



Annual Report 2022



Central Vigilance Commission



Vigilance Awareness Week -2022 function at Vigyan Bhawan , New Delhi -Release of booklets on Ethics and Good Practices, Preventive Vigilance and VIGEYE VANI Newsletter of the Commission by Hon'ble Prime Minister of India on 03.11.2022 .

(Left to Right) :- Shri P K Srivastava, (VC), Shri Rajiv Gauba, Cabinet Secretary, Dr. Jitendra Singh, MoS (PP), Shri Narendra Modi, Prime Minister, Dr. P K Mishra, Pr. Secy. to PM, Shri Suresh N. Patel, (CVC), Shri Arvinda Kumar, (VC).



Winner students of essay writing competition on the theme "Corruption free India for a developed Nation: भ्रष्टाचार मुक्त भारत-

विकसित भारत" of VAW-2022 conducted by Central Board of Secondary Education

Sitting (Left to Right) :- Askhat Pandey, Yashvi Daddha, Anjali Sinha, Siri Konda and Sania Dekari



सत्यमेव जयते

ANNUAL REPORT

01.01.2022 to 31.12.2022



Central Vigilance Commission



ACKNOWLEDGEMENT

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



FOREWORD

The 59th Annual Report of the Central Vigilance Commission is prepared under Section 14 of the CVC Act, 2003 for submission to the President of India. The report highlights the work done by the Central Vigilance Commission during the year ending the 31st of December 2022 in fulfilling its mandate under the CVC Act, 2003.

(Arvinda Kumar)
VIGILANCE COMMISSIONER

(P.K. Srivastava)
CENTRAL VIGILANCE COMMISSIONER

New Delhi
Dated: the 11th May, 2023

CONTENTS

OVERVIEW	1
CHAPTER 1.....	9
INTRODUCTION	9
PRESENT STATUS	10
RELEVANCE OF CENTRAL VIGILANCE COMMISSION.....	10
THE CENTRAL VIGILANCE COMMISSION ACT, 2003	11
MANDATE OF THE CENTRAL VIGILANCE COMMISSION	12
JURISDICTION OF THE CENTRAL VIGILANCE COMMISSION.....	13
PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS (PIDPI) RESOLUTION - 2004	14
ADVISORY ROLE	16
COMPOSITION OF THE CENTRAL VIGILANCE COMMISSION.....	17
SECRETARIAT AND STAFF COMPOSITION.....	18
TECHNICAL WING	18
CHIEF VIGILANCE OFFICERS.....	18
 CHAPTER 2.....	 23
COMMISSION'S ACTIVITIES AND FOCUS AREAS	23
COMPLAINT HANDLING MECHANISM.....	23
PUNITIVE VIGILANCE	24
PREVENTIVE VIGILANCE	25
PARTICIPATIVE VIGILANCE	25
CAPACITY BUILDING AND TRAINING	26
RECEIPT AND DISPOSAL OF VIGILANCE CASES	26
FIRST STAGE ADVICE.....	27
SECOND STAGE ADVICE.....	29
PUNISHMENTS AND PROSECUTION	29
HANDLING OF COMPLAINTS IN THE COMMISSION.....	32
PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS' RESOLUTION (WHISTLE-BLOWER COMPLAINTS).....	35
VIGILANCE CLEARANCE	36
INTERNATIONAL COOPERATION	36
IT INITIATIVES	38
RIGHT TO INFORMATION ACT, 2005	41
PROGRESSIVE USE OF HINDI	42
 CHAPTER 3.....	 45
SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION.....	45
VIGILANCE ADMINISTRATION IN ORGANISATIONS	45



APPOINTMENT OF CHIEF VIGILANCE OFFICERS (CVOs)	46
PERFORMANCE OF CHIEF VIGILANCE OFFICERS	47
SANCTION FOR PROSECUTION	52
ANNUAL SECTORAL REVIEW MEETINGS AND OTHER MEETINGS HELD BY THE COMMISSION TO REVIEW THE PENDENCY	53
GUIDELINES / INSTRUCTIONS ISSUED BY THE COMMISSION DURING 2022	57
MANAGEMENT AUDIT OF VIGILANCE UNIT (MAVU)	60
 CHAPTER 4	 63
NON-COMPLIANCE OF COMMISSION'S ADVICE AND OTHER AREAS OF CONCERN	63
<i>CASES OF NON-COMPLIANCE AND NON-CONSULTATION</i>	<i>63</i>
<i>OTHER AREAS OF CONCERN</i>	<i>83</i>
 CHAPTER 5	 87
CHIEF TECHNICAL EXAMINERS' ORGANISATION	87
<i>BACKGROUND</i>	<i>87</i>
<i>INTENSIVE EXAMINATION OF PROCUREMENT CASES</i>	<i>88</i>
<i>CTE TYPE INTENSIVE EXAMINATION BY CVOs</i>	<i>90</i>
<i>EXAMINATION OF VIGILANCE CASES</i>	<i>91</i>
<i>IMPORTANT INITIATIVES TAKEN BY THE CTEO</i>	<i>91</i>
 CHAPTER 6	 95
SUPERINTENDENCE OVER CENTRAL BUREAU OF INVESTIGATION	95
<i>INTRODUCTION</i>	<i>95</i>
<i>SUPERINTENDENCE OF CVC OVER CBI</i>	<i>96</i>
<i>CBI'S ACTIVITIES</i>	<i>98</i>
<i>PREVIOUS SANCTION FOR PROSECUTION AGAINST CENTRAL GOVERNMENT EMPLOYEES</i>	<i>102</i>
<i>PENDING CASES AGAINST OFFICERS / OFFICIALS OF CBI</i>	<i>107</i>
<i>MANPOWER</i>	<i>108</i>
<i>MONTHLY REVIEW MEETINGS WITH DIRECTOR CBI AND REVIEW OF SPECIFIC CASES</i>	<i>108</i>
<i>APPOINTMENT FOR CERTAIN POSTS IN CBI</i>	<i>109</i>
 CHAPTER 7	 111
PREVENTIVE VIGILANCE AND SYSTEMIC IMPROVEMENTS	111
<i>BACKGROUND</i>	<i>111</i>
<i>COMMISSION'S INITIATIVES IN AREA OF PREVENTIVE VIGILANCE</i>	<i>112</i>
<i>SYSTEMIC IMPROVEMENTS SUGGESTED BY THE COMMISSION</i>	<i>117</i>
<i>SYSTEMIC IMPROVEMENTS IMPLEMENTED BY THE ORGANIZATIONS</i>	<i>124</i>



CHAPTER 8	139
PARTICIPATIVE VIGILANCE - VIGILANCE AWARENESS WEEK	139
<i>BACKGROUND</i>	<i>139</i>
<i>VIGILANCE AWARENESS WEEK 2022</i>	<i>139</i>
<i>MESSAGES FROM DIGINITARIES</i>	<i>140</i>
<i>PREVENTIVE VIGILANCE CAMPAIGN</i>	<i>142</i>
<i>OUTCOME OF 3 MONTHS' CAMPAIGN</i>	<i>144</i>
<i>FUNCTION AT VIGYAN BHAWAN TO OBSERVE VIGILANCE AWARENESS WEEK</i>	<i>146</i>
<i>ACTIVITIES IN THE COMMISSION</i>	<i>148</i>
 CHAPTER 9	 151
KNOWLEDGE MANAGEMENT AND CAPACITY BUILDING	151
<i>BACKGROUND</i>	<i>151</i>
<i>DOMESTIC TRAINING PROGRAMS FOR VIGILANCE FUNCTIONARIES</i>	<i>152</i>
 <i>APPENDIX</i>	 160
APPENDIX-I	161
APPENDIX-II	162
APPENDIX III-A (i)	169
APPENDIX III-A (ii)	172
APPENDIX III-A (iii)	174
APPENDIX - III B	176
APPENDIX III C	178
APPENDIX III D	180
APPENDIX III E	182
APPENDIX III F	184
APPENDIX IV	187
APPENDIX-V	191
APPENDIX-VI	195
APPENDIX-VII	207
APPENDIX-VIII	210



Prize given by Hon'ble Prime Minister to winner student, Siri Konda on 03.11.2022 of essay writing competition during VAW-2022



VAW-2022 activities by students at various schools in different parts of the country

ANNUAL REPORT 2022

AN OVERVIEW

- The Central Vigilance Commission being the apex agency oversees and supervises the vigilance administration of the organizations owned or controlled by Union of India and covered under the advisory jurisdiction of the Commission. As an institution, Central Vigilance Commission has evolved in the last 58 years, since it was first set up through a Resolution of the Government of India in the year 1964. Subsequently, the Central Vigilance Commission was accorded statutory status by enactment of Central Vigilance Commission Act, 2003.

(Para 1.5)

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

(Para 1.7 & 1.8)

- The Central Vigilance Commission, in order to tackle the menace of corruption and to make the system of administration transparent, objective and accountable, has adopted a multi-pronged strategy. This includes measures for punitive vigilance, preventive vigilance and participative vigilance. These strategies complement each other in the overall framework of vigilance administration in combating corruption.

(Para 2.1)

- The Commission holds the view that time-bound action, resulting in effective punitive action against those found guilty of misconduct, would act as a deterrent to others and would dissuade them from committing any intentional misconduct. The Commission is also of the view that completion of investigations and disciplinary proceedings in a timely manner is in the

interest of the organisation and the employee. Therefore, giving due priority to timely action in disciplinary matters, appropriate guidelines have been issued to adhere to the prescribed time limit in all disciplinary cases.

(Para 2.7)

- The Commission received 2,228 cases (including 517 cases carried forward from 2021) and tendered its advice in 1,674 cases in 2022. Cases disposed by the Commission include advice tendered as first stage advice and second stage advice as well as sanction for prosecution. Requests for reconsideration of the Commission's advice are also included in this data.

(Para 2.14)

- As per Public Interest Disclosure and Protection of Informers' Resolution dated 21st April, 2004, the Central Vigilance Commission is the designated agency to receive and act on complaints received under PIDPI Resolution.

(Para 2.34)

- One of the important functions performed by the Commission is providing vigilance clearances for persons recommended for appointment to Board Level posts in the Central Public Sector Undertakings / Public Sector Banks etc. During the year 2022, vigilance clearances were processed and issued by the Commission for the Board Level appointments in 691 cases. Such vigilance clearance is also provided by the Commission in respect of officials of the All India Services and other Services for empanelment to the posts of Joint Secretary and above in the Central Government and for appointments to certain Statutory Posts under the Central Government. During the year 2022, vigilance clearances were accorded in 1,913 such cases.

(Para 2.39)

- The Commission participated in the 12th International Association of Anti-Corruption Authorities (IAACA) General Meeting held on 8th December, 2022. The meeting was held in virtual mode. Besides, Senior civil servants of the Republic of Maldives visited the Commission under 12th, 13th & 14th Batch of Capacity Building Program in the Field of Administration.

(Para 2.42)

- The Chief Vigilance Officers assist the Heads of the Department / Organisation in all vigilance matters. Presently, there are total 191 posts of full-time CVOs in various organisations including Central Public Sector Undertakings, Public Sector Banks and other organisations under Central Ministries / Departments. Appointment to 152 such posts is made by DOPT after obtaining clearance from the CVC.

(Para 3.7)

- During the year 2022, the Commission approved the names of 158 officers for empanelment for consideration as full-time CVOs. The Commission also approved names of 12 officers for appointment as full time CVOs in specific organisations. The names of 113 officers were also approved for appointment as part-time CVOs in various Ministries / Departments / Autonomous Bodies. The Commission has advised organisations concerned to fill up remaining vacant posts of CVOs promptly.

(Para 3.8)

- The Commission receives online complaints on its portal, as well as through post. These are scrutinised, and appropriate decisions are taken in the light of the complaint handling policy of the Commission. At the close of the year 2022, the Commission had sent 11,139 complaints to CVOs for necessary action and out of these 10,055 complaints were disposed off by the CVOs.

(Para 3.13)

- On completion of investigation, if the investigating agency comes to a conclusion that sufficient evidence is available for initiating a criminal proceeding, they shall forward the report to the CVC, if previous sanction is required under the Prevention of Corruption Act, 1988, to be issued in the name of the President. A copy of the report is to be sent to the authority competent to sanction the prosecution, through the CVO concerned. The CVO plays an important role in processing the matter and expediting decision of the competent authority on such reference. Total 924 cases for sanction for prosecution were handled by the CVOs in the year 2022, out of which sanctions were accorded in 453 cases and declined in 196 cases by competent authorities.

(Para 3.22)

- The Chief Technical Examiners' Organisation (CTEO) was established in the year 1957 under the Ministry of Works, Housing and Supply. The Santhanam Committee on prevention of corruption, while appreciating the contribution of CTEO, recommended for strengthening it so as to make it more effective. It also recommended enlarging the jurisdiction of CTEO to cover construction works undertaken by other Ministries / Departments and to place it under administrative control of the Central Vigilance Commission. On acceptance of these recommendations by the Government, CTEO was placed under the administrative control of the Commission in the year 1964.

(Para 5.1 & 5.2)

- Cases of irregularities, with perceived vigilance angle, are referred to the CVOs for detailed vigilance investigation and for fixing of responsibility. 12 such cases were referred to the CVOs during the year. The action taken on the observations in the intensive examination report resulted in a large number of systemic improvements, besides punitive action against erring officials. Recovery of Rs. 113.91 crore was also effected by the organisations concerned from the contractors / suppliers / service providers based on the observations in intensive examination report.

(Para 5.10)

- As a measure of streamlining the procurement policy guidelines, the Commission and Department of Expenditure (DoE) jointly worked on bringing a single authoritative source of reference for procurement related guidelines; as such, it was decided to subsume all earlier public procurement related guidelines issued by the Commission in the Manuals on Procurement of Goods, Works and Consultancy & other Services issued by DoE, Ministry of Finance. Accordingly, the updated version of these Manuals was released on 1st July, 2022.

(Para 5.15)

- During the year 2022, 946 Regular Cases / Preliminary Enquiries (RCs – 829, PEs – 117) were registered. 163 Traps were laid for detection of bribery cases during the year 2022 and 46 cases for possession of Disproportionate Assets were registered during the year. Out of 946 cases, 107 cases were taken up on



the orders of the Constitutional Courts, while 30 cases were initiated on references received from State Governments / Union Territories.

(Para 6.10)

- The Commission holds a review meeting with Director, CBI every month wherein progress and pendency of cases registered under PC Act, 1988 (under investigation and under trial) are reviewed. Sanction for prosecution requests pending under PC Act, 1988, for decision by the competent authorities are also reviewed.

(Para 6.27)

- The main aim of preventive vigilance is to put in place a system of governance, by which the scope of indulging in inappropriate activities is eliminated, or reduced to the minimum extent possible. Effective Preventive Vigilance measures include identification and plugging vulnerable areas through systemic improvements and structural remedies. These measures fulfill the dual objective of pre-empting corrupt practices and misconducts as well as further enhance organizational efficiency. Standardization, automation, leveraging technology, reducing discretion and human interface, simplification of rules and procedures, transparency, accountability, training and awareness are important tools of preventive vigilance.

(Para 7.1)

- The Central Vigilance Commission has been emphasising preventive vigilance measures to tackle areas susceptible to corruption, which has led to various successful initiatives undertaken by Govt. organizations including Ministries/Departments, Central Public Sector Enterprises (CPSEs) and Public Sector Banks (PSBs) to enhance good governance. The Commission has proactively taken forward the agenda of preventive vigilance.

(Para 7.7)

- The Central Vigilance Commission firmly believes that the solution to combat corruption lies not only in making laws / rules but also in inculcating ethical values among all the stakeholders in the society. One of the means to achieve



the above objective is through outreach initiatives that encourage participation of all the citizens of the country in the fight against Corruption.

(Para 8.1)

- In the year 2022, Vigilance Awareness Week (VAW) was observed from 31.10.2022 to 06.11.2022. The theme of this year's VAW was "Corruption Free India for a Developed Nation: अष्टाचार मुक्त भारत-विकसित भारत". This year's VAW assumed greater importance as the country also celebrated 75 years of its independence.

(Para 8.3)

- As part of Vigilance Awareness Week, the Central Vigilance Commission organised a function on 3rd of November, 2022 at Vigyan Bhawan, New Delhi. The Hon'ble Prime Minister of India, Shri Narendra Modi was the Chief Guest at the function held in Vigyan Bhawan. Dr. Jitendra Singh, Hon'ble Minister of State (Prime Minister's Office and Minister of State for Personnel, Public Grievances and Pensions) was the Guest of Honour. The function was attended by senior serving and retired heads of various constitutional and statutory bodies, senior officers of various ministries, departments and other central government organisations, central public sector enterprises, teachers of educational institutions and selected students.

(Paras 8.15 & 8.16)

- In order to bridge the competency gap, opportunities for training are made available to officers posted in the Central Vigilance Commission and vigilance units of the organisations concerned, at domestic and international level. Induction training is being imparted to newly appointed CVOs to equip them to discharge their functions efficiently. Besides induction trainings, short-term thematic trainings, workshops and refresher courses are also being organised to further enhance professional competency among CVOs and officers posted in the vigilance units.

(Para 9.2)



Sitting (Left to Right) :- Shri P K Srivastava, (VC), Shri Rajiv Gauba, Cabinet Secretary, Dr. Jitendra Singh, MoS (PP), Shri Narendra Modi, Prime Minister, Dr. P K Mishra, Pr. Secy. to PM, Shri Suresh N. Patel, (CVC), Shri Arvinda Kumar, (VC).

Standing (Left to Right) :- Shri Shailendra Singh, (CTE), Smt. Arti C Srivastava, (AS), Shri P Daniel, Secretary, Dr. Praveen Kumari Singh, (AS), Shri Ajay Kumar Kanoujia, (AS), Shri Ashok Kumar, (CTE).



Visit of Maldives Delegation under International Cooperation at Central Vigilance Commission on 14.06.2022



Oath taking ceremony of Shri P K Srivastava, VC and Shri Arvinda Kumar, VC at Central Vigilance Commission, Satarkata Bhawan, New Delhi on 03.08.2022



Group Photo of Commission and its officials on the occasion of 59th Foundation Day



Celebration of 59th Foundation Day of the Commission at Satarkata Bhawan on 11.02.2022

CHAPTER 1

INTRODUCTION

- 1.1 During a debate in Parliament in June 1962, many Members of Parliament expressed concern at the growing menace of corruption in administration. In pursuance of the reply to the debate given by Shri Lal Bahadur Shastri, the then Hon'ble Minister for Home Affairs, a committee was set-up to review the existing instruments for checking corruption in central government organisations and to advise practical steps that should be taken to make anti-corruption measures more effective. The committee came to be known as the 'Santhanam Committee', as it was formed under the Chairmanship of Shri K. Santhanam, Member of Parliament.

The Committee observed that major causes of corruption were: -

- (i) Administrative delays;
- (ii) Governments taking upon themselves more than what they can manage by way of regulatory functions;
- (iii) Scope for personal discretion in the exercise of powers vested in different categories of govt. servants; and
- (iv) Cumbersome procedures of dealing with various matters which are of importance to citizens in their day to day affairs.

- 1.2 While recognizing the limitations of the existing vigilance arrangements to deal with corrupt activities by public servants and the conspicuous absence of a dynamic integration between the vigilance units in the various Ministries and the Administrative Vigilance Division, the Committee observed that "At present, there is no organic relation between the Administrative Vigilance Division and the Vigilance Officers of the various departments. We understand that in some of the departments the Vigilance Officers are taking a keen interest in their work while in others they do not take their responsibilities in this matter seriously. It is also essential to evolve or apply common standard in matters relating to prosecution, departmental action, and the award of punishment. The Committee feels that the time has come to put the entire Vigilance Organisation on a proper and adequate

basis without in any way undermining the general principle that the Secretaries and Heads of Departments are primarily responsible for the purity, integrity, and efficiency of their departments”.

- 1.3 Thus, the Central Vigilance Commission (CVC) came into existence in 1964, as an apex body, through the Government of India Resolution of 11.02.1964. The establishment of the Commission was considered essential for evolving and applying common standards in deciding cases involving lack of probity and integrity in public life.

PRESENT STATUS

- 1.4 In the wake of the directions of the Hon'ble Supreme Court in 1997, in the Writ Petition filed in public interest by Shri Vineet Narain and others in the Hawala Case, the Government promulgated an Ordinance in 1998. The Ordinance of 1998 conferred statutory status on the CVC and the powers to exercise superintendence over the functioning of the Delhi Special Police Establishment and to review the progress of the investigations pertaining to the alleged offences under the Prevention of Corruption Act, 1988, being carried out by them. The Bill introduced in the Lok Sabha in 1998 to replace the Ordinance could not be passed. The Bill was re-introduced in 1999 and was referred to the Joint Committee of both the Houses of Parliament. Pending passage of the CVC Bill, the Commission discharged its functions under the GOI Resolution dated April 4, 1999. After the Bill was passed by both the Houses of Parliament and with the assent of the President, the CVC Act, 2003 has come into force with effect from 11.09.2003.

RELEVANCE OF CENTRAL VIGILANCE COMMISSION

- 1.5 The Central Vigilance Commission being the apex agency oversees and supervises the vigilance administration of the organisations owned or controlled by Union of India and covered under the advisory jurisdiction of the Commission. As an institution, Central Vigilance Commission has evolved in the last 58 years since it was first set up through a Resolution of the Government of India in the year 1964. With its rich experience in formulating and implementing policies relating to overseeing Vigilance Administration, the Commission's emphasis is on putting in place an

effective mechanism to fight corruption and bring about fair play and transparency.

- 1.6 Efficient Vigilance Administration, with its aim of transparent, ethical, objective, accountable and responsive system of governance would ensure effective anti-corruption and preventive measures, thereby eliminating the possibility of indulging in corrupt and unfair practices by government servants.
- 1.7 As a result of increased awareness among the citizens who are users of public services, the Central Vigilance Commission has come under greater focus as an agency, which can contribute significantly to eradicating corruption and bringing about transparency and objectivity in the conduct of public servants. The Commission, fully aware of the hope and expectations from it as an apex agency responsible for eradicating corruption from public life, is exercising its mandate under the Central Vigilance Commission Act, 2003 (CVC Act, 2003), to achieve the aim of making the system efficient, transparent, and accountable.

THE CENTRAL VIGILANCE COMMISSION ACT, 2003

- 1.8 The Central Vigilance Commission Act, 2003 (45 of 2003) came into force with effect from 11.09.2003. Some of the salient features of the CVC Act, 2003 are: -
- ❖ The Commission consists of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);
 - ❖ It shall exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI);
 - ❖ The Central Vigilance Commissioner (CVC) is the Chairperson of the Committee, on whose recommendations, the Central Government shall appoint officers to the posts of the level of Superintendent of Police and above, except Director in CBI;
 - ❖ The Central Vigilance Commissioner (CVC) is the Chairperson of the Committee, on whose recommendations, the Central Government shall appoint officers to the posts above the level of Deputy Director in the Directorate of Enforcement;
 - ❖ The Commission shall exercise superintendence over the vigilance administrations



of the Ministries, Departments, Corporations and other organisations of the Central Government; and

- ❖ The Commission shall have all the powers of a Civil Court, while conducting an inquiry.

1.9 The Lokpal and Lokayuktas Act, 2013 has amended some provisions of the CVC Act, 2003, which empowers the Commission to conduct preliminary inquiry into complaints referred by the Lokpal in respect of officers and officials of Groups A, B, C & D.

MANDATE OF THE CENTRAL VIGILANCE COMMISSION

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

- ❖ Exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI) insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988; or offences under the Code of Criminal Procedure, 1973 for certain categories of public servants - Section 8(1)(a);
- ❖ Give directions to the Delhi Special Police Establishment (CBI) for superintendence insofar as it relates to the investigation of offences under the Prevention of Corruption Act, 1988 - Section 8(1)(b);
- ❖ Inquire or cause an inquiry or investigation to be made on a reference by the Central Government - Section 8(1)(c);
- ❖ Inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the CVC Act, 2003 - Section 8(1)(d);
- ❖ Review the progress of investigations conducted by the Delhi Special Police Establishment (CBI) into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence under the Code of Criminal Procedure - Section 8(1)(e);
- ❖ Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988 - Section 8(1)(f);

- ❖ Tender advice to the Central Government and its organisations on such matters as may be referred to it by them - Section 8(1)(g);
- ❖ Exercise superintendence over the vigilance administrations of the various Central Government Ministries, Departments and Organisations of the Central Government – Section 8(1)(h);
- ❖ Call for the report of inquiry undertaken by any agency on a reference made by the Commission and to tender advice as to the further course of action- Section 17;
- ❖ Conduct preliminary inquiry into the complaints referred by Lokpal in respect of Gr. A, B, C & D officials for which a Directorate of Inquiry for making preliminary inquiry is to be set up in the Commission.
- ❖ To undertake or cause an inquiry into complaints received under the Public Interest Disclosure and Protection of Informers' (PIDPI) Resolution and recommend appropriate action thereof.

JURISDICTION OF THE CENTRAL VIGILANCE COMMISSION

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

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



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

- 1.12 As per Section 25 of CVC Act, 2003, a Committee is set up to recommend appointment of officers to the posts of the level of Deputy Director and above in the Directorate of Enforcement, would consist of the following: -

❖	Central Vigilance Commissioner	:	Chairperson
❖	Vigilance Commissioners	:	Members
❖	Home Secretary to the Government of India	:	Member
❖	Secretary, DoPT to the Government of India	:	Member
❖	Revenue Secretary to the Government of India	:	Member

Further, as per Section 26 of CVC Act, 2003, a Selection Committee is set up to recommend appointment of officers to the posts of the level of SP and above in the CBI (except Director, CBI), would consist of the following: -

❖	Central Vigilance Commissioner	:	Chairperson
❖	Vigilance Commissioners	:	Members
❖	Home Secretary to the Government of India	:	Member
❖	Secretary, DoPT to the Government of India	:	Member

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

- 1.13 In Writ Petition (Civil) No. 539/2003, the Hon'ble Supreme Court directed that a suitable machinery be put in place for acting on complaints from whistle-blowers, till a law is enacted. Pursuant to that, the Government of India, vide Gazette Notification No. 371/12/2002-AVD- III dated 21.04.2004 read with corrigendum dated 29.04.2004 notified the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004 which authorised CVC as designated agency to act on complaints from whistle-blowers. The PIDPI Resolution has the following main provisions:

- (i) CVC is authorised as the designated agency to receive written complaints or disclosure on any allegation of corruption or of misuse of office by any

employee of the Central Government or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government;

- (ii) The designated agency may, if it deems fit, call for further information or particulars from the persons making the disclosure. If the complaint is anonymous, the designated agency shall not take any action in the matter;
- (iii) Any public servant, except those referred in clauses (a) to (d) of Article 33 of Constitution or any other person including any non-governmental organisation, may make a written disclosure to the designated agency;
- (iv) The identity of the complainant shall not be revealed unless the complainant himself has disclosed his identity;
- (v) The Head of the Department / Organisation to keep the identity of informant secret if he comes to know about it;
- (vi) The designated agency may call for the comments / explanation of the Head of Department / Organisation on the disclosure made;
- (vii) The designated agency may seek the assistance of CBI or the police authorities to complete the investigation pursuant to the complaint received;
- (viii) The designated agency, on finding the allegation of misuse of office or corruption substantive, shall recommend appropriate action to the concerned Department or Organisation;
- (ix) If the informant feels he is being victimised, he may make an application before the designated agency seeking redress in the matter. If on an application or on the basis of information gathered, the designated agency is of the opinion that the complainant or the witness need protection, it shall issue appropriate directions to the concerned Government authorities; and
- (x) In the event of the identity of the informant being disclosed in spite of the designated agency's directions to the contrary, the designated agency is authorised to initiate appropriate action as per extant regulations against the person or agency making such disclosure.

1.14 Pursuant to the notification of PIDPI Resolution, 2004, the CVC issued guidelines and Public Notice on the procedure to be followed for filing whistle-blower complaints under the PIDPI Resolution, 2004.

- 1.15 Department of Personnel & Training later vide Notification No.371/4/2013-AVD.III dated 14.08.2013 partially amended the PIDPI Resolution, 2004. The amendment, inter alia, authorises the Chief Vigilance Officer of the Ministries / Departments of Government of India to act as designated authority to receive written complaint or disclosure on any allegation of corruption or misuse of office by any employee of that Ministry or Department or of any corporation established by or under any Central Act, Government companies, societies or local authorities owned or controlled by the Central Government and falling under the jurisdiction of that Ministry or Department. The amendment also authorises CVC to supervise and monitor the complaints received by the designated authorities.

ADVISORY ROLE

- 1.16 The advisory role of CVC extends to matters as may be referred to it by Ministries / Departments of Central Government, corporations established by or under any Central Act, Government Companies, Societies, and local authorities on or controlled by the Central Government. [Section 8 (1) (g) of CVC Act, 2003]
- 1.17 The report of the inquiry undertaken by any agency on a reference made by CVC shall be forwarded to it and on receipt such report and after taking into consideration any other factor, CVC shall advise the Ministry / Department of Central Government or a corporation established by or under any Central Act, Government Companies, Societies, and local authorities on or controlled by the Central Government, regarding further course of action. The authority concerned shall consider the advice of CVC and take appropriate action. [Section 17 of CVC Act, 2003].
- 1.18 The references received from the authorities concerned for seeking CVC's advice are examined and depending upon the facts of each case and the evidence available, CVC advises (a) initiation of criminal proceedings; (b) regular departmental action; (c) administrative action; or (d) the closure of the case. The regular departmental action could be for a penalty as specified in the service rules of the organisation concerned.
- 1.19 In disciplinary cases involving Group 'A' officers of the Central Government, members of All India Services and such categories of officers where an

original order is to be issued by the President, imposing any of the penalties, wherein the Union Public Service Commission (UPSC) is required to be consulted as per extant rules, the Central Vigilance Commission need not be consulted for second stage advice on conclusion of the disciplinary proceedings.

- 1.20 In respect of those officers, against whom Commission has tendered First Stage Advice (FSA), it is not required to be consulted for Second Stage Advice in case the Disciplinary Authority (DA), on conclusion of disciplinary proceedings, proposes to impose a penalty which is in line with the Commission's First Stage Advice. Such cases would be dealt at the level of the CVO and Disciplinary Authority (DA) concerned in the organisation. However, in all such cases, the CVO is required to forward an action taken report along with a copy of final order issued by DA, for Commission's record. All such cases where the Disciplinary Authority proposes to take any action which is at variance with the Commission's First Stage Advice would necessarily have to be referred to the Commission for obtaining its Second Stage Advice.

COMPOSITION OF THE CENTRAL VIGILANCE COMMISSION

- 1.21 The Commission consists of Central Vigilance Commissioner (CVC) as Chairperson and two Vigilance Commissioners (VCs) as Members. The appointment of the CVC as well as that of the VCs is made by the Hon'ble President of India, in accordance with the provisions under Section 4 of the CVC Act, 2003, on the recommendations of a Committee consisting of (a) the Prime Minister; (b) the Minister of Home Affairs; and (c) the Leader of the Opposition in the Lok Sabha. When no such Leader has been so recognized, the Leader of the single largest group in opposition of the Government in the House of the People, shall be a member of the Committee.
- 1.22 The Central Vigilance Commissioner and Vigilance Commissioners hold office for a term of four years from the date on which they enter office or till attaining the age of sixty-five years, whichever is earlier.
- 1.23 Shri P K Srivastava and Shri Arvinda Kumar took over as Vigilance Commissioners on 3rd August 2022. Shri Suresh N Patel, demitted office as



Central Vigilance Commissioner on 24th December 2022. Shri P K Srivastava has been authorised to act as the Central Vigilance Commissioner with effect from 25.12.2022, until the appointment of the Central Vigilance Commissioner.

SECRETARIAT AND STAFF COMPOSITION

- 1.24 As per Section 3(4) of the CVC Act, 2003 the Central Vigilance Commission is to be assisted by a Secretary, who is appointed by the Central Government. In addition to the Secretary, the Commission is assisted by four Additional Secretaries (officers of the rank of Joint Secretary to the Government of India) and other staff which include thirty-one officers in the rank of Director / Deputy Secretary / Officers on Special Duty (Deputy Secretary level) and eight officers in the rank of Under Secretary.
- 1.25 The category-wise staff-strength of the Commission as on *31.12.2022* and related information is given in Appendix- I.

TECHNICAL WING

- 1.26 The Technical Wing of the Commission, known as 'Chief Technical Examiners' Organisation (CTEO), assists in formulating its views involving different technical aspects. They also undertake intensive examination of major procurement cases of the Central Government organisations. The wing comprises of two Chief Technical Examiners (of the rank of Chief Engineer), who, in turn, are assisted by eight Technical Examiners (of the rank of Executive Engineer), six Assistant Technical Examiners (of the rank of Assistant Engineer) and other subordinate staff.
- 1.27 The CTEO of the CVC is engaged in the examination of civil, electrical and horticulture works being executed by Ministries / Departments of Government of India, Central Public Sector Undertakings, Public Sector Banks and Public Sector Financial Institutions and other organisations owned or controlled by Central Government.

CHIEF VIGILANCE OFFICERS

- 1.28 Each department / organisation, to which the advisory jurisdiction of the CVC extends, has a vigilance unit headed by a Chief Vigilance Officer (CVO).

The CVO has the responsibility to act as an advisor to the head of the organisation concerned and to advise him to ensure effective vigilance administration in the organisation.

- 1.29 The CVOs act as the extended arms of the CVC and for all practical purposes represent the CVC in respect of vigilance matters. The CVO serves as a vital link between the Department / Organisation and the CVC. It is his responsibility to advise the organisation to establish effective preventive systems and procedures and periodically monitor their compliance, to minimise scope for malpractices.
- 1.30 On the punitive side, the CVOs are required to ensure speedy processing of vigilance and disciplinary cases. The CVC calls for Quarterly Performance Report, which is an integral part of the reporting by CVO on the vigilance functions in the organisation. The CVC also conducts periodic meetings to review the vigilance related performance of the organisations and to bring the organisations on board in addressing vigilance concerns and devising common strategies to promote transparency, probity, efficiency, accountability, objectivity, equity, and competitiveness in functioning of the respective organisations.
- 1.31 The CVC also discusses important issues with the CVOs and obtains from each CVO an action plan for effective implementation of vigilance related strategies. It also attaches considerable importance to training of CVOs and other vigilance personnel and has come to an understanding with the CBI Training Academy, Ghaziabad, for imparting training to the CVOs and their vigilance functionaries. The CTEs have also conducted workshops for the CVOs and other senior officers to help them examine work / purchase contracts from the vigilance point of view and for checking whether the measures provided to ensure transparency in such contracts have been complied with.



Farewell of outgoing Central Vigilance Commissioner Shri S.N. Patel on 23.12.2022



Commission's interaction with Vigilance Commissioner, Gujarat on 14.03.2022



Training on Public Procurement Manual for CVOs on 1st - 2nd December, 2022



**VAW function at Vigyan Bhawan at New Delhi on 03.11.2022 presided over by
Hon'ble Prime Minister of India**



**Visit of Maldives Delegation under International Cooperation
at Central Vigilance Commission on 03.06.2022**



**Visit of Maldives Delegation under International Cooperation at
Central Vigilance Commission on 29.07.2022**



Essay competition on the occasion of Hindi Week at Satarkata Bhawan
New Delhi on 14.09.2022



Prize winners of competitions of VAW -2022 at Satarkata Bhawan
New Delhi on 7.11.2022

CHAPTER 2

COMMISSION'S ACTIVITIES AND FOCUS AREAS

- 2.1 The Central Vigilance Commission, in order to tackle the menace of corruption and to make the system of administration transparent, objective, and accountable has adopted a multi-pronged strategy. This includes measures for punitive vigilance, preventive vigilance, and participative vigilance. These strategies complement each other in the overall framework of vigilance administration in combating corruption.

