchase procedures, guidelines and also proper delegation of powers, wherever required needs to be made by all the organizations so that there is systematic and uniform approach in the decision-making. Such an integrated approach is likely to put a cap on the corruption and would also ensure smoother and faster decision-making.

2) Filing System

The procurement files are very important and sensitive documents and thus there is a need to have a single file system with proper page numbering.

3) Provisioning

- a) The provisioning of the stores needs to be done with utmost care taking into account the available stock, outstanding dues / supplies, the past consumption pattern, average life of the equipment / spares. The requirements also need to be properly clubbed so as to get the most competitive and best prices. The requirements should not be intentionally bifurcated / split so as to avoid approval from higher authorities.
- b) One time purchase for projects or capital equipments / spares should be properly justified depending on the actual requirement usage, rate of return etc. Further, the obsolescence factor should also be taken into account i.e. the equipment to be purchased should conform to the latest specifications and technology available in the market.

4) Estimated Rates

As the estimated rate is a vital element in establishing the reasonableness of prices, it is important that the same is worked out in a realistic and objective manner on the basis of prevailing market rates, last purchase prices, economic indices for the raw material / labour, other input costs, IEEMA formula, wherever applicable and assessment based on intrinsic value etc.

5) Notice Inviting Tender

- a) In order to give wide publicity, generate enough competition and to avoid favoritism, as far as possible, issue of Advertised / Global tender inquiries should be resorted to and published in ITJ and select National Newspapers. The copies of the tender notices should be sent to all the registered / past / likely suppliers by UPC and also to the Indian Missions / Embassies of major trading countries in case of imported stores.
- b) With the widespread use of Information Technology, the tender notices should also be put on the website and e-mail address of the organization should be indicated in the tender notice.
- c) It is imperative that the purchase on Single tender basis be made with the detailed justification in its support and with the approval of Competent Authority, including associated finance.

6) **Tender / Bid Document**

- a) All the important clauses such as those relating to Earnest money, Delivery schedule, Payment terms, Performance / Warrantee Bank Guarantee, Pre-dispatch inspection, Arbitration, Liquidated Damages / Penalty for the delayed supplies etc. need to be incorporated in the bidding documents so as to fully safeguard the interest of the organization and, for evaluation of bids on equitable and fair basis and in a transparent manner.
- b) The primary objective of submission of Earnest Money Deposit is to establish the earnestness of the bidder so that he does not withdraw, impair or modify the offer within the validity of the bid. It also helps in restricting if not eliminating 'speculative', 'frivolous' or 'wait and see' bids. Since any relaxation regarding submission of Earnest Money Deposit has financial implications besides giving encouragement to the bidders to submit frivolous bids, the terms & conditions should clearly stipulate that the offers without Earnest Money Deposit would be considered as unresponsive and rejected.
- c) The Evaluation / Loading criteria with respect to the important terms, like Payment terms, Delivery period, Performance Bank Guarantee etc. having financial implications need to be specified in unambiguous terms in the bid documents so that the evaluation of bids after tender opening could be made in a transparent manner without any subjectivity.
- d) The detailed generic technical specifications including performance parameters and the technical evaluation criteria, if any need to be specified in the bidding documents in unequivocal terms.

7) **Receipt of Tenders**

A proper arrangement for receipt of tenders at scheduled date and time through tender box needs to be adopted, in case of conventional tendering.

8) **Postponement of Tender Opening**

In order to give equal opportunity to all the bidders and to maintain sanctity of tendering system, it is of paramount importance that any change in the tender terms & conditions, specifications and tender opening date etc. be notified to all the bidders, sufficiently in advance of the revised tender opening date.

9) **Opening of Tenders**

The opening of tenders in presence of trade representatives needs to be scrupulously followed. While, opening the tenders by the tender opening officer / committee, each tender should be numbered serially, initialed and dated on the first page. Each page of the tender should also be initialed with date and particularly, the prices, important terms & conditions etc. should be encircled and initialed in red ink by the tender opening officer / committee. Alterations in tenders, if any, made by the firms, should be initialed legibly to make it perfectly clear that such alteration were present on the tenders at the time of opening. Wherever any erasing or cutting is observed, the substituted words should be encircled and

initialed and the fact that such erasing / cutting of the original entry was present on the tender at the time of opening be also recorded. The tender opening officer / committee should also prepare 'on the spot statement' giving details of the quotations received and other particulars like the prices, taxes, duties and EMD etc. as read out during the opening of the tenders.

