

COMPENDIUM

October, 2016
(w.e.f. November, 2012)

CVC Circulars & Guidelines



Compiled by : **VIGILANCE DEPARTMENT**
EASTERN COALFIELDS LIMITED
(A Subsidiary of Coal India Limited)

COMPENDIUM

October, 2016
(w.e.f. November, 2012)

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Compiled by : **VIGILANCE DEPARTMENT**
EASTERN COALFIELDS LIMITED

(A Subsidiary of Coal India Limited)

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सत्यमेव जयते



केन्द्रीय सतर्कता आयोग
CENTRAL VIGILANCE COMMISSION

सतर्कता भवन, जी.पी.ओ. कॉम्प्लेक्स,
ब्लॉक-ए, आई.एन.ए., नई दिल्ली-110023
Satarkta Bhawan, G.P.O. Complex,
Block A, INA, New Delhi 110023

सं./No.....016/VGL/030.....

दिनांक / Dated.....10th October, 2016

MESSAGE

Vigilance Awareness Week 31st October to 5th November, 2016

Central Vigilance Commission, as part of its efforts for probity in public life and to achieve a corruption free society, observes Vigilance Awareness Week every year. The observance of Vigilance Awareness Week renews our commitment to achieve the goals of promoting integrity, transparency and accountability in public life. The Commission, therefore, lays greater emphasis on generation of awareness among the public as a more effective and sustainable means of fighting corruption.

"Public participation in promoting Integrity and eradicating Corruption" has been chosen as the theme for Vigilance Awareness Week this year by the Commission. We need to have zero tolerance to corruption for taking the economic growth to needy sections of the society. Although various anti-corruption agencies strive to address the problem of corruption, their efforts cannot be accomplished without the active participation of all the stakeholders. It is, therefore, imperative that an aware, active and empowered public is involved in any anti-corruption campaign.

The Commission believes that creation of greater awareness among public and their participation in anti-corruption efforts would strengthen the resolve to eliminate corruption from society. The Commission appeals to all stakeholders for wide participation and all around generation of awareness among all sections of society.


(Dr. T.M. Bhasin)
Vigilance Commissioner


(Rajiv)
Vigilance Commissioner


(K.V. Chowdary)
Central Vigilance Commissioner

C.K. Dey
Chairman/Mg. Director



EASTERN COALFIELDS LIMITED

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Message

It gives me immense pleasure to note that Vigilance Department of ECL is publishing an updated version (w.e.f. November, 2012 to till date) of the Compendium of important CVC circulars / guidelines on different matters. This edition is supplement to the earlier edition of the Compendium, published by Vigilance Department in October 2012 during observance of Vigilance Awareness Week.

I understand that while dealing disciplinary cases, the Compendium of relevant circulars / guidelines issued from time to time by CVC is of profound help to avoid mistakes / irregularities committed due to ignorance.

I am sure that this updated version of the Compendium will be of great help to all concerned in discharging their duties properly. This compendium is a part of preventive vigilance which will facilitate faster decision making and increase transparency in the system.

I congratulate the team of Vigilance Department for their effort and wish Vigilance Awareness Week 2016, a grand success.

(Chandan Kumar Dey)

21/10/16

ईस्टर्न कोलफील्ड्स लिमिटेड
(कोल इंडिया का एक अंग)
संक्टोरिया, पो-डिसेरगढ़, जिला- बर्धमान,
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Dated: 21.09.2016

Message

It is indeed a great pleasure to know that Vigilance Department of ECL is going to publish “Updated Addendum to the Compendium of CVC Circulars & Guidelines” during the observation of Vigilance Awareness Week-2016.

The concepts of integrity, transparency and accountability have been identified as the major areas of concern by the organizations globally which impact their performance. People expect PSUs to serve the public interest with fairness by managing entrusted resources properly. Fair and reliable services, predictable decision-making inspire public trust which creates a level playing field for businesses. As a responsible PSU, we are expected to create an environment where we can ensure public participation in promoting integrity to eradicate corruption.

I am hopeful that the endeavor of Vigilance Department by publishing “Updated Addendum to the Compendium of CVC Circulars & Guidelines” will help our executives in taking effective decisions and promote fairness, integrity and transparency.

(K.S. Raito)
Director (Personnel) 21/9/16

A. M. Marathe

Director (Finance)



ईस्टर्न कोलफील्ड्स लिमिटेड
EASTERN COALFIELDS LIMITED

(कोल इंडिया की अनुषंगी)

(A Subsidiary of Coal India Limited)

सांकतोड़िया, पो० डिसेरगढ़

Sanctoria, P.O. Dishergarh

जिला : बर्द्धमान, प० बंगाल

Dist. Burdwan, West Bengal

पिन - 713333 / Pin - 713333

Message

It is a great pleasure to know that the Vigilance Deptt., ECL, is observing Vigilance Awareness Week, 2016 from 31.10.2016 to 05.11.2016 and on this occasion it is also bringing out an "Updated Addendum to the Compendium of CVC Circulars and Guidelines".

It is a Herculean task to compile all CVCs circulars in a booklet form and keep it updated for providing easy accessibility to guidelines and rules, circulars and procedures, to ECL officials in their day-to-day functioning.

I congratulate CVO and his team of Vigilance Department, for their effort and wish Vigilance Awareness Week, 2016, a grand success.

A.M Marathe

Director(Finance)

बी. एन. शुक्ला

निदेशक तकनीकी

B. N. Shukla

Director (Technical)



ईस्टर्न कोलफील्ड्स लिमिटेड / EASTERN COALFIELDS LIMITED

(कोल इंडिया की अनुषंगी) / (A Subsidiary of Coal India Limited)

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Date : 05.10.2016

MESSAGE

The CVC has announced that the theme for this year's Vigilance Awareness Week, to be held from 31.10.2016 to 05.11.2016, will be "Public participation in promoting integrity and eradicating Corruption". Transparency in the operation of the public institutions of a nation is an essential attribute of any thriving democracy. The same can be rendered through intense public participation and scrutiny for which it is imperative that any institution proactively provide online information to the public. We must evolve and promote "faceless, cashless and paperless system". Ensuring quality in execution is a challenge today and can be addressed by using technology.

On this occasion, the Vigilance Department will publish a Newsletter "Sachetna" on the above theme as well as an "Updated Addendum to the Compendium of CVC Circulars & Guidelines" which will provide the opportunity to officials to enhance their awareness and usher in greater operational transparency. I am confident that the Vigilance Department will ensure that the objective of eradicating Corruption will be achieved due to their relentless effort. I wish the Vigilance Awareness Week 2016 a grand success.

B.N.Shukla

अजय कुमार सिंह

निदेशक (तकनीकी)

Ajay Kumar Singh

Director (Technical)



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Date: 24 October, 2016

MESSAGE

It gives me immense pleasure to know that Vigilance Department of ECL is publishing an updated version of the **Compendium** of important Circulars/Guidelines, issued from time to time, by Central Vigilance Commission (CVC) on different aspects in dealing with various matters relating to administrative and business dealings.

In the functioning of PSUs Vigilance Department has been playing a great role in creating awareness amongst the people working here to be more vigilant while performing various official duties.

I understand that Compendium will contain important and relevant Circulars/Guidelines issued by CVC from time to time which will help all concerned to avoid mistakes/irregularities due to unawareness of such instructions/framework. I am sure that this updated version of the Compendium will be of great help to perform duties properly and in more clean manner. This will also help the decision making process and will increase transparency in the system.

My best wishes for all success of the Vigilance Awareness Week, 2016 in ECL, and I congratulate the team of Vigilance Department for organizing Vigilance Awareness in ECL effectively.


24/10/16
(AJAY KUMAR SINGH)
DIRECTOR (TECH) (P&P)



EASTERN COALFIELDS LIMITED
(A Subsidiary of Coal India Limited)

FOREWORD

On the eve of Vigilance Awareness Week, 2016, it gives me immense pleasure to present the compilation of various circulars, guidelines etc., related to vigilance activities, issued since November, 2012. The Compendium on Vigilance circulars etc., brought out by the Department earlier in October 2012, has been well received by the stakeholders.

Vigilance activities have taken significant strides under the auspices of the CVC and have occupied a prime position in the scheme of governance. The expectations of the stakeholders from the institution of Vigilance in the Central Government organizations like Public Sector Undertakings have obviously been on a rise on account of efficacy and efficiency displayed by the respective Vigilance Departments in delivering the desired results. It has, therefore, become imperative to keep oneself updated about various relevant circulars, guidelines etc. on the matter. So, this compilation, as an addendum to the earlier Compendium, is quite need of the hour.

Vigilance Awareness Week is going to be observed from 31.10.2016 to 05.11.2016. We are going to organize several programmes for various stakeholders of our company. The theme of this year is related to public participation in promoting integrity and eradicating corruption. Incidentally, our focus in Vigilance Department of the company has always been on participative vigilance. However, there remains substantial scope of improvement including use of modern technologies in the overall functioning of the company to plug the existing scope of pilferages and malpractices. We would certainly try our best to introduce relevant technologies that have potential of bringing greater transparency in the system and plugging the loopholes existing in the present ways of working.

Technology notwithstanding, it is primarily the human beings at the helm of affairs whose mindset and action eventually prevail. Hence, I would like to take this opportunity to humbly appeal to all our stakeholders to join hands in our efforts to enlist greater public participation in promoting integrity and combating corruption.


(B.S. Mishra), IFS
CVO, ECL

I N D E X

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No. 98/DSP/09
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 23rd January, 2015

Circular No. 01/01/2015

Subject:- Procedure for dealing with complaints – regarding.

The Commission under its powers conferred under Section 8 (I)(d) of CVC Act, 2003, causes inquiry/investigation into allegations of corruption and seeks reports from the CVOs of Ministries/Departments/Organizations. All CVOs are informed that henceforth, the Commission would be seeking confirmation from the complainant for owning / disowning the complaint, as the case may be. Therefore, any further confirmation would not be required to be sought by the CVOs from the complainant in respect of the complaints sent to CVO's for inquiry and report by the Commission. However, clarifications /any additional information, if required, could be obtained from the complainant(s) as part of inquiry in the matter undertaken by the CVOs.