COMPLAINT HANDLING MECHANISM

- 2.2 The Commission is of the firm opinion that involvement of all the stake holders and their active participation is essential for elimination of corruption from the society. With a view to ensure common man's effective participation in the fight against corruption, a robust mechanism in the form of Complaint Handling Policy (CHP) has been evolved by the Commission. The CHP allows every citizen to lodge formal and bona-fide complaints in respect of acts of irregularities noticed by them in Central Govt. Departments / PSUs etc. and to take expeditious action on such complaints. CHP is available on the Commission's website¹.
- 2.3 Under the provisions contained in section 8(1) (c) and 8(1) (d) of CVC Act, 2003, the Central Vigilance Commission is mandated to receive complaints and investigate or cause investigation into such complaints. The Central Vigilance Commission, on examination of such complaints on merit, seeks investigation report or action taken on such complaints, from the organisation concerned. The Central Vigilance Commission, as a part of a well-defined complaint handling policy, has specified the time limit for action to be taken on complaints. The same has been done to ensure that the whole process is not only transparent but is also fair to all the stakeholders.

¹<https://www.cvc.gov.in>

- 2.4 A new Complaint Management System (CMS) portal has been developed to process the complaint and to ensure that the complainant is able to know the status of the complaint on real time basis. The functioning of CMS portal has been elaborated in para 2.46 of this chapter.
- 2.5 As already elaborated in Chapter-I of this Annual Report, apart from the general complaints made by any citizen / organisation, the Commission is also authorised to receive and act on complaints from whistle-blowers, under the provisions of Public Interest Disclosure and Protection of Informers (PIDPI) Resolution, 2004. The main difference between a general complaint and a complaint made under the provisions of PIDPI Resolution is that a whistle-blower making complaint under PIDPI Resolution is entitled for confidentiality about his identity unless he himself discloses his identity.
- 2.6 The Commission is also mandated to exercise superintendence over the vigilance administration of organisations covered under its jurisdiction, which includes tendering advice in respect of cases having vigilance angle relating to certain categories of officers, as defined under Section 8 (2) of CVC Act, 2003. The Commission exercises superintendence over vigilance administration by conducting meetings, calling periodical reports and returns. It issues appropriate guidelines on various aspects of vigilance administration, suggests systemic improvements, whenever and wherever required, besides advising punitive action, if deemed necessary. The Commission's endeavor is aimed to have an effective vigilance administration.

PUNITIVE VIGILANCE

- 2.7 The Commission holds the view that time-bound action, resulting in effective punitive action against those found guilty of misconduct, would act as a deterrent to others and would dissuade them from committing any intentional misconduct. The Commission is also of the view that completion of investigations and disciplinary proceedings in a timely manner is in the interest of the organisation and the employee. Therefore,

giving due priority to timely action in disciplinary matters, appropriate guidelines have been issued to adhere to the prescribed time limit in all disciplinary cases.

PREVENTIVE VIGILANCE

- 2.8 The preventive vigilance vertical of Vigilance Administration seeks to achieve corruption free governance proactively, by proposing structural remedies, which would minimize the possibility of corrupt practices. Although potential areas of corruption are specific to organisations / sectors, there are some broad areas common to all organisations, such as procurement, sale of goods and services, allocation of scarce resources, human resource management (recruitment, promotion, transfer and posting), delivery of services important to a common citizen and effective grievance redressal mechanism, etc. which need attention.
- 2.9 The measures advocated by the Commission to ensure an effective preventive vigilance mechanism as a step towards eliminating corruption from society includes simplification / up-dation of rules, leveraging technology as a tool for transparency and objectivity, re-engineering of processes, regular and effective inspections to ensure accountability, rotational transfer of officials, training / capacity building measures and ensuring participation of all stake holders by creating awareness among them.

PARTICIPATIVE VIGILANCE

- 2.10 The Commission's emphasis on Participative Vigilance is very important part of the overall strategy of holistic engagement of all the stakeholders, the culmination of which is the Vigilance Awareness Week, being observed every year. In 2022, Vigilance Awareness Week was observed from 31st October to 6th November, 2022 with a theme "Corruption Free India for a Developed Nation". Large scale participation by government functionaries, civil society organisations, eminent persons from private sector and educational institutions, including many students was ensured to educate about the ill effects of corruption.

- 2.11 Comprehensive details of the activities undertaken by the Commission and other stake holders, as a run up to and during the Vigilance Awareness Week, 2022 are enlisted in Chapter-VIII of this report.

CAPACITY BUILDING AND TRAINING

- 2.12 The Commission is also focusing on developing the capacity of the officers, especially those who work as vigilance functionaries. As part of this endeavour, the Commission conducts Induction Training program for the newly appointed CVOs to empower them to discharge their functions efficiently. The Commission also conducts training in Vigilance Administration for vigilance functionaries other than the CVOs. The Commission also organises nationwide training program for potential Inquiry Officers and Presenting Officers, to build capacity and to ensure conduct and finalisation of inquiry proceedings in timely and professional manner.
- 2.13 Detailed information about activities in the field of capacity building is given in Chapter-IX of this report.

RECEIPT AND DISPOSAL OF VIGILANCE CASES

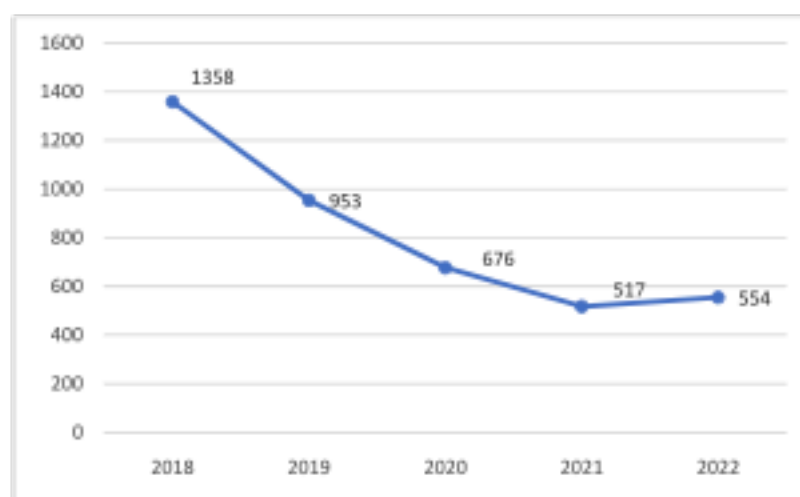
- 2.14 The Commission received 2228 cases (including 517 cases carried forward from 2021) and tendered its advice in 1674 cases in 2022. The Commission vide circular No. 08/12/14 dated 03.12.2014 decided that in cases where the Disciplinary Authority (DA) on conclusion of disciplinary proceedings proposes to impose a penalty which is in line with the Commission's first stage advice, it need not consult the Commission for second stage advice. This has enabled expeditious disposal by administrative authorities. Cases disposed by the Commission include advice tendered as first stage advice and second stage advice as well as sanction for prosecution. Requests for reconsideration of the Commission's advice are also included. Table 2.1 shows the receipt and disposal of cases in the Commission during the year 2022.

Table 2.1: Number of Cases Received and Disposed during 2022

Cases	First Stage Advice	Second Stage Advice	Reconsideration and Miscellaneous	Total
Pending as on 01.01.2022	391	75	51	517
Received	1110	310	291	1711
Total	1501	385	342	2228
Disposed off	1053	325	296	1674
Pending as on 31.12.2022	448	60	46	554

- 2.15 A comparative figure of the cases pending at the end of the year (during the last 5 years) after disposal of cases in the Commission, is given in Chart 2.1 below:

Chart 2.1: No. of cases pending for the disposal at the end of the year (2018-22)



- 2.16 The Commission strives to tender advice within the stipulated time. In some cases, the Commission seeks further clarification for better appreciation of the matter, which is crucial for logical conclusion. The same increases the period of final disposal of some of the cases. The Commission has also been making efforts to ensure that the timelines for submission of cases with full facts is strictly observed by sensitizing the CVOs.

FIRST STAGE ADVICE

- 2.17 The Commission tendered first stage advice in 1,053 cases during 2022 based

on the investigation reports of the CBI and the CVOs concerned. Table 2.2 provides the summary of the nature of First Stage Advice tendered by the Commission.

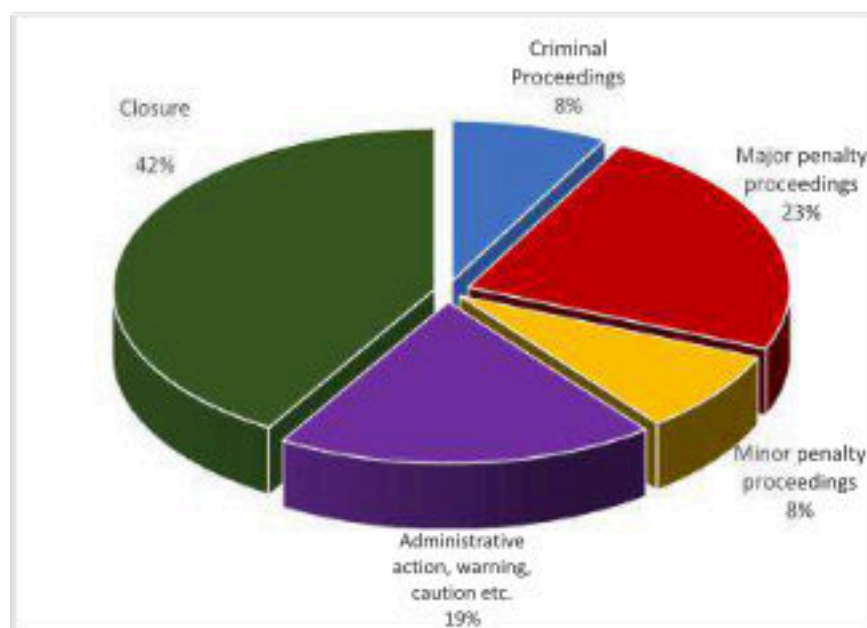
Table 2.2: First Stage Advice during 2022

Nature of advice	On the investigation reports of		Total
	CBI	CVO	
Criminal Proceedings	65	18	83
Major penalty proceedings	8	238	246
Minor penalty proceedings	2	85	87
Administrative action, warning, caution etc.	10	191	201
Closure	46	390	436
Total	131	922	1053

(All figures consist of number of cases in which the Commission tendered first stage advice. Individual cases may involve more than one officer)

2.18 Chart 2.2 provides a summary of various types of First Stage Advice tendered by the Commission in percentage terms.

Chart 2.2: Nature of First Stage Advice during 2022



SECOND STAGE ADVICE

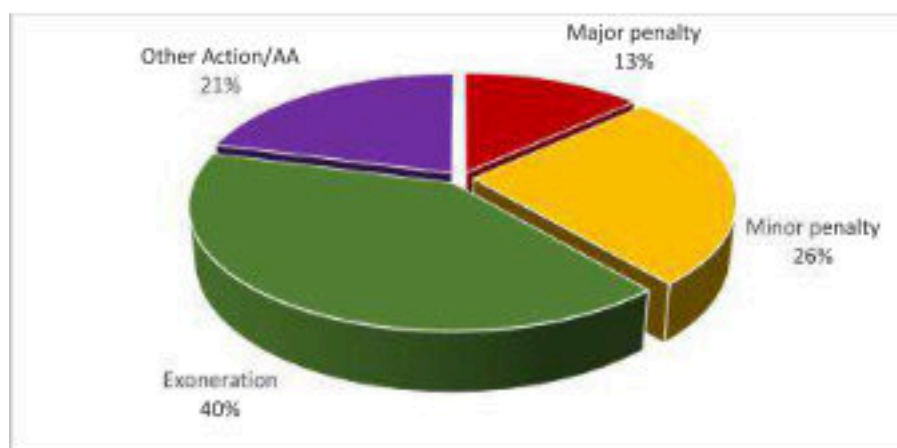
2.19 During the year 2022, the Commission tendered second stage advice in 325 cases. Table 2.3 provides a break-up of the advice tendered by the Commission, on the cases received from various disciplinary authorities at the second stage.

Table 2.3: Second Stage Advice during 2022

Nature of Advice	Cases received for advice
Major penalty	43
Minor penalty	83
Exoneration	131
Administrative action, warning, caution etc.	68
Total	325

2.20 Chart 2.3 provides a summary of various types of second stage advice tendered by the Commission in percentage terms.

Chart 2.3: Nature of Second Stage Advice during 2022



PUNISHMENTS AND PROSECUTION

2.21 In pursuance to the Commission's advice, the competent authorities in various organisations issue sanction for prosecution against public servants

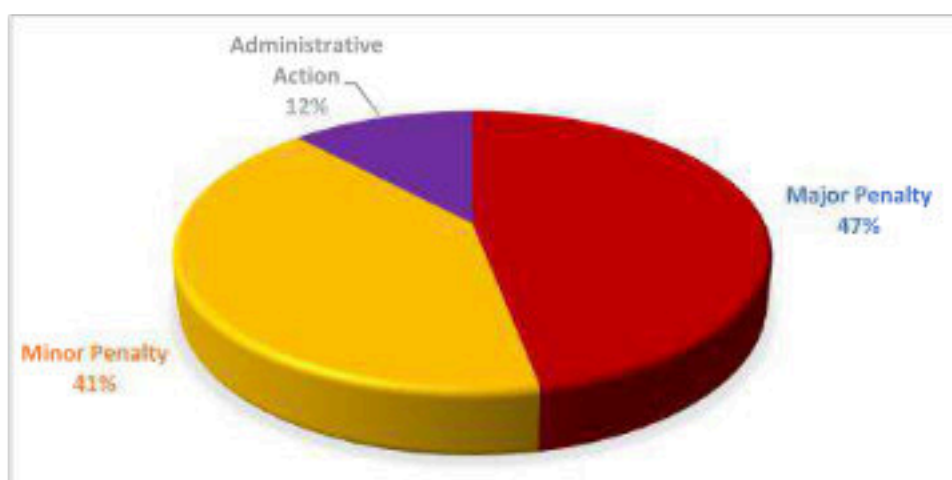
and impose punishments on public servants. Tables 2.4 shows the number of officers against whom prosecutions have been sanctioned and punishments awarded during 2018-2022.

Table 2.4: Prosecutions sanctioned and Punishments awarded to officers (2018 – 2022)

Year	Prosecution Sanctioned	Punishments awarded			
		Major Penalty	Minor Penalty	Administrative Action	Total Punishments awarded
2018	108	1100	695	350	2145
2019	76	778	503	227	1508
2020	233	1408	759	485	2652
2021	248	1355	815	306	2476
2022	220	928	814	245	2207

2.22 Chart 2.4 shows the nature of punishments awarded in percentage terms during 2022.

Chart 2.4: Punishment awarded to officers during 2022



2.23 A few cases of deterrent actions taken against senior officers based on the Commission's advice are as per table 2.5:

Table 2.5

Sanction for Prosecution	<p>One Former CMD / KRCL, M/o Railway</p> <p>One FA & CAO, Ministry of Railway</p> <p>One PCE, Ministry of Railway</p> <p>One CEE(Con) / NEFR, Ministry of Railway</p> <p>One IRS, Central Board of Direct Taxes</p> <p>One CIT, Central Board of Direct Taxes</p> <p>One then Secretary, M/o Coal</p> <p>One then JS, M/o Coal</p> <p>One DG, M/o Health & Family Welfare</p> <p>One CMD, HSCC</p> <p>One IAS(Retd.), M/o Defence</p> <p>Two IPS (2004), M/o Home Affairs</p> <p>Eight IAS, DoPT</p>
Dismissal / Removal from Service	One GGM of CONCOR
Cut in Pension	<p>One then Chairman / RRB / MFP, M/o Railway</p> <p>One CEE, M/o Railway</p> <p>One then CMS, M/o Railway</p> <p>One then FA&CAO, M/o Shipping</p> <p>Four then CITs, CBDT</p> <p>Three Commissioner, CBEC</p> <p>One CE(NZ), DDA</p> <p>One CE(DWK), DDA</p> <p>One CE(E&M), DJB</p> <p>One Member (CLB), M/o Corporate Affairs</p>
Reduction of pay to lower stage	<p>Two CMS, M/o Railway</p> <p>One Then GM, BSNL</p> <p>One (VP), India Tourism Development Corp. Ltd.</p> <p>One CE, India Tourism Development Corp. Ltd.</p> <p>One (EE), Kolkata Port Trust</p> <p>Three GMs, Bharat Earth Movers Limited</p> <p>One CMO, Andaman & Nicobar Administration</p>

- 2.24 An overview of organisation-wise break up indicates that Central Board of Indirect Taxes & Customs has issued sanction for prosecution in 47 cases, Ministry of Railways in 29 cases, State Bank of India (SBI) in 11 cases and the Ministry of Personnel, P.G. & Pensions in 10 cases.
- 2.25 During the year 2022, penalties were imposed including administrative action taken against public servants by State Bank of India (346), Ministry of Railways (142), Central Board of Indirect Taxes and Customs (88), Employees Provident Fund Organisation (85), Indian Oil Corporation Ltd. (79), Union Bank of India (68), Bharat Coking Coal Ltd. (64), being some of the major organisations which took disciplinary action against officials committing misconduct.
- 2.26 Appendix-II provides organisation-wise breakup of the number of cases where sanction for prosecution has been accorded and a penalty has been imposed on the public servant during 2022 in cases where Commission's advice was obtained by the organisations.

HANDLING OF COMPLAINTS IN THE COMMISSION

- 2.27 Complaints constitute an important source of information leading to disclosure of misconducts and malpractices. Complaints are received in the Central Vigilance Commission either through written communication from complainants or through the Complaint Management System Portal², a link to which is available on Commission's website.
- 2.28 The Commission has a well-defined complaint handling policy for processing of complaints. For the benefit of the public, the Complaint Handling Policy is available on Commission's website, in public domain, in downloadable form. Complaints received in the Commission are scrutinized in terms of the procedure given in the Complaint Handling Policy. In case any specific and verifiable allegations of vigilance nature are noticed, the Commission forwards such complaints to the authorities concerned for conducting investigation and for submitting report to the Commission expeditiously.

²<https://portal.cvc.gov.in/>

2.29 As per the provisions contained under Section 17 of CVC Act, 2003, the Ministries / Departments / Organisations are required to furnish report of the investigation / inquiry undertaken by them on the reference made by the Commission. The Commission, on receipt of such reports and after taking into consideration any other factors thereto, advises as to the further course of action against the suspected public servants, besides suggesting systemic improvement(s) to plug the systemic failures which allowed such misconducts to take place.

2.30 Table 2.6 indicates the nature of complaints received and action taken there on during 2022.

Table 2.6: Complaints received and disposed in the Commission during 2022

Complaints	Number
Number of complaints pending as on 01.01.2022	1077
Number of complaints received during 2022	21723
Total number of complaints	22800
Total number of complaints disposed of	22102
Anonymous / Pseudonymous (Filed)	2085
Vague / Unverifiable (Filed)	4168
Officials / Persons not under CVC Jurisdiction / Grievances (Forwarded for necessary action)	15695
Sent for inquiry / investigation to CVO/CBI	154
Number of complaints pending as on 31.12.2022	698

2.31 The comparative figures of complaints received and disposed by the Commission during the last five years are given in Chart 2.5 and Chart 2.6 below, respectively

Chart 2.5: No. of complaints received in the Commission (2018-22)

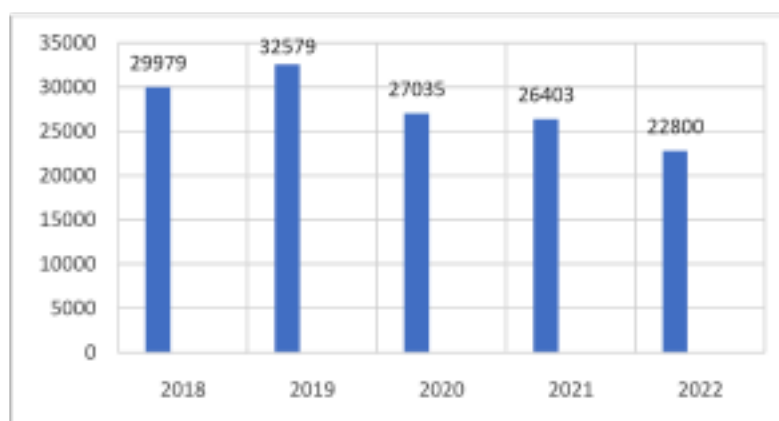
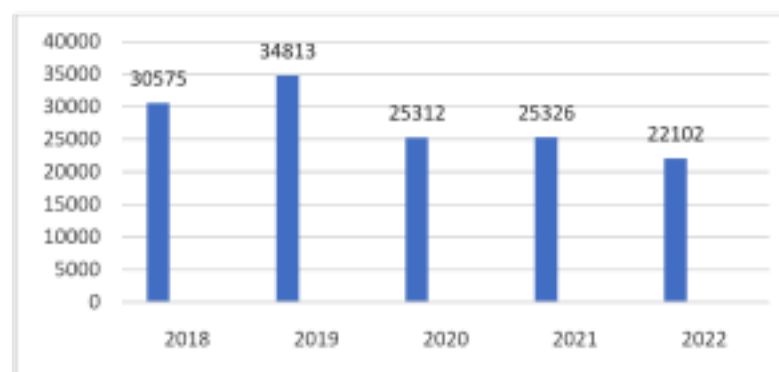


Chart 2.6: No. of complaints disposed in the Commission (2018-22)



- 2.32 After scrutiny of complaints received, the Commission calls for inquiry / investigation reports from the appropriate agencies in those complaints which contain serious and verifiable allegations and there is a clear vigilance angle. As per the laid down procedure, the inquiry / investigation reports are required to be sent to the Commission within a period of three months.
- 2.33 In addition, the respective organisations also receive complaints directly or through other Offices / Agencies. CVOs take up enquiry in appropriate cases as per laid down instructions and if vigilance angle emerges, they seek the First Stage Advice of the Commission. Similarly, if during any inspection, audit etc., the management comes across any misconduct having a vigilance angle, First Stage Advice of the Commission is sought through the CVO.

PUBLIC INTEREST DISCLOSURE AND PROTECTION OF INFORMERS' RESOLUTION (WHISTLE-BLOWER COMPLAINTS)

- 2.34 As per Public Interest Disclosure and Protection of Informers' Resolution dated 21st April, 2004, the Central Vigilance Commission is the designated agency to receive and act on complaints received under PIDPI Resolution. The salient features of the PIDPI Resolution have been described in Chapter-I.
- 2.35 The complaint received under the PIDPI Resolution are scrutinized by the Screening Committee and further action is recommended by them. In case PIDPI complaints are sent for investigation, a report is required to be submitted by the respective organisation, within a period of 12 weeks. Periodic review takes place at the highest level to ensure timely submission of report. In the event of any reported threat to life / physical injury, the Commission may issue directions to competent authorities for ensuring protection to whistleblowers.
- 2.36 The Commission has advised all organisations to give wide publicity to the PIDPI Resolution and the guidelines issued by the Commission through the websites, especially intranet of the organisations, in-house journals, publications and to organise seminars / sensitization program etc. to inculcate greater awareness so as to encourage public and insiders to come forward and lodge / report information of corrupt practices or misuse of office to the Central Vigilance Commission.
- 2.37 Sometimes, the complaints are addressed to the Commission while forwarding copies of the same complaint to other authorities concerned, thus disclosing the identity of the complainant while also seeking protection under PIDPI. At times, even separate complaints are lodged containing similar allegations to authorities other than the Commission thereby compromising the secrecy and safety of the complainant. Even so, the Commission has issued guidelines asking the organisations not to subject the complainant to any kind of harassment because of his having lodged a complaint, if at any time, the identity of the complainant gets revealed through any source.

- 2.38 Table 2.7 below gives the nature of complaints received under PIDPI Resolution and action taken by the Commission on them during the year 2022.

Table 2.7: Complaints Received and Disposed under PIDPI during 2022

Complaints Received and action taken	Numbers
Number of complaints pending as 01.01.2022	05
No. of complaints received during the year	1902
Total number of complaints	1907
Total number of complaints disposed of	1887
No. of complaints filed	1339
Non-vigilance (Forwarded for necessary action to Departments / Organisations)	291
Sent for inquiry / investigation by CVO / CBI	257
Pending as on 31.12.2022	20

VIGILANCE CLEARANCE

- 2.39 One of the important functions performed by the Commission is providing vigilance clearances for persons recommended for appointment to Board Level posts in the Central Public Sector Undertakings / Public Sector Banks etc. During the year 2022, vigilance clearances were processed and issued by the Commission for the Board Level appointments in 691 cases. Such vigilance clearance is also provided by the Commission in respect of officials of the All-India Services and other Services for empanelment to the posts of Joint Secretary and above in the Central Government and for appointments to certain Statutory Posts under the Central Government and few others. During the year 2022, vigilance clearances were accorded in 1,913 such cases.

INTERNATIONAL COOPERATION

- 2.40 Shri P. Daniel, Secretary, CVC visited Cairo, Egypt to participate in the 9th session of the Conference of the States Parties (COSP) to the United Nations Convention against Corruption (UNCAC) on "Implementation of Sharm-El-Sheikh Declaration" from 12th to 13th December, 2022. Wide ranging

consultations among participating countries was held on the following issues:

- ❖ To Understand the emergency context landscape, including challenges faced during different kinds of emergencies and the types of corruption risks and institutional constraints that may play a role in effectively responding to and recovering from a crisis;
- ❖ Identify key responses, lessons learnt and good practices to address corruption and strengthen international and multilateral cooperation during emergencies, which will inform the thematic areas to be addressed in the guidelines.
- ❖ Provide inputs to develop an outcome document and a draft of the guidelines after the meeting to be validated by the group of experts and a wider community of anti-corruption policymakers and practitioners, for eventual consideration by the EMIC.

2.41 Dr. Praveen Kumari Singh, Addl. Secretary attended thirteenth meeting of UNODC's Inter-Governmental Working Group on the prevention of Corruption held in Vienna, Austria from 15th -17th June, 2022. Wide ranging consultations among participating countries was held on the following issues:

- ❖ Use of information communication technology for implementation of United Nations Convention Against Corruption (UNCAC).
- ❖ Challenges to and good practices in anti-corruption on awareness raising education, training and research.

A detailed written and verbal statement highlighting various interventions implemented by India was presented by Dr. Praveen Kumari Singh, Additional. Secretary.

2.42 The Commission participated in the 12th International Association of Anti-Corruption Authorities (IAACA) General Meeting held on 8th December, 2022. The meeting was held in virtual mode. Besides, Senior civil servants of the Republic of Maldives visited the Commission under 12th, 13th & 14th Batch of Capacity Building Program in the Field of Administration.

IT INITIATIVES

2.43 The Commission has in place several IT process systems for enhancing operational efficiency and to provide value addition through better tracking, monitoring, and storage of information. The Commission has developed an updated Complaint Management System (CMS) by leveraging technology. The details of CMS portal and other IT initiatives taken by the Commission are given below:

New Complaint Management System (CMS) Portal

2.43.1 During Vigilance Awareness Week, 2022, Hon'ble Prime Minister Shri Narendra Modi has launched the new "Complaint Management System" portal of CVC to facilitate receiving, processing, and disposing of the complaints for all stakeholders. The key features of the new portal are:

- ❖ OTP based registration and Two Factor Authentication (2FA) login
- ❖ 100% online processing
- ❖ End-to-end solution to the Citizens
- ❖ Intimation of real-time status of the complaints
- ❖ Robust MIS
- ❖ Tracking habitual complainants
- ❖ Simple and user-friendly access

2.43.2 Citizens are the primary stakeholders in the Complaint Management System. A citizen can file a complaint through the citizen login in the portal by registering himself. OTP based registration has been introduced for the first time in the system. The processing of complaints in the new CMS portal is now 100% online.

2.43.3 A unique complaint number is generated for each complaint. A complainant can check the real-time status in the portal using this number. For transparency, SMS and E-mail also gets generated in the system for information to the citizen. There is an end-to-end information provided to the complainant.

- 2.43.4 MIS reports including “Delay Analysis Report” has been built-in to ensure accountability in the system for all the three stakeholders. As part of it, identification of repetitive complaints and habitual complainants has also been provided.
- 2.43.5 While maintaining the strict confidentiality, the decisions made on PIDPI complaints are also shared through the portal.
- 2.43.6 Technology is a key enabler in addressing issues of corruption at the grass root level. With the experience of handling around 25000 complaints every year, CVC has leveraged technology and thus developed this new portal enabling end-to-end online processing of complaints. The new CMS portal is a key initiative from the Central Vigilance Commission, true to the theme of this year's Vigilance Awareness Week – CORRUPTION FREE INDIA FOR A DEVELOPED NATION.

Creation of CVO Data base and information system

- 2.44 In a proactive approach towards objective assessment of vigilance functions across different organisations, a need was felt for a centralized database of CVOs for maintaining an active list of organisations under the ambit of the Commission. This application would be accessible through Internet Cloud for enabling regular up-dation of CVO information system by respective Ministries / Departments on real-time basis for part-time CVOs. This would also enable an active monitoring mechanism for filling up of vacancies. It would also help in facilitating decision making while assigning Additional charges.
- 2.44.1 To serve this purpose, a centralized database application was developed in-house for data of full time and part time CVOs in the organisations under the ambit of the Commission. This application provides up-to-date reports of
- ❖ Tenure Completion Data / Alert: Next 03 months, 6 months, 12 months (any periodicity)- Ministry / Department-wise also;
 - ❖ Data on additional charge arrangement and officers' availability;

- ❖ Vacancies– Full Time, Part Time;
- ❖ It also provides easy search by Name, by Appointing Authority, by Ministry, by Organisation, and by States etc.

2.44.2 Besides this, it also facilitates system generated advance notification of tenure completion with reminders for advance action, real time reports on tenure and vacancies. Through this software it is envisioned that there can be monitoring of progress of filling up vacancies and assessment of workload of CVOs and it will also enable the Commission to have information regarding state wise availability of vigilance officers.

Creation of IEM Data base and information system

2.45 Integrity Pact provides for independent oversight, through Independent External Monitors (IEMs) for which the Central Vigilance Commission nominates IEMs. As a means of monitoring the progress of implementation of the same, an inhouse application was developed to implement the IEM database information system. The application facilitates the entry of details for IEMS for empanelment (Name, Date of Birth, Date of Retirement, Date of IEM attaining 70 Years of Age, Qualification, Cadre and Batch, etc.) and nomination (Commission Reference number, Organisation, Date of Nomination, date of Appointment and Tenure, etc.). The application provides for the following reports / searches:

- ❖ Tenure completion data: within 3 months, 6 months, 12 months etc.;
- ❖ IEMs completing 70 Years of age: within 3 months, 6 months, 12 months, etc.;
- ❖ IEMs working in 3/2/1 Organisation(s);
- ❖ IEMs not working in any Organisation;
- ❖ Total number of Organisations having IEMs;
- ❖ Search by Name / by Organisation / by Ministries

2.45.1 The application also facilitates system generated advance notifications of tenure completion, system generated advance notifications of IEMs completing 70 years of age and bio-data screening during nomination of IEMs. Besides this, it is also envisaged that it would help in streamlining

process of filling up vacant posts and enabling timely filling up of vacancies. Through this, it is proposed that the Commission could have a holistic view of implementation of Integrity pact in organisations.

Intranet

- 2.46 New and improved Bilingual Intranet portal based on latest PHP technology has been implemented in the CVC. All updated information about Circulars, Office Orders, achievements, events are available on this portal. The portal also functions as an easy link for all frequently used applications in the Commission.

Implementation of E-Office in Commission

- 2.47 E-Office application developed by NIC is a generic application based on Central Secretariat Manual of Office Procedure. This centralized system shall provide enhanced transparency, accountability, productivity, reduced risk of non-compliance to processes, and better collaboration. This is a big step towards digital transformation of work culture in the Commission. Further, E-Office Lite ver. 7.1 has been successfully implemented in the Commission.

Implementation of SOLVE MODULE for online vigilance clearance

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

RIGHT TO INFORMATION ACT, 2005

- 2.49 In order to fulfill the provisions of the RTI Act, a separate RTI Cell has been

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

- 2.50 A statement showing receipt and disposal of references under RTI Act, 2005 during 2018 to 2022 is given in Table 2.8.

Table 2.8: Receipt and Disposal under RTI Act, 2005 (2018-22)

Year	Applications received	Disposal	First appeal references received	Disposal
2018	1260	1179	398	384
2019	1086	1009	392	383
2020	735	665	378	346
2021	762	755	342	350
2022	737	737	270	276

PROGRESSIVE USE OF HINDI

- 2.51 The Official Language Policy is being given due emphasis by the Commission for implementation of the provisions and achievement of the objectives envisaged in the Official Language Act, 1963. All documents coming under Section 3 (3) of this Act, like General Orders, Press Note, Notification, Circulars, Annual Report and Papers, which were to be submitted before the Parliamentary Standing Committee, were issued bilingually in both Hindi and English. Letters received in Hindi were invariably replied in Hindi.
- 2.52 In compliance to the Official Language Policy of the Union, during the year, two Hindi workshops were conducted in the Commission in which officers of the level of Section Officer and Junior Secretariat Assistant participated. In addition, five officials were nominated for Hindi training under Hindi Teaching Scheme.

- 2.53 Meetings of the Official Language Implementation Committee of the Commission are held regularly. The Commission organises Hindi Week in the month of September every year. During the year under report, Message of the Central Vigilance Commissioner was circulated in the Commission on the occasion of Hindi day and during the week, Hindi Essay Competition, Hindi Quiz, Hindi Debate, and poetry recitation competition were also organised in which prizes were distributed by the Commission to the winning participants.



Training for Vigilance Officers at Bengaluru on 16.09.2022



Yoga Day Celebration on 21.06.2022 by Officers of Central Vigilance Commission, at Satarkta Bhawan, New Delhi



Training for Vigilance Officers organised by ONGC Academy, Dehradun on 13.06.2022



Prize winners of competitions on the occasion of International Women's Day at Central Vigilance Commission on 8.03.2022

CHAPTER 3

SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION

- 3.1 One of the main functions of the Commission is to exercise superintendence over the vigilance administration of various Ministries, Departments or Corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by Central Government.