10) **Post Tender Negotiations**

As per CVC guidelines, negotiations with the select / all the vendors shall not be carried out. The instructions/guidelines circulated by CVC on post tender negotiations only with L-1 need to be strictly followed.

11) **Technical Evaluation of Tenders**

Once it has been established that the offers meet the laid down specifications, the question of 'grading' as well as any 'pick and choose' should not arise. The contract needs to be awarded to the lowest bidder meeting the laid down specifications.

12) **Advance Payment & Bank Guarantees**

The advance payments need to be generally discouraged except in specific cases. Wherever payment of advance is considered unavoidable, the same should be interest bearing as per CVC guidelines and be allowed after getting an acceptable Bank Guarantee for an equivalent amount with sufficient validity so as to fully protect the organization interest.

13) **Performance Bank Guarantee**

In order to safeguard the organization interest, it would be appropriate to take reasonable amount of Performance Bank Guarantee valid upto warranty period for due performance of the contract. The validity of the Bank Guarantees needs to be carefully monitored and whenever extension in the delivery period is granted, the validity of Bank Guarantees should also be appropriately extended so as to protect the organization interest.

14) **Stipulation of Delivery Period in the contract**

The specific delivery period for supply as per the terms of delivery such as FOR station of dispatch / destination and for completion of installation with the necessary provision for Liquidated damages / Penalty clause in the event of delay in supplies / installation needs to be incorporated in the contract.

15) **Guarantee / Warranty Terms**

Detailed guarantee / warranty clause embodying all the safeguards be incorporated in the tender enquiry and the resultant contract. It also needs to be ensured that in installation / commissioning contracts, the guarantee / warranty should reckon only from the date of installation / commissioning.

CTE / CVC's GUIDELINES FOR IMPROVEMENT IN THE WORKS CONTRACT

1) Works Manual

A codified 'Works Manual' containing the detailed tender / contract procedures, guidelines and standards for execution along with proper delegation of powers needs to be prepared by all the organizations so that there is a systematic and uniform approach in the organizations. Such an integrated approach is not only likely to put a cap on corruption but would also ensure smoother and faster decision-making.

2) Necessity and Justification of Work

- a) Before according administrative approval for any project, it is necessary to establish its techno-commercial viability in terms of rate of return and other benefits and also to evaluate the available alternatives to ensure an optimum utilization of public funds.
- b) Gross over-designing cannot be justified on the basis of unpredictable long-term futuristic demands. This kind of over-designing, not only results in unjustified one time extra expenditure but also results in avoidable recurring expenditure in terms of maintenance costs and higher standing losses.

(i) **Estimates** Preparation of estimates for contracts is an area, which needs special emphasis. A well-defined scope of work and a realistic market rate estimate can prove to be a vital input for successful execution of a contract with high standards of quality. The estimates should take into consideration all relevant factors based on the prevailing market price of various inputs such as labour, material, equipment, etc. at the concerned locations. The estimates inter-alia should include the basic price, fabrication charges, inspection fees, duties, packing, handling and transportation charges, sales tax on works (WCT), octroi or any other statutory levies and installation, erection, testing and commissioning charges, license fees, contingencies etc. as applicable at the time of conception of the project. For big projects and other turnkey contracts where financial assessment of the project is done well in advance, before the finalization of the contracts, the financial amount indicated in Techno-Economic clearance/Techno-Commercial feasibility reports should be duly analyzed and updated before converting the same into a workable estimate. Any deficiency or inadequacy of data (in terms of rates or quantity) found in such reports should be highlighted beforehand in order to prepare a realistic estimates for the tenders.

(ii) **Notice Inviting Tender** In order to generate wide publicity for better competition and to avoid cartel formation and favoritism to select firms, it is imperative that the advertised/global tender notice should be published in select 'national' and 'local' dailies with a large circulation. Tender notices may also be displayed on the notice boards of other organizations. In case of global tenders, copies of the tender notices should be sent to the Indian Missions / Embassies in major trading countries. In addition to the paper advertisements, the tender notices should also be put on the website indicating all the details of the tender. In case of limited tenders to 'approved contractors', due care should be taken to generate adequate competition and reasonableness of rates should be

established. The 'approved' list should be periodically updated weeding out the Non-performers and including fresh entrants in the field.