2. As regards complaints received directly by the CVOs of Ministries / Departments / Organizations, if a complaint contains specific and verifiable allegations of corruption / vigilance angle and it is proposed to take cognizance of such complaints, the complaint will be first sent to the complainant for owning/disowning, as the case may be. If no response is received from the complainant within 15 days of sending the complaint, a reminder will be sent. 15 days after sending the reminder, if still nothing is heard, the said complaint may be filed as pseudonymous by the CVO of the Ministry/Department/Organization concerned. CVOs are advised that in no case, any inquiry/investigation be initiated on complaints without receipt of confirmation from complainant on any complaint.

3. In so far as complaints sent by the Commission for 'necessary action' to CVOs of Ministries/Departments/Organizations, no such confirmation would be made from the complainant by the Commission. In case the CVO on scrutiny of such complaints propose to inquire into the allegations, confirmation as stated in para 2 above should be made by the CVO.

Sd./-
(J. Vinod Kumar)
Officer on Special Duty

To
All Chief Vigilance Officers in the Ministries / Departments / Public Sector Undertakings / Public Sector Banks / Insurance Companies / Societies and other Local Authorities.

No. 98/DSP/9
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 25th November, 2014

Circular No. 07/11/2014

Subject: Action on anonymous / pseudonymous complaints.

The Commission had vide its circular Nos. 3(v)/99/2 dated 29th June, 1999 and of even number dated 31st January, 2002 prescribed that no action should be taken on any anonymous or pseudonymous complaints. However, an enabling provision was made subsequently, vide circular of even number dated 11th October, 2002, that if any, verifiable facts contained in such complaints are proposed to be looked into, prior concurrence of the Commission is required to be taken by the departments / organizations.

2. The Commission has reviewed the matter and considering all aspects, would prescribe that no action should be taken on anonymous / pseudonymous complaints by Ministries / Departments / Organizations in line with its earlier instructions dated 29th June, 1999 and 31st January, 2002 and such complaint should be filed. Commission's circular of even number dated 11th October, 2002 stands withdrawn with immediate effect. Accordingly, Para 3.8.1 of Chapter –III of Vigilance Manual (Volume-I Sixth Edition, 2004) would stand modified to that extent.

Sd./-
(J. Vinod Kumar)
Officer on Special Duty

To

1. All Secretaries in Ministries/Departments to the Government of India.
2. All Chief Vigilance Officers in the Ministries / Departments / Public Sector Undertakings / Public Sector Banks / Insurance Companies / Societies and other Local Authorities.

No. 015/MS/016
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 27th April, 2015

CIRCULAR No.07/04/15

Subject: Consultation with CVC for first stage advice – revised procedure – reg.

Reference : (i) Commission's letter No.DO VGL 10 dated 3.9.1985
(ii) Commission's Office Order No.24/4/04 dated 15.4.2004
(iii) Commission's Office Order No.25/4/05 dated 29.4.2005

As per the existing scheme for consultation with the Commission, the CVOs of the Ministries /Departments and all other organizations are required to seek the Commission's first stage advice after obtaining the tentative views of Disciplinary Authorities (DAs) on the reports of the preliminary inquiry / investigation of all complaints involving allegation(s) of corruption or improper motive; or if the alleged facts prima-facie indicate an element of vigilance angle which are registered in the Vigilance Complaint Register involving Category-A officers (i.e., All India Service Officers serving in connection with the affairs of the Union, Group-A officers of the Central Govt. and the levels and categories of officers of CPSUs, Public Sector Banks, Insurance companies, Financial Institutions, Societies and other local authorities as notified by the Government u/s 8(2) of CVC Act, 2003) before the competent authority takes a final decision in the matter. Such references also include cases wherein the allegations on inquiry do not prima facie indicate any vigilance overtone / angle / corruption.

2. On a review of the scheme of consultation with the Commission and to expedite the processes of vigilance administration in the Ministries/Departments/Organizations, it has been decided that, henceforth after inquiry / investigation by the CVO in complaints / matters relating to Category-A Officers as well as composite cases wherein, Category-B officers are also involved, if the allegations, on inquiry do not indicate prima facie vigilance angle / corruption and relate to purely non-vigilance /administrative lapses, the case would be decided by the CVO and the DA concerned of the public servant at the level of Ministry / Department / Organization concerned. The CVO's reports recommending administrative / disciplinary action in non-vigilance / administrative lapses would, therefore, be submitted to the DA and if the DA agrees to the recommendations of the CVO, the case would be finalized at the level of the Ministry / Department / Organization concerned. In all such matters, no reference would be required to be made to the Commission seeking its first stage advice. However, in case there is a difference of opinion between the CVO and the DA as to the presence of vigilance angle, the matter as also enquiry reports on complaints having vigilance angle though unsubstantiated would continue to be referred to the Commission for first stage advice. The provisions of the Vigilance Manual and the Special Chapter on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Insurance Companies would stand amended to this extant.

3. The above revised consultation procedure / dispensation would not apply to the complaints received by the Commission and referred for investigation and report to the CVO of the Ministry / Department / Organization and CVOs would continue to furnish their investigation reports in all matters involving Category-A officers for seeking first stage advice of the Commission irrespective of the outcome of inquiry / investigation. Similarly, all written complaints / disclosures (Whistle Blower complaints) received under the Public Interest Disclosure and Protection of Informers' Resolution (PIDPI), 2004 or the Whistle Blowers Protection Act, 2011 would also continue to be handled / processed by CVOs in terms of the existing prescribed procedures or as amended from time to time.

Sd./-
(J. Vinod Kumar)
Officer on Special Duty

To
All Chief Vigilance Officers of Ministries / Departments / CPSEs / Public Sector Banks / Insurance Companies / Autonomous organizations / Societies, etc.

Copy for information to:-The Joint Secretary (S&V), Department of Personnel & Training, North Block, New Delhi – 110 001.

No. 02-07-1-CTE-30/309204
Central Vigilance Commission
Chief Technical Examiner's Organization

SatarktaBhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated, the 04.03.2016

Circular No.04/03/2016

OFFICE MEMORANDUM

Sub: Acceptance of Bank Guarantee (BG) – Reg.

Reference is invited to the Commission's Circular No. 01/01/08 dated 31.12.2007 (issued vide OM No. 02-07-1-CTE-30 dated 09.05.2006), wherein necessity for ensuring verification of genuineness of Bank Guarantee prior to its acceptance was emphasized and steps were suggested.

2. It is, however, observed that the practice of paper based verification of BGs followed by the organizations is not only time consuming causing delay in acceptance/award of works or advance related payments but also its trustworthiness cannot always be ensured due to human intervention in it.

3. In this background, organizations are advised to follow IT enabled confirmation system which is swift and secured in addition to their existing paper based confirmation system. The following methods for verification may be considered by the organizations:-

- a) Getting confirmation through digitally signed secured e-mails from issuing Banks;
- b) Online verification of Company portal with user ID and password followed by 2nd stage authentication system generated One Time Password (OTP) on portal for reconfirmation;
- c) E-mail confirmation followed by 2nd stage authentication by system generated SMS through registered mobile and reconfirmation through SMS to the verifying officer.

4. Keeping above in view, organizations may evolve their own procedure adopting any one or more of the above methods for ensuring genuineness of BGs, which is compatible with the guidelines of Banks/Reserve Bank of India.

Sd/- 4/3/2016
(Ramesh Chandra)
Chief Technical Examiner

To
All Chief Vigilance Officers

No. 003/DSP/9
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 16/04/2015

Circular No.05/03/15

Subject:- Difference of opinion pertaining to requests for sanction for prosecution sought by CBI/other investigating agencies. –regarding.

Reference: (i) DoPT O.M. No. 134/2/85-AVD-I dated 15/17.10.1986;
(ii) Commission's Office Order No. 1/1/04 dated 08.01.2004;
(iii) Commission's Office Order No. 23/6/06 dated 23.06.2006;
(iv) DoPT O.M. No. 399/33/2006-AVD-III dated 06.11.2006 & 20.12.2006;
(v) Commission's Office Order No.31/5/05 dated 12.05.2005 and
(vi) Commission's Circular No.07/03/12 dated 28.03.2012

The Central Vigilance Commission has been emphasizing the need for quick and expeditious decisions on requests of sanction for prosecution received from CBI / other investigating agencies under the Prevention of Corruption Act, 1988 and also to strictly adhere to the time limit of three (3) months for grant or otherwise of sanction for prosecution in terms of the orders of the Supreme Court in Vineet Narain & Ors. Vs. Union of India. Despite these instructions and regular follow-up of such pending matters, the Commission observes that the Competent Authorities take unduly long time in deciding these matters.

2. In cases of difference of opinion between the Competent Authorities in the Ministries / Departments / Organizations and CBI/other investigating agencies, where the latter have after investigation sought sanction for prosecution of public servants, the Commission resolves such difference of opinion by holding a joint meeting with the representatives of CBI and concerned Department / Organization. The Commission has, however, observed that generally no new facts are brought out during these meetings and there are considerable delays on the part of the Departments /Organizations concerned in adhering to the laid down time limits for various activities for examining /considering such requests for sanction for prosecution and in making a reference for consultation with the Commission for advice, etc.

3. In view of above, the Commission, on a review of the existing mechanism has decided to dispense with the mechanism of holding joint meetings with the representatives of CBI and the concerned Department / Organization and henceforth, all such matters of difference of opinion with CBI / Investigating Agencies would be dealt and resolved by the Commission on the basis of available documents / materials and tentative views of the Competent Authorities of the concerned Ministry / Department / Organization. The Commission would also draw attention to the guidelines issued by the Commission to be followed by the sanctioning authorities, vide its Office Order No.31/5/05 dated 12th May, 2005 and reiterated vide Circular No.07/03/12 dated 28th March, 2012 in processing requests for sanction for prosecution.

4. Accordingly, on receipt of investigation reports from CBI / other investigating agencies requesting sanction for prosecution of public servants who are non-Presidential appointees, the Competent Authority shall within three weeks formulate its tentative views regarding the action to be taken and in all matters involving difference of opinion with the recommendations of CBI / Investigating Agencies, seek the advice of the Commission for resolution of difference of opinion. The CVO of the Department / Organization concerned would ensure that the time limits as above are complied with in taking decisions by the concerned Administrative Authorities either to grant sanction for prosecution and to convey the same to the agency concerned or to ensure a reference is made to the Commission for advice forwarding the tentative views of the Administrative Authorities for resolving the difference of opinion.