VIGILANCE ADMINISTRATION IN ORGANISATIONS

- 3.2 Vigilance Administration is an integral part of public administration aimed at curbing corruption and to take effective, successful steps to make the system of governance more transparent, ethical, objective, accountable, responsive, and answerable to the public. In any organisation, the responsibility of ensuring an effective vigilance administration primarily lies with the Chief Executive Officer (CEO) of the respective organisation. In order to provide expert advice and assistance to the CEOs in vigilance related matters, every organisation has a vigilance unit, which is headed by the Chief Vigilance Officer (CVO), who acts as an advisor to the CEO of the organisation in such matters. It is expected of the Chief Executive to consider the systemic measures and inputs, provided by the CVO, for implementation to ensure probity, transparency, and objectivity in the functioning of the organisation.
- 3.3 The CVO functions as an extended arm of the Central Vigilance Commission. Any vigilance function should aim at upholding the morale of the officials and protecting the value system of the Organisation. The Chief Executive is expected to diligently review the vigilance work and consider the inputs provided by the CVO for better management of the institution by promoting ethical behaviour in its functioning.
- 3.4 The Chief Vigilance Officer (CVO) is also the nodal officer of the Organisation for interaction with CVC and CBI. The vigilance functions

performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of the Organisation or others; investigating or causing investigations to be made into verifiable allegations reported to him; processing investigation reports for further consideration of the disciplinary authority; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices and commission of misconducts; examining audit / inspection and other reports from the vigilance angle, etc. Though there are several facets of vigilance, yet preventive vigilance measures taken by the CVOs are of substantial significance in reducing occurrence of vigilance cases.

- 3.5 The Chief Vigilance Officers constitute an important link between their organisations and the Central Vigilance Commission. The Commission communicates primarily with the CVOs while tendering advice and seeking reports, clarifications, etc.
- 3.6 Punitive Vigilance functions of CVOs are also of significance. The same would consist of investigation into acts of irregular conduct by employees of the organisation concerned, as noticed by him, and recommend appropriate action for misconducts surfaced during investigation. They are also required to ensure proper framing of article of charges, timely finalisation of inquiry proceedings, to ensure that advice of CVC or other authorities concerned is obtained in disciplinary proceedings / criminal proceedings. The functions of CVOs in the respective organisation cover a whole gamut of activities, covering wide spectrum.

APPOINTMENT OF CHIEF VIGILANCE OFFICERS (CVOS)

- 3.7 The Chief Vigilance Officers assist the Heads of the Department / Organisation in all vigilance matters. Presently, there are total 191 posts of full-time CVOs in various organisations Central Public Sector Undertakings and other organisations under Central Ministries / Departments. Appointment to total 152 such posts is made by DOPT in terms of its OM No. 372/7/2016-AVD-III dated 28.04.2017, after obtaining clearance from the

CVC. Besides, CVOs in Public Sector Banks / Insurance Companies / Financial Institutions, CVOs are appointed by Department of Financial Services, Ministry of Finance. Similarly, CVOs of local bodies e.g., New Delhi Municipal Council (NDMC), Municipal Corporation of Delhi (MCD) and Delhi Transport Corporation (DTC) are appointed by Ministry of Home Affairs. As the Commission carries out its mandate of superintendence of vigilance administration through the CVOs, it has significant role in empanelment and appointment of full-time CVOs in these organisations. In a few departments viz., CBDT, CBIC, Department of Posts, Ministry of Railways, there are encadred posts of full time CVO. If scale of operation of a particular organisation does not justify creation of a full-time post, an officer within the organisation, sufficiently senior in rank to be able to report directly to the Chief Executive for vigilance matters, is considered for appointment as part-time CVO for the organisation. The Commission approves name of a suitable officer for appointment as part-time CVO, out of a panel proposed by concerned Ministries / Departments / Autonomous Bodies etc., in terms of Commission's circular no. 020-CVO-10 dated 13/14.08.2020.

- 3.8 During the year 2022, the Commission approved the names of 158 officers for empanelment for consideration as full-time CVOs. The Commission also approved names of 12 officers for appointment as full time CVOs in specific organisations. The names of 113 officers were also approved for appointment as part-time CVOs in various Ministries / Departments / Autonomous Bodies. It was observed that during 2022, 63 posts of full-time CVOs remained vacant for some period. The Commission has advised organisations to promptly fill up all vacant posts of CVOs.

PERFORMANCE OF CHIEF VIGILANCE OFFICERS

- 3.9 The Commission communicates its advice and guidelines on various aspects of vigilance administration through the CVO. Reports, clarifications, and any other information as may be required by the Commission for effective supervision over vigilance administration is also sought through CVO. CVO is also responsible for bringing to Commission's notice, any flaw in implementation of guidelines issued by the Commission.

- 3.10 In accordance with the provisions of CVC Act, 2003, the Commission tenders advice to the organisations concerned, about appropriate punitive / preventive or corrective action, as the case may be, in an objective manner, based on the material available. Action on Commission's advice is to be taken by the competent authority and in case, the competent authority deviates from the Commission's advice, the CVO has the responsibility to bring the same to the notice of the Commission. The Commission carries out its mandate of superintendence over vigilance administration of the organisations covered under its jurisdiction through the CVOs and plays a significant role in the selection / empanelment of suitable officers for appointment as CVOs, which can be done only after clearance from the Commission.
- 3.11 The Commission monitors performance of Chief Vigilance Officers (CVOs) through well-established mechanisms of scrutiny of quarterly performance reports, annual reports and periodic reviews conducted by the Commission in sectoral / zonal meetings. The Commission also reviews the works of CVOs and reconciles pending issues invariably before annual zonal review meetings, and at periodic intervals. The Secretary and the Additional Secretaries in the Commission also review the pending cases with CVOs from time to time.
- 3.12 With a view to prevent harassment of CVOs and protect their functional autonomy, all complaints against them are referred to the Commission for advice. To prevent victimization of officials (other than the CVOs) working in the vigilance set up of any organisation, instructions / guidelines have also been issued vide Commission's circular no. 16/3/06 dated 28.03.2006 defining steps for their protection.
- 3.13 The Commission receives online complaints on its portal, as well as through post. These are scrutinised, and appropriate decisions are taken in the light of the complaint handling policy of the Commission. At the close of the year 2022, the Commission had sent 11,139 complaints to CVOs for necessary action and out of these 10,055 complaints were disposed of by the CVOs. The following data is based on quarterly performance report / Annual Reports submitted by CVOs to CVC.

Table 3.1 (Details at Appendix III-A(i))

Total complaints sent to CVOs for necessary action	Complaints disposed	Complaints pending	Complaints pending for more than 3 months
11139	10055	1084	609

(Figures are for Jan-Dec 2022)

- 3.14 The Commission reviews the status of pending complaints with the CVOs, periodically, so that its disposal is expedited. As regards complaints directly received by the CVOs, total 1,04,064 had been received during the year out of which 75,382 complaints were disposed of by the CVOs of respective organisations. Balance 28,682 complaints were under process at the end of the year 2022, out of which 21,423 complaints were under process with them for more than three months. Organisation wise details of all the complaints and their disposal are reflected at Appendix III-A (iii).

Table 3.2 (Details at Appendix III-A(ii))

Total complaints received by CVOs	Complaints disposed	Complaints under process	Complaints under process for more than 3 months
104064	75382	28682	21423

(Figures are for Jan-Dec 2022)

- 3.15 Wherever it has been decided after examination of the complaints to conduct vigilance investigation, either on the advice of the Commission or otherwise, the CVO gets it conducted by his officers. Based on the facts disclosed in the investigation report, a decision is taken whether the complaint should be dropped, or regular departmental action be recommended against the public servant, or administrative action viz., warning, caution etc., would serve the purpose. The CVO forwards the report along with specific recommendations to the disciplinary authority for appropriate decision.
- 3.16 However, in respect of the complaints forwarded by the CVC for investigation, the CVO must submit the report to the Commission, along with all relevant records in the prescribed format for obtaining Commission's advice. It is expected of CVOs to get investigations completed ideally within a period of three months, or as soon as possible thereafter. At the end of the year 2022,

in 380 such cases, investigation reports were awaited from the respective CVOs, out of which 287 were pending for up to one year, 59 for a period between one to three years, and 34 for a period of over three years (Appendix-IV).

- 3.17 Once a decision is taken for initiating disciplinary proceedings against an officer, the CVO needs to ensure that article of charges is carefully drawn up and issued expeditiously. CVO also ensures that there is no delay in appointment of Inquiry Officers / Presenting Officer. CVO must constantly monitor progress of departmental inquiries in terms of the Commission's Circular No. 19/09/2021 dated 06.10.2021 and point out inordinate delay to the notice of the concerned disciplinary / administrative authorities for corrective measures. To bring about efficiency in vigilance administration and to ensure prompt / timely initiation and completion of disciplinary matters where major penalty proceedings have been initiated / are to be initiated, the following timelines have been prescribed by the Commission for adherence:

Table 3.3

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

During the year 2022, out of a total of 1,849 departmental inquiries under process, 880 departmental inquiries had been completed and 969 were pending, as shown in the table:

Table 3.4 (Details at Appendix III-B)

Total departmental inquiries against officers (under CVC jurisdiction)	Departmental inquiries disposed of	Departmental inquiries pending
1849	880	969

(Figures are for Jan-Dec 2022)

Table 3.5 (Details at Appendix III-C)

Total departmental inquiries against other employees (not under CVC jurisdiction)	Departmental inquiries disposed of	Departmental inquiries pending
9305	5093	4212

(Figures are for Jan-Dec 2022)

- 3.18 The CVOs are required to keep a watch over the status of implementation of first stage and second stage advice tendered by the Commission in terms of DOPT's instructions dated 11.11.1998. Cases of deviation from Commission's advice by the competent authority need to be brought to the notice of the Commission. Periodic reviews are undertaken by the Commission and wherever delays are observed in implementation of its advice, the matter is pursued with the concerned authorities. There were 265 cases pending for implementation of first stage advice for more than six months and 67 cases were pending for implementation of second stage advice for more than six months as on 31.12.2022 (Appendix-V).
- 3.19 The CVOs are also required to send quarterly progress report to the Chief Technical Examiners' Organisation (CTEO) of the Commission, containing details of major procurements undertaken or being undertaken by the organisations. From these reports, the CTEO selects some of the contracts, based on certain parameters, for intensive examination. However, as the CTEO would only be able to examine limited number of contracts, for logistic and administrative reasons, the Commission has issued guidelines for the CVOs to conduct CTE type inspections to ensure that the contracts, are awarded in a transparent / competitive manner and executed efficiently.

- 3.20 Chief Vigilance Officers of Ministries / Departments / Organisations are required to submit annual reports of vigilance activities pertaining to their organisations, to the Commission every year. The performance of the CVOs for the year 2022, as per information provided in their reports, is reflected in Appendix III (A to F).
- 3.21 During the year 2022, major penalty proceedings were initiated in 6501 cases (for all categories of officers) dealt with by the CVOs resulting in imposition of major penalties in 5298 cases and minor penalties or warning in 552 cases. Besides, 651 cases resulted in exoneration. Further, minor penalty proceedings were initiated in 15503 cases which resulted in imposition of minor penalties or warning in 11751 cases. Balance 3752 cases resulted in exoneration. Effectively, minor penalties or warning were imposed in a total of 12303 cases (Appendix III – E and F). These data are based on annual reports submitted online by CVOs of organisations.

Table 3.6: Major & Minor Penalties (Details at Appendix III-E & F)

No. of cases where major penalty proceedings initiated: 6501	Major Penalty imposed	5298
	Minor Penalty imposed (against initial major penalty proceedings) or warned	552
	Exoneration	651
No. of cases where minor penalty proceedings initiated: 13661	Minor Penalty imposed or warned	11751
	Exoneration	3752
	Effective total number of minor penalties imposed or warned	12303

SANCTION FOR PROSECUTION

- 3.22 On completion of investigation, if the investigating agency concludes that sufficient evidence is available for initiating a criminal proceeding, they shall forward the report to the CVC, if previous sanction is required under the Prevention of Corruption Act, 1988, to be issued in the name of the President. A copy of the report is to be sent to the authority competent to sanction the prosecution, through the CVO concerned. The CVO plays an important role in processing the matter and expediting decision of the

competent authority on such reference. Total 924 cases for sanction were handled by the CVOs in the year 2022, out of which sanctions were accorded in 453 cases and declined in 196 cases by competent authorities. Besides, total 273 cases were pending at the end of the year out of which 116 were pending for over six months. The information is summarized in the table:

Table 3.7: Sanction for Prosecution cases (Details at Appendix III-D)

Total number of cases for Sanction	Sanctions accorded	Sanctioned declined	Pending	Pending for >6 months
924	453	196	273	116

ANNUAL SECTORAL REVIEW MEETINGS AND OTHER MEETINGS HELD BY THE COMMISSION TO REVIEW THE PENDENCY

3.23 The Commission holds annual sectoral or review meetings to take stock of vigilance administration of various organisations, and to consider performance of respective CVOs. The review focuses on the extent of compliance of various guidelines / instructions and achievement of prescribed targets. It also provides an opportunity to the organisations to showcase their initiatives and seek guidance from the Commission on specific issues relating to vigilance administration. These meetings also set the tone for the next year and help in identification of specific areas which require immediate attention.

3.24 During the year 2022, the Commission has held following reviews / Annual Sectoral Reviews:

Department of Telecommunication (DOT) and Bharat Sanchar Nigam Ltd. (BSNL)

The Commission held two (02) meetings with the CVOs, of DoT and BSNL on 10.01.2022 and 05.04.2022 respectively to review the pending vigilance cases. In the said meeting, the Commission had advised the CVOs to ensure timely appointment of Inquiry Officer (IO) and Presenting Officer (PO) for initiation of departmental inquiry against the Cos and to monitor the progress of departmental inquiries periodically. CVOs were also advised to impart training to the IOs and Pos.

Housing and Urban Development Corporation (HUDCO)

The Commission reviewed the status of pending vigilance cases with CVO, HUDCO in a meeting held on 09.02.2022. After review, the CVO was advised to clear the backlog under various categories under vigilance matter in a time bound manner.

Government of National Capital Territory of Delhi (GNCTD)

The Commission held a meeting on 25.02.2022 with the Principal Secretary, GNCTD to review the pending vigilance cases. In the said meeting Principal Secretary, GNCTD had assured that all efforts would be made to dispose of the pending cases at the earliest.

As a follow up, a meeting was held with Principal Secy. GNCTD; CVO, NDMC and vigilance officials of M/o Home Affairs on 07.06.2022. The Commission advised all concerned to expedite the process on their part and take all possible actions for disposal of the long pending cases on priority.

East Delhi Municipal Corporation (EDMC)

Review Meeting with the Addl. Commissioner Vigilance of the erstwhile EDMC was held with the Commission on 28.02.2022 to review the pending vigilance matters. The Commission advised expeditious and logical conclusion of long pending cases under different categories.

Ministry of Defence / Military Engineering Service (MES) / Border Roads Organisation (BRO)

The Commission chaired a meeting on 07.03.2022 with CVO, MoD to review the pending cases. In the said meeting vigilance cases related to MoD, MES & BRO were reviewed.

Ministry of Home Affairs (MHA) and Central Reserve Police Force (CRPF)

The Commission held a meeting on 08.03.2022 with the CVOs of MHA and CRPF to review the pending cases. In the said meeting, vigilance cases related to MHA, Union Territories and Central Armed Police Forces were reviewed.

Ministry of Housing and Urban Affairs (MoHUA)

The Commission had reviewed pending vigilance matters with the Additional Secy., MoHUA and CVO, CPWD on 28.02.2022. The Commission had advised that all



vigilance matters needed to be monitored closely and to ensure their logical conclusion.

Department of Posts (DoP)

The Commission convened a meeting with the CVO of DoP on 12.04.2022 to review the pending vigilance cases. In the said meeting, CVO was advised to take expeditious action for disposal of pending complaints and also departmental inquiries.

Ministry of Health

During the year 2022, the Commission held meetings with CVO of Ministry of Health to review the status of pending vigilance cases on 09.03.2022 at New Delhi. The Commission again reviewed the pending vigilance cases with the CVOs of M/o Health & Family Welfare, AIIMS, National Medical Council, National Board of Examination and Indian Council of Medical Research at New Delhi on 14.10.2022.

Ministry of Railways

Annual Sectoral Review Meeting with the CVO of Ministry of Railway and all zonal vigilance officers of M/o Railway was held at Varanasi on 10.06.2022 to review the pending vigilance cases. After review, the Commission stressed upon the significance of timeliness in concluding vigilance cases and enjoined upon the participants to continue the momentum and adhere to the overall timeline prescribed by the Commission so that there is no built-up of vigilance cases. As a follow-up, a review meeting was further held with the CVO, M/o Railways on 19.10.2022.

Central Board of Indirect Taxes & Customs (CBIC)

In order to ensure persistent monitoring of pending vigilance cases and its speedy disposal, the Commission had convened meeting with the CVO of CBIC on 16.03.2022, 16.06.2022 and 11.11.2022 at New Delhi.

Central Board of Direct Taxes (CBDT)

The Commission had held two review meetings with the CVO, CBDT on 15.03.2022 and 12.10.2022. CVO, CBDT was advised to focus on disposal of old as well as new pending cases.

State Bank of India (SBI)

The Commission had held Annual Sectoral Review Meeting on 22.07.2022 with the CVO, SBI and other vigilance functionaries of SBI in Kolkata to review the pending

vigilance matters. The Commission also interacted with the vigilance functionaries on various issues related with banking sector.

Department of Expenditure

The Commission held Review Meeting with Special Secretary & CVO, Department of Expenditure on 05.09.2022 to discuss various aspects of pending vigilance cases.

Department of Personnel and Training (DoPT)

The Commission held meeting on 11.10.2022 with the Addl. Secy. & CVO of DoPT to review the status of various pending vigilance matters. In the said meeting, amongst other issues, the Commission emphasized for timely appointment of IOs and POs, so that cases are disposed of expeditiously.

Department of Economic Affairs (DEA)

The Commission held meeting with CVO, DEA and CVO, SEBI on 15.11.2022 to review the pending vigilance matters. CVOs were advised to expedite disposal of pending vigilance cases.

Department of Expenditure (DoE)

The Commission held meeting on 05.09.2022 with CVO, DoE to review the status of all pending vigilance cases. The Commission emphasized on expeditious finalisation of vigilance matters.

Ministry of Education

The Commission held review meeting with JS & CVO, Ministry of Education, CVO, Central Board of Secondary Examination, CVO, Navodaya Vidyalaya Sangathan on 09.05.2022. The Commission took stock of pending vigilance matters and advised that the process may be completed so that cases are brought to their logical conclusion in time bound manner.

National Highways Authorities of India (NHAI)

The Commission reviewed the pending vigilance matter with the CVO, NHAI in a meeting held on 07.12.2022 at New Delhi. In addition to review of pending cases, the Commission also advised to CVO, NHAI to ensure that Procurement Manuals of NHAI are aligned with the latest manuals and guidelines of Department of Expenditure.

- 3.25 The meetings taken by the Commission, resulted in significant reduction of pendency pertaining to different categories of cases and disciplinary proceedings in all the organisations.

- 3.26 In addition to above, the Commission had conducted four (04) Regional Conferences at Delhi, Mumbai, Bengaluru, and Kolkata. In Regional Conferences, the Commission reviewed the progress made by the respective organisations in bringing the old pending cases to its logical conclusion. It was also emphasized that attention should be paid to preventive vigilance measures, by maximizing the use of Information Technology, simplification of processes, strengthening and sharing of training infrastructure. New initiatives of the Commission were also shared with the CVOs during these conferences.

GUIDELINES / INSTRUCTIONS ISSUED BY THE COMMISSION DURING 2022

- 3.27 As part of the mandate of Central Vigilance Commission given in CVC Act, 2003, to exercise superintendence over vigilance administration of the Central Government organisations; the Commission issues appropriate guidelines to streamline the procedures and improve the efficacy of vigilance mechanism in the organisations, covered under the jurisdiction of Central Vigilance Commission. A summary of the guidelines issued by the Commission during the year 2022 is enumerated below:

- ❖ Timely completion of Departmental Inquiries – procedure reg. (Circular no. 01/01/22 issued vide letter No. 006/PRC/1 dated 12.01.2022).
- ❖ The Commission has issued directions to the authorities concerned to establish a proper mechanism for safe custody of documents required during the inquiry proceedings against Charged Officer(s), so that the same may be made available to the Presenting Officer, for use during the course of departmental inquiry, as and when required.
- ❖ Advisory Board for Banking and Financial Frauds (ABBFF) - Extension of scope. (Circular no. 02/01/22 issued vide letter No. 006/MSD/38 dated 06.01.2022)
- ❖ The Commission, in consultation with Reserve Bank of India, extended the scope of existing ABBFF mandating it to examine the role of all levels of officials/Whole Time Directors in Public Sector Banks, Public Sector Insurance Companies and Public Sector Financial Institutions, in respect of declared fraud involving the amount of Rs. 3 crore and above.
- ❖ Obtaining documents from CBI for conducting departmental inquiry (Circular No. 03/01/22 issued vide letter no. 006/PRC/1 dated 12.01.2022)

- ❖ In order to facilitate timely finalisation of departmental inquiries, the Commission reiterated its earlier guidelines and provisions of Vigilance Manual, for retaining / obtaining certified copies of the documents, in custody of CBI, for meeting the requirements of completion of departmental inquiries against Cos.
- ❖ Procedure for seeking Commission's advice in cases where CBI has recommended sanction for prosecution (Circular no. 04/01/22 issued vide letter No. 006/MSD/38 dated 21.01.2022)
- ❖ Vide this circular, Commission directed the CVOs of Public Sector Banks, Public Sector Insurance Companies and Public Sector Financial Institutions to ensure that advice of ABBFF is also obtained in respect of all cases, which are covered under the extended scope of examination by ABBFF.
- ❖ Adoption and implementation of Integrity Pact – Revised Standard Operating procedure (Circular no. 05/01/22 issued vide letter No. 015/VGL/091 dated 25.01.2022)
- ❖ The Commission modified the Standard Operating Procedure (SOP) on 'Adoption and implementation of Integrity Pact' in relation to the eligibility criteria for empanelment of eminent persons, for consideration for nomination as Independent External Monitors (IEMs).
- ❖ Transfer / Posting of officers / officials working in Vigilance Unit of the organisation (Circular No. 07/02/22 issued vide letter No. 020/VGL/054 dated 03.02.2022)
- ❖ Guidelines were issued by the Commission specifying that the initial posting of vigilance functionaries (other than CVOs) would be for a period of 3 years, extendable by a further period between 3 months to 2 years. Posting of Vigilance Functionaries is to be done with the approval of CVO.
- ❖ Reference to be made to Advisory Board for Banking and Financial Frauds (ABBFF), Clarification – reg. (Circular no. 10/03/22 issued vide letter No. 006/MSD/038 dated 14.03.2022)
- ❖ Vide this circular, Commission clarified that all declared fraud cases of Rs. 3 crores. and above are to be referred to ABBFF, even if staff accountability has been assessed as nil.
- ❖ Implementation of final penalty orders issued by the Competent Authority and submission of compliance report – reg. (Circular no. 11/03/22 issued vide letter No. 000/VGL/018 dated 21.03.2022)
- ❖ The Commission directed that the respective CVOs should submit an annual compliance report, latest by 30th June of every year, about issuance and implementation of final penalty orders in respect of cases where Commission advised imposition of penalty.

- ❖ Time extension for providing further information / clarification by the Chief Vigilance Officer, as sought by the Commission (Circular No. 13/04/22 issued vide letter No. 000/VGL/018 dated 12.04.2022)
- ❖ The Commission directed that any clarification / information about a vigilance case, as sought by the Commission, is to be provided within 30 days of receipt of the communication from the Commission. In case more time is required then time extension is to be sought from the Commission.
- ❖ Clarification regarding the enquiry / investigation to be conducted against officers on deputation (Circular no. 18/09/22 issued vide letter No. 022/VGL/045 dated 01.09.2022)
- ❖ The Commission has clarified that in case of officers working in an organisation, other than their parent organisation, the misconduct, if committed by them in the borrowing organisation, is to be investigated by the CVO of the borrowing organisation, irrespective of the fact whether the officer concerned has repatriated back to his parent organisation or is still working in the borrowing organisation.
- ❖ Revised Guidelines on Intensive Examination of Public Procurement Contracts 2022 – reg. (Circular no. 19/09/22 issued vide letter No. 021/VGL/032 dated 05.09.2022)
- ❖ The Commission revised the guidelines relating to Intensive Examination of Public Procurement Contracts, being carried out by Chief Technical Examiners' Organisation and the same were issued for guidance of all organisation covered under Commission's jurisdiction.
- ❖ Rotation of officials working in sensitive posts (Circular no. 22/10/22 issued vide letter No. 004/VGL/090 dated 25.10.2022)
- ❖ The Commission directed all organisations covered under its advisory jurisdiction should conduct an exercise to review and identify sensitive posts after an interval of every 3 years. The exercise is to be done by the CVO in consultation with the Chief Executive / Management of the organisation concerned.
- ❖ Amendment to comprehensive guidelines for Complaint Handling Mechanism (Circular no. 24/11/22 issued vide letter No. 021/VGL/051 dated 03.11.2022)
- ❖ The Commission launched an updated Complaint Management System Portal³ for enabling the citizens to lodge online complaints and to know the present status of their complaints. The CVOs are required to update the status of action taken on the complaints, forwarded to them by the Commission, on the portal.

³<https://portal.cvc.gov.in>

- ❖ Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries (Circular no. 27/12/22 issued vide letter No. 021/MSD/015 dated 05.12.2022)
- ❖ Vide this circular, the Commission drew attention to DoPT's Office Memorandum No. 1668597747466 dated 16.11.2022 relating to revised / enhanced structures of rates of honorarium payable to Inquiry Officers/Presenting Officers in departmental inquiries against employees of Central Government Organisations.

MANAGEMENT AUDIT OF VIGILANCE UNIT (MAVU)

- 3.28 With the objective of having a proper assessment and deeper insight into the functioning of the Vigilance Units of the Government Organisations, the Commission started a new initiative of conducting Management Audit of Vigilance Units (MAVU) of major organisations covered under its jurisdiction. MAVU is aimed at understanding the prevalent vigilance mechanism and suggest measures to make the vigilance machinery more effective. MAVU is to be conducted by a team of officers from Central Vigilance Commission.
- 3.29 Initially, the Commission conducted MAVU of 4 major organisations as a pilot project. During the year 2022, MAVU of 30 organisations was completed. It has been the experience that the exercise of MAVU has been very helpful to the organisations in streamlining their processes and updation of their rules / regulations / various guidelines. In addition, it has helped in instant clarification of the doubts, during discussion of Commission's Officers with the Chief Executives, CVOs, and other officials of the respective organisations.

Management Audit of Vigilance Units(MAVU) of various organisations by the Commission's Officers



MAVU of D/o Telecom on 25th – 26th May, 2022 at New Delhi MAVU of ITI Ltd. on 14th -15th September, 2022 at Bengaluru



MAVU of Food Corporation of India on 28th -30th March, 2022 at New Delhi



MAVU of Punjab National Bank on 15th -17th February, 2022 at New Delhi



Walkathon by officials of NMPA on the occasion of VAW-2022



VAW-2022 activities by Ministry of Mines



Quiz competition on the occasion of VAW-2022 at Satarkata Bhawan, New Delhi on 14.10.2022



VAW-2022 activities by various organization on 31.10.2022

CHAPTER 4

Non-Compliance of Commission's advice and other areas of concern

- 4.1 The Central Vigilance Commission, in exercise of its functions and powers under Section 8(1) (g) of the CVC Act, 2003, tenders advice to the Central Government, Corporations established by or under any Central Act, Government Companies, Societies and Local Authorities owned or controlled by the Central Government, on such matters as may be referred to it. The Commission also exercises superintendence over the vigilance administration of these organisations. The advice is tendered by the Commission based on a reasoned appreciation of all the facts, documents and records relating to a particular case, which are brought to its notice by the organisation concerned. Acceptance of the Commission's reasoned advice in an overwhelming majority of cases by the Disciplinary Authorities is an indication of the objectivity and fairness of the Commission's advice. However, in some cases of officers covered under the Commission's jurisdiction, either the prescribed consultation mechanism with the Commission was not adhered to, or the authorities concerned did not accept the Commission's advice. Further, there have been instances where the advice tendered by the Commission has been substantially diluted without approaching the Commission for reconsideration of its advice, as per extant procedure.

CASES OF NON-COMPLIANCE AND NON-CONSULTATION

- 4.2 The Commission has observed that during the year 2022, there were some significant deviations from the Commission's advice. Whenever the Ministry / Department proposes to differ from or not to accept any advice of the Commission, a procedure has been laid down in terms of the Department of Personnel & Administrative Reforms OM No.118/2/78-AVD-I dated 28.09.1978, which prescribes that in those cases of officers for whom the Appointing Authority is the President, (i.e. orders are required to be issued in the name of the President), a reference is to be made to the Department of Personnel & Training (DoPT) before the Ministry / Department finally decides such cases.

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

Ministry of Railways

Case 1:

The then Section Engineer (SE) was found responsible for execution of poor-quality work of Apex Paint at various buildings, getting the work done and recording measurements of Apex Paint for 13,989 sqm. against agreement quantity of 500 sqm., recording measurement outside his jurisdiction and unwarranted execution of Apex Paint work at various buildings leading to wasteful expenditure.

Advice: The Commission, in its First Stage Advice (FSA), vide ID note dated 18.05.2012 advised for initiation of major penalty proceedings against the then SE.

Brief: The Disciplinary Authority considered the case on sympathetic grounds and giving benefit of doubt to Charged Officer (CO), decided to drop the charges and closed the case at his level vide order dt. 18.04.2022.

Outcome: The dropping of charges against the then SE is a major deviation from Commission's FSA.

Case 2:

While working as Chief Workshop Manager (CWM), the officer was found responsible for committing gross misconduct by introducing the then SSE as his friend to the supplier and demanding bribe of Rs. 25,000/- through the then SSE, for passing the supplier's bills.

Advice: The Commission had tendered its FSA for initiation of major penalty proceedings against the then CWM vide ID note dated 06.02.2018. Later on, the Commission, in its Second Stage Advice (SSA) tendered vide OM dated 25.01.2021 had advised imposition of major penalty.

Brief: CWM had introduced the then SSE as his friend to the supplier and

demanded bribe of Rs. 25,000/- from supplier through the then SSE, who was later trapped by CBI accepting bribe of Rs. 25,000/-. The then SSE confessed to have received the bribe on behalf of the CWM. From the recorded telephonic conversations, it could be inferred that the CWM was well aware of the illegal transactions. The Disciplinary Authority i.e. Railway Board decided to exonerate the CO vide order dated 21.03.2022.

Outcome: The exoneration of CO is a major deviation from Commission's advice.

Case 3:

Dy. CEE and CEE, while working as the Convener of Tender Committee and Tender Accepting Authority respectively, were found responsible for deviating from the rate reasonableness with reference to Last Accepted Rates (LAR).

Advice: The Commission in its FSA vide ID note dated 24.12.2020 had advised for initiation of minor penalty proceedings against both the officers and also advised imposition of minor penalty in its SSA tendered vide ID notes dated 24.01.2022 and 02.03.2022 respectively.

Brief: The recommendations of Tender Committee to finalise two tenders at 30% & 40% higher than the estimated rates / LAR by ignoring the estimated rate / LAR obtained for similar work in previous year were accepted by the tender accepting authority. The Disciplinary Authority i.e. Railway Board exonerated both the officers vide orders dated 12.05.2022.

Outcome: Exoneration of both the officers by the Disciplinary Authority i.e. Railway Board is a deviation from Commission's advice.

Case 4:

While working as Sr. Divisional Material Manager (Sr. DMM), the officer was found responsible for irregularities in the procurement of Non-Stock (NS) items.

Advice: The Commission in its FSA vide ID note dated 30.05.2019 had advised initiation of major penalty proceedings against the then Sr. DMM. The Commission advised imposition of major penalty as SSA, vide its ID note dated 25.11.2021.

Brief: The CO had approved fixed group of firms in the purchase proposals of non-stock items, hence failed to maintain healthy competition, accepted offer of lowest bidder with multiple make / brands of the items, thereby adding to

possibility of lower quality of material and variation in rates of items, accepted tenders at exorbitantly higher rates than those in other zonal railways / divisions without verifying the rates from other available sources, causing financial loss to the Railways apart from re-fixing the delivery period in several cases, in an abnormal manner. The Disciplinary Authority vide its order dated 10.06.2022 imposed minor penalty of 'CENSURE' on the CO.

Outcome: Imposition of minor penalty of 'CENSURE' by the Disciplinary Authority on the CO is a deviation from Commission's advice.

Case 5:

The then Deputy Chief Electrical Engineer (Dy. CEE) was found responsible for violation of Schedule of Powers on General Matters (SOPGEN).

Advice: The Commission, in its FSA, vide ID note dated 28.02.2019, advised initiation of major penalty proceedings against the then Dy. CEE and in its SSA issued vide ID note dated 05.01.2022, advised imposition of major penalty on the CO.

Brief: The CO was found responsible for violation of SOPGEN by way of changing inspection clause of contract item unauthorisedly, after signing of contract, violation of contract by instructing payment without inspection of items, approving higher estimated rates for schedule and non-schedule items causing financial loss to Railways, violation of sampling process by sending single sample and instructing inspection from not fully equipped / competent testing centre and violation of RDSO specifications for procurement of items and not ensuring the attached technical specifications resulting in poor performance. The Disciplinary Authority i.e. Railway Board imposed minor penalty on the CO vide order dated 09.06.2022.

Outcome: The decision of the Disciplinary Authority i.e. Railway Board to impose a minor penalty on the CO is in deviation of Commission's advice.

Case 6 :

The then Senior Section Engineer (SSE) was found responsible for processing payment on the basis of a fake inspection certificate.

Advice: The Commission, in its FSA vide ID note dt. 27.05.2020, advised initiation of major penalty proceedings against the then SSE.

Brief: The CO was found responsible for processing payment for Disc Insulators

to the contractor on the basis of a fake inspection certificate, for issuing Disc Insulators to the contractor without ensuring submission of indemnity bond and without receiving material in the railway premises, for receiving and not bringing to the notice of higher authorities that supply of Disc Insulators was made four years in advance, thus blocking the Railway funds. The Disciplinary Authority vide order dated 07.04.2022, exonerated the CO without seeking the SSA of the Commission.

Outcome: Exoneration of the CO without seeking SSA of the Commission is a major deviation from the Commission's FSA.

Case 7: The then Senior Divisional Engineer (Sr. DEN) failed to investigate into complaints received from Additional Divisional Railway Manager (ADRM) and failed to exercise due diligence in scrutiny of credential documents of a firm, resulting in award of contract to a firm on fake / forged credential papers.

Advice: The Commission in its FSA, vide ID note dated 04.10.2019, advised for initiation of major penalty proceedings against the then Sr. DEN and in its SSA vide ID note dated 01.09.2021 advised imposition of major penalty.

Brief: The CO failed to investigate into the complaints received from Additional Divisional Railway Manager (ADRM) and failed to exercise due diligence in scrutiny of credential documents of a firm, resulting in award of contract to a firm on fake / forged credential papers. The Disciplinary Authority i.e. Railway Board, vide order dated 14.12.2021 imposed only a minor penalty on the CO.

Outcome: Imposition of only minor penalty by the Disciplinary Authority i.e. Railway Board, is a deviation from Commission's advice.

Bharat Sanchar Nigam Limited

Case 1:

The COs failed to take timely action for forfeiture of Bank Guarantees (BGs) and banning of the firm for submitting fake BGs.