(iii) Pre - Qualification Criteria While framing the prequalification conditions, the end purpose of doing so should be kept in view. The purpose of any selection procedure is to attract the participation of reputed and capable firms with proven track-records. The PQ conditions should be exhaustive, yet specific. For bigger and new projects, as far as possible a preliminary survey may be conducted to collect relevant data from the market about the firms of repute in the field. The factors that may be kept in view while framing the PQ criteria are namely,

- a) The nature of the work
- b) The scope of work involved in the project
- c) Likelihood of availability / experience of firms for such works
- d) Volume/amount of the work
- e) Financial status

In addition to above, the cut off dates for the period of work experience, the volume in terms of minimum capacity of equipments as well as in terms of monetary amount should be clearly indicated in the pre-qualification criteria so as to avoid any ambiguity at the time of evaluating the bids.

(iv) Receipt of Tenders A suitable arrangement for receipt of tenders at the scheduled date and time through conspicuously located tender boxes (in case of conventional tendering process) needs to be adopted. The tender notice should categorically contain the information regarding receipt of bids, viz. designation and address of officer to whom the tender should be addressed, the superscription / reference number to be indicated on the envelopes and most importantly, the due date of opening of tenders to be written on the envelope containing tenders.

(v) Opening of Tenders

- a) The opening of tenders in presence of the bidders' representatives needs to be scrupulously followed. While opening the tenders it needs to be ensured that each page of tender, particularly the price and important terms and conditions should be encircled and initialed with the date. Any cutting / overwriting should be encircled and initialed in red ink by the tender opening office/committee. The tender opening officer / committee should also prepare an 'on the spot statement' giving details of the quotations received and other particulars like the prices, taxes/duties, EMD, any rebates etc. as read out during the opening of tenders. A proper tender opening register in a printed format should be maintained containing information viz. date of opening including extensions, if any, names and signature of all the persons present to witness the tender opening which should include the bidders' representatives also.
- b) In order to make the system fool-proof in case of two bid system, after opening of the Technical bids, the price bids, which are to be opened subsequently shall not be kept as loose envelopes and it needs to be ensured

that the tender opening officer/committee should sign on the envelopes containing the price bids and the date of opening of price bids should be clearly mentioned on the envelopes and should again be placed in the tender box.

- (vi) **Post Tender Negotiations** As per CVC guidelines, negotiations with the select / all the vendors shall not be carried out. The instructions / guidelines circulated by CVC on Post Tender negotiation only with L-1 need to be followed strictly.
- (vii) **Reasonableness of Prices / Market Rate Justification** Before acceptance of the offer, it is very important to establish the reasonableness of rates on the basis of estimated rates and the prevailing market rates. The AHR (Abnormally High Rate) and ALR (Abnormally Low Rate) items should be duly identified and the officials / agencies responsible for execution of work should be intimated to exercise appropriate control on such identified items.
- (viii) **Advance Payment & Bank Guarantees** The advance payments need to be generally discouraged. Whenever the payment of advance is considered unavoidable, the same should be interest bearing as per CVC guidelines and should be allowed after getting an acceptable Bank Guarantee for an equivalent amount with sufficient validity. Timely action for revalidation/encashment of the bank guarantees also need to be taken so as to protect the organization interest.
- (ix) **Performance Bank Guarantee (BG) and Insurance**
- a) In order to safeguard the organization interest, it would be appropriate to take reasonable amount as Performance Bank Guarantee valid up to Defect Liability period for due performance of the contract. The validity of the Bank Guarantee needs to be properly monitored and whenever the time extension for contract is granted, the validity of BG should also be appropriately extended. The date of submission for the BG should be clearly spelt out and adhered to at the time of the execution of the contract.
- b) Comprehensive insurance cover for men and materials apart from being a statutory obligation has to be provided in the contract to safeguard the interest of the organization. Avoiding insurance cover may jeopardize the safety of men and materials and may result in serious legal complications in case of any mishap. Therefore, a comprehensive all risk insurance clause needs to be incorporated and implemented.
- (x) **Defect Liability Period Clause** Detailed Defect-Liability period clause embodying all the safeguards needs to be incorporated in the bid documents and in the resultant contract. In the contracts involving installation/commissioning of equipment's, the defect-liability period should be reckoned only from the date of installation/commissioning. However, in case supply and installation have to be executed through separate contract due to some compelling reasons, both the contracts should be processed in such a manner that the time-gap between supply and commissioning is minimal.

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