5. Further, in all cases, where Commission advises sanction for prosecution, in terms of DoPT instructions referred above, and provisions of the Vigilance Manual, the concerned Ministry / Department is required to refer the case to the Commission for reconsideration only in exceptional cases when new facts come to light. As per the existing mechanism in place, such reconsideration proposals are examined by the Committee of Experts and the Commission renders appropriate advice, thereafter to the Competent Authorities. The Commission has observed over the years that in practice, majority of the cases referred back for reconsideration are on the same facts/materials as was available to the Competent Authority and the Commission initially. In other words, such reconsideration proposals do not contain any new fact(s) warranting change in the views/advice of the Commission tendered earlier. Such routine references/proposals for reconsideration of the Commission's advice need to be strictly avoided. In order to ensure that cases for grant for sanction for prosecution are decided quickly, the Commission would, therefore, entertain only those cases for reconsideration wherein new facts and circumstances which warrant any change are brought out by the Competent Authorities / Administrative Authorities specifically while making such proposals to the Commission.

6. The Commission is of the considered view that compliance to the above said principles would facilitate in reducing delays in deciding matters/ requests of sanction for prosecution by the Administrative Ministries/Departments/Organizations.

Sd./-
(J. Vinod Kumar)
Officer on Special Duty

1. All Secretaries of Ministries/Departments of Government of India.
2. All CMDs/CEOs of CPSUs/Public Sector Banks/Insurance Companies/Organizations, etc.
3. All CVOs of Ministries/Departments/ CPSUs/Public Sector Banks/Insurance Companies Organizations, etc.

Copy for information to:

1. The Joint Secretary (S&V), Department of Personnel & Training, North Block, New Delhi.
The Joint Director(Policy), Central Bureau of Investigation, North Block, New Delhi.

No.011/VGL/094(Part-1)
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 1st April, 2015

OFFICE ORDER NO.04/04/15

Sub: Constitution of Committee of Experts for scrutiny of prosecution sanctions.

The Commission, in accordance with the guidelines issued by Ministry of Personnel, Public Grievances & Pensions (Department of Personnel & Training) vide O.M. No.399/33/2006-AVD-III dated 06.11.2006, had constituted a committee of experts (drawn from civil services, public sector undertakings/banks) to examine reconsideration proposals received in the Commission from various Ministries/Departments/Organizations in matters where Commission had earlier advised grant of sanction for prosecution.

2. The tenure of the panel of experts of the committee last constituted vide Office Order No.13/06/12 dated 29th June, 2012 and extended w.e.f. 01.07.2014 vide Office Order No.03/07/14 dated 14.07.2014 expired on 31.12.2014. The Commission hereby, reconstitutes the panel of experts with effect from 1st April, 2015 with the following persons:-

1. Shri Sudhir Krishna, IAS(Retd.)
2. Shri C.B. Paliwal, IAS(Retd.)
3. Shri Sada Shiv Bajpai, IRS(Retd.)
4. Smt. Sushama V. Dabak, IA &AS(Retd.)
5. Shri P.K. Gupta, ex-Spl. DG, CPWD
6. Shri A.K. Shukla, ex-Chairman, LIC

3. Depending upon the nature of the case, a committee consisting of three members including the Chairperson (i.e. Vigilance Commissioner) shall examine the CBI recommendation and the tentative views of the Ministry/Department concerned in greater detail. Two members of the Committee would be drawn from the panel of experts and one of the Vigilance Commissioners in the Commission would chair the meeting. In the light of the expert committee's recommendation, the CVC would render appropriate advice to the competent authority within 15 days of the meeting of the committee.

4. The tenure of the panel of experts would be for a period of two years from 01.04.2015. The terms and conditions would be as indicated in the annex.
5. The meetings of the committee would be held in Delhi. Central Vigilance Commission would provide the required secretarial services alongwith the necessary funds to meet the expenditure to be incurred regarding the meetings of the committee.

Sd./-
(Salim Haque)
Addl. Secretary

Encl.: as above.

To

1. Members of the Committee of Experts.
2. Shri Sanjay Kothari, Secretary, DoPT, North Block, New Delhi.
3. Shri Anil Sinha, Director, CBI, North Block, New Delhi.
4. All Chief Vigilance Officers of Ministries/Departments/Organizations.

Annex

Terms of appointment of the Committee of Experts

1. Period

The term will be for a period of two years.

2. Honorarium

An honorarium of `3000/- (Three thousand only) per day would be paid to the members.

3. Secretarial Assistance

Secretarial assistance would be provided by the Commission as per requirements.

4. Fare, Transport & Accommodation

The fare, transport and accommodation would be provided by the Commission as per entitlement of the members.

No.005/VGL/011
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated: 25th May, 2015

CIRCULAR No.08/05/15

Sub.: Guidelines to be followed by the administrative authorities competent to accord sanction for prosecution u/s.19 of the PC Act – 1988 – Hon'ble Supreme Court Judgment in Criminal Appeal No. 1838 of 2013 – reg.

Ref.: CVC Office Order No.31/5/05 dated 12.05.2005
CVC Circular No.07/03/12 dated 28.03.2012

* * *

The Commission has been emphasizing the need for quick and expeditious decisions on requests of sanction for prosecution received from CBI/other investigating agencies under the PC Act, 1988 and also to strictly adhere to the time limit of three months for grant or otherwise of sanction for prosecution laid down by the Hon'ble Supreme Court in Vineet Narain & Ors. Vs. Union of India (AIR 1998 SC 889). Despite these instructions and close monitoring of such pending matters; the Commission has been concerned with the serious delays persisting in processing requests for sanction for prosecution by the Competent Authorities.

2. The Commission had earlier vide its Office Order No.31/5/05 dt. 12/05/2005 brought to the notice of all competent authorities guidelines to be followed by the sanctioning authorities. Subsequently, the Apex Court in the matter of Dr. Subramanian Swamy Vs. Dr. Manmohan Singh & another (Civil Appeal No.1193 of 2012) referred to the above guidelines of CVC, and observed that, “the aforementioned guidelines are in conformity with the law laid down by this Court that while considering the issue regarding grant or refusal of sanction, the only thing which the Competent Authority is required to see is whether the material placed by the complainant or the investigating agency prima facie discloses commission of an offence. The Competent Authority cannot undertake a detailed inquiry to decide whether or not the allegations made against the public servant are true”. Thereafter, the Commission vide circular No.07/03/12 dated 28/03/2012 reiterated its guidelines dated 12/05/2005 and advised all concerned Competent Authorities to adhere to the time limits for processing requests for prosecution sanction under Section 19 of PC Act as laid down by the Apex Court in letter and spirit.

3. The Hon'ble Supreme Court has recently in Criminal Appeal No.1838 of 2013 in the matter of CBI Vs. Ashok Kumar Aggarwal, in para 7 of the judgment observed that “there is an obligation on the sanctioning authority to discharge its duty to give or withhold sanction only after having full knowledge of the material facts of the case. Grant of sanction is not a mere formality. Therefore, the provisions in regard to the sanction must be observed with complete strictness keeping in mind the public interest and the protection available to the accused against whom the sanction is sought. Sanction lifts the bar for prosecution. Therefore, it is not an acrimonious exercise but a solemn and sacrosanct act which affords protection to the Government servant against frivolous prosecution. Further, it is a weapon to discourage vexatious prosecution and is a safeguard for the innocent, though not a shield for the guilty”.

4. In para 8 of the above judgment, the Court has issued guidelines to be followed with complete strictness by the Competent Authorities while considering grant of sanction as below:-

- a) The prosecution must send the entire relevant record to the sanctioning authority including the FIR, disclosure statements, statements of witnesses, recovery memos, draft charge-sheet and all other relevant material. The record so sent should also contain the material/document, if any, which may tilt the balance in favour of the accused and on the basis of which, the competent authority may refuse sanction.
- b) The authority itself has to do complete and conscious scrutiny of the whole record so produced by the prosecution independently applying its mind and taking into consideration all the relevant facts before grant of sanction while discharging its duty to give or withhold the sanction.
- c) The power to grant sanction is to be exercised strictly keeping in mind the public interest and the protection available to the accused against whom the sanction is sought.
- d) The order of sanction should make it evident that the authority had been aware of all relevant facts/materials and had applied its mind to all the relevant material.
- e) In every individual case, the prosecution has to establish and satisfy the court by leading evidence that the entire relevant facts had been placed before the sanctioning authority and the authority had applied its mind on the same and that the sanction had been granted in accordance with law.

5. The Commission, would therefore, in terms of its powers and functions under Section 8(1) (f) of the CVC Act, 2003 direct all administrative authorities to scrupulously follow the guidelines contained in para 2 (i) to (vii) of Commission's circular No.31/5/05 dated 12/05/2005 and the recent explicit guidelines laid down for compliance by the Hon'ble Supreme Court at para 4 above, while considering and deciding requests for sanction for prosecution. Since non-compliance of the above guidelines vitiates the sanction for prosecution, therefore, competent sanctioning authorities should discharge their obligations with complete strictness and would be held responsible for any deviation / non-adherence and issues questioning the validity of sanction arising at a later stage in matters of sanction for prosecution.

Sd./-

(J. Vinod Kumar)
Officer on Special Duty

All Secretaries to the Ministries/Departments of Government of India.

All CVOs of Ministries/Departments, CPSEs/Public Sector Banks/ Insurance Companies/ Organization/ Societies and Local Authorities etc.

Copy for information to:-

- (i) The Secretary, Department of Personnel & Training, North Block, New Delhi.
- (ii) The Director, Central Bureau of Investigation, Lodhi Road, New Delhi.

No. 010/VGL/080-290733
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 30.07.2015

Circular No.09/07/2015

Subject: Misuse of user ids and passwords in Organizations – preventive vigilancemeasures.

The Commission has of late observed that in any cases relating to Banking Sector, Insurance Sector, CPSEs and even in other organizations functioning in a computerized environment, frauds are being perpetrated on account of the officer(s) sharing their user id and password with unauthorised persons and/or not disabling them on transfer/retirement/ suspension/ long leave of officers; not frequently changing the password, etc. The Commission is of the view that periodic change of passwords by officers would be an important preventive vigilance measure to address the issues. Mail ids, user ids etc. for accessing the secure systems should be disabled once an officer superannuates/placed under suspension/not required to perform any function on account of proceeding on long leave, training, deputation, transfer etc. Introducing a provision in the system/software itself at a pre-decided time period (i.e., a fortnight or a month) to change password could also be one of the options for preventing misuse by unauthorised persons.

2. In addition, it also needs to be ensured by way of periodic surprise inspections / checks by next higher authority / controlling officers as to whether the user ids and password are being shared by the officers with any unauthorised persons.