Advice: The Commission, in its FSA, vide OM dated 30.01.2020 advised for initiation of minor penalty proceedings against two GMs and one AGM of BSNL, among others.

Brief: This case relates to submission of fake Bank Guarantee (BG) by a firm for a contract in BSNL. The COs failed to take timely action for forfeiture of BGs and banning of the firm. After imposition of minor penalty of Censure on



all the 3 COs, the Appellate Authority / Reviewing Authority exonerated all the 3 officers

Outcome: Exoneration of two GMs and one AGM vide Order dated 09.05.2022, 10.05.2022 and 31.08.2022 is a deviation from Commission's advice.

V.O. Chidambaranar Port Authority (VOCPA)

Case 1:

The Traffic Manager and other officials, including the then Superintendent, Sr. Assistant and Head Clerk of Port Authority conspired and colluded with the representatives of three private companies and levied wharfage charge at a lower rate of Rs. 27/- per MT instead of Rs. 38/- per MT (as per Scale of Rates), by abusing their authority, for the coal imported by private companies.

Advice: The Commission, in its FSA, vide OM dated 22.10.2018, advised for initiation of major penalty proceedings against the then Superintendent, Sr. Assistant and Head Clerk.

Brief: The matter pertained to a CBI case registered on 01.09.2016 against the officials of the VOCPA & others on the allegation that during the period between 2010 to 2013, officials of Port Authority conspired and colluded with the representatives of three private companies and levied wharfage charge at a lesser rate of Rs. 27/- per MT instead of Rs. 38/- per MT (as per Scale of Rates), by abusing their official position, for the coal imported by private power plants. The Disciplinary Authority concerned exonerated all the 3 COs without referring the case to the Commission for its SSA.

Outcome: The action of the Disciplinary Authority to exonerate all the 3 COs without referring the case to the Commission for its SSA is a major deviation from Commission's advice.

State Bank of India

Case 1:

In a case of take-over of cash credit account, the following irregularities were noticed:

- Take over norms for accounts were not complied while taking over account from a private bank.

- Credit rating lower than the threshold level was accepted.
- Sanction was beyond the delegated authority.
- Unit was about 300 Kms away from the operating branch.
- Unit was in commercial operation for less than 02 years and was not a profit making one for 02 preceding years as required under guidelines.
- The Audited Balance Sheet was older than 09 months and provisional financials not older than 06 months were not obtained to diligently analyse the activity level and profitability.

Advice: The Commission, vide ID note dated 09.11.2020, as its FSA, advised for initiation of Major Penalty Proceedings against one Deputy General Manager (DGM), three Assistant General Managers (AGMs), two Chief Managers (CMs) and action under 'Non-Vigilance' against one Deputy Manager (DM) and two Assistant Managers (Ams).

Brief: The matter pertained to irregularities in Cash Credit account of a firm dealing with Gems and Jewellery. The firm was having limit of Rs. 11.85 crore with a private sector bank which was taken over by the bank along with enhancement in limit to Rs. 13.50 crore on 31.01.2018. The account became NPA on 28.12.2018 and was treated as a quick mortality account. Lapses were observed at pre-sanction, sanction and post sanction stages. After imposition of major penalty, the Appellate Authorities of DGM and 2 AGMs modified the penalty to Administrative Warning.

Outcome: The modification and dilution of penalty from major penalty to Administrative Warning is a major deviation from Commission's advice.

Case 2:

The following irregularities were noticed in issuance of Letter of Credit (LOC) to a Private Limited Company:

- Number of LCs (Letter of Credit) devolved in the past were squared off by debiting unit's Cash Credit account which was already irregular.
- Cash Credit limit remained irregular for more than 15 days.
- LCs were issued without obtaining stipulated margin.
- Approved issuance of Buyer's Credit by incorporating its Credit Risk Rating as SB-9, as against the actual Credit Risk Rating of SB-15 of the borrower, though buyer's Bank had stipulated that Buyer's Credit rating

will not be extended to units having Internal Rating below hurdle rating SB-10. Prior sanction for issuance of Buyer's credit was not obtained.

- The period of the Buyer's Credit exceeded the Operating Cycle or the Maximum Usance Period for LC (of 90 days) considered in the LC limit assessment.
- Irregularities arising out of devolvement of LCs were not adjusted within 15 days. Approval for opening of further LCs were done without obtaining specific approval of appropriate authority.

Advice: The Commission, in its FSA vide OM dated 06.05.2020, had advised for initiation of major penalty proceedings against 5 officers.

Brief: The matter pertained to irregularities in issuance of Letter of Credit (LOC) to a Private Limited Company which were observed during the audit under Foreign Exchange Management Act (FEMA). The offer letter of supplier's bank contained a stipulation that they would not extend Buyer's Credit to units having internal rating below hurdle rating of SB-10. However, in the case of this Private Limited Company, on whose request LOC was issued, the SWIFT messages sent for LOC mentioned the rating as SB-9 as against rating of SB-15. The estimated loss to the bank was Rs.22.04 crore. After imposition of major penalty on all the 5 officers, the Appellate Committee modified the penalty to a minor penalty of Censure.

Outcome: Modification of major penalty to a minor penalty of Censure by the Appellate Committee is a major deviation from Commission's advice.

New India Assurance Company Limited

Case 1:

The case relates to improper assessment of loss by the surveyor and settlement of claim based on such assessment. The following irregularities were noticed:

- Settlement of claim and making payment to the engineering firm, without obtaining NOC from the Principal which in this case is a Government company.
- Non obtention of final bills by the Insurance company officials.

Advice: The Commission, in its FSA dated 19.10.2020 had advised for initiation of major penalty proceedings against four officials.

Brief: The matter pertained to a case in which FIR was filed alleging that officials of a Government company conspired criminally with a partner of an engineering firm and surveyors of a Public Sector Insurance Company and its officials, to extend undue pecuniary advantage to the engineering firm. The officials of the insurance company paid insurance claims in favour of the firm without the consent of the Government company, which was made co-insured prior to release of claims. The omissions and commissions on the part of the accused persons resulted in wrongful loss to the tune of Rs.3.97 crore to the Government company. After imposition of a major penalty on each of the COs, the respective Appellate Authorities modified the penalty to a minor penalty of Censure.

Outcome: Modification of major penalty to minor penalty of Censure by the Appellate Authorities is a major deviation from Commission's advice.

Industrial Development Bank of India

Case 1:

Irregularities were noticed in appraisal and disbursement of the credit facility sanctioned to a private limited company. It was observed that cost of proposed project was not assessed and compliance of takeover norms was not ensured.

Advice: The Commission, in its FSA dated 29.07.2021, advised for initiation of major penalty proceedings against three officers and in its SSA dated 29.08.2022 advised for imposition of minor penalty on two COs.

Brief: A private company engaged in production and export of English Herbs was sanctioned a term loan and working capital of Rs.60.34 crore in 2007 by a public sector bank for cultivation of culinary herbs under green / poly house for 6 projects. The account was taken over from that public sector bank by IDBI Bank in 2009. The company was enjoying credit facilities of Rs. 49.17 crore in March, 2011. On the request of the company, facilities were restructured twice but the company failed to comply with the terms of restructuring and the account was classified as NPA on 21.09.2019. It was observed that the appraising / recommending / sanctioning and controlling authorities failed in their duties and sanctioned / disbursed the credit facilities in the account, which was otherwise not eligible for financing. The Commission advised initiation of major penalty proceedings against three officers and later on, advised for imposition of minor penalty on two COs. The Disciplinary Authority imposed minor penalty on one official and exonerated another official.

Outcome: Exoneration of one officer after Commission's SSA for imposition of minor penalty is a deviation from Commission's advice.

Small Industries Development Bank of India (SIDBI)

Case 1:

Irregularities were noticed in sanction and disbursement of and credit facilities / loan in an advance account. Some of the major lapses were:

- Sub-debt was sanctioned more than the eligibility
- Investment in Plant & Machinery (P&M) was not examined by the dealing officials to reckon MSME status of the borrower
- Disbursement was made without complying with sanction terms
- Inadequate due diligence was observed in respect of a group company
- Failure to verify the authenticity of bills before making disbursement and not ensuring end use of fund.

Advice: The Commission vide its FSA dated 24.06.2021 had advised for initiation of major penalty proceedings against one officer.

Brief: A company engaged in manufacturing of electrical stamping and laminations, approached the bank for credit facilities to set up a project. The same company had earlier availed loan facility from the bank which had been pre-paid. Promoters of the company had envisaged investment of Rs. 30 crore in first phase and financial assistance of Rs. 20 crore was sought. Term loan of Rs. 15 crore and sub-debt of Rs.5 crore was sanctioned to the company and disbursements were made in five stages between July, 2015 to November, 2016. Account slipped into NPA in May, 2017. Investigation revealed major lapses on the part of officers involved in sanction and disbursement of facilities in the company. After imposition of a major penalty on the CO, the Appellate Authority modified the penalty to a minor penalty.

Outcome: Modification of major penalty to minor penalty by the Appellate Authority is a major deviation from Commission's advice.

Bharat Coking Coal Ltd.

Case 1:

Irregularity was observed on the part of a Head of Department (HOD), in Bharat Coking Coal Ltd. (BCCL) in disbursement of Performance Related Pay (PRP) payments to an ex-GM of BCCL.

Advice: The Commission, in its FSA dated 05.02.2019, advised for initiation of minor penalty proceedings against HOD, Manager and Assistant Manager, BCCL, found responsible for the lapses.

Brief: CMD, BCCL had imposed a major penalty to the then GM, BCCL. As per extant instructions, PRP benefit would not be admissible to executives terminated from service, absconding / unauthorisedly absent or awarded punishment during a financial year. However, PRP was paid to the then GM. The officials of Personnel Department of BCCL failed to restrict the payment of PRP to the officer and the HOD failed to carry out his job with due care and responsibility. Minor penalty of "Censure" was imposed by the Disciplinary Authority in accordance with the advice of the Commission but the Appellate Authority i.e. CMD, Coal India Ltd. (CIL) exonerated the HOD.

Outcome: Exoneration of the HOD from the charges, by the Appellate Authority is a deviation from the FSA of the Commission.

Ministry of Coal

Case 1:

Project Officer of Mahanadi Coalfields Limited (MCL) as Engineer in-charge of the Ex-Servicemen (ESM) Transportation Contracts failed to ensure compliance of contract agreement as well as Memorandum of Understanding (MoU) provisions related to maintenance of attendance register and also failed to ensure compliance of guidelines issued by GM (TC), MCL pertaining to safety features of Tippers deployed by the ESM companies.

Another Project Officer of MCL as Engineer in-charge of the ESM Transportation contracts failed to ensure the compliance of contract agreement as well as MoU provisions related to maintenance of attendance register and failed to ensure the compliance of guidelines issued by GM (TC), MCL pertaining to safety features of Tippers deployed by the ESM companies.

Project Manager of MCL allowed the operation of ESM Transport companies without ensuring the maintenance of attendance register and failed to ensure compliance of guidelines issued by GM(TC), MCL pertaining to safety features of Tippers deployed by the ESM companies.

Another Project Officer of MCL allowed the operation of ESM Transport companies without ensuring maintenance of attendance register and did not



ensure the compliance of guidelines issued by GM(TC), MCL pertaining to safety features of Tippers deployed by the ESM companies.

Project Personnel Officer of MCL issued Labour Payment Certificate (LPC) to ESM Transport company without cross-checking the wage sheet with attendance registers in respect of the persons employed by the firm and failed to ensure compliance of Employee Provident Fund (EPF) / Coal Mines Provident Fund (CMPF) in respect of the employees deployed.

Advice: Commission, in its FSA dated 22.05.2020, advised initiation of major penalty proceeding against six (06) officers of MCL. Reconsidered FSA was given on 16.02.2021 and SSA was given on 23.09.2021 and 17.11.2021 wherein advice for major penalty against 05 officers and minor penalty against one officer was given.

Brief: This matter relates to irregularities in Coal Transportation work from mines to coal stockyard / railway siding at MCL by Ex-Service Men companies (ESM) under ESM Coal loading and transportation scheme.

The irregularities pertained to non-adherence to the provisions of Mine Rules 1952 and provisions of MoU between Director General of Rehabilitation (DGR), CIL and MCL specially for maintaining the list of manpower by ESM companies, maintaining attendance register, non-deployment of requisite strength of ESM by the firms, alleged procurement of tippers by those firms in the name of ESM widows / dependent, usage of electricity supplied by MCL but payment not being recovered from these firms, etc. for which area level officers were responsible. Disciplinary Authority (CMD, MCL) decided to exonerate all five officers against whom major penalty was advised by the Commission.

Outcome: Exoneration of the COs by the Disciplinary Authority (CMD, MCL) is a major deviation from the Commission's SSA.

Case 2:

Eastern Coalfields Ltd. (ECL) awarded the contracts for hiring of Heavy Earth Moving Machinery (HEMM) for removal of overburden, extraction and removal of coal from Mohanpur, OCP patch of Salanpur Area and Jambad Open Cast Project (OCP) Kajora Area. The contracts were foreclosed and were awarded at higher rates in re-tendering.

Advice: Commission, in its FSA dated 31.08.2018, advised initiation of major penalty proceedings against two GM level officers of ECL.

Brief: Contracts for hiring of HEMM for removal of overburden, extraction and removal of coal from Salanpur Area and Jambad OCP Kajora Area were awarded by ECL and during the execution stage, the wage rates of contract workers were revised as per decision of CIL. An enabling order was also issued, describing methodology for compensation to the contractors on account of increase in wages in the ongoing contracts. However, contracts were foreclosed and were subsequently awarded at higher rates in re-tendering. Major penalty was imposed by the concerned Disciplinary Authority, on these two officers, as advised by the Commission. However, the Appellate Authority exonerated both the officers.

Outcome: The decision of the Appellate Authority to exonerate both the officers is a major deviation from Commission's advice.

Nuclear Power Corporation of India Ltd.

Case 1:

Irregularities were noticed in the award of work of Operation and Maintenance of Telephone & PA system network and associated works at plant site by Tender Evaluation Committee (TEC) based on similar work.

Advice: The Commission, in its FSA, advised initiation of major penalty proceedings against four TEC Members and also gave SSA on 30.06.2021 for imposition of suitable major penalty on all the four TEC Members.

Brief: Based on the view of the expert and clarification given by TEC members and review of the case file, it was established that the work was wrongly awarded to a private firm on the recommendations of the TEC, which were based on similar work awarded earlier. The core work executed by the private firm formed a small part of the technical specification and scope of work.

It was brought out that C&I work was related to main plant work and it was an integral part of main plant operation and safety related aspects of work, which required specialized experience. However, Telephone & PA system work was a work of regular nature for which specialized training was not mandatory. The contractor carrying out work of C&I can handle work of Telephone & PA system, however vice-versa does not hold good. The work order awarded was in violation of NIT stipulations. The Disciplinary Authority i.e. CMD, NPCIL vide order dated 26.04.2022 exonerated all four Cos.

Outcome: The orders of the Disciplinary Authority exonerating all four COs is a major deviation from the Commission's SSA.

Case 2:

The Investment Committee of NPCIL had recommended investment of an amount of Rs. 25 crore in secured Non-Convertible Debenture bond of a private firm in February, 2015 from Employee Provident Fund and failed to notice default in receipt of payment of dividend from the firm from July 2015 onwards, leading to failure of NPCIL authorities to take up the issue with firm till 29.01.2016. The interest amount of Rs. 1.3 crore only was received from the private firm although a total amount of Rs. 33.76 crore was due (including Rs. 25 crore as Principal amount).

Advice: The CVO, Department of Atomic Energy informed that the Disciplinary Authority had imposed major penalties in respect of two AGMs, one DGM and one Sr. Manager vide order dated 11.02.2020, 30.01.2020, 18.03.2020 and 15.06.2020 respectively. The Commission had noted the position on 11.05.2021 after receiving the information.

Brief: The NPCIL EPF Committee reviewed the guidelines in January 2015 and downgraded the investment criteria for the private category bonds from AAA to AA rating. There was suppression of the vital information in the MoM dated 06.01.2015 that as per the earlier guidelines of 2010, the investment criteria was AAA rating. Further there was no detailed analysis or justification for downgrading the investment rating. The crucial policy change carried out in the year 2015 was never informed / disclosed to Board. The Investment Committee recommended investment of an amount of Rs. 25 crore with a private firm considering only the credit rating and possible high yield. No due diligence and independent verification as regards to the claims of the private firm, its market standing and future prospects were carried out before recommending investments. The details available in public domain revealed high volatility in share prices, sign of financial stress due to heavy debt.

First default which occurred on 01.10.2015 was noticed by EPF section only in December 2015 and only routine correspondence was initiated at the end of January 2016. The officials also failed to monitor / notice the downgraded ratings by the agencies from May 2015 onwards. As per the prospectus issued by SEBI, process of security creation was to be completed by 03.03.2015 but the firm defaulted on this aspect from the very beginning. The officials also failed to monitor the creation of security and the first communication for non-creation of security was issued only in the month of September 2016. A proper due diligence by the NPCIL officials would have highlighted the deteriorating condition of the private firm and NPCIL could have timely exited from the

scheme. However, NPCIL EPF officials failed to take timely action and possible steps to ensure and protect the interest of NPCIL EPF and were guilty of dereliction of duty.

NPCIL Board, being the trustee of NPCIL EPF should have been apprised regarding investment and other EPF related issues from time to time. The NPCIL EPF officials inform the Board about the default of interest payment by the private firm after the delay of one year and one month from the date of default, which seemed to be deliberate and resulted in delayed response and other measures. All the four COs submitted appeals before the Appellate Authority i.e. Board of Directors, NPCIL, which exonerated all the COs vide orders dated 08.02.2022, 17.03.2022 & 22.03.2022 respectively.

Outcome: The exoneration of all the four COs by the Appellate Authority i.e. Board of Directors, NPCIL, for such serious lapse is a major deviation from the Commission's advice.

Bird Group of Companies

Case 1:

An agency was engaged at Orissa Minerals & Development Company Ltd. (OMDC) Mines, Thakurani, Barbil for the work of providing contractual workmen to carry out the 8 (eight) general maintenance and up keep works. The agreement valuing Rs. 1.78 crore per annum was signed with the agency after approval of the then Business Head while, as per delegation of powers, the approval should have been given by Managing Director (MD). Further, bills for deployment of extra / additional man-days were processed and payments were made without ensuring statutory compliance of PF and terminal benefits.

Advice: Commission, in its FSA dated 26.03.2021, advised initiation of major penalty proceeding against five (05) officers of OMDC. After conclusion of the inquiry, the Commission tendered its SSA on 15.02.2022, advising imposition of major penalty against Business Head, OMDC & Dy. Manager and minor penalty against remaining three (03) officers.

Brief: The matter originated through a PIDPI complaint relating to irregularities in engagement of extra / fake manpower, which was forwarded to CVO, Ministry of Steel. The then GM (Finance), OMDC also filed a complaint alleging discrepancies noticed during his visit to Mines Office. During investigation, it was found that OMDC finalised a tender for the work of providing contractual engagement of workmen at OMDC mines on open tender basis for a period of

one year without obtaining approval of Competent Authority. The Disciplinary Authority i.e. Sr. GM (Pers) awarded minor penalty of Censure to then Business Head, OMDC & Dy. Manager and exonerated two other COs.

Outcome: The decision of the Disciplinary Authority i.e. Sr. GM (Pers) to award minor penalty of Censure to two COs and exoneration of two other COs is a deviation from the Commission's advice.

Ministry of Textiles

Case 1 :

One Assistant Professor, National Institute of Fashion Technology (NIFT) Bhubaneswar was found responsible for gross violation in tender evaluation and for proposing to release part payment directly to the individual and not to the firm, in violation of the terms of work order.

Advice: Commission, in its FSA, advised initiation of Major Penalty proceedings against the Assistant Professor, NIFT, Bhubaneswar.

Brief: One Assistant Professor, NIFT, Bhubaneswar did not evaluate the technical bids properly, which was a gross violation of technical evaluation criteria and evaluation of financial bid, mentioned under the relevant clause of selection criteria of the said tender. He also proposed to release part payment directly to the individual and not to the firm, contrary to the work order. After imposition of major penalty by the Disciplinary Authority, the Appellate Authority exonerated the CO.

Outcome: Exoneration of the CO by the Appellate Authority is a major deviation from the Commission's advice.

National Building Construction Corporation (NBCC)

Case 1 :

One DGM was found responsible for not proposing recovery on account of non-completion of sample flats, paid secured advance for reinforcement at higher rates and failed to maintain important records such as level book and proper calculation of earth work.

Advice: The Commission in its FSA given vide OM dated 26.04.2021 had advised initiation of major penalty proceedings against the DGM and 6 other officers of NBCC. On reconsideration of its FSA, the Commission, vide OM dated

08.03.2022 reiterated its earlier advice of major penalty proceedings against the DGM.

Brief: The case originated out of a Chief Technical Examiner Organisation's intensive examination, carried out in a work of Construction of a Group Housing Residential Apartments at Gurgaon by NBCC, costing Rs. 214 crore. Entire Intensive Examination Report was referred to CVO, NBCC for detailed vigilance investigation and CVO, NBCC submitted the investigation report for FSA of the Commission. On examination of the case, the Commission advised NBCC to initiate major penalty proceedings against DGM and other officials involved in the case. CVO, NBCC sought reconsideration of Commission's FSA in respect of DGM. The Commission reiterated its initial advice of initiation of major penalty proceedings against the DGM. CMD, NBCC, being the Disciplinary Authority, decided that no action required against the DGM.

Outcome: The decision of the Disciplinary Authority i.e. CMD, NBCC of taking no action against DGM is a major deviation from Commission's advice.

Case 2:

Allegations of improper computation of anti-profiteering in respect of developers, payments to developers during stop payment period, non-confirmation of Bank Guarantee and non-revision of Cost To Complete (CTC) were made against one GM and one DM of NBCC.

Advice: The Commission in its FSA, vide OM dated 07.07.2021 advised initiation of major penalty proceedings against both the officers, which was reiterated on receipt of the proposal for reconsideration of its FSA.

Brief: The case is related to irregularities in the work of construction at Patsan Bhawan at New Town, Rajahat, Kolkata, based on the examination of audit report submitted by internal audit (Finance) and technical audit division, HQ. The Disciplinary Authority i.e. CMD, NBCC issued a Caution Memorandum to the GM and issued a minor penalty charge sheet to the DM.

Outcome: Issue of Caution Memorandum to the GM and minor penalty charge sheet to the DM by the Disciplinary Authority, in disagreement with the Commission's advice is a major deviation from the advice tendered by the Commission.

Case 3:

A GM was found responsible for the following lapses:

- Contradictory statement in documents sent through Strategic Business Group (SBG),
- No action taken for recording actual work done at site,
- For booking of work contract tax and other taxes accepted by the client in the 17th Running Account (RA) Bill despite the issue of over payment for an amount of Rs. 8.94 crore to the contractor,
- Not effecting recovery of mobilization advance in the 17th RA Bill June 2017,
- Non -initiation of action against contractor for holiday listing of M/s CDR Projects Pvt. Ltd. and
- Not initiating any action to finalise the extension of time till 08.06.2019, non-levying of LD (Liquidated Damages) and giving provisional time extension.

Advice: The Commission, in its FSA, vide OM dated 16.08.2021 advised initiation of major penalty proceeding, which was reiterated after receipt of the reconsideration proposal from NBCC.

Brief: The case is related to irregularities / over payment in construction of Academic Building and allied work for Rajiv Gandhi University of Knowledge and Technologies at Kadapa (Andhra Pradesh). The Disciplinary Authority i.e. CMD, NBCC issued a Caution Memorandum to the GM, to be more careful in future.

Outcome: The Disciplinary Authority issued a Caution Memorandum to the GM, which is a major deviation from the Commission's advice.

Delhi State Industrial & Infrastructure Development Corp. Ltd. (DSIIDC)

Case 1:

One Superintendent Engineer (SE) and one Executive Engineer (EE) were found responsible for approving the extra items beyond their financial powers, violation of provision of CPWD Works Manual and for their failure in ensuring proper rate-analysis of extra items resulting in payments at higher rates thereby extending undue benefit to the contractor.

Advice: The Commission, in its FSA, vide OM dated 21.08.2019 had advised initiation of major penalty proceedings against SE and EE, along with two other officers.

Brief: The case was based on a preliminary vigilance inquiry carried out by vigilance branch of DSIIDCL, relating to the work of execution of Supply, Installation, Testing and Commissioning of Heating & Ventilation Air Conditioning (HVAC) system of 200 Tons of Refrigeration (TR) Capacity (approx.) combined for Hostel, Ventilation, and remaining Building at National Institute of Fashion Technology (NIFT), Hauz Khas, including Battery Management System (BMS) work. After imposition of the major penalty on the SE & EE by the Disciplinary Authority, the Appellate Authority exonerated the Cos.

Outcome: Exoneration of the COs by the Appellate Authority is a major deviation from the Commission's advice.

Delhi Jal Board

Case 1:

Irregularities were observed in tendering process for the award of work of construction of 50 Kilo Litres per Day (KLD) Sewage Treatment Plant (STP) & other associated / allied works, including operation & comprehensive maintenance, on Design Build Operate (DBO) basis at Raj Niwas.

Advice: The Commission, in its FSA, vide OM dated 10.01.2020, advised initiation of major penalty proceedings against one SE, one EE, one AE and one AAO. The Commission vide OM dated 16.03.2022 gave its SSA advising imposition of major penalty on SE.

Brief: The case emanates from investigation carried out by DJB. On perusal of the investigation report, it was observed that one SE manipulated the technical comparative statements for the work of construction of 50 kilo litres per day sewage treatment plant and other associated / allied works on DBO basis at Raj Niwas, including operation and comprehensive maintenance. He replaced the original sheet wherein bids of four firms had been declared to be in order, with the tampered technical comparative statements, on the basis of which the CE (Sewage Disposal Work) concerned approved for opening of price bid. The Disciplinary Authority exonerated the SE from the charges proved against him.

Outcome: The decision of the Disciplinary Authority to exonerate the SE is a major deviation from Commission's advice.

Delhi Transco Ltd.

Case 1:

In a case it was noticed that irregularities by framing of inappropriate estimate, particularly in respect of Bill of Quantity (BOQ), item of supply and fixing of sun

film over glazed portion of doors & windows for the work of annual maintenance contract for office building were committed.

Advice: The Commission, in its FSA, vide OM dated 15.04.2019, advised initiation of major penalty proceedings against an Assistant Manager, Technical.

Brief: The case emanated on the basis of investigation carried out by Delhi Transco Ltd. (DTL). On perusal of investigation report, it was observed that the AM failed to provide justification of rates taken in Analysis of Rate (AOR) for sun film items and changed the rates of sun film items to a higher level on the basis of last awarded work, in which the rates of sun film item was higher due to wrong measuring of its unit during estimation. Being the officer responsible for execution of work, he should have pointed out that the rates were exorbitant and should have provided proper justification of AOR with reasonable rates. He, intentionally estimated the quantity wrongly, as any further increase in the quantity would have resulted in enormous increase in the estimate cost. He processed the bills by violating the provisions of NIT, which provided for applying market rates when the quantity exceeds 20% of the BOQ item. After imposition of major penalty on the CO by the Disciplinary Authority and Appellate Authority, the Reviewing Authority i.e. Board of Directors, DTL reduced the penalty to Censure.

Outcome: Reduction of penalty to Censure by the Reviewing Authority is a major deviation from the Commission's advice.

Table 4.1: Non-Compliance of Commission's advice

S. No.	Name of Department / Organisation	No. of Deviation cases
1	Ministry of Railways	7
2	Bharat Sanchar Nigam Ltd.	1
3	V.O. Chidambaranar Port Authority	1
4	State Bank of India	2
5	New India Assurance Company Ltd.	1
6	Industrial Development Bank of India	1
7	SIDBI	1
8	Bharat Coking Coal Ltd.	1
9	Ministry of Coal	2
10	Nuclear Power Corporation of India Ltd.	2

11	Bird Group of Companies	1
12	Ministry of Textiles	1
13	NBCC (India) Ltd.	3
14	DSIIDC	1
15	Delhi Jal Board	1
16	Delhi Transco Ltd.	1
	Total	27

OTHER AREAS OF CONCERN

Expeditious Disposal of Complaints

- 4.4 The Commission considers it imperative that complaints of any malpractices / irregularities are examined expeditiously by the authorities concerned. Some delays have been noticed at various levels of processing of the complaints along with the level at which decisions are to be taken by the competent authorities. The Commission's constant endeavour is to sensitise the organisations about the importance of timely and efficient handling of complaints.

Non-Observance of Laid Down Procedure in Vigilance Cases

- 4.5 While examining cases received for advice, it has been noted that on some occasions the laid down procedures is not followed. It includes failure on part of the Disciplinary Authority to consult the Commission and / or DoPT, delays in seeking advice and lack of knowledge of rules / regulations in disciplinary proceedings. An illustrative list of such lapses is as under:

- ❖ In some cases, the DoPT is not approached for resolution of difference of opinion between the Commission and the Disciplinary Authority, in case of officers for whom the appointing authority is the President.
- ❖ It has also been noted that in some cases the Disciplinary Authority issued Caution after conclusion of departmental inquiry. As per extant instructions, either the charges are to be dropped or one of the statutory penalties is to be imposed on conclusion of the departmental inquiry.

Delays in Disciplinary Proceedings

- 4.6 The Commission has been impressing upon the organisations about the need for prompt action in vigilance related matters. The Commission emphasises on expeditious investigation into complaints to determine the accountability for any improper conduct and finalisation of disciplinary proceedings within the prescribed time-schedule. These factors not only contribute to the efficiency of the organisations but also send a message to the erring officials that any inappropriate action or misconduct on their part would not go unpunished.
- 4.7 The Commission while tendering its FSA also gives timeline for further action which has produced positive result. However, in some of the cases delay has been observed due to the factors mentioned below:
- ❖ Some organisations while approaching the Commission for advice do not furnish the proposal in the prescribed format and complete records / documents are not provided.
 - ❖ In some cases, specific recommendations of the Disciplinary Authority are not forwarded while seeking advice of the Commission, thus causing avoidable delay.
 - ❖ In some cases, the administrative authorities are not adhering to the time-schedules prescribed for completion of disciplinary proceedings.
- 4.8 Some organisations take more than the prescribed time for implementation of Commission's advice which includes delay in issuance of charge sheet. Sometimes, the delinquent officer is allowed to retire, and the misconduct becomes time barred for initiation of departmental action.
- 4.9 It has been observed that in some cases after the issuance of final orders, the authorities concerned did not ensure implementation of the penalty orders.



Commission's Sectoral Review and Deliberations with Vigilance Team of State Bank of India on 22.07.2022 at Kolkata



Shri Suresh N Patel, CVC addressing the gathering at Bank of India at Mumbai on the occasion of VAW-2022



Question Answer Session during Training of Vigilance Officers at Bengaluru on 16.09.2022



Dr. Praveen Kumari Singh, AS(CVC) addressing the gathering at Solar Energy Corporation of India on the occasion of VAW-2022



Question Answer Session during Induction Training of CVOs on 15.12.2022 at Satarkata Bhawan, New Delhi



Intensive Examination of Dehradun Airport on 28.06.2022
by CTE team.



Intensive Examination of NEEPCO Ltd., Bokuloni, Assam
On 07.09.2022 by CTE team.



Intensive Examination of NHPC Project Gerukamukh, Assam
On 10.11.2022 by CTE team.



Intensive Examination of NHAI at Tuljapur, Ausa Section of
NH-361 on 23.11.2022 by CTE team.



Intensive Examination of MES at Jamnagar Airport
on 06.12.2022 by CTE team.



Intensive Examination of CONCOR (WD 40-LWLH 25 Bogie)
at Sahibabad on 29.12.2022 by CTE team.

CHAPTER 5

CHIEF TECHNICAL EXAMINERS' ORGANISATION

BACKGROUND

- 5.1 The Chief Technical Examiners' Organisation (CTEO) was established in the year 1957 under the Ministry of Works, Housing and Supply, which was the forerunner of the present Ministry of Housing & Urban Affairs. The mandate of CTEO was to conduct technical audit of works undertaken by the Central Public Works Department (CPWD), with the objective of achieving economy in expenditure and better technical and financial control.
- 5.2 The Santhanam Committee on prevention of corruption, while appreciating the contribution of CTEO, recommended for strengthening it to make it more effective. It also recommended enlarging the jurisdiction of CTEO to cover construction works undertaken by other Ministries / Departments and to place it under administrative control of the Central Vigilance Commission. On acceptance of these recommendations by the Government, CTEO was placed under the administrative control of the Commission in 1964.
- 5.3 The CTEO initially undertook intensive examination of selected Civil and Electrical construction works only. Subsequently, with the increasing expenditure on purchase of goods, services etc., CTEO began conducting intensive examination of supply and service contracts as well. At present, CTEO conducts intensive examinations of all contractual activities of the Central Government, Central Public Sector Undertakings, Public Sector Banks, and other Central Government organisations. The scope of its examination includes execution of works, purchase of goods, hiring of services, etc. which are mainly funded by the Central Government.
- 5.4 At the apex level, the CTEO is headed by two Chief Technical Examiners (CTEs) – one of them is responsible for examination of civil / horticulture related

procurement cases and matters and the other one for all other types of procurement contracts viz., supply contracts, electrical / mechanical contracts, IT procurements, consultancy and service contracts, transport contracts etc. and related matters. The CTEs are assisted by a team of Technical Examiners (TEs), Assistant Technical Examiners (ATEs) and Junior Technical Examiners (JTEs).

- 5.5 The main functions of CTEO include conducting technical and financial scrutiny of various procurement cases of the different agencies, to advise the Commission on policy matters related to public procurement and matters referred to the Commission for its advice by the Ministries, Departments of the Government of India, and other organisations within the jurisdiction of the Commission. As part of preventive vigilance and system improvement, CTEs / TEs participate in workshops and seminars on issues related to public procurement.

INTENSIVE EXAMINATION OF PROCUREMENT CASES

- 5.6 Selection of procurement cases for intensive examination is primarily based on the Quarterly Progress Reports (QPRs) submitted by the Chief Vigilance Officers (CVOs) of various organisations, as also complaints received from various sources. Intensive examination is also done based on the criticality, nature and the time and cost overrun involved in the procurement cases reported. The CVOs are required to furnish every quarter, details pertaining to different type of procurement cases, completed or on-going, with a contract value above the prescribed threshold values. As per extant instructions, the threshold values are Rs. 5.0 crore and above for civil and turnkey works, supply contracts, Public Private Partnerships, sale of scrap and land etc., Rs. 1.0 crore and above for electrical, mechanical works, maintenance and service contracts, manpower supply and consultancy contracts, Rs. 50 lakh and above for medical equipment, Rs. 10 lakh and above for horticulture works and four largest value contracts for supply of medicines. During the year 2022, 374 organisations submitted their QPRs. At times, intensive examination is also undertaken based on complaints alleging specific misconduct / irregularities.

- 5.7 During the year 2022, CTEO undertook intensive examinations of 72 procurement cases, covering 60 Organisations. The aggregate value of these procurement cases was Rs.17,525.44 crore as summarised below:

Table 5.1: Intensive examinations conducted by CTEO during the year 2022.

Organisation	No. of Organisations	No. of Intensive Examinations
Government Departments	11	13
Autonomous Bodies	03	04
Public Sector Undertakings	46	55
Total	60	72

- 5.8 Some of the organisations where intensive examinations were undertaken in the year 2022, are Central Public Works Department (CPWD), National Highways Authority of India (NHAI), National Highways & Infrastructure Development Corporation Limited (NHIDCL), NBCC India Ltd., Northern Railway (NR), Western Railway (WR), Northeast Frontier Railway (NFR), Rail Vikas Nigam Limited (RVNL), RITES Ltd, Konkan Railway Corporation Limited (KRCL), Delhi Metro Rail Corporation Limited (DMRC), Military Engineering Services (MES), Air Port Authority of India (AAI), WAPCOS Limited, Employees State Insurance Corporation (ESIC), National Hydroelectric Power Corporation (NHPC), Bharat Heavy Electricals Limited (BHEL), Mumbai Port Authority, Cochin Shipyard Limited, GAIL India Ltd, ONGC Ltd, Reserve Bank of India (RBI) and Bank of Baroda (BOB).
- 5.9 On completion of intensive examination of the selected procurement cases, the CTEO prepares the intensive examination report. Deviations, if any, from the General Financial Rules, policies of Government of India, laid down guidelines of the Commission as well from the procurement manuals of the organisation are brought to the notice of the concerned procurement agency. In addition, issues related to transparency, efficiency, fair and equal treatment of bidders, over-payments, quality deficiencies, time and cost overruns, tax avoidance, non-compliance of statutory and other norms etc.

are included in the report. Some of the important irregularities observed during the intensive examinations carried out during the year 2022 are at Appendix VI.

- 5.10 Intensive examination reports after approval of CTE, are forwarded to the CVO of the organisation concerned for obtaining comments / action taken report from Management / officials concerned in respect of the observations raised in the report. Cases of irregularities, with perceived vigilance angle, are referred to the CVOs for detailed vigilance investigation and for fixing of responsibility. 12 such cases were referred to the CVOs during the year. The action taken on the observations in the intensive examination report resulted in many systemic improvements, besides punitive action against erring officials. Recovery of Rs. 113.91 crore was also effected by the organisations concerned from the contractors / suppliers / service providers based on the observations in intensive examination report. Some of the cases, which were referred to CVOs for detailed vigilance investigations during the year 2022, are listed at Appendix VII.
- 5.11 As a result of observations made by CTEO during the intensive examinations, several systemic improvements were initiated by respective organisations. These systemic improvements were on the issues like proper scrutiny of the estimates submitted by the consultants and approval of the same by the Competent Authority, publishing of tenders on Central Procurement Portal (CPP), rationalisation of the eligibility criteria, ensuring rate reasonability by working out realistic estimates, payment to sub-contractors/sub-vendors, penalties for late / non-submission of Performing Bank Guarantee (PBG) in the tender documents, appropriately defining the procurement as Works or Goods or Services and ensuring the related compliances, etc. Some of the significant systemic improvements are listed at Appendix VIII.

CTE TYPE INTENSIVE EXAMINATION BY CVOS

- 5.12 The Commission decided that intensive examinations, like those being carried out by CTEO, be also carried out by the CVOs, in their respective organisations. CVOs carry out intensive examination of some selected procurement contracts, broadly representing spectrum of the core activities

of the organisation and report the outcome to the Commission. As reported by the CVOs of 287 organisations, 2,062 number of CTE type examination of procurement cases were conducted during the year 2022, leading to recovery of Rs.1,186.80 lakh, 249 number of vigilance cases and 1,493 number of systemic improvements.

EXAMINATION OF VIGILANCE CASES

- 5.13 While examining vigilance cases, various branches of the Commission, as and when required, refer issues related to procurement / technical aspects to CTEO for inputs and advice. During the year, CTEO furnished advice in 262 vigilance / complaint cases, referred to it.

IMPORTANT INITIATIVES TAKEN BY THE CTEO

- 5.14 Under the guidance of the Commission, CTEO during the year 2022, in continuation of the efforts towards emphasis on preventive vigilance, provided technical inputs to various organisations towards capacity building and sensitizing officials about various aspects of vigilance; especially, areas pertaining to tenders and contracting, estimation of rates, legal aspects in contracting etc. were covered in training programs and seminars organised by various organisations during the year.
- 5.15 As a measure of streamlining the procurement policy guidelines, the Commission and Department of Expenditure (DoE) jointly worked on bringing a single authoritative source of reference for procurement related guidelines; as such, it was decided to subsume all earlier public procurement related guidelines issued by the Commission in the Manuals on Procurement of Goods, Works and Consultancy & other Services issued by DoE, Ministry of Finance. Accordingly, the updated version of these Manuals was released on 1st July, 2022.



Release of Manuals on Procurement of Goods, Works and Consultancy & other services at Satarkata Bhawan on 01.07.2022



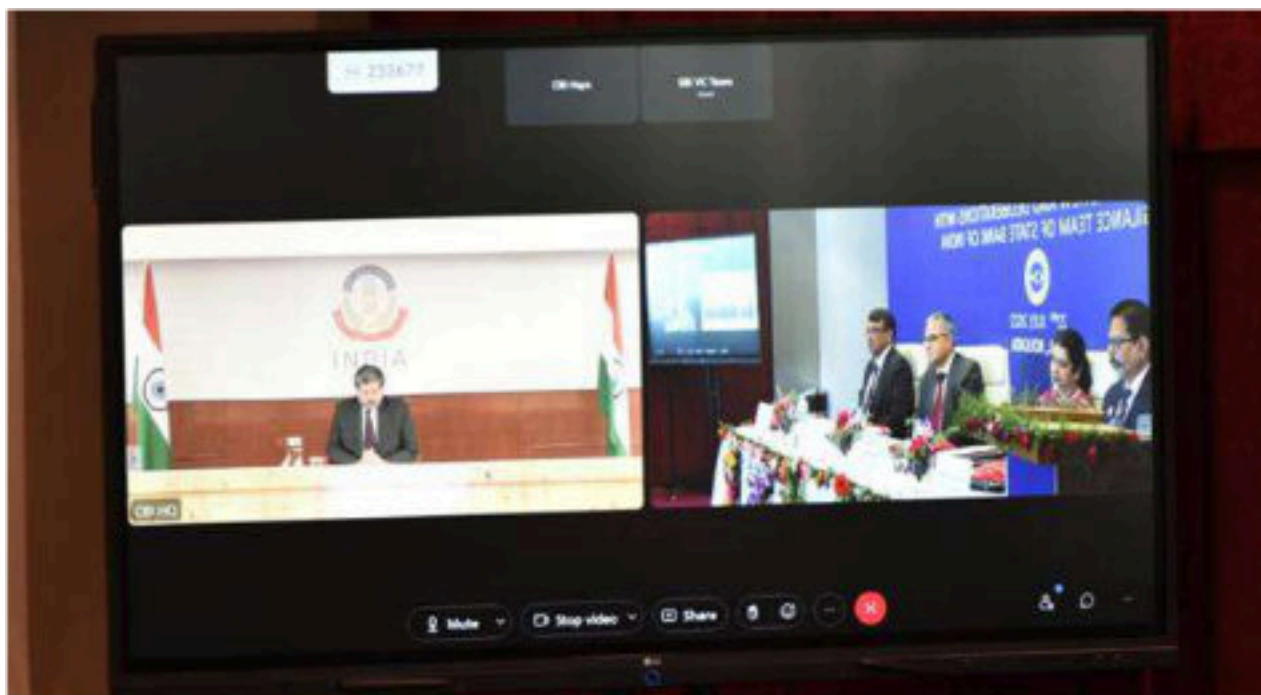
Training on Public Procurement Module for CVC Officers



**Training on newly launched Public Procurement Manual for CVOs on
1st December 2022 at NDMC Convention Centre, New Delhi**



**Training on newly launched Public Procurement Manual for CVOs on
2nd December 2022 at NDMC Convention Centre, New Delhi**



Online interaction of Special Director CBI during Sectoral Review Meeting with Vigilance Team of State Bank of India on 22.07.2022



Interaction with Shri Rishi Kumar Shukla, former Director, CBI on the occasion of International Anti-Corruption Day at Satarkata Bhawan, New Delhi on 09.12.2022



Interaction with Shri Rishi Kumar Shukla, former Director, CBI on the occasion of International Anti-Corruption Day at Satarkata Bhawan, New Delhi on 09.12.2022

CHAPTER 6

SUPERINTENDENCE OVER CENTRAL BUREAU OF INVESTIGATION

INTRODUCTION

- 6.1 The Central Bureau of Investigation (CBI) is the premier investigating agency in India. It is also the country's nodal agency, which coordinates investigation on behalf of Interpol Member countries.
- 6.2 A Central Government Police Force was initially set up by an executive order of the Government of India in the early stages of World War-II (in 1941) to investigate cases of corruption in respect of war related expenditure. This police force was known by the name of Special Police Establishment (SPE). After the war, a need was felt to have a Central Government Agency to investigate bribery and corruption related matters pertaining to Central Government employees. Hence, SPE's scope was extended to cover all Departments of Government of India, through the Delhi Special Police Establishment Act, 1946. Its jurisdiction was later expanded to cover all Union Territories and States, with their prior consent.
- 6.3 The Committee on 'Prevention of Corruption', known as Santhanam Committee, in its recommendations dated 17.11.1962, advised the Government to give additional responsibilities to SPE. After that, Government of India notified a Resolution dated 01.04.1963, giving the agency a new name, Central Bureau of Investigation and expanding its scope. Initially, its role covered corruption by Central Government employees. Later, employees of Central Public Sector Undertakings and Public Sector Banks were also brought within ambit of CBI.
- 6.4 CBI, over the years, has established a reputation for impartiality and competence, leading to demand from all quarters to take up investigation of different kinds of cases. The Supreme Court and High Courts also started entrusting cases to CBI for investigation. Keeping in view the increasing scope

of work of CBI, in 1987, it was decided to constitute two investigation divisions in the CBI, namely, Anti-Corruption Division and Special Crimes Division. The Special Crime Division was given the responsibility of dealing with cases of conventional crime and economic offences. Later, a separate Banking Fraud and Securities Cell was created in the wake of securities scam of 1992. In 1994, work was divided into three broad divisions i.e., Anti-Corruption, Economic Crimes and Special Crimes.

SUPERINTENDENCE OF CVC OVER CBI

- 6.5 The Hon'ble Supreme Court of India, in its order dated 18-12-1997 in Criminal Writ Petition Nos 340-343/93 in the matter of Vineet Narain and others V/s Union of India case envisaged greater autonomy and objectivity in the functioning of CBI. Pursuant to the court's orders, the Central Vigilance Commission Act, 2003 statutorily mandated CVC to exercise superintendence over the work of CBI in respect of investigations conducted by it, under the provisions of Prevention of Corruption Act, 1988.
- 6.6 As per Section 8(1) of the CVC Act, 2003, the functions and powers of the Commission related to CBI shall be to:
- (i) exercise superintendence over the functioning of the Delhi Special Police Establishment in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure, 1973, be charged at the same trial; [Section 8(1)(a) of CVC Act, 2003].
 - (ii) give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of section 4 of the Delhi Special Police Establishment Act, 1946:
 - (iii) Provided that while exercising the powers of superintendence under clause (a) or giving directions under this clause, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner; [Section 8(1)(b) of CVC Act, 2003].
 - (iv) review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the

Prevention of Corruption Act, 1988 or the public servant may, under the Code of Criminal Procedure, 1973, be charged at the same trial. [Section 8(1)(e) of CVC Act, 2003].

6.7 Section 4 of Delhi Special Police Establishment Act, 1946 was also amended w.e.f. 01.09.2003, which inter-alia reads as follows:

- "4. Superintendence and administration of Special Police Establishment.
- (1) The superintendence of the Delhi Special Police Establishment in so far as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), shall vest in the Commission.
 - (2) Save as otherwise provided in sub-section (1), the superintendence of the said police establishment in all other matters shall vest in the Central Government."

6.8 The Commission exercises superintendence mainly through the following modes:

- ❖ Monthly review meetings with the Director, CBI wherein progress of cases under investigation / inquiry, reasons for delay, status of pending prosecution sanctions, etc., are discussed;
- ❖ Forwarding of complaints for inquiry where deemed necessary;
- ❖ Issuing directions for investigation and report in exercise of powers under Section 8(1) 9d) of CVC Act, 2003;
- ❖ Examining the reports of investigation received from CBI regarding misconducts in cases against officers within the jurisdiction of the Commission and advising the Disciplinary Authorities to initiate disciplinary proceedings and / or grant of sanction for prosecution;
- ❖ Reviewing progress of Sanction for Prosecution pending with the competent authorities for expediting decision on them;
- ❖ Calling for reports / returns wherever necessary;
- ❖ Recommending officers for appointment to posts of the level of SP and above (except Director) and also extension or curtailment of tenure of such officers. [Section 26 of CVC Act, 2003]
- ❖ Recommending appointment to the post of Director of Prosecution [under Section 4BA of DSPE Act, 1946].

CBI'S ACTIVITIES

- 6.9 CBI sends monthly reports of its activities to the Commission about cases registered, their disposal and cases pending for trial. A gist of CBI activities during the year 2022 is given below:

Registration of Cases

Table 6.1: Registration of Cases

Year	Total Cases	Regular Cases	Preliminary Inquiries
2022	946	829	117

- 6.10 During the year 2022, 946 Regular Cases / Preliminary Enquiries (RCs – 829, PEs – 117) were registered. 163 Traps were laid for detection of bribery cases during 2022 and 46 cases for possession of Disproportionate Assets were registered during the year. Out of 946 cases, 107 cases were taken up on the orders of the Constitutional Courts, while 30 cases were initiated on references received from State Governments / Union Territories.

Investigation

Table 6.2: Pendency

Year	Cases pending (Both Regular Cases and Preliminary Enquiries)
End of 2021	982
End of 2022	1025

- 6.11 During the year 2022, CBI completed investigation in 905 cases, 819 of them being Regular cases (RCs) and 86 Preliminary Enquiries (PEs). 1025 cases were under Investigation / Enquiry at the end of the year 2022, out of which 447 Regular cases were pending for more than one year, 60 Preliminary Enquiries were pending for more than 3 months.

Trial and Conviction (Including Non-PC Act Cases)

Table 6.3: Trial and Conviction

No of court cases where judgement was received in 2022 557	Resulting in Conviction:364
	Resulting in Acquittal:111
	Resulting in Discharge:13
	Disposed of for other reasons:69

- 6.12 The conviction rate during the year was 74.59% against 67.56% for the year 2021. At the end of the year 2022, 10,732 cases were pending under trial in various courts.

Cases dealt with under PC Act, 1988 during the Year 2022

- 6.13 A gist of cases dealt by the Central Bureau of Investigation under PC Act 1988, during the year 2022 is as under:

Table 6.4: Cases Dealt Under PC Act, 1988 During 2022

Sl. No.	Particulars	Cases
1	Registration	628
	No. of Public Servants involved in these cases	713
	No. of Gazetted Officers involved in these cases	228
2	Disposal from investigation	585
	Departmental Action as well as	69
	Prosecution only	474
	Departmental Action only	4

	Action as deemed fit	3
	Closed	32
	Otherwise disposed of	3
3(a)	Disposal from Trial (Court Case wise)	381
	Conviction	255
	Acquittal	81
	Discharge	6
	Otherwise disposed of	39
3(b)	Break up of No. of Public Servants and Private Persons involved in cases disposed of from trial	1414
	Conviction	663
	Acquittal	369
	Discharged	42
	Otherwise disposed of	340
4	Total No. of cases under investigation (as on 31.12.2022)	692
5	No. of pending Trials (Court Case wise)	6841

6.14 Normally, it is required of CBI to complete investigation within one year of registration of case. Completion of investigation would imply filing of charge sheets in courts wherever warranted, after receipt of sanction from the competent authority. The Commission has observed some delays in completing investigations in certain cases. Some of the reasons for such delays include:

- ❖ delay in investigation due to excessive work,
- ❖ inadequacy of manpower,
- ❖ delay in obtaining responses to Letters Rogatory (LRs),
- ❖ time required for verification of documents / title deeds, etc., in disproportionate asset cases,
- ❖ delay in obtaining forensic reports from forensic laboratories and reports from other experts,
- ❖ delay in receipt of prosecution sanction from competent authorities, etc.,

- ❖ delay in providing relevant records / documents by the departments concerned,
- ❖ time taken in scrutiny of voluminous records, especially in economic offences and bank fraud cases, and
- ❖ time taken in locating and examining witnesses living in distant places.

Table 6-5: PC Act' 1988 Cases Pending Investigation as on 31-12-2022

Length of Pendency	As on 31.12.2022
Less than one year	373
More than one year but less than 2 years	138
More than two years but less than 3 years	79
More than three years but less than 5 years	60
More than 5 years	42
TOTAL	692

Cases under trial before Courts

6.15 The Commission took note of large number of cases pending trial in different courts. It was observed that as on 31.12.2022, 6,841 number of cases were pending trial, out of which 313 number of cases were pending for more than 20 years.

Table 6.6: PC Act, 1988 Cases and Pending Trial as on 31.12.2022

Length of Pendency	As on 31.12.2022
Less than 3 years	1323
More than 3 years and up to 5 years	842
More than 5 years and up to 10 years	2324
More than 10 years and up to 20 years	2039
More than 20 years	313
TOTAL	6841

Table 6.7: Appeals and Revision Pending as on 31.12.2022 in Various Courts, in Respect of PC Act, 1988 Cases

	High Court		Supreme Court		Total
	Filed by CBI	Filed by Accused	Filed by CBI	Filed by Accused	
Appeal	745	10011	133	325	11214
Revision	443	751	0	0	1194
Total	1188	10762	133	325	12408

Table 6.8: Age Wise Analysis of Pending Appeals and Revisions

Age	High Court		Supreme Court		TOTAL
	APPEALS	REVISIONS	APPEALS	REVISIONS	
	PC ACT-1988	PC ACT-1988	PC ACT-1988	PC ACT-1988	
Less than 2 years	1486	450	167	0	2103
More than 2 but less than 5 years	2312	410	159	0	2881
More than 5 but less than 10 years	3674	233	98	0	4005
More than 10 but less than 15 years	2210	71	33	0	2314
More than 15 years but less than 20 years	660	27	1	0	688
More than 20 years	414	3	0	0	417
Total	10756	1194	458	0	12408

PREVIOUS SANCTION FOR PROSECUTION AGAINST CENTRAL GOVERNMENT EMPLOYEES

- 6.16 Section 19 (1) of Prevention of Corruption Act, 1988, (as amended in 2018) lays down that no court shall take cognizance of an offence punishable under Sections 7, 11, 13 and 15 of PC Act, alleged to have been committed by a

Public Servant, who is employed or as the case may be, was at the time of commission of the alleged offence, employed in connection with the affairs of the Union / State, except with the previous sanction of the authority competent to remove him from office.

- 6.17 The amended provision also provides that no request can be made, by a person other than a police officer or an officer of an investigation agency or other law enforcement authority, to the appropriate Government or competent authority, as the case may be, for the previous sanction of such Government or authority for taking cognizance by the court of any of the offences specified, unless – (i) such person has filed a complaint in a competent court about the alleged offences for which the public servant is sought to be prosecuted; and (ii) the court has not dismissed the complaint under Section 203 of the CrPC and directed the complainant to obtain the sanction for prosecution against the public servant for further proceeding.
- 6.18 It has been provided further that in case of request from the person other than a police officer or an officer of an investigation agency or other law enforcement authority, the appropriate Government or competent authority shall not accord sanction to prosecute a public servant without providing an opportunity of being heard to the concerned public servant.
- 6.19 On receipt of a request for grant of previous sanction for prosecution under Section 19 of Prevention of Corruption Act, 1988 from CBI or other investigating agency and while processing such requests, all the Ministries / Departments / Organisations need to take decisions expeditiously and in accordance with the guidelines issued by the Commission vide its circular Nos. 31/05/05 dated 12.05.2005, 07/03/12 dated 28.03.2012 and 08/05/15 dated 25.05.2015. The amended PC Act, 1988 also stipulates that the appropriate Government or any competent authority shall, after the receipt of the proposal requiring sanction for prosecution of a public servant endeavour to convey the decision on such proposal within a period of 3 months from the date of its receipt.

- 6.20 In case where, for the purpose of grant of sanction of prosecution, consultation is required with the Attorney General or any Law Officer in the Attorney General's office, the period may be extended by further one month, for reasons to be recorded in writing. The Commission, in terms of its powers and functions under Section 8(1)(f) of the CVC Act, 2003, has issued directions that all administrative authorities should scrupulously follow the guidelines while considering and deciding requests for sanction for prosecution.
- 6.21 The Commission reviews the progress of cases pending for sanction of prosecution with various organisations, under the PC Act, 1988. CBI reported that at the end of the year 2022, total of 198 cases belonging to different organisations were pending for grant of sanction for prosecution under PC Act, 1988. In these cases, pending with Central / State Government and other Departments / Authorities, 525 separate requests have been made for prosecution sanction during the year 2022, as some of the cases involved more than one accused.

Table 6.9: Ministry-Wise PC Act Cases Pending for Prosecution Sanction as on December 31, 2022

Ministry	Total Cases	Total Requests	Pending for more than 3 months as on 31.12.2022	
			Total Cases	Total Requests
COMPTROLLER AND AUDITOR GENERAL	2	2	0	0
MINISTRY OF LABOUR AND EMPLOYMENT	5	20	1	1
MINISTRY OF AGRICULTURE	2	2	0	0
MINISTRY OF COAL & MINES	7	31	4	11
MINISTRY OF COMM. & IT (DEPTT. OF POSTS)	2	3	0	0
MINISTRY OF COMMERCE & INDUSTRY	1	1	1	1
MINISTRY OF CONSUMER AFFAIRS & PUBLIC DISTRIBUTION	1	1	0	0
MINISTRY OF CORPORATE AFFAIRS	2	2	2	2
MINISTRY OF CULTURE	1	4	0	0
MINISTRY OF DEFENCE	8	16	2	5

Ministry	Total Cases	Total Requests	Pending for more than 3 months as on 31.12.2022	
			Total Cases	Total Requests
MINISTRY OF EDUCATION	5	8	2	3
MINISTRY OF FINANCE (DEPT. OF REVENUE)	20	31	7	15
MINISTRY OF FINANCE (DEPTT.OF FINANCIAL SERVICES)	61	167	20	87
MINISTRY OF HEALTH & FAMILY WELFARE	4	6	1	1
MINISTRY OF HOME AFFAIRS	6	11	4	6
MINISTRY OF HOUSING AND URBAN AFFAIRS	1	1	1	1
MINISTRY OF LAW, JUSTICE & COMP. AFFAIRS	1	1	0	0
MINISTRY OF MICRO, SMALL AND MEDIUM ENTERPRISES	1	1	0	0
MINISTRY OF PERSONNEL PUBLIC GR. & PENSIONS	9	12	5	6
MINISTRY OF PETROLEUM & NATURAL GAS	2	2	0	0
MINISTRY OF POWER	1	1	0	0
MINISTRY OF RAILWAYS	15	22	2	6
MINISTRY OF ROAD TRANSPORT & HIGHWAYS	5	6	1	1
MINISTRY OF SCIENCE & TECHNOLOGY	1	4	0	0
MINISTRY OF SHIPPING	2	2	0	0
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT	1	1	0	0
MINISTRY OF WOMEN & CHILD DEVELOPMENT	1	1	1	1
UNION TERRITORIES	1	1	1	1
LOK SABHA	2	5	2	5
GOVT. OF ARUNACHAL PRADESH	1	1	0	0
GOVT.OF BIHAR	1	3	1	3

Ministry	Total Cases	Total Requests	Pending for more than 3 months as on 31.12.2022	
			Total Cases	Total Requests
GOVT.OF CHHATTISGARH	1	1	1	1
GOVT.OF DELHI	5	6	2	2
GOVT.OF HARYANA	1	2	0	0
GOVT.OF HIMACHAL PRADESH	1	25	1	25
GOVT.OF JAMMU AND KASHMIR	4	11	3	10
GOVT.OF JHARKHAND	2	4	1	2
GOVT.OF KARNATAKA	1	2	1	2
GOVT.OF MADHYA PRADESH	1	2	1	2
GOVT.OF MAHARASHTRA	3	41	3	41
GOVT.OF MANIPUR	2	3	0	0
GOVT.OF NAGALAND	1	4	0	0
GOVT.OF PUNJAB	3	4	2	2
GOVT.OF TAMILNADU	1	5	1	5
GOVT.OF UTTAR PRADESH	7	23	5	18
GOVT.OF WEST BENGAL	4	23	1	6
Total	209 ***	525	80****	272
***However, a total of only 198 cases are Pending for Prosecution Sanction, as 11 Cases are common to more than one ministry / state, Govt., etc.				
**** However, a total of only 73 cases are Pending for Prosecution Sanction, as 7 Cases are common to more than one ministry / state, Govt., etc.				

- 6.22 The Commission follows up the cases pending for sanction for prosecution on a regular basis, with the Central Government Departments and its organisations for early decision of the competent authority. Such details are also placed on the website of the Commission and updated every month.
- 6.23 The Commission has also emphasised on the need for the competent authorities to decide upon the grant or denial of prosecution sanction by issue of appropriately worded speaking orders. In cases of difference of opinion between the competent authorities in the Ministries/ Departments/Organisations and CBI / other investigating agencies, where the latter have, after investigation sought sanction for prosecution of public

servants, the Commission resolves such matters of difference of opinion on the basis of available documents/materials and after taking into consideration, the tentative views of the competent authorities of the concerned Ministries / Departments / Organisations concerned, in accordance with Commission's Circular No. 05/03/15 dated 16.04.2015.

- 6.24 The Commission also takes note of the pendency with the Ministries/Departments for previous approval sought by the investigating agency, under Section 17A of the PC Act, 1988 (as amended in 2018) and follows up with the authorities concerned on regular basis for expeditious disposal. As on 31.12.2022, 99 such references were pending involving 224 officers.

PENDING CASES AGAINST OFFICERS / OFFICIALS OF CBI

- 6.25 Pendency of cases against CBI officers reflects on the reputation and image of the country's premier investigation agency. As on 31.12.2022, 52 departmental cases against Group 'A' officers and 19 cases against Group 'B' and 'C' officials belonging to CBI were pending at various stages.

Table 6.10: Departmental Action Against CBI Personnel - Group A

Total pending	Less than 1 year	Between 1 year to 2 years	Between 2 years to 3 years	Between 3 years to 4 years	More than 4 years
52	8	9	7	5	23

Table 6.11: Breakup of the total pending cases

Inquiry in progress at various stages	50
Pending with DoPT for final orders	2
Total	52

Table 6.12: Departmental Action Against CBI Personnel – Group B and C

Total pending	Less than 1 year	Between 1 year to 2 years	Between 2 years to 3 years	Between 3 years to 4 years	More than 4 years
19	12	1	3	0	3

Table 6.13: Breakup of the total pending cases

Inquiry in progress at various stages	19
Pending with DoPT for final orders	0
Total	19

MANPOWER

- 6.26 The total sanctioned strength of CBI as on December 31, 2022 was 7295, against which 5600 officials were in position and 1695 posts were lying vacant. The vacancy position is given in Table 6.14

Table 6.14: Overall Vacancy Position of CBI as on 31.12.2022

Designation of posts	Sanctioned Strength	Actual Strength	Vacancy
Executive Ranks	5045	3883	1162
Law Officers	377	306	71
Technical Officers	119	67	52
Ministerial Staff	1693	1326	367
Canteen Staff	61	18	43
GRAND TOTAL	7295	5600	1695

MONTHLY REVIEW MEETINGS WITH DIRECTOR CBI AND REVIEW OF SPECIFIC CASES

- 6.27 The Commission holds a review meeting with Director, CBI every month wherein progress, and pendency of cases registered under PC Act, 1988 (under investigation and under trial) are reviewed. The reasons for delay in investigations / inquiry are reviewed and likely dates for completion of investigation / inquiry ascertained. Sanction for prosecution requests pending under PC Act, 1988, for decision by the competent authorities are also reviewed and the Commission pursues the matter with authorities concerned for decision on pending requests within 90 days, in accordance with the directions of the Supreme Court.
- 6.28 Other issues of concern are also discussed during the monthly review meetings with Director, CBI for exchange of ideas and finding solutions to

clear bottlenecks observed while conducting investigation / inquiry. Details of certain pending cases, as specifically included in the agenda are also discussed. In addition, the Commission invites suitably Senior Officers from CBI to discuss specific cases wherein the Commission, on examination of the reports of CBI, identifies certain shortcomings.

APPOINTMENT FOR CERTAIN POSTS IN CBI

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



VAW function at Vigyan Bhawan on 03.11.2022



Release of booklet on Preventive Vigilance at SBI, Mumbai



Release of VIGEYE VANI Newsletter at Satarkata Bhawan, New Delhi on 12.07.2022

CHAPTER 7

PREVENTIVE VIGILANCE AND SYSTEMIC IMPROVEMENTS

BACKGROUND

- 7.1 The main aim of preventive vigilance is to put in place a system of governance, by which the scope of indulging in inappropriate activities is eliminated or reduced to the minimum extent possible. Effective Preventive Vigilance measures include identification and plugging vulnerable areas through systemic improvements and structural remedies. These measures fulfill the dual objective of pre-empting corrupt practices and misconducts as well as further enhance organizational efficiency. Standardization, automation, leveraging technology, reducing discretion and human interface, simplification of rules and procedures, transparency, accountability, training, and awareness are important tools of preventive vigilance.
- 7.2 The report of Santhanam Committee recognized the importance of preventive vigilance in reducing or eliminating corruption. It was observed that unless planned preventive measures are implemented in a sustained and effective manner, corruption cannot be eliminated or even reduced significantly. The main effort for checking corruption must come from within the organisation and it is vital to have a continuous watch on sensitive areas rather than merely acting after occurrence of an irregularity.
- 7.3 The Commission has identified the following broad areas, which need special attention while implementing preventive vigilance measures:
- ❖ Allocation of resources like rights, lease, licenses, loans etc.
 - ❖ Public procurement and management of contracts,
 - ❖ Auction/sale of Goods,
 - ❖ Recruitment, promotion, transfer and posting

- ❖ Delivery of public services,
- ❖ Social welfare schemes,
- ❖ Determination of tax liabilities,
- ❖ Misappropriation of public assets

COMMISSION'S INITIATIVES IN AREA OF PREVENTIVE VIGILANCE

7.4 As a precursor to Vigilance Awareness Week 2022, the Commission had launched a three-month campaign in six areas focusing on housekeeping and preventive vigilance measures to be taken by all the Ministries / Departments / Organizations. These six focus areas were as follows:

- ❖ Property Management;
- ❖ Management of Assets;
- ❖ Record Management;
- ❖ Technological Initiatives comprising two parameters;
- ❖ Website Maintenance & Up-dation;
- ❖ Identification of new areas for service delivery for customers / staff to be brought on online portal and initiation of steps for creating online platform;
- ❖ Up-dation of guidelines / circulars/ manuals wherever found necessary, and
- ❖ Disposal of outstanding complaints.

7.5 These initiatives have developed a consciousness among the organizations in the field of preventive vigilance. Over 350 organizations had actively participated and took significant action in these preventive vigilance focus areas.

7.6 There is a scope of implementing preventive vigilance measures in almost all operational areas of an organization. Preventive vigilance measures can broadly be categorized as the following:

Simplification and standardization of rules

Simplification and standardization of rules and procedures facilitates elimination of discretion and arbitrariness and helps to reduce corruption. Identifying areas

involving exercise of discretion which are not properly regulated by clear guidelines, as well as a complete review of existing rules and regulations needs to be undertaken to promote clarity and accountability. Similarly, simplification and standardization of forms / applications also reduces scope for corruption.

Leveraging Technology and Automation

Experience suggests that technology plays an enabling and effective role in fighting corruption. E-procurements, E-payments, use of websites for dissemination of information and creating awareness, use of CCTV in places of public dealing, use of Global Positioning System (GPS) enabled devices / Radio Frequency Identification (RFIDs), computer assisted audit techniques for detecting frauds are some of the examples as to how technology provides considerable strength to the system of preventive vigilance. Automation reduces interface / interaction between public officials and the common public. It also removes a monopoly on delivery of services and reduces personal discretion of the concerned official.

Business Process Re-engineering (BPR)

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

Transparency

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

Accountability

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

Control & Supervision

Regular and routine inspections, surprise inspections, audit and reviews keep a check on aberrant and corrupt behaviour.

Early detection of misconducts

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

Time-bound and effective punitive action

Punitive action within a short period of occurrence of the misconduct and finalisation of such cases in a time-bound manner resulting in award of exemplary and adequate punishment, deters others from committing such misconduct in future. At the same time, any prolonged delay in awarding punishment to wrong doers sends negative signal to other people in the organisation who are working as per norms and following systems and procedures.

Training and Awareness

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

Conducive work environment

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

Awareness among public

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

Inculcating ethical behaviour

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

Whistle Blower Mechanism

The Commission encourages all organisations to establish whistle blower mechanisms as a method of identifying corrupt practices and as a means to achieve improvement of systems within an organisation.

- 7.7 The Central Vigilance Commission has been emphasising preventive vigilance measures to tackle areas susceptible to corruption, which has led to various successful initiatives undertaken by Govt. organizations including Ministries/Departments, Central Public Sector Enterprises (CPSEs) and Public Sector Banks (PSBs) to enhance good governance. The Commission has proactively taken forward the agenda of preventive vigilance. Some of the significant initiatives taken in this direction include the following measures:

Guidelines on Preventive Vigilance

The Commission, as part of its focus on Preventive Vigilance mechanism has included it in its Vigilance Manual, which is updated at intervals. Chapter on e-Vigilance has been added in the updated version of Vigilance Manual published in the year 2021.

Training and Awareness

The Commission believes that preventive vigilance is a continuous process and there should be a culture and environment developed in organisations to nurture it. Accordingly, the Commission has advised the centralized training institutes as well as the PSUs and Public Sector Banks to include modules on preventive vigilance in their induction training programs for young officers and in-service and mid-career training courses.

Dissemination of Good Practices

For dissemination of good practices adopted by organisations in the area of preventive vigilance, the Commission has published a compilation of preventive vigilance

initiatives taken by different organizations during the year 2022. The booklet on Preventive Vigilance Initiatives was released by the Hon'ble Prime Minister of India on 03.11.2022 during the Vigilance Awareness Week 2022.

Standard Operating Procedures (SOPs)

The Commission has been advising Government organisations, PSEs and PSBs to develop specific SOPs on the identified key areas and disseminate the SOPs for implementation of key processes to prevent excessive use of discretionary power at all levels and to ensure transparent functioning of organisations. During the Vigilance Awareness Week – 2022, all the organizations had been asked to review and update their manuals, SOPs etc. as a special drive.

Inculcating Ethical Behaviour among Employees and the Public

The Commission's Vigilance Awareness Week (VAW) activities are a significant step for awareness generation among all stake holders, particularly the students and youth through outreach activities. Commission has propagated that all organizations must send their officers and staff during the induction and mid-career training for exposure to the good practices adopted in organizations.

Training, capacity building and skill upgradation

The Commission has been training the CVOs/ Dy. CVOs as well as management of the departments/ organisations through customized programs conducted at reputed training institutions. Commission has also organized nationwide training programs for Inquiry Officers and Presenting Officers to build their capacity to handle departmental inquiries in a timely and professional manner.