3. The Commission, vide circular NO. 38/11/10 dated 30.11.2010, advised CVOs of all Public Sector Banks to ensure secrecy of employees' passwords and also keep on changing them frequently so that frauds being committed on account of misuse of passwords of employees may be avoided in the Public Sector Bank. CVOs of Banks were to take suitable action and regularly monitor secrecy of passwords and any instances of casual approach by any password holder was to be dealt ruthlessly by the concerned bank as the same may put huge funds at risk. It appears that the spirit of the circular is not being implemented.

4. CVOs may, therefore, bring the above preventive measures to the notice of concerned authorities in their organization and also ensure that periodic inspections / checks are conducted to ensure complete implementation.

5. CVOs are further advised to send an action report in this regard of the verification conducted by them or the supervisory officers in their organization within a month by mail to coord1-cvc@nic.in.

Sd./-
(J. Vinod Kumar)
Officer on Special Duty

All CVOs of Ministries / Departments / CPSUs / Public Sector Banks / Insurance Companies / Autonomous Organizations / Societies etc.

No.006/PRC/1
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 11.12.2014

Circular No. 09/12/2014

Sub.:- References to the Commission for advice – Procedure regarding.

Ref.:- (i) Commission's Circular No.14/3/06 dated 13/03/2006
(ii) Commission's Circular No.32/12/08 dated 01/12/2008
(iii) Commission's Circular No.21/8/09 dated 06/08/2009

The Commission is being consulted at two stages in disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports and second stage advice is obtained on receipt of inquiry reports before a final decision is taken on conclusion of the disciplinary proceedings. In order to ensure proper appreciation of facts and examination of references, made by the Ministries/Departments/Organizations for its advice, the Commission has been emphasizing on the need for sending complete details/records including providing a tabular statement of the case as prescribed in the above cited circulars. It has been observed that tabular statements are not being sent or filled-up properly by the departments / Organizations while referring cases for first stage / second stage advice of the Commission.

2. As per the role and functions of CVOs, prescribed in Chapter II of Vigilance Manual (sixth edition), the investigation reports together with the specific recommendations of CVO in respect of each suspect officer(s) involved in a case is required to be submitted for consideration of the Disciplinary Authority concerned. After obtaining tentative views/recommendations of the Disciplinary Authority (DA), the case is required to be referred to the Commission for its first stage advice, wherever necessary. Similarly, the CVO would examine the Inquiry Officer's report and after obtaining the tentative views of the competent disciplinary authority about further course of action to be taken, seek the Commission's second stage advice, wherever required. To further streamline the consultation with the Commission, henceforth, the tabular statements as in formats prescribed below should invariably be furnished alongwith other records/documents while making references for first and second stage advice of the Commission:-

First stage advice

Sl. No.	Name and designation of the suspect officer	Allegations in brief	Version of the suspect officer	Findings of inquiry/ investigation on each allegation(s)	Comments /recommendations of the CVO	Comments/ recommendation of the Disciplinary Authority

Second stage advice

Sl. No	Name and designation of the charged officer	Allegations in brief on each article of charge(s)	Defence statement/ CO's brief	Finding of inquiry officer(IO) on each article of charges(s)	Comments of CVO on IO's findings	Comments/ recommendation of the Disciplinary Authority on IOs findings

3. CVOs of all Ministries/Departments/Organizations would ensure that complete information / records are sent alongwith references being made to the Commission for its advice.

Sd./-
(J Vinod Kumar)
Officer on Special Duty

To
All Chief Vigilance Officers

No.98/ORD/1(viii)
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 29th April, 2014

Circular No.01/04/14

Sub.:- Short-comings in bid documents

Ref.:- Commission's circular No.33/7/03 dated 9th July, 2003

The Commission has been impressing upon all Organizations to ensure transparency and fairplay in all procurements/contracts. One of the concern relates to the short-comings in framing of NITs and bid documents which results in ambiguity and scope for interpretation differently during processing and award of contracts by the Organizations.

2. The Commission had vide its Officer Order No.33/7/03 dated 9th July, 2003, advised that whatever pre qualification, evaluation/exclusion criteria, etc. which the organization wants to adopt should be made explicit at the time of inviting tenders so that basic concept of transparency and interests of equity and fairness are satisfied. The acceptance/rejection of any bid should not be arbitrary but on justified grounds as per the laid down specifications, evaluation/exclusion criteria leaving no room for complaints as after all, the bidders spend a lot of time and energy besides financial cost initially in preparing the bids and, thereafter, in following up with the organizations for submitting various clarifications and presentations.

3. The above instructions are reiterated for compliance by all Ministries/ Departments/ Organizations.

Sd./-
(J Vinod Kumar)
Officer on Special Duty

To
All Chief Vigilance Officers.

No. 010VGL/095
Government of India
Central Vigilance Commission

SatarktaBhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 07.12.2012

Circular No.17/12/12

Subject:- Second stage consultation with the CVC in disciplinary cases involving consultation with UPSC – Amendment to the Vigilance Manual – reg.

The Commission, at present, is being consulted at two stages in vigilance cases/disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings. The Department of Personnel & Training (DoPT) had issued guidelines vide OM No.372/19/2011-AVD-III(Pt.) dated 26.09.2011 regarding dispensing with second stage consultation with the Central Vigilance Commission (CVC) in disciplinary cases involving consultation with Union Public Service Commission (UPSC).

2. In order to ensure speedy finalization of disciplinary matters and to avoid possibilities of difference of opinion between UPSC and CVC, it has been decided as a policy to prescribe only one consultation (either with UPSC or with CVC). The Commission therefore, in supersession of all its existing instructions/provisions in the Vigilance Manual hereby prescribes that in disciplinary cases involving Group 'A' officers of the Central Government, members of all India Services and such categories of officers where an original order is to be issued by the President imposing any of the penalties wherein, the UPSC is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings. In all such disciplinary cases, in which it is necessary to consult the UPSC, the disciplinary authorities concerned would forward the records of the disciplinary case to the UPSC for its advice and take further action taking into consideration, the advice of the UPSC.

3. However, in disciplinary cases wherein, the disciplinary authorities tentatively propose not to impose any of the statutory penalties at the conclusion of the disciplinary proceedings, (i.e. cases where the UPSC are not required to be consulted), the second stage consultation would continue to be made with the Central Vigilance Commission, involving Group 'A' officers of the Central Government, members of All India Services and such other categories of officers of the Central Government involved in composite cases. In other words, all disciplinary proceedings in which the disciplinary authorities propose to exonerate or drop the charges, the consultation at second stage would continue to be made to the CVC by the concerned administrative authorities.

4. The above dispensation would not be applicable to the disciplinary cases being referred to the Commission involving officials of the CPSEs/PSBs/Pubic Sector Insurance Companies/Societies/Local Authorities/Autonomous Organizations etc. and such cases would continue to be referred to the Commission for its second stage advice as per existing prescribed procedure.

Sd./-
(J. Vinod Kumar)
Officer on Special Duty

To

- i) The Secretaries of Ministries/Departments of Government of India
- ii) The Chief Secretaries to Union Territories
- iii) The Chief Vigilance Officers of Ministries/Departments of Government of India

Copy for information to:-

- i) The Secretary, Union Public Service Commission
- ii) The Secretary, Department of Personnel & Training
- iii) The Director, Central Bureau of Investigation

No.014-VGL-061
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A'
GPO Complex, INA,
New Delhi – 110 023
Dated 03rd December, 2014

Circular No.08/12/14

Subject:- Second stage consultation with the CVC in disciplinary cases – Amendment to the Vigilance Manual – regarding.

Reference:- (i) Commission's Office Order No.03/01/10 issued vide No.009/VGL/056 dated 28.01.2010
(ii) Commission's Circular No.17/12/12 issued vide No.010/VGL/095 dated 07.12.2012

The Commission, at present, is being consulted at two stages in vigilance cases / disciplinary proceedings, i.e. first stage advice is obtained on the investigation reports, and second stage advice is obtained before a final decision is taken at the conclusion of the proceedings.

2. The Commission vide its Office Order No.03/01/10 dated 28.01.2010 had earlier dispensed with the requirement of obtaining second stage advice in respect of officers not falling within the jurisdiction of the Commission in composite cases wherein, first stage advice had been tendered in respect of all categories of officers involved. Cases of such officers are presently required to be referred only if the disciplinary authority's (DA) opinion/views is at variance with the Commission's advice. Further, vide its Circular No.17/12/12 dated 07.12.2012, the Commission had dispensed with consultation at second stage on conclusion of disciplinary proceedings in respect of Group 'A' officers of Central Government, members of All India Services and such categories of officers wherein the UPSC is required to be consulted as per extant rules.

3. The Commission on a further review of the consultation mechanism and to provide for speedy finalization of disciplinary proceedings, has now decided to dispense with the consultation for second stage advice of the Commission in cases where the disciplinary authority (DA), on conclusion of disciplinary proceedings, proposes to impose a penalty which is in line with the Commission's first stage advice in respect of officers falling within the jurisdiction of the Commission also. Such cases would, henceforth be dealt at the level of the CVO and DA concerned in the Organization/ Department. However, the CVO should forward an action taken report alongwith a copy of IO's findings and the final order issued by DA in all such cases of officers for Commission's record. It is further clarified that all such cases where the disciplinary authority proposes to take any action which is at variance with the Commission's first stage advice would continue to be referred to the Commission for obtaining second stage advice.

4. By dispensing with the requirement of seeking second stage advice in regard to the categories of officers as aforesaid, the Commission expects that (i) the CVO would be in a position to exercise proper check and supervision over such cases and would ensure that the cases are disposed off expeditiously within the time norms stipulated by the Commission; and (ii) the punishment awarded to the concerned officer is commensurate with the gravity of the misconduct established on his/her part. In order to ensure that the Commission's expectations are fully met, the Commission may depute its officers to conduct vigilance audit through onsite visits. If the Commission comes across any matter, which in its opinion, has not been handled properly, it may recommend its review by the appropriate authority or may give such directions as it considers appropriate.

5. Para 2.14.3 of Vigilance Manual, Vol.I (sixth edition) and relevant provisions of the Special Chapters on Vigilance Management in Public Sector Enterprises, Public Sector Banks and Public Sector Insurance Companies stand amended to the extent stated above.