Review of Preventive Vigilance initiatives by Organisations

During the Review meetings / Annual Sectoral Review meetings with the Ministries / Departments / Organisations in 2022, the Commission has been reviewing initiatives taken by various organisations for effective preventive vigilance. This is also reviewed through the CVO's Quarterly Performance Reports.

Scrutiny of Audit Reports by Chief Vigilance Officers (CVOs)

The Commission has been reiterating that the audit reports (internal audit, statutory audit and C&AG audit) should be thoroughly examined by the CVOs to identify audit observations that have a vigilance angle so that timely action may be taken to prevent any misdeed. The Commission has insisted on submission of detailed reports from

CVOs in this area. The point has been included in the CVOs' Quarterly Performance Reports furnished during each quarter. During the Annual Sectoral Review meetings, the Commission reviews the status of scrutiny of audit reports with the CVOs.

Continuous Revision of Manuals

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

Continuous Revision of Processes

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

Asset Registers

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

SYSTEMIC IMPROVEMENTS SUGGESTED BY THE COMMISSION

Ministry of Railways

- 7.8 It was observed that in one case the Ministry of Railways had awarded the contract 5 years prior to acquisition of land, required for executing the contract. In the General Instructions on Procurement and Project Management issued by Department of Expenditure, the following provisions have been quoted: -

It is desirable to have 100% of the required land in possession before award of contract; however, it may not always be possible to have the entire land due to prevailing circumstances. Also, it may not be prudent to put the entire process of award of contract on hold for want of the remaining

portion of land, which in the assessment of public authority or the project executing authority, could possibly be acquired in a targeted manner after award of the contract, without affecting progress.

Minimum necessary encumbrance free land should be available before award of contract. The minimum may be determined based on the circumstances of each case or general guidelines, issued by the concerned authorities. Only such land, non-availability of which, will prevent essential components of work from execution, should be insisted upon.

Time taken in grant of statutory and other clearances also contributes to the time and cost of public projects. These clearances are required to achieve specific objectives like concern for the environment, aviation safety, preservation of national heritage, conservation of forest and wildlife etc. Public authorities / Project executing Authorities should plan to obtain all necessary clearances quickly and closely monitor the progress.

The Commission advised the ministry to examine the existing mechanism in the organisation and implement appropriate systemic improvement measures, in line with the above guidelines.

- 7.9 In another case, it was found that Extensions to the contractor were granted without Liquidated Damages (LD) and the approval given by the authority concerned was without proper justification. The Commission advised the ministry to examine the existing mechanism and adopt suitable systemic improvement measures as per guidelines issued by the Department of Expenditure.

The Commission observed that there was no provision for field trial before clearing the prototypes of certain items i.e., Oil Cooling Unit (OCU) Blower with casing and impeller. The Commission advised the ministry to examine the feasibility of incorporating provision for field trial, specifically in case of development of critical and important items to reduce the failure rate once the items are supplied for use in fields.

- 7.10 While examining a case it was observed that there was wide variation in the designs of different vendors. It was observed that it could lead to a situation where some vendors can achieve the performance requirement but at the same time compromise the overall life of the product, thus leading to higher maintenance cost in future. The Commission advised the ministry to examine the feasibility of factoring in the life cycle cost and standardization of designs to maximum possible extent.

It was noted that the responsibility of developing some items was being shifted between two units, repeatedly. The Commission advised the ministry to ensure that there should be clear policy for responsibility of the units/organisations within Railways for development of various items and processes adopted for approval should be fair and transparent, wherein all vendors are treated at par.

The Shipping Corporation of India Limited (SCI)

- 7.11 The Commission advised SCI to put in place a system for monitoring / processing of medical bills of employees for payment. Shipping Corporation of India was also advised to stipulate an indicative timeline for settlement of bills.

SCI informed that Standard Operating Procedure (SOP) for settlement of medical/covid claims has been revised after due approval of the management to ensure timely action. A time limit of 90 days from the date of receipt of request has been fixed for finalisation of medical claims.

Bharat Sanchar Nigam Ltd (BSNL)

- 7.12 The Commission advised BSNL to adopt 2-packet methodology (instead of limited tendering/empanelment method) to provide equal opportunity to all eligible bidders and to ensure better competitive rates. BSNL HQ has issued necessary instruction to its field formations

Chennai Port Authority

- 7.13 The Commission had advised following systemic improvement measures to ensure recovery of pending dues from port users: -
- ❖ To form a committee comprising of members from each department of the port, to whom the money is due;
 - ❖ The members of such a committees should have adequate domain knowledge;
 - ❖ The duties and role of the committee should be clearly defined and necessary legal assistance should also be provided to the committee.
 - ❖ The committee should meet periodically to discuss and review the status of



pending dues and send a report to the competent authority, who would also monitor the status.

Bank of Baroda (BoB)

7.14 The Commission advised BoB to put in place a system of periodically checking the pass sheet of staff accounts for early detection of suspicious transaction. The Commission also advised the bank to adopt the system of quarterly surprise inspection and reappraisal of Gold Loan portfolio. BoB have informed that they have introduced the following systemic improvements in Gold Loan Portfolio: -

- ❖ Re-assaying of loans above Rs.3 lacs by a second assayer within 15 days of sanction.
- ❖ Re-assaying of 20% of the pledged gold ornaments, sanctioned during the last quarter, by an officer and assayer of branch other than the one who had advanced the loan.
- ❖ Re-appraisal of at least 5% of the gold loan accounts on random basis during Risk Based Internal Audit of the Branch.

State Bank of India(SBI)

7.15 The Commission advised SBI to devise a system, for storing the pledged gold items in a secure/tamper evident box with signatures of borrowers, gold appraiser/ valuer and bank officials to prevent tampering of gold items. It was further advised that working of CCTV cameras in all gold loan lending branches needed to be reviewed by Security Department of the Bank.

The bank was also advised to put in place a suitable mechanism in CBS System to ensure that officials do not transact on a non-working day without prior approval of the Competent Authority.

Central Board of Direct Taxes(CBDT)

7.16 During examination of a case, the Commission observed manipulation in interest computed by the AST system under section 234A/B/C of Income Tax Act, 1961. The Commission pointed out to CBDT that e-vigilance was an

effective tool for prevention and detection of such manipulations. CBDT was advised to implement following effective e-vigilance measures: -

- ❖ To make SOP for scrutiny of IT systems with fixed periodicity and as a surprise check.
- ❖ Implementation of proper checks and balances to prevent re-occurrence of such incidents in future.
- ❖ The Commission observed manipulation in issuance of refunds by inflating amount of TDS. CBDT was advised to implement the following systemic improvements:
- ❖ To strengthen present Revenue Service Administration (RSA) token policy.
- ❖ To ensure alerts in IT systems in case of abnormal refunds.

Central Board of Indirect Taxes and Customs (CBIC)

7.17 Regarding handling of Unaccompanied Baggage (UB), the Commission advised CBIC to implement the following systemic improvements:

- ❖ To issue consolidated instructions laying down the procedures to be followed for the clearance of unaccompanied Baggage and for fixing the responsibility of officials posted at Unaccompanied Baggage Centre.
- ❖ To create All-India database of passports details to link Unaccompanied Baggage (UB) Centres/Airports, so that alerts pertaining to the usage of the Transfer of Residence (TR) facilities by passengers at multiple stations can be generated to prevent misuse of the TR facility.
- ❖ Radio-Frequency Identification (RFID) tagging of unaccompanied Baggage to enable live tracking during movement till its clearance.
- ❖ To integrate current Baggage Module in ICES (Indian Customs EDI Systems) with APIS (Advanced Passenger Information System).
- ❖ To develop a Risk Management System based on various risk parameters such as Risky Liner/shipper, country of import, port hopping (passenger lands in one port but chooses to file the BD in another distant port) etc.

Mahanadi Coalfields Ltd.(MCL)

7.18 The Commission advised that to bring uniformity and transparency in all



Ex-Service Men (ESM) contracts, the following issues needed to be addressed:

- ❖ Compliance to MoU/ Agreement/ Director General Rehabilitation (DGR) guidelines/ statutory provisions need to be ensured.
- ❖ Proper maintenance of joint measurement books required.
- ❖ Maintenance of attendance and payment registers by the ESM contracts to be ensured.
- ❖ Compliance of statutory provisions / norms (Coal Mines Provident Fund, Minimum wages, ESI etc.) by the ESM Co. to be ensured.
- ❖ To ensure that there is no sub-contracting of loading/ transportation work by ESM Co.
- ❖ List of safety guidelines to be intimated to officials working in the field and their compliance to be ensured as per Directorate General of Mines Safety (DGMS) guidelines/ Coal Mines Regulation (CMR) provisions.
- ❖ To ensure that 75% of the employees of the company are Ex-Service Men.
- ❖ To ensure that 2 numbers of Ex- Service Men (ESM)/ disabled ESM/ widow are attached to each of tipper deployed by ESM contracts.
- ❖ To ensure that one Director/ Addl. Director is always present at site.
- ❖ To ensure that while issuing LPC, statutory compliance (CMPF, Minimum wages, ESI, Insurance etc.) are duly cross verified with Attendance Register.
- ❖ To ensure that GPS based Vessel Tracking Service (VTS) is installed in all the tippers.
- ❖ To properly verify the half yearly report for its correctness with respect to compliance of MoU/ Statutory provisions before countersigning.
- ❖ To write to DGR bringing out shortcomings if any, for taking corrective action.
- ❖ To request CIL Head Quarter to review the normative rate of ESM Cos.

Nuclear Power Corporation of India Limited (NPCIL)

- 7.19 Based on examination of a case, NPCIL has been advised to modify the contract clause to prohibit the use of steel products by re-rollers in NPCIL. The Commission advised NPCIL to ensure due diligence and stringent investment norms by the Investment Committee for investing the Provident Fund money of NPCIL employees, to ensure protection of invested funds.

Bharat Petroleum Corporation Ltd. (BPCL)

7.20 BPCL was advised that :-

- ❖ Consultants should provide details/ basis of estimates for tenders. Estimates prepared by the Consultants should be scrutinized and specifically approved by the authority concerned of BPCL.
- ❖ For specialized civil jobs like grading, tree cutting, area clearing/ disposal etc., estimates should be prepared with expertise from State/ Central agencies.
- ❖ Estimate process to be configured in such a way that the changes in statutory levies are factored in to reflect the correct figures.
- ❖ Order or precedence of documents/ conditions i.e. General Purchase Conditions (GPC)/ General Conditions of Contract (GCG)/ Special Purchase Conditions (SPC)/ Special Conditions of Contract (SCC) etc. should be mentioned in the tender documents to ensure clarity.
- ❖ Clear scope of work (viz., activities to be done, manpower requirement, provision of tools and tackles, frequency of visit/ Checking, number of equipment / sites covered, penalties for non-conformance to contract conditions, documentation etc.) to be defined for comprehensive Annual Maintenance Contract (CAMC)/Annual Maintenance Contract (AMC).
- ❖ In cases where vendors' representatives / supporting staff are stationed during warrantee / guarantee period for technical / operational requirements, payments for such deployments should not be accounted as CAMC/AMC charges.
- ❖ Tenders for machineries / equipment should have a clause to make sure that the technology used / supplied is not obsolete. For equipment's / machineries, confirmation regarding 'End of sale' and 'End of after sales service and spares' should be obtained.
- ❖ Hindrance register: Records for recording of delays (Hindrance Register) should be maintained to quantify delays & to ascertain the agencies responsible for the delays.
- ❖ Recoveries from bills: The organisation was advised to devise methodologies to effect appropriate deductions from running bills of contractors, without waiting for final bill/ contract closure, wherever required.
- ❖ Reseller appointment: To appoint reseller, due care is to be taken to mention clear terms and guidelines to avoid any ambiguity. Reseller appointment guidelines to be published on the website also. Records of bidders' participation in meetings to

be made available.

- ❖ Reconstitution of LPG Distributorship: The system of educating officers regarding reconstitution of agencies to be reviewed and necessary changes to be implemented. Guidelines to be posted on website.

Andaman Lakshadweep Harbour Works

- 7.21 As part of systemic improvement, the Commission suggested to the organisation to provide orientation training relating to Public Procurement to the officials of the organization. Andaman Lakshadweep Harbour Works have already sent 22 officers/officials to various institutes for training during the year 2022. They have assured that such training would be continued to be imparted to its official on regular intervals.

Electronics Corporation of India Limited (ECIL)

- 7.22 Based on various guidelines issued by the Commission from time to time, ECIL has implemented various systemic improvement measures. Some of the major systemic measures are: -
- ❖ Downward Revision of Threshold Limit for Integrity Pact from 5 (Five) crore to 2 (Two) crore.
 - ❖ Amendment to ECIL Procurement Manual 2021. As per awarded Procedure for Placement of Works Contract (Civil Works) approval for Annual Works Program along with work wise estimate shall be obtained from Committee of Functional Directors
 - ❖ Updation of ECIL procurement manual and aligning the same with the one issued by Deptt. of Expenditure.
 - ❖ Mandatory training on vigilance Aspects and procurement to newly inducted employees and middle-level executives.

SYSTEMIC IMPROVEMENTS IMPLEMENTED BY THE ORGANIZATIONS

Chennai Petroleum Corporation Limited (CPCL)	<ul style="list-style-type: none"> ❖ Returnable material gate pass e-system for proper tracking to ensure the return of materials sent out of refinery for repairs. <p>Material gate pass e-system was available at CPCL</p>
---	---

	<p>for recording the materials that move in and out of Refinery premises for repair, reconditioning etc. However, the system was deficient in permitting the return of material through courier and handed over to the sender directly and the material inward details were not updated in the system. Also, the tentative return date was not available in the reports generated for higher officials to track the proper return of the materials sent out.</p> <p>To plug this loophole, e-system has been modified to automatically escalate the pending status of materials by sending alerts to competent authority through e-mail after 7 days is elapsed from the due date of return mentioned in the gate pass. It improved the effectiveness of the system.</p> <p>❖ Elimination of Restrictive Condition in Pre-Qualification Criteria (PQC) to increase competition.</p> <p>In a Rate contract for carrying out repair works of cone roof tanks of diameter less than 35 meters at CPCL, it was observed that the PQC given was restrictive in the manner that the bidders who had experience in maintenance of cone roof tank type only could participate. Hence bidders who had experience only in maintenance of floating roof tanks which is more complicated work could not bid in the tender. With their experience in repairing floating roof tanks, they were technically competent to handle repairs in cone roof tanks.</p> <p>For increased competition, now the PQC shall be generic to the extent feasible and restrictive conditions shall be avoided. Also, now the term 'etc.' is avoided in the PQC, as the same can be interpreted differently by different bidders.</p> <p>❖ Improvement in Contract Labour management system for issue of clearance on statutory compliance.</p>
--	---

	<p>The System was deficient in handling the requests for statutory compliance clearance by scrutiny of hard copies of the required documents. Acknowledgement of requests for compliance and providing clearance certificates were done by creating a hard copy, then scanned and sent to the contractor by email.</p> <p>To address this issue, an e-portal has been created with facilities for acceptance of clearance requests, uploading of required documents, raising queries, uploading of replies, issue of clearances etc., The e-portal reports also help HR to monitor all CLM activities effectively.</p>
Chennai Port Authority	<p>❖ Systemic Improvement regarding deployment of Mobile Harbour Crane for cargo handling operation in Chennai Port. The port administration has agreed with the following 'Systemic Improvement' suggestions given by Vigilance department.</p> <p>The project implemented under Private Partnership Project, in future, shall adhere to the PPP Model documents of the Govt. of India.</p> <p>The Implementation of Contract Works/ Procurement/Dredging shall be as per the model tender documents of Ministry of Shipping.</p> <p>In absence of model tender document, due care would be given for tender designing by including appropriate terms and conditions. The finalized tender document shall be vetted by an expert Legal Counsel/Firm.</p> <p>The combination of clauses from Contract works and PPP model documents to finalize the tender document would be avoided, to avert the future complications.</p> <p>Engagement of consultants shall be considered for the critical/specialized projects.</p>

	<p>Arbitration clauses included in the tender document are often having gaps, and therefore the arbitration clause would be drafted carefully covering the hurdles faced in past contract works.</p> <p>The departments(s) shall form a Project Implementation cell, Capacity building at all levels of functional areas and maintaining the Bid Library.</p>
National Fertilizers Limited (NFL)	<p>❖ Composition & Integrity of Tender Committees: Vigilance department noticed various fundamental discrepancies in the crucial area of composition and integrity of the Tender Committees (TC).</p> <p>Following systemic improvements have been brought about:</p> <p>The "Competent Authority" for approval of Tender Committee nominations should be defined in the Works Manual.</p> <p>Nomination to TC shall be with the names and designation of the members.</p> <p>Any changes in TC Members should be approved by the Competent Authority and should be recorded in the TC minutes along with reasons for such a change.</p> <p>Single TC should be approved preferably for a complete tender case avoiding the practice of nominating separate TCs for Pre-bid meetings, Technical & Financial evaluations, and negotiation.</p> <p>❖ Price Bid Templates for Tenders:</p> <p>Price bid templates in e-tenders for Handling & Transport (H&T) contracts have been modified to automatically calculate and evaluate price bids online, avoiding manual intervention. The format designed in Excel, will automatically calculate,</p>

	<p>evaluate, and generate instant online reports and will also be visible to bidders while submitting their bids.</p> <p>❖ Updating of Maintenance Management Information System (MMIS):</p> <p>Up-gradation of MMIS has been done in automation with Integrated Financial Management System (iFMS) (earlier called MFMS) for automatic real time update of "Invoiced quantity in iFMS" immediately when the Material Invoice is updated in MMIS.</p> <p>❖ Streamlining the Recruitment Process:</p> <p>To create a master database of all posts and their eligibility criteria, updation of database have been done with the approval of the Competent Authority and the eligibility criteria laid down in this database have been linked to recruitment proposals.</p> <p>Fresh review of the entire recruitment process through online exam and building in suitable checks & monitoring mechanisms to enable NFL to exercise full control over the process.</p> <p>Suitable monitoring check points and reporting formats to enable effective monitoring of the activities of the agency.</p> <p>❖ Installation of CCTVs at various crucial / strategic locations:</p> <p>To stop tampering, pilferage and other malpractices, CCTV cameras have been installed at strategic locations.</p> <p>❖ Updating of Works Manual provisions for Black-Listing / Delisting:</p> <p>Provisions of Works Manual dealing with the issue of blacklisting, and de-listing were updated to get:</p>
--	---

	<p>Clarity in powers of Zonal Managers, Central Marketing Office & Corporate Office.</p> <p>Clear directions on disposal of existing contracts / open tender cases during Delisting / Blacklisting.</p> <p>Clarity in procedure for automatic revival of vendors after delisting period.</p>
Indian Oil Corporation Ltd. (IOCL)	<p>❖ Implementation of Electronic Lab Notebook at IOCL:</p> <p>An Electronic Lab Notebook (ELN) software has been designed to document and digitally store all the research work, experiments, pilot plant studies, Lubricant & product formulations, technology development and related records & procedures performed in a laboratory.</p> <p>ELN was conceived as a project to preserve & secure the “intellectual property”, both tangible & tacit, of Indian Oil, while enabling creation of a knowledge bank. ELN contains more than 80 customised templates, 30 reports and 27 instrument interfaces to meet the specific needs of various departments. ELN has been implemented across 28 departments.</p> <p>Bar code technology was adopted to reduce manual input and ensure fast retrieval of data. Dashboards were designed for senior management to monitor progress of projects.</p> <p>ELN software can archive, securely store, protect, and extract data and notes that are created. The formulation, product & process data generated & stored using ELN does not go away when an employee retires/resigns/ is deceased/ is transferred throughout and remains the property of IOCL.</p> <p>ELN keeps all stored records protected from</p>

	<p>unauthorized parties, including strong user right controls, robust encryption standards, as well as confidentiality procedures.</p> <p>ELN guarantees the reliability of data transfers through multi-level authentication processes, secure user identification, electronic signatures.</p> <p>ELN ensures that data cannot be altered or deleted by unauthorized parties. This is possible due to restricted management rights, a full audit trail including version control and timestamps, secure data transfer, and organizationally defined controls on data availability, data retention, and data deletion.</p> <p>Electronic Lab Notebook (ELN) solution can be replicated in R&D institutions and educational institutions where theft of data is a potential hazard.</p>
Punjab National Bank	<p>❖ Portal for Fraud Risk Management Information System (FRMIS)</p> <p>It is an in-house on-line fraud reporting and monitoring portal. The purpose of this portal is to improve Turn Around Time (TAT) in reporting of fraud cases and generation of various reports required for monitoring at different levels.</p> <p>The FRMIS portal has replaced existing manual reporting system. With the introduction of the portal, the work related to reporting of frauds to regulators/legal entities are being monitored entirely on real time basis by controlling authorities i.e., Circle Heads and Zonal Heads with simultaneous follow up at the Fraud Risk Management Division (FRMD) and other related divisions at HO.</p>

	<p>The portal is maintaining a corporate memory which is ultimately useful for field functionaries to derive data as per requirement before taking business decision. It enables real time monitoring of pending status of FIR, Staff accountability, Provision and Recovery details etc. for timely action/decision.</p> <p>The tracking and monitoring of attempted/suspected frauds have become easier for the users under the present portal which completely restricts the physical upward movement of concerned documents to reporting authorities. It has increased effectiveness and efficiency for taking prompt action/decision in any reported attempted/suspected fraud by the competent authority/committee.</p> <p>The initiative has utility for replication by other players in the domain of Banking, Financial Services, and Insurance (BFSI).</p>
<p>National Insurance Company Limited</p>	<p>❖ Preventive Vigilance Initiative relating to Underwriting/Claims</p> <p>Initiative was taken to align the underwriting software with m-Parivahan which is the repository of Vehicular Database of the Govt. of India. The data related to vehicular registration details is captured at the central server of the company from the database of m-Parivahan.</p> <p>In the existing system, there was no check in the system to find out the type and segment of vehicle and check for issuance of “liability only policies” to cover even commercial vehicles. There was risk of reduced premium as well as malpractice.</p> <p>This new initiative helped in mitigating the risk of wrong underwriting of Motor Insurance. This helped the company to avert loss of Premium income.</p>

	<p>The initiated measure may be replicated in all insurance companies.</p>
<p>Power Grid Corporation of India Limited</p>	<p>❖ Contract Management:</p> <p>An IT enabled Contract Closing system has been developed by Power Grid Corporation of India Limited (POWERGRID). The processes required for contract closing like identification of balance pending works or Punch points/ list, issuance of Taking over certificate, Reconciliation of materials, Reconciliation of payment, Submission of as built drawings etc. are carried out through the Contract Closing portal (CCP). This has made the closing process more efficient and transparent. Also, vendors are active stakeholders in the process with transparent visibility of the entire process. Faceless & Contactless access to vendors, online tracking of the status of the contract closing by vendors as well as review by Management are added features of the system which make this application a powerful tool in effective contract management.</p> <p>This CCP cover all aspects of a contract and are dealt with by various Responsibility centers in POWERGRID.</p> <p>The system can be further designed to integrate other aspects of contract management to achieve value for money by transforming data into knowledge, speeding up the decision making, and improving accountability and transparency.</p>
<p>Bharat Petroleum Corporation Ltd</p>	<p>❖ BPCL Retail has introduced GPS (Global Positioning System) based EM (Electro-Mechanical) locking system for tank lorries replacing conventional mechanical locks to prevent malpractices (in-transit pilferage/ adulteration) and to ensure safe and secure movement of petroleum products from supply location to its customers.</p>

	<p>Two EM locks are mapped with each tank lorry (one Lock for tank Lorry's discharge valve box and other lock for tank lorry's compartments). An electronic key is given to each customer.</p> <p>The geo-fencing of petroleum terminals of BPCL premises of retail outlets / industrial dealers is mapped on the EM locks portal hosted on a server. Vehicle Tracking System (VTS) is integrated with EM Locking System which sends location (Latitude & Longitude) of tank lorries to EM Locking System.</p> <p>A mobile application has been provided to the dealers to authenticate electronic key for opening EM Locks. EM Locks can be opened at dealers' premises through an OTP based authentication, which can happen only within the dealers' geo-fenced area, for enabling electronic key to open EM locks.</p> <p>Tank Lorries were conventionally fitted with mechanical locks for securely transporting petroleum products to customers. Over a period, the integrity of mechanical locks was compromised and the number of cases of en-route product pilferage, adulteration etc. were reported. This was not only detrimental to Corporation's brand image but was also a setback to our promise of delivering product to customers with utmost safety and correct Q&Q (quality & quantity).</p> <p>The job of implementation of Petroleum & Explosives Safety Organisation (PESO) approved EM Locking System was awarded to service provider covering the entire job of supply, installation, and maintenance on Opex model i.e., Operating expenditure of a pair of EM locks per tank lorry per month. Round the clock customer care has also been set up to assist dealers for ensuring seamless functioning of EM Locking System.</p>
--	---

	<p>EM Locking System can be replicated in the industries where tamper proof locking system is required.</p>
<p>Employees Provident Fund Organisation (EPFO)</p>	<p>❖ EPFO has developed an online facility (Principal Employer Portal 2.0) to enable the principal employers to track PF compliance by the contractors engaged by the principal employers.</p> <p>The portal facilitates the principal employers to upload work orders/outourced job contracts/contract workers related information such as Name and EPF code number of the contractor, Period of contract, Contract value, Number of contract workers and Universal Account Number (UAN) of the contracted employees. The initiative aims to promote effective compliance through e-governance.</p> <p>Principal employers who are already registered with EPFO can register on the portal using their EPF Code number whereas Govt. Departments and PSUs not having EPF code number viz. Railways, BSNL, PWDs, NHAI etc. who engage a large number of contractual workers can register using their PAN/TAN at the link https://unifiedportal-gemp.epfindia.gov.in/epfo/.</p> <p>With the implementation of the Principal Employer Portal 2.0: Principal Employers can view the amount of wages on which the EPF dues have been remitted by the contractor allowing him to detect any misappropriation at an early stage and take appropriate corrective measures.</p> <p>The facility has proved to be extremely helpful in improving compliance.</p> <p>The application can be utilized by other Govt. organizations and PSUs dealing with labour welfare measures viz. ESIC, Central Labour Commission,</p>

	State Labour Departments etc. by customizing to meet the specific need of respective organisation.
State Bank of India	<p>❖ AUTOMATION OF IT PROCUREMENT</p> <p>PLMS (Procurement Lifecycle Management System) is an in- house developed application based on Procure to Pay (P2P) model. The application helps capture/ digitize the entire IT Procurement journey.</p> <p>CBPS (Centralized Bill Payment System) was developed (also in-house) in continuation to PLMS for payment of IT Bills of various vendors. Its objective was to reduce the manual intervention. Bills are paid only when all the mandatory steps are carried out in PLMS and are mapped properly to each step.</p>
Bharat Electronics Ltd. (BEL)	<p>❖ Enhanced Data Security through Virtual Desktop Infrastructure (VDI) Implementation</p> <p>To obviate the problem of data leakage and spread of malware, BEL has decided to use Virtual Desktop called 'thin client' as endpoint devices instead of PCs. These virtual desktops are configured images of operating systems and applications, in which the desktop environment runs on servers in data centres and delivered to the 'thin client'. This will not only preserve continuity of operations, but will also help in meeting the audit requirement of external agencies like Intelligence Bureau, Cyber Security Group (CSG) of Department of Defence Production (DDP) and CERT-in.</p>
Cochin Shipyard Ltd.	<p>❖ Legatrix - Legal Compliance Management and Reporting Mechanism</p> <p>As per provisions of the Securities and Exchange Board of India (Listing Obligations and Disclosure</p>

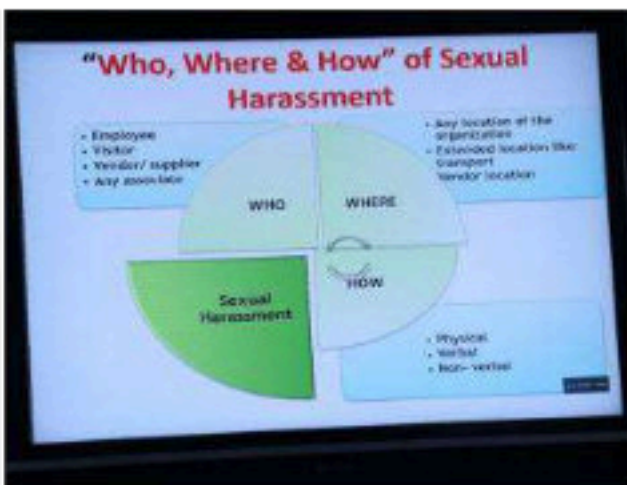
	<p>Requirements) Regulations, 2015 and the Guidelines on Corporate Governance for Central Public Sector Enterprises (CPSEs) issued by Department of Public Enterprises, the Board of Directors of respective companies are required to periodically review compliance reports pertaining to all laws applicable to that company.</p> <p>The management of Cochin Shipyard Ltd. (CSL) has implemented an automated digital and exhaustive legal reporting and monitoring mechanism "Legatrix" which is a complete Legal Compliance Management solution, to monitor compliance requirements of the company as well as status of compliances. With this application in place, not only the management will be able to monitor the status of various compliances on a real time basis, but the system would also flag the requirement of compliances to be done at the operating level.</p> <p>Legatrix works on a three-level alert mechanism. Each task would be mapped against the person responsible for performing the task 'Performer', with concerned supervisor as 'Reviewer' and head of the department as the 'Function Head'.</p>
--	--



Felicitatation of officers by the Commission for their exemplary work done in the interest of their Organisation



Management Audit of Vigilance Unit of NBCC (India) Ltd. on 14-15 December, 2022



Workshop on prevention of sexual harassment of Women at Workplace at Satarkata Bhawan, New Delhi on 14.12.2022



Hon'ble Prime Minister addressing the gathering during VAW function on 03.11.2022 at Vigyan Bhawan, New Delhi



Prize distribution by Hon'ble Prime Minister to winner student, Yashvi Daddha for essay writing competition on VAW-2022



Hon'ble Minister of State addressing the gathering during VAW function on 03.11.2022 at Vigyan Bhawan, New Delhi



Central Vigilance Commissioner addressing the gathering during VAW function on 03.11.2022 at Vigyan Bhawan, New Delhi



VAW – 2022 function at Vigyan Bhawan on 03.11.2022



CVC administering the Integrity Pledge on 31.10.2022 at Satarkata Bhawan, New Delhi

CHAPTER 8

PARTICIPATIVE VIGILANCE - VIGILANCE AWARENESS WEEK

BACKGROUND

"In the long run, the fight against corruption will succeed only to the extent to which a favourable social climate is created. When such a climate is created and corruption becomes abhorrent to the minds of the public and the public servants and social controls become effective, other administrative, disciplinary and punitive measures may become unimportant and may be relaxed and reduced to a minimum."

(Excerpt from the Santhanam Committee Report - 1964)

- 8.1 The Central Vigilance Commission firmly believes that the solution to combat corruption lies not only in making laws / rules but also in inculcating ethical values among all the stakeholders in the society. One of the means to achieve the above objective is through outreach initiatives that encourage participation of all the citizens of the country in the fight against Corruption.
- 8.2 In an attempt to generate awareness in general public and to engage them in planning and development of effective vigilance strategies, the Commission has been observing Vigilance Awareness Week every year which coincides with the birth anniversary of Sardar Vallabh Bhai Patel, the First Home Minister of Independent India. It provides a Pan-India opportunity to take forward the Commission's initiatives across sectors and geographical regions and encourage the public to join hands with the Commission in its endeavors.

VIGILANCE AWARENESS WEEK 2022

- 8.3 In the year 2022, Vigilance Awareness Week (VAW) was observed from 31.10.2022 to 06.11.2022. The theme of this year's VAW was "Corruption Free India for a Developed Nation: अष्टाचार मुक्त भारत – विकसित भारत". This

year's VAW assumed greater importance as the country also celebrated 75 years of its independence.

MESSAGES FROM DIGINITARIES

- 8.4 The observance of Vigilance Awareness Week, 2022 by the Commission has been acknowledged by the following dignitaries:
- 8.4.1 The President of India, in her message to the Commission, emphasised that fight against corruption was the collective responsibility of all citizens of the country. She pointed out that the ideals of transparency and integrity are an integral part of our tradition and stressed upon embracing the values that have guided the Nation so far. She also appreciated the Central Vigilance Commission for its efforts in combating corruption and conveyed her wishes for the success of Vigilance Awareness Week 2022.
- 8.4.2 The Vice-President of India expressed the hope to see all citizens and stake holders collectively participate in the fight against corruption. He also mentioned that transparency, fairness, and accountability were essential values for efficient functioning of public administration.
- 8.4.3 The Prime Minister of India, in his message, expressed his appreciation for the theme of Vigilance Awareness Week – 2022. The Prime Minister also reminded that the country had adopted a policy of zero tolerance towards corruption, which had created an atmosphere where an honest person feels proud of himself. The Prime Minister was also pleased to learn about the three months campaign run by the Commission on Preventive Vigilance Measures cum House Keeping Activities – as a run up to the Vigilance Awareness Week – 2022.
- 8.4.4 The Prime Minister conveyed his good wishes for organising the Vigilance Awareness Week – 2022 and for the future endeavors of the Commission.
- 8.4.5 Messages of encouragement from the following dignitaries were also received:

Name of Ministers	Designation
Shri Rajnath Singh	Minister of Defence
Shri Amit Shah	Minister of Home Affairs; and Minister of Cooperation
Shri Nitin Gadkari	Minister of Road Transport and Highways
Shri Narendra Singh Tomar	Minister of Agriculture and Farmers Welfare
Shri Arjun Munda	Minister of Tribal Affairs
Smt. Smriti Zubin Irani	Minister of Women and Child Development; and Minister of Minority Affairs
Shri Dharmendra Pradhan	Minister of Education; and Minister of Skill Development and Entrepreneurship
Shri Pralhad Joshi	Minister of Parliamentary Affairs; Minister of Coal; and Minister of Mines
Shri Jyotiraditya M. Scindia	Minister of Civil Aviation; and Minister of Steel
Shri Ashwini Vaishnaw	Minister of Railways; Minister of Communications; and Minister of Electronics and Information Technology
Shri Pashupati Kumar Paras	Minister of Food Processing Industries
Shri Kiren Rijiju	Minister of Law and Justice
Shri Hardeep Singh Puri	Minister of Petroleum and Natural Gas; and Minister of Housing and Urban Affairs
Dr. Mansukh L. Mandaviya	Minister of Health and Family Welfare; and Minister of Chemicals and Fertilizers
Shri Bhupender Yadav	Minister of Environment Forest and Climate Change; and Minister of Labour and Employment
Dr. Mahendra Nath Pandey	Minister of Heavy Industries
Shri G. Kishan Reddy	Minister of Culture; Minister of Tourism; and Minister of Development of North-Eastern Region

Shri Rao Inderjit Singh	Minister of State (Independent Charge) of the Ministry of Statistics and Program Implementation; Minister of State (Independent Charge) of the Ministry of Planning; and Minister of State in the Ministry of Corporate Affairs
Dr. Jitendra Singh	Minister of State (Independent Charge) of the Ministry of Science and Technology; Minister of State (Independent Charge) of the Ministry of Earth Sciences; Minister of State in the Prime Minister's Office; Minister of State in the Ministry of Personnel, Public Grievances and Pensions; Minister of State in the Department of Atomic Energy; and Minister of State in the Department of Space

PREVENTIVE VIGILANCE CAMPAIGN

- 8.5 The Central Vigilance Commission is of the firm opinion that putting in place proper systems and procedures are of utmost importance, as this ensures transparency, accountability, efficiency, and objectivity in all the government organisations.
- 8.6 This year, as a run-up to the Vigilance Awareness Week – 2022, the Commission advised all organisations to take up a campaign focusing on preventive vigilance measures and internal housekeeping activities, during the period 16.08.2022 to 15.11.2022. The major areas identified for focused attention of the respective organisations with actionable points are encapsulated below: -

Property Management

Many government organisations own huge tracts of land and other immovable properties. There have been instances of either the ownership documents / lease agreements of such properties not being available or properties lying unused or being encroached upon. The Commission advised Ministries / Departments / Organisations to identify, prepare lists and update records relating to the ownership / lease agreements of such properties. The organisations were also advised to take steps to remove

encroachment, if any, and also put to efficient use those properties which were under-utilized or unutilized.

Management of Assets (Movable Assets)

The Commission is of the view that presence of old, unusable assets / articles creates an unhealthy working environment and adversely affects efficiency of the officials in an organisation. Increasing efficiency of the employees working in the organisation and creating a healthy, clean working environment is of paramount importance. Keeping in view the above, the Commission had advised the Ministries / Departments/ Organisations to prepare inventory of all old unusable assets / articles and to take required steps for disposal of such assets, in accordance with the existing policy of the organisation.

Record Management

The Commission felt that importance of record management needs to be amplified in each organisation. As such weeding out and disposal of old records / documents that have outlived their usage should be done at periodical intervals as per the existing record retention policy. In case of absence of a defined record retention policy, the Commission advised for formulating such a policy and also to create / upgrade the record retrieval mechanism for easy access to records

Technological Initiatives

Website Maintenance and Updation: With the increasing use of information technology, the common man expects that all required and relevant information / detail about any service, permission, license, etc. would be available on the website of the respective government organisation. Hence, the Commission advised that regular / prompt updating of the websites may be carried out by all organisations to ensure that all relevant information is available in public domain and is easily accessible.

In order to achieve the above objective, it was desired that specific responsibility be assigned to officials, who would visit and review the website and provide required inputs, after following due procedures, for any modification / change in the contents available on the website. The Commission also advised for introduction of a mechanism for submission of monthly compliance certificate by the respective departments, whereby it could be certified that the contents relating to the previous month have been duly uploaded on the website.

Identification of New Areas / Services to be Brought on Online Platform and Initiation of Action for Creation of Online Platform: Most of the government organisations have started providing online services to the citizens which has not only increased efficiency and transparency in the service delivery mechanisms but also reduced the scope of corruption in the organisations. However, it is observed that there is immense scope for improvement in delivery of online services to the citizens.

The Commission advised the organisations to identify such areas / services, which can be brought on online portal and necessary action to be initiated for the development of the portal. All the organisations were advised to take up the exercise during the campaign period on the above parameters on Technological Initiatives to make them user friendly and secured.

Updating of Guidelines / Circulars

In order to eliminate the chances of mistakes being committed by officials, due to ignorance of rules, procedures, etc., the Commission advised the organisations to take steps for immediate updating of their guidelines / circulars (to bring them in sync with the latest instructions issued by Government agencies) and to educate the officials about the same.

Disposal of Complaints

Complaints made by the citizens or the organisations provide valuable information to curb unethical and corrupt practices in any organisation. Hence, prompt processing and disposal of complaints is of paramount importance to ensure that the guilty are brought to book at the earliest possible and the honest officials do not remain under the shadow of suspicion. The complaints also help in plugging loopholes in a policy or scheme to avoid corrupt practices.

The Commission noted that in many organisations complaints sent for necessary action by the Commission / received by the organisations directly remained unattended for long. In order to ensure disposal of such complaints, the Commission initiated campaign regarding disposal of all complaints pending as on 15th August, 2022, (at any level in the organisation), to bring them to logical conclusion by 15th November, 2022, as per Complaint Handling Policy of the Commission.

OUTCOME OF 3 MONTHS' CAMPAIGN

- 8.7 As per compliance reports received in the Commission, organisations had actively participated in the 3 months' campaign and positive results have been observed.

- 8.8 The observance of Vigilance Awareness Week commenced with the Integrity Pledge being administered to employees in the Ministries / Departments and other organisations on 31st October 2022 at 1100 hrs. As per reports received in the Commission, about 350 organisations participated and Integrity Pledge was taken by 65,97,849 number of individuals / organisations, which included students, private persons, and government employees.
- 8.9 The Central Vigilance Commission encouraged all organisations to conduct sensitisation / training programs apart from conducting workshops, for promoting awareness amongst the employees and other stake holders about the policies / procedures of the respective organisations. As per reports received, there was enthusiastic participation of all the organisations and their employees in such programs.
- 8.10 The Commission advised the organisations to conduct outreach programs at community level also. In this direction the organizations organised Chaupal meetings, performed “street plays” and arranged other cultural activities to spread the message of corruption free India.
- 8.11 The outreach programs of the organisations included interaction with students at various schools, colleges & other educational institutes.
- 8.12 Competitive activities such as essay writing, quiz, debates, slogan writing, poster making, etc. were also part of the outreach programs undertaken by the organisations in different parts of the country. A total of 11,425 schools with 8,53,618 school students actively participated in their activities. At the college level, a total of 1,689 colleges / educational institutes with 1,27,377 college students also participated.
- 8.13 The organisations also organised Awareness Gram Sabhas to increase awareness against corruption, with anti-corruption messages in vernacular languages being conveyed and displayed in the Gram Sabha meetings. A total number of 17,269 Gram Sabhas were organised during the Vigilance Awareness Week, 2022.

- 8.14 In order to motivate and recognise officials for their outstanding performance of duties in the interest of the organisations, the Commission had called for nominations of officials who had been vigilant in the assigned tasks leading to prevention of misappropriation of funds / unwarranted incidents etc. and saved the organisation from financial loss or potential loss of good will and reputation. Out of the nominations received from 50 organisations, officials from 3 organisations were selected for their commendable work. They were felicitated by the Commission during the valediction ceremony of Vigilance Awareness Week–2022 at New Delhi. The commendable work of other officials was also recognized and recommended for felicitation by the respective organisations in a befitting manner.

FUNCTION AT VIGYAN BHAWAN TO OBSERVE VIGILANCE AWARENESS WEEK

- 8.15 As part of Vigilance Awareness Week, the Central Vigilance Commission organised a function on 3rd of November, 2022 at Vigyan Bhawan, New Delhi.
- 8.16 The Hon'ble Prime Minister of India, Shri Narendra Modi was the Chief Guest at the function held in Vigyan Bhavan. Dr. Jitendra Singh, Hon'ble Minister of State (Prime Minister's Office and Minister of State for Personnel, Public Grievances and Pensions) was the Guest of Honour. The function was attended by senior serving and retired heads of various constitutional and statutory bodies, senior officers of various ministries, departments and other central government organisations, central public sector enterprises, teachers of educational institutions and selected students.
- 8.17 On this occasion, the Prime Minister launched the improved Complaint Management System portal of the Central Vigilance Commission. The portal is envisioned to provide information to the complainants, through regular updates, on the status of their complaints.
- 8.18 He also released a set of pictorial booklets on Ethics and Good Practices, a compilation of best practices on Preventive Vigilance and a special issue of the Commission's newsletter VIGEYE VANI on Public Procurement.

- 8.19 An essay writing competition on the theme of VAW-2022 “Corruption Free India for a Developed Nation: अष्टाचार मुक्त भारत—विकसित भारत” was organised by the Commission in collaboration with the Central Board of Secondary Education. 8.27 lakh students participated in competition and five best entries were awarded by the Prime Minister during the function.
- 8.20 In his address, the Prime Minister noted that Vigilance Awareness Week coincides with the birth anniversary of Sardar Vallabh Bhai Patel. He further stated that the entire life of Sardar Patel had been dedicated to honesty, transparency and the building of a public service system based on these values. The Prime Minister also remarked that the campaign revolving around vigilance awareness was committed to these principles. Further, the Prime Minister observed that this year's theme “Corruption Free India for a Developed Nation” was very relevant and was the need of the day.
- 8.21 The Prime Minister emphasised on the importance of departments' reflecting the government's determination to fight against corruption and developing an administrative ecosystem for a developed India, which has zero tolerance against corruption. He also drew attention to the need for time bound completion of corruption related disciplinary proceedings, so that the guilty can be punished and the innocent, if trapped mistakenly, can be exonerated, at the earliest opportunity. The Prime Minister also advocated for maximizing the use of technology in vigilance administration and to ensure transparency.
- 8.22 The Prime Minister lauded the Commission's efforts in the direction of preventive vigilance and congratulated the Commission for its three months' campaign on “Preventive Vigilance measures cum housekeeping activities”. He enjoined that institutions like CVC should remain on guard and strive to make the society and country corruption free. The Prime Minister concluded his speech by saying that, more the power of technology is harnessed, more the systems can be changed and exhorted all to make an attempt in this direction.

- 8.23 In his address, Dr. Jitendra Singh said that Vigilance Awareness Week, observed throughout the country, provided a great opportunity for Government organisations to interact with all stakeholders, including vendors, customers, Gram Panchayats, Resident Welfare Associations, Civil Society Organisations and most importantly students at schools and colleges. He further added through this interaction the idea of corruption free society could percolate down to the grassroot level. It would also provide an opportunity to receive valuable inputs from them about the shortcomings in the system of administration, so that the service delivery mechanism could be improved to the satisfaction of the common citizen.
- 8.24 He also pointed out that the initiative of optimizing the use of technology is bound to be a deciding factor in eradication of corruption from public life as technology would ensure elimination of human intervention and discretion in decision making process. He further said that it would ensure a transparent system based on first come first serve basis, which would help in providing equal opportunities to all and the cherished dream of a developed nation based on ethical conduct, would be realized.

ACTIVITIES IN THE COMMISSION

- 8.25 Vigilance Awareness Week in the Commission commenced with Integrity Pledge being administered by the Central Vigilance Commissioner to all the employees of the Commission. A video on Vigilance Awareness Week, which was prepared in house, was also telecasted by Prasar Bharati.
- 8.26 During Vigilance Awareness Week, officers of the Commission participated in several outreach activities in various organisations. Several workshops, quiz programs, debate and slogan writing competitions were also organised within the Commission.



Integrity Pledge taken by students at various schools during VAW-2022 on 31.10.2022



Lecture delivered by Shri Rajiv Verma, Director, CVC on VAW-2022 theme at Delhi Technological University on 6-11-2022



Integrity Pledge taken by NSG during VAW-2022 on 31.10.2022



Essay Writing Competition on the occasion of VAW-2022 at Satarkata Bhawan, New Delhi



Release of comic books on ethics for children by Hon'ble PM at Vigyan Bhawan on 03.11.2022



Hon'ble VC Sh. Arvinda Kumar addressing Vigilance Officers at Bengaluru on 16.09.2022



Sh. P. Daniel, Secretary and Shri Nitin Kumar, Director CVC addressing VO's at Bengaluru on 16.09.2022

CHAPTER 9

KNOWLEDGE MANAGEMENT AND CAPACITY BUILDING

BACKGROUND

- 9.1 The Central Vigilance Commission lays a lot of emphasis on training and capacity building of vigilance functionaries, due to specialized nature of vigilance work. Training is also essential for developing confidence of employees by updation of their knowledge, which also helps in improving their productivity. Further, the training of the vigilance functionaries is required on regular basis as the officials posted in vigilance units are rotated periodically.
- 9.2 In order to bridge the competency gap, opportunities for training are made available to officers posted in the Central Vigilance Commission and vigilance units of the organisations concerned, at domestic and international level. Induction training is being imparted to newly appointed CVOs to equip them to discharge their functions efficiently. Besides induction trainings, short-term thematic trainings, workshops, and refresher courses are also being organised to further enhance professional competency among CVOs and officers posted in the vigilance units.
- 9.3 Officers / officials posted in the Commission are also given exposure to courses on MS-Word / Excel, e-Procurement, Noting & Drafting, Records Management, Right to Information, Preventive Vigilance, Key to Good Governance etc. by nominating them for open courses being conducted by Institute of Secretariat Training and Management (ISTM), National Productivity Council (NPC) and other institutes.
- 9.4 During the year 2022, the Commission adopted both online and offline modes for imparting training to the stakeholders. Training programs such as Training on Vigilance Administration, Advance Training on Vigilance Investigation etc. were conducted 'online'. Other training programs like

Training on Preventive Forensics for CVOs and Vigilance officers, Induction Training for newly joined CVOs, Training on Public Procurement for CVOs & officers handling public procurement, and customised programs for the Commission's Officials were conducted 'offline'. Training programs for IOs / POs were conducted online as well as offline.

- 9.5 The Commission has also focused on institutionalization of Preventive Vigilance Module as a part of Induction and Mid-Career Training Programs across Government Organisations, including Central Public Sector Undertakings and Central Public Sector Banks. These Preventive Vigilance Modules have been shared with various training institutes who conduct induction training programs for newly inducted officers and mid-career training programs for in-service officers.

DOMESTIC TRAINING PROGRAMS FOR VIGILANCE FUNCTIONARIES

Induction Training Course for CVOs

- 9.6 As the newly appointed CVOs come from varied background and services, there is a constant need to impart in-depth training to familiarize them with important aspects of vigilance administration. A five (5) days offline Induction Training Program from 20th to 24th June, 2022 was organised at CBI Academy, Ghaziabad for 26 CVOs. It provided an opportunity to newly appointed CVOs to gain insights on various topics including the powers and functions of the Central Vigilance Commission, duties and functions of CVOs, the relevant laws / statutes, complaint handling mechanism including PIDPI resolution and common pitfalls in public procurement. The program is designed to equip the CVOs to discharge their functions efficiently.

Orientation Training Program for newly appointed CVOs

- 9.7 The Commission has started a new initiative of conducting two days Orientation Training Program, once every three months (end of every quarter), for the benefit of newly appointed CVOs. During the year 2022, first such Orientation Training Program was held on 15th & 16th Dec 2022 and 25 newly joined CVOs participated in the same.

Training Program on Forensics and Preventive Vigilance

9.8 The Commission, recognizing the utility of Forensic Sciences in investigation of vigilance cases, designed a program suitable for vigilance functionaries, including CVOs. The Commission organised three days' offline training on Forensics and Preventive Vigilance at National Forensic Sciences University, Gandhinagar, from April, 2022 onwards. A total of 258 participants from different Government Organisations including CPSEs and PSBs etc. had participated in these training programs. The details are given in the following table: -

Table 9.1

S. No	Date of Training Program on Forensics and Preventive Vigilance	Number of Participants
1	27th to 29th April, 2022	26
2	25th to 27th May, 2022	31
3	27th to 29th June, 2022	26
4	25th to 27th July, 2022	33
5	24th to 26th August, 2022	21
6	14th to 16th September, 2022	25
7	10th to 12th October, 2022	34
8	16th to 18th November, 2022	31
9	19th to 21st December, 2022	31

Advance Training on Vigilance Investigation

9.9 The Commission also organised an online Advance Training on "Vigilance Investigation" at National Police Academy, Hyderabad from 16th to 18th February 2022 for 23 full time CVOs. This training covered important areas like challenges in the field of Procurement, Current Global Trends in Economic Offences and Forensic Audit, Vigilance in

Financial Sector, Critical Examination for Prosecution Sanction, Digital Forensic, Digital Evidence & Evidence Appreciation, conducting, monitoring and expeditious finalisation of Departmental Inquiries, Interaction between CBI & CVOs, Investigation of Corporate frauds, examination of Audit & Inspection reports from vigilance angle and challenges to Cyber Security. During the training program, the participants were divided into groups, with each group sharing best practices and areas requiring improvement, leading to peer learning. The Commission also organised an Advance Training on “Vigilance Investigation” at National Police Academy, Hyderabad from 12th to 14th December 2022 for a group of CVOs.

TRAINING PROGRAMS FOR COMMISSION'S OFFICIALS

- 9.10 Training programs are also organised for officials working in the Commission to help widen their knowledge and skill base and for enhancement of their efficiency. During the year 2022, eight officers working in the Commission have undergone training programs organised by National Productivity Council (NPC).

TRAINING PROGRAM FOR INQUIRY OFFICERS / PRESENTING OFFICERS (IOs / Pos)

- 9.11 It has been observed that many a time, departmental inquiries are not being completed within the six months' time, as prescribed in the relevant instructions. The reasons for the delays could be lack of knowledge of procedure for conducting inquiries, defects in preparation of memorandum of charges and non-availability of required documents and witnesses. Therefore, with a vision to train and create a pool of potential IOs and POs, a uniform three days' training has been imparted to about 1500 officers.
- 9.12 The Commission has engaged training institutes namely (i) Institute of Secretariat Training and Management (ISTM) (ii) Hindustan Petroleum Corporation Limited Training Academy (iii) CBI Academy (iv) Central Academy for Police Training (v) Indian Institute of Bank Management (IIBM) and (vi) National Productivity Council to conduct IOs / POs training, based on

the training module prepared by the Commission. 40 batches, including 1494 officers have been trained as potential IOs / POs during the year 2022. A list of such training programs is as under: -

Table 9.2

Sr. No.	Academy / Institute	Date of Training Programs	No. of Participants
1	National Productivity Council	06th to 08th July 2022	32
		03rd to 05th Aug 2022	57
		05th to 07th Sept 2022	45
2	Hindustan Petroleum Corporation Limited Training Academy	14th to 16th Mar 2022	29
		28th to 30th Mar 2022	29
		25th to 27th April 2022	33
		06th to 08th June, 2022	49
		18th to 20th July, 2022	57
		10th to 12th Aug 2022	66
3	CBI Academy	19th to 21st Jan, 2022	29
		23rd to 25th Feb, 2022	60
		Multiple batches from August, 2021 to Feb, 2022	243
		28th to 30th June, 2022	40
		16th to 18th August,	31
4	ISTM	24th to 26th Aug, 2022	19
		12th to 14th Sept, 2022	26
		12th to 14th Oct, 2022	16
		21st to 23rd Nov, 2022	20
		19th to 21st Dec, 2022	40
5	CAPT	10th to 12th Jan, 2022	50
		17th to 19th Jan, 2022	34
		24th to 27th Jan, 2022	38
		07th to 09th Feb, 2022	32

		21st to 23rd Feb, 2022	38
		14th to 16th Mar, 2022	36
		10th to 12th Oct, 2022	23
6	IIBM	18th to 20th July, 2022	23
		19th to 21st July, 2022	29
		05th to 07th Sept, 2022	33
		06th to 08th Sept, 2022	29
		12th to 14th Sept, 2022	25
		13th to 15th Sept, 2022	27
		19th to 21st Sept, 2022	26
		20th to 22nd Sept, 2022	28
		14th to 16th Nov, 2022	22
		15th to 17th Nov, 2022	17
		22nd to 24th Nov, 2022	21
		23rd to 25th Nov, 2022	19
		28th to 30th Nov, 2022	12
		29th to 01st Dec, 2022	11

TRAINING ON VIGILANCE ADMINISTRATION

9.13 The Commission organised two online workshops of five days duration on “Vigilance Administration” for officers of one rank below the CVOs through ISTM from 10th to 14th January 2022 and from 07th to 11th February 2022. The workshops were attended by 72 participants. A five days’ Residential Training Program, for vigilance functionaries other than CVOs, on vigilance administration was organised at CBI Academy from 21st to 25th November 2022, which was attended by 40 participants.

TRAINING ON PUBLIC PROCUREMENT

9.14 During the year 2022, the Department of Expenditure (DoE) issued updated Procurement Manuals for Goods, Works, and Consultancy & other Services,

in collaboration with Central Vigilance Commission. A Procurement Training Module was developed by the Commission with the idea to provide intensive training on public procurement to officers dealing with procurement and also to officers of the vigilance units of the organisations covered under the jurisdiction of the Commission. Based on the above module, a two days' Procurement Training was conducted in batches during the period September 2022 to December 2022, which were attended by 96 full time CVOs.

- 9.15 In addition, a two days' training program on Procurement Module was also organised in July 2022, in which officers of the Commission of the level of Under Secretary and above participated. The Commission also organised a three days' training on Public Procurement at Arun Jaitley National Institute of Financial Management, Faridabad from 12th December to 14th December 2022.

REGIONAL CONFERENCES / TRAINING PROGRAMS

- 9.16 Regional Conferences for CVOs and Interaction and Training Programs for below CVO level Vigilance Officers were organised as mentioned below:

Table 9.3: Regional Conferences for CVOs

S. No	Date	Description	Location
1	23.03.22	Regional Conference of CVOs of North India Region	New Delhi
2	22.04.22	Regional Conference of CVOs of Western India Region	Mumbai
3	13.05.22	Regional Conference of CVOs of Southern India Region	Bangalore
4	20.05.22	Regional Conference of CVOs of Eastern India Region	Kolkata

Table 9.4: Interaction and Training of below CVO level Vigilance Officers

S. No	Date	Description	Location
1	10.06.22	Deliberations with Vigilance Officers of Railways	Varanasi

2	22.07.22	Deliberations with Vigilance Officers of State Bank of India	Kolkata
3	16.09.22	Interaction and Training of below CVO level Vigilance Officers	Bangalore
4	17.10.22	Interaction and Training of below CVO level Vigilance Officers	Kolkata

These regional conferences of CVOs and deliberations / interaction and training of the below CVO level vigilance officers were aimed at sharing the new initiatives of the Commission, including the new guidelines issued and also to understand the issues relating to vigilance administration of the respective organisations. The participants were addressed by the Commission and Secretary, CVC. Sessions on technical issues, Commission's role, functions and its guidelines and capacity building were addressed by the Additional Secretaries, Chief Technical Examiners, Director (Policy) and Director (Training).

CAPACITY BUILDING PROGRAM OF CIVIL SERVANTS OF MALDIVES

- 9.17 National Centre for Good Governance (NCGG) organised 12th, 13th & 14th Batch of Capacity Building Program in Field Administration for senior civil servants of the Republic of Maldives. Under this program, the batches of civil servants visited the Commission for orientation and interaction with the Commission



Visit of Maldives Delegation under International Cooperation at Central Vigilance Commission on 03.06.2022



Walkathon by students of Mizoram University on 31.10.2022 during VAW-2022



Poster on theme of VAW-2022



Walkathon by girl students of Burnpur Girls' High School, West Bengal during VAW 2022

APPENDIX

Appendix-I
(Para 1.25)

GROUP WISE STAFF STRENGTH AND RELATED INFORMATION AS ON 31.12.2022 IN CVC

	Group A	Group B	Group C (Other than MTS)	Group C (Multi- Tasking Staff)	Total
Sanctioned Strength	65	108	69	73	315
Officials in position	58	94	39	55	246
Percentage vacancy	10.76%	12.96%	43.47%	24.65%	21.90%

Appendix-II

(Para 2.26)

DEPARTMENT-WISE DETAILS OF PUNISHMENTS IMPOSED DURING 2022 IN RESPECT OF CASES WHERE COMMISSION'S ADVICE WAS OBTAINED

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Administrative Action
1.	AIRPORT AUTHORITY OF INDIA	0	5	7	1
2.	ANDAMAN & NICOBAR ADMN	0	3	1	0
3.	ARCHAEOLOGICAL SURVEY OF INDIA	0	0	0	1
4.	BALMER LAWRIE & CO. LTD.	0	2	0	0
5.	BANK OF BARODA	0	18	21	0
6.	BANK OF INDIA	3	16	2	0
7.	BANK OF MAHARASHTRA	0	12	0	0
8.	BHAKRA BEAS MANAGEMENT BOARD	0	0	0	2
9.	BHARAT COKING COAL LTD.	0	1	34	29
10.	BHARAT EARTH MOVERS LTD.	0	0	3	0
11.	BHARAT HEAVY ELECTRICALS LTD.	0	7	11	9
12.	BHARAT PETROLEUM CORPN. LTD.	0	0	2	0
13.	BHARAT SANCHAR NIGAM LIMITED	0	11	2	0
14.	BORDER ROADS DEVELOPMENT BOARD	0	2	0	0
15.	CANARA BANK	8	25	13	0
16.	CENTRAL BANK OF INDIA	5	27	1	0
17.	CENTRAL BOARD OF DIRECT TAXES	6	8	4	0
18.	CENTRAL BOARD OF EXCISE & CUSTOMS	47	73	15	0
19.	CENTRAL BOARD OF SECONDARY EDUCATION	0	1	0	0
20.	CENTRAL BUREAU OF INVESTIGATION (CBI)	0	1	0	0
21.	CENTRAL COALFIELDS LTD	0	0	7	1
22.	CENTRAL COUNCIL FOR RES. IN	0	0	0	4

	AYURVEDA & SIDDHA				
23.	CENTRAL COUNCIL FOR RESEARCH IN HOMEOPATHY	0	1	1	0
24.	CENTRAL INSTITUTE OF PLASTIC ENGINEERING AND TECHNOLOGY	0	2	0	0
25.	CENTRAL MINES PLANNING & DESIGN INSTITUTE LTD.	0	0	3	1
26.	CENTRAL PUBLIC WORKS DEPARTMENT	1	1	2	0
27.	CENTRE FOR DEVELOPMENT OF ADVANCED COMPUTING, PUNE	0	0	1	0
28.	CHENNAI PETROLEUM CORPORATION LTD.	0	0	3	2
29.	CHENNAI PORT TRUST	0	6	0	0
30.	COAL INDIA LTD.	0	2	0	1
31.	CONCOR	-	1	-	-
32.	COUNCIL OF SCIENTIFIC & INDUSTRIAL RESEARCH	0	4	2	4
33.	D.S.I.D.C	0	3	2	0
34.	DELHI DEVELOPMENT AUTHORITY	0	23	0	0
35.	DELHI JAL BOARD	0	5	0	0
36.	DELHI TRANSCO LTD./IPGCL	0	1	2	0
37.	DELHI URBAN SHELTER IMPROVEMENT BOARD	0	1	0	0
38.	DEPARTMENT OF AGRICULTURE & COOP.	0	1	1	0
39.	DEPARTMENT OF AYUSH AND HOMEOPATHY	0	0	0	6
40.	DEPARTMENT OF COAL	7	2	0	0
41.	DEPARTMENT OF CONSUMER AFFAIRS	0	1	0	0
42.	DEPARTMENT OF DISABILITY AFFAIRS	0	1	0	0
43.	DEPARTMENT OF FINANCIAL SERVICES (DFS)	5	0	0	0
44.	DEPARTMENT OF HEALTH	9	2	1	0

45.	DEPARTMENT OF POSTS	0	2	0	0
46.	DEPARTMENT OF SECONDARY & HIGHER EDUCATION & DEPTT. OF ELEMENTARY EDU. AND LITERACY	0	9	0	0
47.	DEPARTMENT OF TELECOMMUNICATIONS SERVICES	0	3	2	0
48.	DEPARTMENT OF YOUTH AFFAIRS & SPORTS	0	1	0	0
49.	DEPARTMENT OF FERTILIZERS	0	0	1	0
50.	DEPARTMENT OF MINES	0	1	4	0
51.	DEPARTMENT OF SCIENCE AND TECHNOLOGY	0	1	0	0
52.	DEPARTMENT OF STEEL	0	0	6	1
53.	DEPTT. OF ATOMIC ENERGY	0	1	4	8
54.	DEPTT. OF COMPANY AFFAIRS	0	1	0	0
55.	DEPTT. OF DEFENCE PRODUCTION & SUPPLIES	0	2	0	3
56.	DEPTT. OF HEAVY INDUSTRIES	0	6	0	0
57.	DIRECTORATE OF ENFORCEMENT	1	0	0	0
58.	EASTERN COALFIELDS LTD.	8	7	5	2
59.	EMPLOYEES PROVIDENT FUND ORGN.	7	16	64	5
60.	EMPLOYEES STATE INSURANCE CORPORATION	0	2	8	0
61.	ENGINEERS INDIA LTD.	0	0	3	0
62.	ENNORE PORT TRUST	0	1	0	0
63.	EXPORT INSPECTION COUNCIL OF INDIA	0	2	2	0
64.	EXPORTS CREDIT GUARANTEE CORPN.	0	1	0	0
65.	FERTILIZERS & CHEMICALS TRAVANCORE LTD	0	1	0	0
66.	FOOD CORPORATION OF INDIA	0	15	0	0
67.	GAS AUTHORITY OF INDIA LTD.	0	1	0	4
68.	GOVT. OF NCT OF DELHI	0	10	0	0
69.	GOVT. OF PONDICHERRY	0	0	2	0
70.	HINDUSTAN AERONAUTICS LTD	0	17	0	4

71.	HINDUSTAN COPPER LTD.	0	2	0	0
72.	HINDUSTAN LATEX LTD.	0	1	2	0
73.	HINDUSTAN PETROLEUM CORPN. LTD.	0	0	1	0
74.	HINDUSTAN PREFAB LTD	0	0	0	7
75.	HOSPITAL SERVICES CONSULTANCY CORPN. (INDIA) LTD	1	0	0	0
76.	HOUSING & URBAN DEV. CORPN. LTD.	0	10	0	0
77.	INDIA TOURISM DEVELOPMENT CORPN. LTD.	0	6	0	1
78.	INDIAN BANK	0	25	1	0
79.	INDIAN COUNCIL OF AGRICULTURAL RESEARCH	0	5	7	0
80.	INDIAN OIL CORPN. LTD	0	6	41	32
81.	INDIAN OVERSEAS BANK	1	10	2	0
82.	INDIAN RARE EARTHS LTD.	0	0	0	3
83.	INDUSTRIAL DEVELOPMENT BANK OF INDIA	0	5	2	0
84.	IRCTC	0	0	2	1
85.	IRCON INTERNATIONAL LTD	0	0	0	4
86.	KANDLA PORT TRUST	2	0	0	0
87.	KENDRIYA VIDYALAYA SANGATHAN	0	2	2	0
88.	KHADI & VILLAGE INDUSTRIES COMMISSION	1	6	0	0
89.	KOLKATA PORT TRUST	0	6	4	0
90.	KRCL	0	0	1	0
91.	LIFE INSURANCE CORPORATION	0	29	1	0
92.	M.C.D	0	17	9	1
93.	M.C.D EAST DELHI	0	9	7	0
94.	M.C.D SOUTH DELHI	0	2	5	0
95.	MAHANADI COALFIELDS LTD.	0	7	15	2
96.	MANGLORE REFINERIES AND PETROCHEMICALS LTD.	0	0	1	3
97.	METAL SCRAP TRADE CORPORATION	0	0	2	0

98.	MILITARY ENGINEERING SERVICES	2	7	1	1
99.	MINISTRY OF CIVIL AVIATION	0	0	1	0
100.	MINISTRY OF COMMERCE	0	1	0	0
101.	MINISTRY OF DEFENCE	7	4	2	3
102.	MINISTRY OF ENVIRONMENT AND FORESTS	4	0	0	0
103.	MINISTRY OF EXTERNAL AFFAIRS	1	0	0	0
104.	MINISTRY OF HOME AFFAIRS	8	3	2	0
105.	MINISTRY OF HOUSING & URBAN AFFAIRS	3	22	4	1
106.	MINISTRY OF LABOUR	3	0	0	0
107.	MINISTRY OF NEW AND RENEWABLE ENERGY RESOURCES	0	1	0	0
108.	MINISTRY OF PERSONNEL, P.G. & PENSIONS	10	0	0	0
109.	MINISTRY OF PETROLEUM & NATURAL GAS	1	0	0	0
110.	MINISTRY OF POWER	0	0	0	2
111.	MINISTRY OF RAILWAYS	29	75	43	24
112.	MINISTRY OF ROAD TRANSPORT & HIGHWAYS	5	0	0	1
113.	MINISTRY OF SHIPPING	3	1	5	0
114.	MINISTRY OF SMALL SCALE INDUSTRY & AGRO & RURAL INDUSTRIES	0	0	0	1
115.	MINISTRY OF STATISTICS AND PROGRAMME IMPLEMENTATION	0	3	1	0
116.	MINISTRY OF TEXTILES	0	3	0	0
117.	MINISTRY OF WATER RESOURCES	0	0	2	0
118.	M.M.T.C. LTD.	0	4	0	0
119.	NATIONAL ALUMINIUM CO. LTD.	0	0	1	0
120.	NATIONAL BAL BHAVAN	0	2	0	0
121.	NATIONAL BUILDINGS CONSTRUCTION CORPN.	0	4	6	1
122.	NATIONAL COUNCIL FOR TEACHERS EDUCATION	0	0	0	1

123.	NATIONAL FERTILIZER LTD.	0	0	8	0
124.	NATIONAL HIGHWAYS AUTHORITY OF INDIA	1	1	5	7
125.	NATIONAL HYDRO-ELECTRIC POWER CORPN. LTD.	0	1	0	0
126.	NATIONAL INSTITUTE OF FASHION TECHNOLOGY	0	0	1	0
127.	NATIONAL INSURANCE CO. LTD.	0	3	0	0
128.	NATIONAL THERMAL POWER CORPN. LTD.- NTPC	0	8	4	8
129.	NAVODAYA VIDYALAYA SAMITI	0	1	0	0
130.	NEHRU YUVA KENDRA SANGATHAN	1	1	1	0
131.	NEW DELHI MUNICIPAL COUNCIL (NDMC)	0	6	3	0
132.	NEW INDIA ASSURANCE CO. LTD.	0	5	0	0
133.	NEW MANGALORE PORT TRUST	0	5	1	0
134.	NORTH EASTERN ELECTRIC POWER CORPN.	0	1	0	0
135.	NORTHERN COALFIELDS LTD.	0	0	14	1
136.	O/o THE DEV. COMMISSIONER (SSI)	2	0	0	0
137.	OIL & NATURAL GAS CORPN. LTD.	0	3	1	12
138.	ORDNANCE FACTORY BOARD	0	7	0	5
139.	ORIENTAL INSURANCE CO. LTD.	6	5	0	0
140.	POWER FINANCE CORPN. LTD.	0	6	0	0
141.	POWER GRID CORPN. OF INDIA LTD.	1	5	14	7
142.	PRASAR BHARATI	0	3	0	0
143.	PROJECTS & DEVELOPMENT INDIA LTD.	0	1	0	0
144.	PUNJAB & SIND BANK	0	6	3	0
145.	PUNJAB NATIONAL BANK	2	26	3	0
146.	RAIL INDIA TECHNICAL & ECONOMIC SERVICES LTD.	0	3	0	2
147.	RASHTRIYA CHEMICALS & FERTILIZERS LTD.	0	0	1	0

148.	RASHTRIYA ISPAT NIGAM LTD.	0	0	15	0
149.	SATLAJ JAL VIDUT NIGAM LIMITED	0	0	1	4
150.	SMALL INDUSTRIES DEVELOPMENT BANK OF INDIA (SIDBI)	0	0	19	0
151.	SOUTH EASTERN COALFIELDS LTD.	0	3	2	4
152.	SPMCIL	0	2	6	0
153.	SPORTS AUTHORITY OF INDIA	0	2	0	1
154.	STATE BANK OF INDIA	11	87	248	11
155.	STEEL AUTHORITY OF INDIA LTD.	0	5	10	2
156.	THE STATE TRADING CORPORATION OF INDIA LIMITED	0	0	1	0
157.	UCO BANK	3	13	1	0
158.	UNION BANK OF INDIA	4	54	14	0
159.	UNITED INDIA INSURANCE CO. LTD.	0	3	0	0
160.	URANIUM CORPN. OF INDIA LTD.	0	0	0	1
161.	WESTERN COALFIELDS LTD.	1	15	23	3
	TOTAL	220	928	814	245

Appendix II-A (i)

(Para 3.13)

DETAILS OF COMPLAINTS SENT BY CVC FOR NA TO CVOS IN 2022

Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
AGRICULTURE	43	39	4	4
BANKS	837	763	74	17
CBDT	271	210	61	21
CBIC	196	130	66	0
CHEMICALS & FERTILIZERS	73	46	27	15
CIVIL AVIATION	59	55	4	0
COAL	456	443	13	1
COMMERCE & INDUSTRY	14	8	6	6
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	32	28	4	0
DEFENCE	642	638	4	0
DEPARTMENT OF ATOMIC ENERGY	155	122	33	0
EARTH SCIENCES	7	5	2	1
ENVIRONMENT, FOREST & CLIMATE CHANGE	85	80	5	5
FINANCE	93	87	6	6
GOVT. OF NCT DELHI	805	793	12	0
HEALTH & FAMILY WELFARE	41	30	11	3
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	48	46	2	0
HOUSING AND URBAN AFFAIRS#	459	362	97	73
HUMAN RESOURCE DEVELOPMENT	211	200	11	2
INFORMATION & BROADCASTING	62	46	16	7
INSURANCE	270	255	15	0
JAL SHAKTI	35	10	25	23
LABOUR	357	356	1	0

LOCAL BODIES EXCEPT GNCTD*	1534	1534	0	0
LOCAL BODIES EXCEPT GNCTD	88	83	5	5
MHA	191	170	21	6
MINES	35	33	2	1
MINISTRY OF AYUSH	32	32	0	0
MINISTRY OF CORPORATE AFFAIRS	5	1	4	4
MINISTRY OF CULTURE	20	19	1	1
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	22	18	4	0
MINISTRY OF EXTERNAL AFFAIRS	6	4	2	2
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	18	17	1	1
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	30	27	3	2
MINISTRY OF TEXTILES	53	51	2	1
MINISTRY OF TRIBAL AFFAIRS	6	4	2	2
MISCELLANEOUS	124	98	26	6
NEW AND RENEWABLE ENERGY	8	8	0	0
PERSONNEL, P.G. & PENSIONS	500	145	355	349
PETROLEUM	287	252	35	5
POSTS	336	335	1	1
POWER	121	105	16	0
RAILWAYS	1699	1695	4	1
ROAD TRANSPORT & HIGHWAYS	62	54	8	3
RURAL DEVELOPMENT	1	1	0	0
SCIENCE & TECHNOLOGY	81	48	33	17
SHIPPING	98	89	9	3
SOCIAL JUSTICE & EMPOWERMENT	3	0	3	0
STEEL	161	150	11	0
TELECOMMUNICATION	296	274	22	2

TOURISM	3	1	2	1
UNION TERRITORIES OTHER THAN DELHI	44	44	0	0
YOUTH AFFAIRS & SPORTS	24	11	13	12
Total	11139	10055	1084	609

(The data is based on the Annual Reports submitted by the CVOs.)