Sd/-
(J. Vinod Kumar)
Officer on Special Duty

To

- (i) The Secretaries of all Ministries/Departments of Government of India
- (ii) The Chief Secretaries to all Union Territories
- (iii) All Chief Vigilance Officers in the Ministries/Departments
- (iv) All CMDs/ CEOs of CPSEs, Public Sector Banks/Insurance Companies/Autonomous Bodies / Societies / Local Authorities
- (v) All Chief Vigilance Officers of Ministries/Departments / CPSEs / Public Sector Banks / Insurance Companies / Autonomous Bodies / Societies / Local Authorities

CHAPTER 1

ORGANIZATION

1.1 Introduction

The Central Vigilance Commission was set up by the Government of India through a Resolution in the year 1964, as an apex body for prevention of corruption in Central Government Institutions and Public Administration. The establishment of the Commission was considered essential for evolving and applying common standards in deciding cases involving lack of probity and integrity in administration. The Resolution empowered CVC to undertake enquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner irrespective of his or her status.

A debate in the Parliament on the issue of corruption in administration led to setting up of a Committee by Shri Lal Bahadur Shastri, the then Hon'ble Minister for Home Affairs under the Chairmanship of Sh. K. Santhanam, MP, to review the existing instruments for checking corruption in the Central Services and to advise practical steps to make anti-corruption measures more effective.

The Santhanam Committee while appreciating the good work done by the Chief Technical Examiner's Organization (CTEO) recommended that the CTEO should not only be continued but strengthened so as to make it more effective. The Committee was also of the view that the jurisdiction of CTEO should not only be extended to cover construction works undertaken by other Ministries/Departments, but it should be placed under the administrative control of the Central Vigilance Commission. The recommendations were accepted by the Government and thus CTEO was placed under the administrative control of the Central Vigilance Commission.

Later, in year 1997, Hon'ble Supreme Court of India in Criminal Writ Petition Nos. 340-343/1993 (Vineet Narayan Vs. Union of India) popularly known as 'Jain Hawala Case' gave directions that a Statutory status should be conferred upon the Central Vigilance Commission. Accordingly, in year 2003, CVC Act, 2003 was notified with the approval of the Indian Parliament. This act provides Central Vigilance Commission as a multi-member body comprising of the Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members). CVC has been conferred upon the power to exercise superintendence over the functioning of Delhi Special Police Establishment in so far as investigations under the Prevention of Corruption Act, 1988 are concerned and to review the progress of the investigations.

1.2 Organizational Set Up of the Commission

The present Commission comprises of the Central Vigilance Commissioner and two Vigilance Commissioners. The Commission is assisted by a Secretariat headed by 'Secretary to the Commission' for facilitating the Commission in discharge of its functions. The Chief Technical Examiner's Organization (CTEO) of the Commission assist the Commission in Technical Matters besides conducting Intensive Examination of Procurement and other Contracts of various Organizations covered under the jurisdiction of the Commission.

1.3 Chief Technical Examiner's Organization

Chief Technical Examiner's Organization (CTEO) is the technical wing of the Commission. Initially on the recommendation of Public Accounts Committee, Chief Technical Examiner's Organization was created in the Ministry of Works, Housing & Supply (now known as Ministry of Urban Development) in May, 1957. Later on, after the recommendations of the Santhanam Committee were accepted by the Government, this Organization was placed under the administrative control of Central Vigilance Commission in the year 1964. Initially this Organization was headed by one Chief Technical Examiner. In the year 1979 one more post of Chief Technical Examiner was created to cater to the increasing workload and growing complexity of the Public Procurements. Para 1.3.5 of the Vigilance Manual 2005 issued by the Commission lays down the modalities of carrying out Intensive Examinations by CTEO. As per the Manual, Jurisdiction of CTE's Organization is coextensive with that of the Commission.

1.4 Organizational Set Up of Chief Technical Examiner's Organization

Out of the two Chief Technical Examiners, one is generally responsible for examination of Contracts for Civil/Horticulture works and the other for Procurement Contracts i.e. for Store Purchases, Electrical/ Electronics/ Mechanical works, Hiring of services etc.

The present set up is as under:

◆ **Chief Technical Examiner (Civil Works)**

- Technical Examiner(NH)
- Technical Examiner(SH)
- Technical Examiner(WT)
- Technical Examiner(ET)

◆ **Chief Technical Examiner (Electrical/Mechanical/Store Purchases/Services Contracts)**

- Technical Examiner (S.P. & IC-I)
- Technical Examiner (S.P. & IC-II)
- Technical Examiner (Elect.) ENE
- Technical Examiner (Elect.) ESW

The Technical Examiners are assisted by Assistant Technical Examiners/Junior Technical Examiners. Technical personnel are drawn from technical departments of various Government Organizations on deputation/secondment basis.

CHAPTER 2

QUARTERLY PROGRESS REPORT

2.1 Quarterly Progress Report

CVC Act 2003 empowers the Commission to call for reports, returns and statements from all Ministries/ Departments/Corporations/Central Undertakings so as to enable the Commission to exercise general check and supervision over the vigilance and anti-corruption work in the Ministries/Departments/ Undertakings. Chief Vigilance Officers of various Organizations covered under the jurisdiction of the Commission are required to furnish Quarterly Progress Reports (QPRs) in respect of ongoing contracts for the quarter by 15th day of the month following the quarter. Even though, CTE's Organization may examine Contracts of any magnitude, yet considering limitation of resources, it generally undertakes examination of Contracts of larger value only. As per Circular No. 15/07/12 (issued vide Letter No.98-VGL-25/18 dated 30.07.2012), the monetary limit for reporting the Procurement Contracts in QPRs are as follows:

Works / Contracts	Value
Category-I:	
(a) Civil Works	
(b) Turnkey Works Contracts	(a) Rs. 5 Crores & above.
(c) Stores & Purchase	
(d) PPP-Public Private Partnership[Cost/Revenue values]	
(e) Sale of Goods / Scrap / Land	
Category-II:	
(a) Electrical/Mechanical works/Maintenance/ Service Contracts including Electronics/ Instrumentation/Telecommunication/ Manpower Supply, etc.	Rs.1 Crore & above
(b) Medical Equipment	Rs.50 lakhs & above
(c) Consultancy contracts	Rs.1 Crore & above
Category-III:	
(a) Horticulture Works	Rs.10 lakhs & above
(b) Supply of Medicines Contract	4 Largest Value

The QPRs of different discipline should be submitted on separate sheets of paper. While submitting the QPRs to the CTE's Organization, CVOs should keep the following points in view:

- (a) The cost of the work relates to the accepted/tendered/work order value of the work and not the estimated cost.

- (b) If one Ministry/Department/Undertaking of the Central Government has entrusted the work to another Ministry/Department/Undertaking of the Central Government for execution, the work should be reflected in QPRs of both the Organizations.
- (c) The location of the work must be indicated.
- (d) Use of abbreviations that are not known ordinarily should be avoided.
- (e) Civil works also include marine, mining, excavation and transportation works and purchase of 'ready built properties'.
- (f) Electrical/Mechanical works also include air conditioning, fire fighting, fire alarm and all other allied works.
- (g) In case there are no works awarded more than the threshold value mentioned under each sub-category, two contracts with highest value in each of such sub-category should be reported, except in the case of procurement of medicines, where four highest value contracts to be reported. In case no contracts are awarded, "Nil" QPRs may be sent.
- (h) In case the orders are placed in foreign currency, the threshold limit would be determined based on conversion of foreign currency with Indian Rupee at the exchange rate defined in the tender documents. However the currency of payments may also be indicated as per the contract.
- (i) Contracts awarded on Assignment/Nomination/Single Tender/ Original Equipment Manufacturer (OEM)/ Original Equipment Supplier (OES)/ Proprietary Article Certificate (PAC) basis falling in the above category shall also be reported.
- (j) For furnishing the QPRs related to Sale Contract i.e. Sale of Goods / Scrap/ Land, the QPRs may also to indicate the value as per reserve price besides the sale price.
- (k) The Organizations shall report all types of contracts irrespective of their role as Client/Owner or Engineer-in-Charge of the Contract or Project Management Supervision Consultant.
- (l) All works whether in India or outside India in progress, contracts awarded and the works completed during the quarter shall be included in the QPRs. In respect of works completed during the relevant quarter, the actual date of completion shall be indicated.
- (m) While submitting the QPRs, CVO to certify that all the Works/Purchases/ Consultancy and other contracts required to be reported as per circular have been included in the QPRs.

The Circular along with the 'format for submission of QPRs' is at **Appendix-I and II** respectively.

2.2 Selection of Works

CTE's Organization conducts Intensive Examination of some of the contracts under different categories reported in QPRs. Selection of contracts for Intensive Examination is generally undertaken from the QPRs received from various Organizations, keeping in view the following factors:

- a) Complaints received from various sources.
- b) Works specifically recommended by CVOs for inspection.
- c) Works of Organizations with substantial work load as compared to others.
- d) Large value contracts.
- e) Works of Organizations, which do not have their own Engineering Departments for supervision and Quality Control.
- f) Works of Organizations, which have not been inspected at all.

Works of different nature, such as Hydro/Thermal/Nuclear Power Projects, Highways, Railways, Buildings, Water Supply, Drainage/Sewerage works etc. are given consideration. Works of unusual nature are also given due consideration for the purpose of selection for examination.

CHAPTER 3

INTENSIVE EXAMINATION

3.1 Purpose of Intensive Examination

The purpose of Intensive Examination can be categorized as given below:

- i) System Improvements based on lessons learnt from the examined contracts;
- ii) Detection/Recoveries of overpayments;
- iii) Tax compliance and follow up action;
- iv) Quality deficiencies and the remedial action; and
- v) Penal action in cases involving gross inaction/oversight and cases involving vigilance angle.

3.2 Requisition of Records

After approval of the Commission for Intensive Examination of Project/Contract, intimation is sent to the respective CVOs requesting for certified copies of the contract agreement, last bill paid to the contractor along with other details as per standard Proforma (Appendix–III & IIIA). A list of records/documents to be kept ready for examination during site inspection is also enclosed in the above proforma.

3.3 Preliminary Examination of Contract by the CVO

Before Intensive Examination is carried out by the Technical Examiner, CVO (Vigilance Unit) of the Organization concerned may be asked to carry out a Preliminary Examination of the selected contract and submit the report to the CTE's Organization flagging important issues.

3.4 Intensive Examination of Contracts based on records requisitioned in the Commission

If, Commission decides that Examination of the particular Contracts be carried out without visiting to the office of the Organizations concerned or work- site/stores, all original documents may be requisitioned in the Commission and after going through the documents specific queries are sent to the Organization through CVO for reply/clarification. These replies should be forwarded by CVO to the Commission along with his/her comments.

3.5 Intensive Examination of Contracts based on records, field/site visit

Intensive Examination of Procurement Contracts at Organizations is generally conducted in two parts:

- The first part covers the examination of the records and documents at the concerned office/unit of the Organizations. Issues arising out of record check can be discussed with the officials concerned for clarity.
- The second part covers the physical inspection of the works/materials including checking of measurements and quality of materials and works, collecting samples of materials for testing, wherever possible/required etc.

The intensive examinations are mostly undertaken with prior intimation so that the officials concerned may be present at site to clarify any points. However, in specific cases, surprise inspections can also be carried out. In cases of planned inspections, officials concerned from the departments pertaining to Planning, Design, Tender Processing, Acceptance of Tenders and Construction Wing are required to be present. The representatives of the contractor and the consultant may also be present to clarify any issue arising out of their activities. The presence of CVO or his/her representative is essential to act as a nodal officer and also to carry forward any left-over work pertaining to inspection. While collecting samples, representatives of contractor, construction team and CVO may be associated and are required to sign the proforma containing details such as nature of material, location of sample collection, date and time of collection etc. as token of their witness to the same. Standard Proforma in this regard is at **Appendix-IV**. Sample(s) collected should be handed over to the representative of CVO for sending the same to the laboratory, except, in important cases where the team of CTEO decides to send the samples for testing directly. Standard format for letter to be addressed to the Test House is at **Appendix-V**.

3.6 Issue of Memo for seeking clarification/requisitioning additional records

During Intensive Examination, Technical Examiner may issue Memo to the nodal officer for seeking clarifications from the respective officials on certain issues. The clarifications furnished may be considered while preparing the IE Report. Memos can also be issued for requisitioning specific/additional records for examination. All possible efforts must be made by the officials concerned for furnishing clarifications/ records on the spot to avoid any infructuous effort in flagging the issues, which can be addressed on the spot. Such Memos may also form part of the draft IE Report to be submitted to CTE by the Technical Examiner concerned for approval.

CHAPTER 4

INTENSIVE EXAMINATION REPORT

4.1 Preparation of IE Report

After Intensive Examination of work is carried out by CTE's Organization, an Intensive Examination Report (IE Report) is prepared in the format as per Appendix-VI with the approval of CTE. The IE Report is sent to the CVO of the Organization along with copy to Chief/Senior Executives of the Organization. Intensive Examination Report broadly covers the following aspects of the Procurement:

- (i) Availability of updated 'Procurement Manual' of the Organization
- (ii) Status of implementation of instructions of the Commissions on E-procurement and 'Leveraging of Technology'
- (iii) Feasibility report
- (iv) Preliminary Estimate, Administrative Approval and Expenditure Sanction, Vetting of Demands etc.
- (v) Detailed Estimate, Analysis of Rates and Technical Sanction by the Competent Authority
- (vi) Appointment of consultant
- (vii) Tender document and adequacy of provisions (contract conditions) as well as specifications
- (viii) Pre-bid meeting and clarifications on the issues raised by bidders
- (ix) Call of tenders and award of work
- (x) In case of e-Tenders, all the records required to be maintained in soft form or hard copy
- (xi) Compliance of Contract Conditions
- (xii) Performance Bank Guarantee or any other type of Guarantees to be submitted by the contractor/ supplier
- (xiii) Insurances
- (xiv) Enforcement of liabilities of contractors/suppliers/manufacturers within 'Warranty/ Guarantee Period
- (xv) Reconciliation of departmentally issued materials
- (xvi) Provisions related to various type of taxes
- (xvii) Inspection, dispatch and acceptance of materials or works

- (xviii) Scrutiny of bills
- (xix) Scrutiny of site records
- (xx) Statutory compliance
- (xxi) Site Inspection
- (xxii) Any other issue felt necessary to be examined

The report brings out instances of lapses / irregularities in awarding contracts, defective contract conditions, non-compliance of contract conditions over-payments made to contractors, execution of sub-standard work or not matching with the specifications, 'time & cost overrun', infructuous and avoidable expenditure etc.

4.2 IE Report not to be used as document for evidence

It has been clarified by the Commission that IE Report should not be made document for evidence in departmental enquiry or evidence in the court of law. Since, the allegation in a charge sheet is based on the conclusion drawn by CBI or any investigating agency or competent authority after perusing documents / evidences independently, IE Report can not by itself be considered to be a factor which determines the final decision.

4.3 Reply to IE Report

After receipt of the IE report, the CVO should forward the IE Report to the concerned officials in his/her Organization for comments. The comments should include the following:

- a) A statement regarding correctness of facts stated in the IE Report. If, some of the facts are not correct, this should be clearly brought out and at the same time the correct facts, if different from the facts mentioned in the IE Report, should also be indicated.
- b) A detailed reply for the acts of commission or omission brought out in the report.
- c) His own comments on the explanations received from concerned officers.

Replies to the observations in the IE report should be sent promptly within 60 days from the date of dispatch of report. Documentary evidence in support of reply should also be enclosed with reply. A sample proforma for sending reply is enclosed as Appendix VII.

The Chief Vigilance Officers should arrange to have similar and complete examinations done in other cases at his/her end. He/she should thereafter act upon the findings of such examination and, wherever necessary, may consult CTE Organization.

Arrangements should be made to get the defects pointed out in CTE's report rectified either by the contractor or otherwise keeping in view the contract conditions.

Minor irregularities brought out in the report should be got regularized by the competent authority after ascertaining the reasons and taking remedial measures. Appropriate preventive measures may be taken for future and the defaulters suitably warned so that such irregularities do not reoccur. In cases involving

serious inaction / oversight / mala-fide; penal action may also be proposed by the CVO in consultation with the Disciplinary Authority, besides correction of the deficiency.

The Chief Vigilance Officers should ensure to have recoveries effected in terms of contract clauses in cases where over payments are pointed out in IE report and recovery statements should be submitted to the CTEO, supported by analysis of rates based on which recoveries have been effected. Such recoveries need not be postponed till the payment of final bill. In case, there is any difficulty in making recovery of the full amount, recovery of agreed amount should, at least be ensured from the next bill.

In cases, where the contractor has gone for arbitration to contest recoveries, CVO should ensure that such recoveries are implemented immediately unless there are orders from a Competent Court restraining recoveries.

In cases, where the work is treated as substandard in IE report, the sanction of competent technical authority for accepting such substandard work may be obtained and the rate of payment suitably reduced. Before sanctioning such reduced rate statements, the structural soundness and functional adequacy of substandard work should be established.

In cases where the consultants or contractors or suppliers have put the Organization or the Department to a loss or have done grossly substandard work for which they have claimed full payment, the CTE will point out the need to take action against such an agency. The CVO should take further steps with the concerned authorities in the Organization and keep the CTE informed about the action taken.

4.4 Rejoinder to the reply

In cases, where the replies to the observations are not considered satisfactory by the CTE's Organization, clarifications from them may be called through rejoinders. The proforma for reply to the rejoinders is given in Appendix VIII. Taking into account the replies/clarifications furnished, decision regarding referring serious para for detailed investigation by the CVO may be taken with the approval of the Commission. Such para would be referred to the CVO by the concerned Vigilance Branch for conducting detailed vigilance investigation.

CHAPTER 5

VIGILANCE INVESTIGATION ARISING OUT OF INTENSIVE EXAMINATION

All issues raised in inspections conducted by the CTE's Organization do not automatically become vigilance cases. After getting reply from the Organization, the para would be categorized into three categories, as given below:

Cat. A : Para involving vigilance angle.

Cat. B : Para requiring recovery from contractor, rectification of the deficiencies etc.

or

Para involving administrative action.

Cat. C : Para requiring system improvements etc.

Para, where vigilance angle is perceived even after giving opportunity to the Organizations for clarifications are converted into vigilance reference with the approval of the Commission. Such para are referred by the concerned Vigilance Branch of the Commission to the CVO treating the same as complaint in terms of para 1.3.5.2 of Vigilance Manual 2005. Standard format for reference to be made to CVO is given in **Appendix IX**.

The following steps are to be taken by the CVO in this regard-

- a) Appoint a reliable and Independent Engineer to assist the CVO.
- b) Identify and seize the relevant records.
- c) Scrutinize the records and prepare notes.
- d) Identify the officials responsible for the lapse.
- e) Call for explanations from the officials identified.
- f) Prepare the Investigation Report (IR).
- g) Submit the I.R. to Secretary, CVC endorsing copy to CTE.

Investigation into the para attracting vigilance angle is required to be done by the CVO. Such investigation is basically a preliminary enquiry, to determine whether prima facie there is some substance in the lapse. Once it is established that there is a prima facie case against the public servant, charge sheet is to be framed for initiating disciplinary proceedings against the officials responsible for the lapses after obtaining the advice of the Commission. Therefore, it becomes all the more necessary to conduct the investigation properly.

The Commission has observed that at times Investigation Reports submitted by CVOs are incomplete and sketchy. Some such examples are illustrated below:

- (i) Two page report consisting of forwarding letter of CVO in one page, and parawise reply to CTE's observation in the second page. The signature of the official, who prepared the reply, also missing in the second page.
- (ii) Photo copy of the reply of the technical officer was forwarded to Secretary, CVC by the lowest rank official in the office of the CVO.

The vigilance references are not to be handled in a routine and careless manner and the report should be prepared in standard format. Minimum particulars required under various head of the I.R. are explained below:

i) Source:

- In this case, the source will be the reference from the Commission for conducting investigation into the matter. Reference to the O.M. of the Commission under which investigation is to be carried out should be made.

ii) Appointment of Independent Engineer:

- Whenever the CVO has no Competent Engineer under him, he has to appoint an Independent Engineer to assist him during investigation. Many CVOs get the investigation conducted by the Independent Engineer and forward the same to the Secretary, CVC for advice without the comments of CVO. It is not proper. The Independent Engineer is to assist the CVO in conducting the investigation and preparation of the report. It is the CVO who has to give the final views in the matter.

iii) Gist of Allegations:

- Original paras and the lapses highlighted in the references are to be mentioned here.

iv) 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 (other forms of evidence may also be presented) denoted as E1, E2 and E3 etc. Since, the facts occur in chronological order, the evidence E1, E2, E3, etc. should necessarily be arranged under the report in the same order, thus making it easier for reference.
- While annexing the evidence, the relevant portion of the document should be highlighted and annexed. For example, the evidence of technical/financial credentials for meeting the qualifying requirements should consist of the photocopy of the relevant clause prescribing the qualifying requirements and not the all pages of the tender document.
- There may be several issues in a report which may be conveniently arranged as different paras viz. 2.1, 2.2, etc.
- All relevant facts needed to support the observations/conclusion should be gathered and presented. Irrelevant facts, bearing no consequence on the issues under inquiry should be avoided.
- Evidence presented should be credible and adequate.

v) Observations:

- Ordinarily, observations are logically derived through a set of facts. They are in the nature of objections or anomalies observed with reference to the gathered facts. There may be several observations arising out of the analysis of facts.
- Observations are also arrived at by evaluating the facts against certain criteria viz. rules, regulations, policies, procedures, norms, good practices or normative principles. Evidence of these criteria (extracts of rules, procedures, etc.) should also be presented as E1, E2, etc.

vi) Response of the officials concerned:

- It is necessary to elicit the reasons and clarifications of the management or the officers concerned for the anomalies pointed out in the observations. Every deviation from rules or procedure cannot be attributed to a mala-fide/corrupt intent. These may be circumvented, while expediting the work or in the larger interest of the work, with good intentions. It is, therefore, essential for Vigilance to distinguish between acts of omission and acts of commission. Therefore, obtaining the response of the officers concerned is essential in order to arrive at an objective conclusion.
- Response of the management is also necessary in order to clarify differences in interpretation or an understanding of the issues between vigilance and the management.

vii) Counter to the response:

- In order to sustain the observations made by Vigilance, it is necessary to counter the defence given by the management/officers concerned with facts and supporting evidence. It should be clearly and convincingly brought out why the explanation given by the management is not tenable.

viii) Conclusion:

- Conclusion is the logical summation of the observations. The observations denoting various counts of irregularity, lapses or impropriety should finally lead to a logical conclusion on whether the case involves commission of irregularity/impropriety with the intention of corruption.
- Undue favour given to a party or obtained for self and its adverse impact on the government or the citizens in terms of additional cost, poor quality or delayed service should be clearly highlighted.

ix) Responsibility of officials:

- Having determined the vigilance angle in the case, the next step is to fix the accountability of the individuals involved in the misconduct. Name of officers should be clearly stated in this para.
- The role of each officer should be judged with reference to his prescribed charter of duties. In case the tender Committee is responsible for the misconduct then, as far as possible, all members should be equally and collectively held responsible.
- Comments of Disciplinary Authority should invariably be included.

x) Recommendation for action:

- Recommendation for closure of the case in case there is no discernable vigilance angle or criminal misconduct, should be clearly spelt out.

xi) Recommendation for systemic improvement:

- Punitive action on detection of corruption does not by itself lead to a logical conclusion unless it is able to prevent recurrence of the lapse. Any fraud, corruption, irregularity or impropriety indicates a failure of control mechanism or gaps in systems and procedures. Therefore, each case throws up an opportunity to identify these control failures and suggest ways of plugging them to prevent recurrence of the lapse. Therefore, at the end of the report the CVO should also try to recommend systemic improvements in order to prevent the risk of a recurrence of the lapse/misconduct.

xii) Tabular statement:

- With a view to streamline the procedure and to avoid delay on account of incomplete information, it has been decided that, along with other records/documents, the following tabular statement should accompany the Organization's recommendations:-

S. No.	Name & Designation of the suspected officer	Allegations in brief	Findings of the investigation/ inquiry on each allegation	Defence of the suspected officer	Comments/ Recommendation of the DA	Comments/ Recommendation of the CVO

xiii) ASSURANCE MEMO

- **This is to provide reasonable assurance to the Commission and content of it should be as per Appendix-X.**

xiv) Bio-data of the officials:

- **Complete Bio-data of the officials against whom Commission's advice is sought should be furnished as per Appendix-XI.**

Commission's Advice

After investigation, the IR should be sent to the Secretary, CVC by the CVO for first stage advice. Even if the CVO comes to the conclusion that no vigilance angle is involved, the matter has to be referred to the Commission for advice as the complaint has emanated from the Commission. The comments on the I.R. would be obtained by the branch from CTEO who would submit their comments for consideration of the Commission. The first stage advice given by the Commission for initiating disciplinary proceedings etc. or system improvements etc. would be communicated to the concerned CVO for implementation by the concerned Vigilance Branch. Organizations, if they wish for some exceptional reasons to approach the Commission for reconsideration of its first stage advice, they may do so within 3 months of date of issue of first stage advice.

The procedure for reference to the Commission for seeking second stage advice would be as per the Commission's directions issued from time to time in this regard.

CHAPTER 6

ROLE OF CVO IN INTENSIVE EXAMINATIONS

CVO plays a vital role in Intensive Examination of works. With the limited staff available, CTEO cannot inspect all the works of various Organizations under the jurisdiction of CVC. Hence, CVO should arrange vigilance inspection of works under his jurisdiction on the pattern of inspection carried out by the team of CTEO. In order to enable the Organization to effect immediate recovery from the contractors/suppliers as well as to ensure accountability of officials responsible for various lapses, other important functions of CVO in respect of the Intensive Examination by CTEO are listed below:

- a) Timely submission of:
 - i) Quarterly Progress Reports
 - ii) Documents required for intensive examination
 - iii) Preliminary Examination of the impugned Contract and submission of report to CTEO before Intensive Examination is carried out by Technical Examiner
 - iv) Replies to IE reports/rejoinders
 - v) Investigation Report with the assistance of an Independent Engineer
- b) Ensuring:
 - i) Presence of Engineers responsible for planning, design, tender scrutiny, award of work and construction during interim eramines
 - ii) Presence of representatives of CVO during interim eramination
 - iii) Rectification of Defects in the Project/Supplies
 - iv) Recoveries from the Contractors for the over-payments
 - v) Implementation of necessary directions issued by the Commission/ CTEO
- c) Carrying out periodical inspection of works with the assistance of the technical staff of CVO in line with CTE's inspection
- d) Pursuing, preparation and issue of Works Manual
- e) Implementation of guidelines/circulars issued by the Commission/CTEO

CHAPTER 7

TIME SCHEDULE

Instances have come to the notice of the Commission regarding abnormal delays in sending replies to the IE Report/ Rejoinders. Sometimes, Vigilance Investigation Reports are also delayed considerably. This may result in officials responsible for the lapses retire/leave the Organization without being penalised. Last minute references to the Commission for advice just before retirement of the concerned officials should be avoided. Decision on recovery from the Contractors / Suppliers are sometime unduly delayed and final bills paid to the contractors without effecting recovery. This should also be avoided.

Following time schedule should be adhered by all concerned-

1. Submission of documents by CVO : 30 days from the date of issue of letter by CTEO.
2. Issue of IE report by CTEO : 30 days from the date of Inspection.
3. First reply by CVO to IE Para : Within 60 days from the date of issue of IE report.
4. Rejoinder to CVO's reply : 30 days from the date of reply.
5. Reply to CTEO's rejoinder by CVO : 45 days from the date of issue of rejoinder.
6. Submission of I.R. by CVO : 3 months from the date of issue of the reference by the Commission.

APPENDIX-I

Central Vigilance Commission

No. 98-VGL-25

Date: 30.07.2012

CIRCULAR NO. 15/7/12

Subject: Revised threshold values for submission of Quarterly Progress Report-QPR.

In supersession of the Commission's earlier OMs on the subject, the threshold limits for reporting of the contracts in the QPRs to the Commission, are revised as under: -

Works / Contracts	Revised Value
-------------------	---------------

Category-I:

- | | |
|---|-----------------------|
| (a) Civil Works | |
| (b) Turnkey Works Contracts | |
| (c) Stores & Purchase | Rs. 5 Crores & above. |
| (d) PPP-Public Private Partnership[Cost/Revenue values] | |
| (e) Sale of Goods / Scrap / Land | |

Category-II:

- | | |
|---|----------------------|
| (f) Electrical/Mechanical works/Maintenance/Service Contracts including Electronics/Instrumentation/ Telecommunication/ Manpower Supply, etc. | Rs.1 Crore & above |
| (g) Medical Equipment | Rs.50 lakhs & above. |
| (h) Consultancy contracts | Rs.1 Crore & Above. |

Category-III:

- | | |
|----------------------------------|----------------------|
| (i) Horticulture Works | Rs.10 lakhs & above. |
| (j) Supply of Medicines Contract | 4 Largest Value |

2. QPRs should be submitted both in softcopy (in MS Excel format) through e-mail at qpr.te.general@nic.in as well as in hardcopy separately for each sub-category mentioned above. For contracts below the threshold value, CVO may conduct CTE type inspections and intimate the outcome to the Commission through their regular monthly/quarterly reports.

3. The revised limits would come into effect from July-September 2012 Quarter onwards.

4. The Commission is in the process of 'On-line' submission of QPRs. The detailed instructions on this would follow. Meanwhile, Organizations are requested to make necessary arrangement for on-line submission of QPRs and also documents (if called for). These facilities may be developed in next two months and confirmed to the Commission.
5. The following explanatory notes are for guidance regarding the QPRs.
 - (i) Civil works also include marine, mining, excavation and transportation works.
 - (ii) Electrical/Mechanical works also include air conditioning, fire fighting, fire alarm and all other allied works.
 - (iii) In case there are no works awarded more than the threshold value mentioned under each sub-category, 2 contracts with highest value in each of such sub-category should be reported. In case no contracts are awarded, "Nil" QPRs may be sent.
 - (iv) In case the orders are placed in foreign currency, the threshold limit would be determined based on conversion of foreign currency with Indian Rupee at the exchange rate defined in the tender documents. However the currency of payments may also be indicated as per the contract.
 - (v) Contracts awarded on Assignment/Nomination/Single Tender/OEM/OES/PAC
 - (*) basis falling in the above category shall also be reported.
 - (*) OEM: Original Equipment Manufacturer
OES: Original Equipment Supplier
PAC: Proprietary Article Certificate.
 - (vi) For furnishing the QPRs related to Sale Contract [Sub-category-1(e)], the QPRs may also to indicate the value as per reserve price besides the sale price.
 - (vii) The Organizations shall report all types of contracts irrespective of their role as Client/Owner or Engineer-in-Charge of the Contract or Project Management Supervision Consultant.
 - (viii) All works whether in India or outside India in progress, contracts awarded and the works completed during the quarter shall be included in the QPRs. In respect of works completed during the relevant quarter, the actual date of completion shall be indicated.
 - (ix) CVO to certify on the QPRs that all the Works/Purchases/ Consultancies and other contracts required to be reported as per circular have been included in the QPRs.

6. In case of any doubt regarding threshold value or the type of contract, the CTE's Organization of the Commission may be consulted.
7. The contents of the circular may be brought to the notice of all concerned.

-Sd-
(Ramesh Chandra)
Chief Technical Examiner
Telephone: 011-24651813
30.7.2012

To: All CVOs of Ministries / Departments / PSUs / Banks / Insurance Companies / Autonomous Organizations / Societies/UTs.

APPENDIX-II

Statement showing the Quarterly Progress of Original Works for Quarters ending March/ June/ September/December

S. No.	Name of work and location	Estimated Cost	Tendered cost	% above / below SOR	Agmt. No.	Agency	Date of start	Time of Comp.	Physical Progress	Name of E-in-C with address	Remarks
1.											
2.											

Annexure-I

General Information

	Particulars of Work	
1.1	Name of the work:	
	Agreement No	
	Name of Contractor	
	Estimated Cost	
	Tendered Cost	
	Due date of Start	
	Due Date of Completion	
	Present Progress	
1.2	Departmental Authorities	
	Zone	
	Circle	
	Division	
1.3	Officials In charge of Work	
	Chief Engineer / ED	
	Superintending Engineer / GM	
	Executive Engineer / DGM	
	Asst. Engineer	
	Jr. Engineer	
	Divisional Accountant	
	Complete Postal Address	
	Office Telephone No	
	Fax No.	
	Office Mobile No.	
	E-MAIL ID	

Annexure-II

Technical Information

2.0		Chronology of Events		
	2.1	Sanction and Estimation		
		Ref. & Date of Administrative Approval	:	
		Ref. & Date of Expenditure Sanction		
		(A) Ref. & Date Of Technical Sanction (T.S.)	:	
		(B) Basis Of Preparation Of Estimate For T.S.	:	
	2.2	Tender Process	:	
		Date of Approval of PQ Criteria	:	
		Mode of Tender		
		(A) Open/Limited/Nomination		
		(B) Domestic/ICB		
		Type of Tender	:	
		One Stage/Two Stage		
		In Case of Two Stage Tendering, Details About First Stage of Tender		
		Purpose*		
		Date of Advertisement*		
		Date of Issue of RFP*		
		Date of Receipt of Proposals*		
		Total No. of Proposals Received*		
		Number of Proposals Accepted*		
		Name of Accepted Proposals*		
		Details, In Case of One Stage Two Bid/ Envelop Tendering/ In Case of Two Stage Tendering, Details About Second Stage of Tendering		
		Mode of Tender		
		One Envelop/Two Envelops/Three Envelops		
		C) Details of Bids/Documents in These Envelops		
		Envelop:1		
		Envelop:2		
		Envelop:3		
		Date of Approval of NIT by Competent Authority	:	
		Date of Issue of NIT in Press		
		(A) Date of Appearance of NIT on Website	:	
		Last Date of Sale of Bids	:	
		Dates of Pre Bid Meetings	:	
		Corrigendum to NIT, if Any		
		Date		
		Date of Receipt of Bids & Extensions	:	

	Date & Time of Opening of Different Bids Envelop:1 Envelop:2 Envelop:3		
	Dates of Technical/Eligibility Bid Evaluation Committee (TEC) Meetings**	:	
	Name & Designation of TEC Members**	:	
	Technical/Eligibility Bid Approving Authority & Date of Approval**	:	
	Total No. of Tendereds Declared Technically Qualified/Eligible**	:	
	Name & Designation of TEC Members	:	
	Tender Approving Authority & Date of Final Approval	:	
	Whether Work Awarded to Lowest Tenderer		
	Quoted Amount of Lowest Bidder	:	
	Whether Negotiations Conducted (Yes/No)	:	
	Accepted Amount of Lowest Bidder	:	
	Works Manual Adopted		
2.3	Post Contract	:	
	Event	:	
	Deviation Item No.	:	
	Deviation Item No.	:	
	Extra Item No.1	:	
	Extra Item No.2	:	
	Extra Item No.3		
	Substituted Item No.	:	
	Substituted Item No.	:	
	Last Running Account Bill Paid	:	
	Shifting of Milestone		

*Not applicable in case of one stage two bid system of tendering

**Not applicable for two stage tendering

ANNEXURE-III**DOCUMENTS FOR INSPECTION AT SITE OFFICE**

- 1 (a) Press cutting 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 estimated.
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 or pre-qualifications of tenders.
 - (c) Other tenders.
6. Justification statement and corresponding notings in support of lowest tender's offer 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. including extension of validity.
11. Guarantee for water tightness, termite proofing etc.
12. Standard specifications.
13. Standard schedule of rates.
14. Drawings-Architectural and Structural.
15. All connected Measurement Book, Level Books, Field Books and Lead Charts.

16. All running Account Bills with all connected statements/ vouchers.
17. Statements showing details of check of measurements by superior officers-copies of order laying down such requirements.
18. Materials at site accounts / cement, steel bitumen, paints, water proofing compound, anti-termite chemical etc.
19. Site order Books / Test Records / Log Books.
20. Details of extra / substituted items and of deviated quantities being executed/considered for execution in the work along with Analysis of rates.
21. Hindrance Register.
22. Office, correspondence files and inspection notes, if any, issued by inspecting office.
23. Complaint records, if any.
24. Any other documents relevant to the works.
25. Details of payments in proforma 'A'.
26. Cement consumption statement in proforma 'B'.
27. Steel consumption statement in proforma 'C'.
28. Statement of test material in proforma 'D'.

Performa 'A' Details of Payments

S.L. No (CC Bill Nos) of Bill	CR No (CC Bill Nos), date	Account Payable				Total	Detail of recoveries								Net Amount	
		Work done	Mobilisation Advance	Price Variation paid	Secured Advance		Security Deposit	Income Tax	Work Contract Tax	Labour Cess	Cost of issued Material	Secured Advance	Mobili- sation Principal	Interest on mobili- sation @		

Name

Signature

Proforma 'B'

Cement consumption Statement for last bill Paid (S. No.)

LAST DATE OF MEASUREMENT	THEORETICALLY REQUIRED IN BAGS/MT		ACTUALLY CONSUMED IN BAGS/MT.	RECOVERED/RE- CEIVED AT SITE.	REMARKS
	QUANTITIES OF COCRETE & FACTORS TAKEN	QUANTITIES OF CEMENT			

Name

Signature

Performa ‘C’

DETAILS OF STEEL REINFORCEMENT FOR LAST (S No.) BILL PAID

Reinforcement Steel Diameter in mm	8	10	12	16	20	22	25	28	32	36	40	42
Qty issued By Deptt (MT)												
Qty measured for payment (MT)												
Qty recovered from bill (MT)												

Name

Signature

Note: If structural steel is used, information may be furnished in similar proforma for various sections instead of various diameters.

PROFORMA - D

STATEMENT OF TESTS OF MATERIAL

Sl. No	Description of material	Qty. consumed till date(MT)	Desc. Of test BIS/ agreement provision	Frequency of test of test as per BIS/ agreement	No. of tests		Lab. where test conducted	Lab. Whether lab approved By Govt.	Status of test result. (Pass/ Fail)	If failed, what action taken	Whether testing charge borne by deptt./ agency. (Ref. to agree. Provision)	Recovery proposed for short fall in test/ failed result.
					Required	Conducted						
1	2	3	4	5	6	7	8	9	10	11	12	13

Sd/-
Engineer in Charge

Sd/-
Chief Vigilance Officer

No.
Government of India
Central Vigilance Commission
(CTE's Organization)

Appendix-IV

Satarkata Bhawan,
Block 'A', GPO Complex,
INA, New Delhi-23.

No.

Government of India

Central Vigilance Commission

(CTE's Organization)

Satarkata Bhawan,

Block 'A', GPO Complex,

INA, New Delhi-23.

Name of work :

Agreement No. :

Name of Organization:

Sub: Testing of Samples of Building Materials.

Following samples were collected from site of work on _____ in presence of _____

Code No.	Description of Material	Location	Details of tests to be conducted	Ref. Of I.S. Code / Specifications as per contract agreement
1	2	3	4	5

The above samples have been sealed with the Commission's seal, the three impressions of which are as under.

1.	2.	3.
Sd/-	Sd/-	Sd/-
Name	Name	Name
Engineer-in-charge	Representative of CVO	TE/CVC

Received above samples for delivery and testing to Test House/Laboratory.

Signature of Rep. Of CVO _____

Appendix-VII

First Reply to Paras

S. No.	Para No.	Reply of Technical Authority		CVO's comments
		Reply	Cost Adjustment proposal	

Sd/-
Name and Designation of
Technical Authority

Sd/-
CVO

Appendix-VIII

Reply to Rejoinders

S. No.	Para No.	Rejoinder	Reply of Technical Authority		CVO's comments
			Reply	Cost Adjustment proposal	

Sd/-
Name and Designation of
Technical Authority

Sd/-
CVO

Appendix-X

Assurance Memo

This is to provide reasonable assurance to the Commission:

- (a) That all necessary facts and relevant evidence have been gathered.
- (b) That all facts and supporting evidence have been duly verified.
- (c) That contested evidence, if any, have been conclusively handled with reference to the facts at the disposal of Vigilance.

Chief Vigilance Officer

Appendix-XI

Format of Bio-Data of officer(s) against whom Commission's advice is sought

(To be incorporated in the Vigilance Report of the CVO)

1. Name of the officer :
 2. Designation :
 - (a) At present :
 - (b) At the time of alleged misconduct :
 3. Service to which belongs :
- (Cadre and year of allotment in case of officers of the organised/All India Services)
4. Date of birth :
 5. Date of superannuation :
 6. Level/group of the present post and pay scale :
 7. Date of suspension [if under suspension] :
 8. Disciplinary Rules applicable to the officer :



Office of the Chief Vigilance Officer,
Barachak House,
P.O. Sitampur,
Dist. Burdwan, West Bengal,
PIN – 713359

Office of the Chairman-cum-Managing Director
Sanctoria, P.O. Dishergarh
Dist. Burdwan, West Bengal,
PIN – 713333