* Local Bodies (except GNCTD) includes DSIDC, DIB, DTTDC, DTC, DTL, DUSIB, IPGCL, MCD and NDMC.

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

Appendix III-A (ii)

(Para 3.14)

DETAILS OF COMPLAINTS RECEIVED BY CVOS AND DEALT WITH BY CVOS IN 2022

Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
AGRICULTURE	184	156	28	9
BANKS	7292	6999	293	61
CBDT	1879	1164	715	488
CBIC	905	735	170	0
CHEMICALS & FERTILIZERS	154	120	34	11
CIVIL AVIATION	503	458	45	5
COAL	3848	3607	241	71
COMMERCE & INDUSTRY	86	62	24	15
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	682	630	52	14
DEFENCE	977	925	52	9
DEPARTMENT OF ATOMIC ENERGY	379	322	57	17
EARTH SCIENCES	26	14	12	12
ENVIRONMENT, FOREST & CLIMATE CHANGE	74	67	7	7
FINANCE	1109	1039	70	29
GOVT. OF NCT DELHI	6565	6011	554	18
HEALTH & FAMILY WELFARE	150	125	25	10
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	315	298	17	4
HOUSING AND URBAN AFFAIRS #	4251	3527	724	504
HUMAN RESOURCE DEVELOPMENT	1100	952	148	48
INFORMATION & BROADCASTING	137	112	25	9
INSURANCE	717	648	69	0
JAL SHAKTI	89	56	33	25
LABOUR	3879	3660	219	15
LOCAL BODIES EXCEPT GNCTD *	2581	2581	0	0
LOCAL BODIES EXCEPT GNCTD	2699	2360	339	252
MHA	46452	23749	22703	19192
MINES	169	162	7	1
MINISTRY OF AYUSH	30	30	0	0
MINISTRY OF CORPORATE AFFAIRS	160	66	94	84
MINISTRY OF CULTURE	59	52	7	3
MINISTRY OF ELECTRONICS &	78	75	3	0

INFORMATION TECHNOLOGY				
MINISTRY OF EXTERNAL AFFAIRS	126	79	47	33
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	17	17	0	0
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	157	133	24	0
MINISTRY OF TEXTILES	96	92	4	2
MINISTRY OF TRIBAL AFFAIRS	15	7	8	8
MISCELLANEOUS	116	56	60	33
NEW AND RENEWABLE ENERGY	22	20	2	0
PERSONNEL, P.G. & PENSIONS	470	163	307	280
PETROLEUM	2330	2157	173	24
POSTS	424	416	8	3
POWER	501	441	60	10
RAILWAYS	8881	7968	913	8
ROAD TRANSPORT & HIGHWAYS	363	334	29	3
SCIENCE & TECHNOLOGY	276	208	68	17
SHIPPING	507	459	48	26
SOCIAL JUSTICE & EMPOWERMENT	14	6	8	6
STEEL	762	716	46	4
TELECOMMUNICATION	1012	963	49	6
TOURISM	47	40	7	2
UNION TERRITORIES OTHER THAN DELHI	288	288	0	0
YOUTH AFFAIRS & SPORTS	111	57	54	45
Total	104064	75382	28682	21423

(The data is based on the Annual Reports submitted by the CVOs.)

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

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

Appendix III-A (iii)

(Para 3.14)

DETAILS OF COMPLAINTS RECEIVED IN RESPECT OF ALL CATEGORIES OF OFFICERS/EMPLOYEES IN 2022

Department/Sector	Total Received	Disposal	Pending	Pending for more than 3 months
AGRICULTURE	227	195	32	13
BANKS	8129	7762	367	78
CBDT	2150	1374	776	509
CBIC	1101	865	236	0
CHEMICALS & FERTILIZERS	227	166	61	26
CIVIL AVIATION	562	513	49	5
COAL	4304	4050	254	72
COMMERCE & INDUSTRY	100	70	30	21
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	714	658	56	14
DEFENCE	1619	1563	56	9
DEPARTMENT OF ATOMIC ENERGY	534	444	90	17
EARTH SCIENCES	33	19	14	13
ENVIRONMENT, FOREST & CLIMATE CHANGE	159	147	12	12
FINANCE	1202	1126	76	37
GOVT. OF NCT DELHI	7370	6804	566	18
HEALTH & FAMILY WELFARE	191	155	36	13
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	363	344	19	4
HOUSING AND URBAN AFFAIRS #	4710	3889	821	577
HUMAN RESOURCE DEVELOPMENT	1311	1152	159	50
INFORMATION & BROADCASTING	199	158	41	16
INSURANCE	987	903	84	0
JAL SHAKTI	124	66	58	48
LABOUR	4236	4016	220	15
LOCAL BODIES EXCEPT GNCTD *	4115	4115	0	0
LOCAL BODIES EXCEPT GNCTD	2787	2443	344	257
MHA	46643	23919	22724	19198
MINES	204	195	9	2
MINISTRY OF AYUSH	62	62	0	0
MINISTRY OF CORPORATE AFFAIRS	165	67	98	88
MINISTRY OF CULTURE	79	71	8	4
MINISTRY OF ELECTRONICS & INFORMATION TECHNOLOGY	100	93	7	0

MINISTRY OF EXTERNAL AFFAIRS	132	83	49	35
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	35	34	1	1
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	187	160	27	2
MINISTRY OF TEXTILES	149	143	6	3
MINISTRY OF TRIBAL AFFAIRS	21	11	10	10
MISCELLANEOUS	240	154	86	39
NEW AND RENEWABLE ENERGY	30	28	2	0
PERSONNEL, P.G. & PENSIONS	970	308	662	629
PETROLEUM	2617	2409	208	29
POSTS	760	751	9	4
POWER	622	546	76	10
RAILWAYS	10580	9663	917	9
ROAD TRANSPORT & HIGHWAYS	425	388	37	6
RURAL DEVELOPMENT	1	1	0	0
SCIENCE & TECHNOLOGY	357	256	101	34
SHIPPING	605	548	57	29
SOCIAL JUSTICE & EMPOWERMENT	17	6	11	6
STEEL	923	866	57	4
TELECOMMUNICATION	1308	1237	71	8
TOURISM	50	41	9	3
UNION TERRITORIES OTHER THAN DELHI	332	332	0	0
YOUTH AFFAIRS & SPORTS	135	68	67	57
Total	115203	85437	29766	22034

(The data is based on the Annual Reports submitted by the CVOs.)

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

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

Appendix - III B

(Para 3.17)

DETAILS OF DEPARTMENTAL INQUIRIES AGAINST OFFICERS (UNDER CVC JURISDICTION) IN 2022

Department/Sector	Total Received	Disposal	Pending
AGRICULTURE	4	2	2
BANKS	465	287	178
CBDT	162	62	100
CBIC	227	89	138
CHEMICALS & FERTILIZERS	2	1	1
CIVIL AVIATION	9	4	5
COAL	116	44	72
COMMERCE & INDUSTRY	15	8	7
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	17	12	5
DEFENCE	15	6	9
DEPARTMENT OF ATOMIC ENERGY	8	4	4
FINANCE	19	6	13
GOVT. OF NCT DELHI	21	8	13
HEALTH & FAMILY WELFARE	17	7	10
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	6	6	0
HOUSING AND URBAN AFFAIRS #	93	32	61
HUMAN RESOURCE DEVELOPMENT	11	10	1
INFORMATION & BROADCASTING	42	26	16
INSURANCE	23	17	6
LABOUR	71	26	45
LOCAL BODIES EXCEPT GNCTD *	15	4	11
LOCAL BODIES EXCEPT GNCTD	35	16	19
MHA	32	19	13
MINES	5	2	3
MINISTRY OF CORPORATE AFFAIRS	2	2	0
MINISTRY OF EXTERNAL AFFAIRS	1	0	1

MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	1	1	0
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	9	6	3
MINISTRY OF TEXTILES	10	3	7
MISCELLANEOUS	1	1	0
PERSONNEL, P.G. & PENSIONS	61	8	53
PETROLEUM	13	6	7
POSTS	11	4	7
POWER	39	22	17
RAILWAYS	164	72	92
ROAD TRANSPORT & HIGHWAYS	12	1	11
SCIENCE & TECHNOLOGY	20	6	14
SHIPPING	36	25	11
STEEL	7	4	3
TELECOMMUNICATION	29	19	10
UNION TERRITORIES OTHER THAN DELHI	1	1	0
YOUTH AFFAIRS & SPORTS	2	1	1
Total	1849	880	969

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

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

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

Appendix III C

(Para 3.17)

DETAILS OF DEPARTMENTAL INQUIRIES AGAINST OTHER EMPLOYEES IN 2022

Department/Sector	Total Received	Disposal	Pending
AGRICULTURE	10	5	5
BANKS	3545	2243	1302
CBDT	184	71	113
CBIC	446	186	260
CHEMICALS & FERTILIZERS	27	15	12
CIVIL AVIATION	13	2	11
COAL	115	78	37
COMMERCE & INDUSTRY	8	3	5
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	166	86	80
DEFENCE	97	65	32
DEPARTMENT OF ATOMIC ENERGY	55	46	9
FINANCE	24	12	12
GOVT. OF NCT DELHI	81	39	42
HEALTH & FAMILY WELFARE	33	14	19
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	34	30	4
HOUSING AND URBAN AFFAIRS #	36	9	27
HUMAN RESOURCE DEVELOPMENT	96	39	57
INFORMATION & BROADCASTING	6	4	2
INSURANCE	207	164	43
JAL SHAKTI	1	0	1
LABOUR	233	140	93
LOCAL BODIES EXCEPT GNCTD *	197	134	63
LOCAL BODIES EXCEPT GNCTD	114	68	46
MHA	80	44	36

MINES	11	2	9
MINISTRY OF CORPORATE AFFAIRS	1	0	1
MINISTRY OF CULTURE	1	1	0
MINISTRY OF EXTERNAL AFFAIRS	18	6	12
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	18	16	2
MINISTRY OF TEXTILES	22	10	12
MISCELLANEOUS	13	7	6
PERSONNEL, P.G. & PENSIONS	40	17	23
PETROLEUM	77	51	26
POSTS	2172	903	1269
POWER	12	6	6
RAILWAYS	861	459	402
ROAD TRANSPORT & HIGHWAYS	1	1	0
RURAL DEVELOPMENT	1	1	0
SCIENCE & TECHNOLOGY	42	22	20
SHIPPING	40	29	11
SOCIAL JUSTICE & EMPOWERMENT	1	1	0
STEEL	21	14	7
TELECOMMUNICATION	84	29	55
TOURISM	6	1	5
UNION TERRITORIES OTHER THAN DELHI	55	20	35
Total	9305	5093	4212

(The data is based on the Annual Reports submitted by the CVOs.)

* Local Bodies (except GNCTD) includes DSIDC, DJB, DTTDC, DTC, DTL, DUSIB, IPGCL, MCD and NDMC.
 # Housing and Urban Affairs includes CPWD, DDA, DMRC, DUAC, Hindustan Prefab Ltd., HUDCO, Ministry of Housing & Urban Affairs, NBCC and NCR Planning Board.

Appendix III D

(Para 3.22)

DETAILS OF REQUEST FOR PROSECUTION SANCTION RECEIVED AND DISPOSED BY ORGANISATIONS IN 2022

Department/Sector	Total Case for sanction	Sanctioned	Refused	Pending	Pending for more than 6 months
BANKS	404	130	148	126	82
CBDT	18	11	2	5	0
CBIC	143	111	4	28	3
COAL	38	18	11	9	1
COMMERCE & INDUSTRY	2	1	0	1	0
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	6	6	0	0	0
DEFENCE	13	9	0	4	0
EARTH SCIENCES	2	1	1	0	0
ENVIRONMENT, FOREST & CLIMATE CHANGE	3	2	0	1	1
FINANCE	14	2	7	5	5
GOVT. OF NCT DELHI	51	22	13	16	11
HEALTH & FAMILY WELFARE	3	0	0	3	1
HOUSING AND URBAN AFFAIRS #	18	10	3	5	4
HUMAN RESOURCE DEVELOPMENT	7	1	1	5	2
INFORMATION & BROADCASTING	1	0	0	1	0
INSURANCE	5	5	0	0	0

JAL SHAKTI	2	0	0	2	1
LABOUR	59	44	0	15	0
LOCAL BODIES EXCEPT GNCTD	11	6	0	5	0
LOCAL BODIES EXCEPT GNCTD *	11	2	3	6	0
MHA	17	8	0	9	4
MINISTRY OF EXTERNAL AFFAIRS	6	2	2	2	0
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	2	1	0	1	0
PERSONNEL, P.G. & PENSIONS	2	0	0	2	1
PETROLEUM	6	3	0	3	0
POWER	4	2	1	1	0
RAILWAYS	41	34	0	7	0
ROAD TRANSPORT & HIGHWAYS	13	7	0	6	0
SCIENCE & TECHNOLOGY	4	0	0	4	0
SHIPPING	11	8	0	3	0
STEEL	2	2	0	0	0
TELECOMMUNICATION	4	4	0	0	0
TOURISM	1	1	0	0	0
Total	924	453	196	273	116

(The data is based on the Annual Reports submitted by the CVOs.)

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

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

Appendix III E

(Para 3.21)

DETAILS OF PUNISHMENT AWARDED (ALL CATEGORIES) IN MINOR PENALTY PROCEEDINGS IN 2022

Department/Sector	Reduction to lower stage	Postponement / withholding of increment	Recovery from pay	With holding of promotion	Censure / Warning	No Action
BANKS	458	71	56	3	438	28
CBDT	2	5	0	1	14	3
CBIC	32	1	0	0	15	14
CHEMICALS & FERTILIZERS	0	0	1	0	11	1
CIVIL AVIATION	0	1	1	0	15	0
COAL	6	11	0	0	36	15
COMMERCE & INDUSTRY	0	0	0	0	2	0
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	226	88	1603	0	384	29
DEFENCE	5	3	0	0	33	0
DEPARTMENT OF ATOMIC ENERGY	2	1	0	0	12	1
FINANCE	5	1	0	2	18	12
GOVT. OF NCT DELHI	6	0	0	0	2	6
HEALTH & FAMILY WELFARE	0	0	0	0	1	0
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	1	9	1	1	52	1
HOUSING AND URBAN AFFAIRS #	7	1	0	0	15	0
HUMAN RESOURCE DEVELOPMENT	12	6	0	0	21	4
INFORMATION & BROADCASTING	0	0	0	0	1	1
INSURANCE	12	23	35	1	770	222

JAL SHAKTI	0	0	0	0	3	0
LABOUR	1	7	0	0	10	2
LOCAL BODIES EXCEPT G.N.C.T.D.*	0	9	0	0	11	2
LOCAL BODIES EXCEPT G.N.C.T.D.	4	0	332	0	91	2
MHA	3	4	62	0	939	3142
MINES	0	0	0	0	6	0
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	0	1	0	0	0	0
MISCELLANEOUS	0	0	0	0	1	0
PERSONNEL, P.G. & PENSIONS	0	1	0	0	9	1
PETROLEUM	0	4	11	0	72	7
POSTS	745	1356	599	28	1292	105
POWER	4	14	0	0	12	0
RAILWAYS	3	1104	12	2	374	143
ROAD TRANSPORT & HIGHWAYS	0	0	0	0	3	0
SCIENCE & TECHNOLOGY	0	0	0	0	2	0
SHIPPING	3	3	0	0	18	2
STEEL	1	8	0	0	25	6
TELECOMMUNICATION	0	1	1	0	18	2
TOURISM	0	0	0	1	0	0
YOUTH AFFAIRS & SPORTS	0	0	0	0	1	1
Total	1538	3	2714	39	4727	3752

The data is based on the Annual Reports submitted by the CVOs

* Local Bodies (except GNCTD) includes DSIDC, DIB, DTTDC, DTC, DTL, DUSIB, IPGCL, MCD and NDMC.

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

Appendix III F

(Para 3.21)

DETAILS OF PUNISHMENTS AWARDED (ALL CATEGORIES) IN MAJOR PENALTY PROCEEDINGS IN 2022

Department/Sector	Cut in pension	Dismissal / Removal / Compulsory Retirement	Reduction to lower time scale / rank	Other Major Penalties	Minor Penalties other than Censure / Warning	Censure / Warning	No Action
AGRICULTURE	1	1	0	6	5	0	0
BANKS	70	365	1494	541	17	64	76
CBDT	18	7	2	2	0	1	29
CBIC	77	19	68	43	11	10	96
CHEMICALS & FERTILIZERS	0	1	2	0	1	6	3
CIVIL AVIATION	0	0	8	0	0	0	0
COAL	0	19	70	9	8	1	17
COMMERCE & INDUSTRY	0	1	2	2	7	2	2
CONSUMER AFFAIRS, FOOD & PUB. DSTBN.	0	14	69	17	2	8	16
DEFENCE	13	3	23	13	3	10	6
DEPARTMENT OF ATOMIC ENERGY	1	9	33	18	0	2	4
EARTH SCIENCES	1	0	0	0	0	0	0
FINANCE	3	1	4	0	0	0	0
GOVT. OF NCT DELHI	11	2	5	3	0	2	6

HEALTH & FAMILY WELFARE	0	3	3	0	0	0	1
HEAVY INDUSTRIES AND PUBLIC ENTERPRISES	0	4	18	3	2	0	0
HOUSING AND URBAN AFFAIRS #	17	4	24	1	0	4	7
HUMAN RESOURCE DEVELOPMENT	1	6	3	13	3	4	7
INFORMATION & BROADCASTING	15	1	6	0	0	0	4
INSURANCE	12	11	170	4	3	4	10
LABOUR	12	6	2	16	3	4	11
LOCAL BODIES EXCEPT G.N.C.T.D.*	17	16	0	42	23	20	66
LOCAL BODIES EXCEPT G.N.C.T.D.	18	49	35	17	0	5	6
MHA	1	30	25	86	26	66	130
MINES	0	5	1	0	0	0	0
MINISTRY OF CORPORATE AFFAIRS	1	0	0	0	0	0	0
MINISTRY OF FISHERIES, ANIMAL HUSBANDRY & DAIRYING	0	1	0	0	0	0	2
MINISTRY OF MICRO, SMALL & MEDIUM ENTERPRISES	5	2	7	0	0	0	2
MINISTRY OF TEXTILES	0	4	3	0	0	3	1
MISCELLANEOUS	0	1	0	1	0	0	2
NEW AND RENEWABLE ENERGY	0	0	1	0	0	0	0
PERSONNEL, P.G. & PENSIONS	3	4	2	2	6	4	4
PETROLEUM	0	8	14	6	15	9	9

POSTS	35	211	252	91	71	41	71
POWER	0	3	21	0	0	3	0
RAILWAYS	3	59	688	2	54	6	45
RURAL DEVELOPMENT	0	0	1	0	0	0	0
SCIENCE & TECHNOLOGY	2	1	2	0	1	0	3
SHIPPING	6	1	5	15	0	3	3
SOCIAL JUSTICE & EMPOWERMENT	0	0	1	0	0	0	0
STEEL	0	0	9	5	0	8	1
TELECOMMUNICATION	26	3	15	2	0	0	8
TOURISM	0	1	2	0	0	0	0
UNION TERRITORIES OTHER THAN DELHI	0	1	0	0	1	0	3
YOUTH AFFAIRS & SPORTS	2	0	0	0	0	0	0
Total	371	877	3090	960	262	290	651

(The data is based on the Annual Reports submitted by the CVOs.)

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

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

Appendix-IV

(Para 3.16)

ORGANIZATION-WISE LIST OF COMPLAINTS REFERRED BY COMMISSION AND PENDING WITH CVOS FOR INQUIRY AND REPORT AS ON 31.12.2022

S. No.	Name of Department	Complaints Pending for Investigation		
		Up to One Year	Between One-Three years	More than Three years
1.	Air India	1	0	0
2.	Airports Authority of India	1	0	0
3.	All India Institute of Medical Sciences	1	1	1
4.	Andaman & Nicobar Admn.	0	2	1
5.	Archaeological Survey of India	1	2	0
6.	Bharat Coking Coal Ltd	1	0	0
7.	Bharat Sanchar Nigam Limited	4	0	0
8.	Border Roads Development Board	0	1	3
9.	Brahmaputra Board	0	0	1
10.	Central Board of Direct Taxes	8	1	0
11.	Central Board of Excise & Customs	8	6	1
12.	Central Board of Secondary Education	0	1	0
13.	Central Bureau of Investigation	14	0	1
14.	Central Coalfield Ltd.	1	0	0
15.	Central Public Works Department (CPWD)	0	1	0
16.	Chandigarh Administration	1	0	1
17.	Chennai Port Trust	2	0	0
18.	Coal India Ltd	1	0	0
19.	Comptroller & Auditor General of India	1	0	0
20.	Controller General of Defence Accounts	1	0	0
21.	Council of Scientific & Industrial Research	1	1	0
22.	Dadar & Nagar Haveli	0	0	1
23.	Delhi Development Authority (DDA)	4	0	0
24.	Delhi Police	3	0	0
25.	Delhi Transport Corpn.	0	1	0
26.	Delhi Urban Shelter Improvement Board	2	0	0
27.	Department for Promotion of	1	2	0

	Industry and Internal Trade			
28.	Department of Coal	0	0	1
29.	Department of Disability Affairs	0	2	0
30.	Department of Fertilizers	1	0	0
31.	Department of Fisheries	1	0	0
32.	Department of Health	1	7	2
33.	Department of Heavy Industries	3	0	0
34.	Department of Posts	9	0	0
35.	Department Of Revenue	0	0	1
36.	Department of Space	1	0	0
37.	Department of Steel	1	0	0
38.	Deptt. Of Atomic Energy	2	0	0
39.	Deptt. Of Biotechnology	2	0	0
40.	Deptt of Chemicals & Petrochemicals	1	0	0
41.	Deptt. Of Company Affairs	2	0	0
42.	Deptt. Of Defence Production and Supplies	1	1	1
43.	Deptt of Economic Affairs	1	1	0
44.	Deptt. of Sec & Higher Edu, Elementary Edu & Literacy	5	7	4
45.	Deptt. Of Telecommunications Services	2	0	0
46.	Eastern Coalfields Ltd.	1	0	0
47.	Employees Provident Fund Organisation	5	2	0
48.	Employees State Insurance Corporation	2	0	0
49.	Food Corporation of India	8	0	1
50.	Govt of NCT of Delhi	7	2	0
51.	Govt. of Pondicherry	2	0	1
52.	Heavy Engineering Corporation Ltd	1	0	0
53.	Hindustan Aeronautics Ltd	3	0	0
54.	Hindustan Petroleum Corporation Ltd.	2	0	0
55.	Housing and Urban Development Corporation	3	0	0
56.	I.I.T., New Delhi	1	0	0
57.	India Post Payments Bank	1	0	0
58.	Indian Council of Agricultural Research	3	2	2
59.	Indian Council of Medical Research	1	0	0

60.	Indian Instt. Of Management, Calcutta	0	1	0
61.	Indian Oil Corpn Ltd	3	0	1
62.	IRCON International Ltd.	1	0	0
63.	Jute Corporation of India	1	0	0
64.	Khadi & Village Industries Commission	1	0	0
65.	LIC India	1	0	0
66.	M.C.D	1	0	0
67.	Madras Fertilizers Ltd.	1	0	0
68.	Mazagon Dock Limited	0	1	0
69.	Military Engineer Services	1	2	0
70.	Ministry of Civil Aviation	1	0	0
71.	Ministry of Commerce	1	0	0
72.	Ministry of Culture	0	0	2
73.	Ministry of Defence	14	1	2
74.	Ministry of Environment and Forests	0	1	0
75.	Ministry of Home Affairs	5	0	0
76.	Ministry of Information & Broadcasting	2	0	0
77.	Ministry of Labour	1	0	0
78.	Ministry of Parliamentary Affairs	1	0	0
79.	Ministry of Personnel, P.G. & Pensions	1	0	1
80.	Ministry of Petroleum & Natural Gas	6	0	0
81.	Ministry of Power	6	0	0
82.	Ministry of Railways	72	5	0
83.	Ministry of Road Transport & Highways	1	0	0
84.	Ministry of Rural Development	0	0	1
85.	Ministry of Shipping	2	0	0
86.	Ministry of Skill Development & Entrepreneurship	0	1	0
87.	Ministry of Small-Scale Industry & Rural Industries	1	0	0
88.	Ministry of Statistics & Programme Implementation	0	2	0
89.	Ministry of Textiles	1	0	0
90.	Ministry of Tourism	1	0	1
91.	Ministry of Tribal Affairs	0	0	1
92.	Ministry of Water Resources	2	0	0
93.	National Aluminum Co. Ltd-NALCO	1	0	0

94.	National Council for Teachers Education	1	0	0
95.	National Crime Records Bureau	1	0	0
96.	National Highway and Infrastructure Development Corporation Limited	3	0	0
97.	National Highway Authority of India	1	0	0
98.	National Instt. Of Educational Planning & Administration	0	0	1
99.	National Mineral Development Corporation Ltd.	1	0	0
100.	National Projects Construction Corpn. Limited.	1	0	0
101.	Neyveli Lignite Corporation Ltd.	1	0	0
102.	NTPC Ltd	1	0	0
103.	Ordnance Factory Board	8	0	0
104.	Pawan Hans Helicopters Ltd.	1	0	0
105.	P.G. Instt. Of Medical Education & Research	1	0	0
106.	PMs Office	0	0	1
107.	Punjab & Sind Bank	1	0	0
108.	Rail Vikas Nigam Limited (RVNL)	0	1	0
109.	Sasatra Seema Bal	0	1	0
110.	South-Eastern Coalfields Ltd.	2	0	0
111.	SPMCIL	2	0	0
112.	State Bank of India	1	0	0
113.	Steel Authority of India Ltd	1	0	0
114.	West Bengal	1	0	0
	Total	287	59	34

Appendix-V

(Para 3.18)

ORGANIZATION-WISE LIST OF FIRST AND SECOND STAGE ADVICE PENDING FOR IMPLEMENTATION OF COMMISSION'S ADVICE

S. No.	Name of Department	No. of cases pending implementation of CVC's advice for more than 6 months	
		First Stage Advice	Second Stage Advice
1.	Airports Authority of India	3	0
2.	All India Institute of Medical Sciences	1	0
3.	Andaman & Nicobar Administration	1	1
4.	Bank of Baroda	1	0
5.	Bank of India	7	0
6.	Bharat Heavy Electricals Ltd (BHEL)	1	0
7.	Bharat Sanchar Nigam Ltd.	0	1
8.	Bridge & Roof Co. (India) Ltd.	2	0
9.	Bureau of Indian Standards	1	0
10.	Canara Bank	1	0
11.	Central Board of Direct (CBDT)	17	0
12.	Central Board of Indirect Taxes & Customs	20	29
13.	Central Coalfields Ltd.	2	0
14.	Central Council for Research in Ayurveda (CCRAS)	1	0
15.	Central Public Works Department (CPWD)	2	1
16.	Central Warehousing Corpn. Ltd.	1	0
17.	Coal India Ltd.	1	0
18.	COIR BOARD	1	0
19.	Controller General of Accounts	2	0
20.	Controller General of Defence Account (CGDA)	3	0
21.	Cotton Corporation of India Ltd.	1	0
22.	CAPART	0	1
23.	Council of Scientific & Industrial Research (CSIR)	3	3

24.	Damodar Valley Corporation	1	0
25.	Delhi Development Authority	1	0
26.	Delhi State Industrial and Infrastructure Development Corporation Ltd (DSIIDC)	4	0
27.	Delhi Urban Shelter Improvement Board (DUSIB)	1	1
28.	Department of Agriculture & Cooperation	1	0
29.	Department of Atomic Energy	4	0
30.	Department of Coal	3	0
31.	Department of Economic Affairs	2	0
32.	Department of Education	4	0
33.	Department of Fertilizers	5	1
34.	Department of Financial Services	4	0
35.	Department of Health	1	0
36.	Department of Heavy Industry	1	0
37.	Department of Legal Affairs	1	1
38.	Department of Mines	2	1
39.	Department of Revenue	6	0
40.	Department of Telecom	3	0
41.	Department of Youth Affairs and Sports	1	0
42.	DIPAM	1	0
43.	DPIIT	3	0
44.	DTL/IPGCL	2	0
45.	Eastern Coalfields Ltd.	3	0
46.	Employees Provident Fund Organization	2	0
47.	Export Inspection of Council of India	1	0
48.	Food Corporation of India	2	0
49.	GAIL	1	0
50.	Government of National Capital Territory of Delhi (GNCTD)	6	1
51.	Govt. of Puducherry	1	0
52.	Heavy Engineering Corporation Ltd.	1	0
53.	Hindustan Paper Corporation	1	0

54.	IDBI Bank	2	0
55.	IFCI Ltd.	2	0
56.	Indian Bank	7	1
57.	Indian Council of Agriculture Research	0	1
58.	Indian Overseas Bank	5	0
59.	IOCL	5	0
60.	Kendriya Vidyalaya Sangathan	0	1
61.	KRIBHCO	1	0
62.	Krishak Bharat Cooperatives Ltd.	1	0
63.	KVIC	1	0
64.	Mahanadi Coalfields Ltd.(MCL)	1	0
65.	MCD	7	2
66.	Military Engineer Services	4	0
67.	Ministry of Ayush	1	0
68.	Ministry of Civil Aviation	0	1
69.	Ministry of Commerce	1	0
70.	Ministry of Corporate Affairs	1	0
71.	Ministry of Defence	2	0
72.	Ministry of Earth Sciences	1	1
73.	Ministry of Environment & Forests	1	0
74.	Ministry of External Affairs	3	0
75.	Ministry of Home Affairs	2	1
76.	Ministry of Housing & Urban Affairs -M/o HUA	4	1
77.	Ministry of Information & Broadcasting (Vig 9 + 7)	1	1
78.	Ministry of Personnel PG & Pensions (Vig 9+7)	3	3
79.	Ministry of Railways	25	6
80.	Ministry of Shipping	3	0
81.	Ministry of Skill Development	1	0
82.	Ministry of Textiles	2	0
83.	MMTC	0	1
84.	MOIL	1	0
85.	MRPL	1	0
86.	Mumbai Port Trust	1	0
87.	NABARD	1	0
88.	NCCF	1	0

89.	National Highways Authority of India	1	0
90.	National Institute of Electronics & Information Technology (erstwhile DOEACC Society)	1	0
91.	National Institute of Open School	1	0
92.	National Projects Construction Corp.	0	1
93.	NBCC (India) Ltd.	1	0
94.	New India Assurance Co. Ltd	2	0
95.	NMDC	1	0
96.	PEC LTD.	1	3
97.	REC LTD.	1	0
98.	RITES	1	0
99.	Staff Selection Commission	1	0
100.	State Bank of India	11	0
101.	STC	1	0
102.	Telecommunication Consultants India Ltd.	2	0
103.	UCO Bank	2	2
104.	United India Insurance Co. Ltd	4	0
105.	University Grant Commission	1	0
Total		265	67

Appendix-VI

(Para 5.9)

SOME IRREGULARITIES OBSERVED, PRIMA FACIE, IN COURSE OF INTENSIVE EXAMINATIONS AND SCRUTINY OF VARIOUS PROCUREMENT CASES DURING THE YEAR

1) In a building construction work costing around Rs. 151 Crore, following major irregularities were observed:

- a) The work was being executed by a Central PSU for a State Government (the client). Special conditions of the tender document provided that **“No escalation shall be payable unless agreed by the client...”**. Such a vague tender condition led to quoting of higher price by the bidder perhaps assuming the escalation of cost also during execution of the work. This ultimately resulted in the award of contract at a price higher than the estimated cost. Apart from this, taking clue from the vague tender/contract condition, contractor has claimed for escalation amounting to Rs. 20.54 Crore, which is under consideration. This speculative tender condition, on one hand has led to award of contract at higher rate and on the other hand gave opportunity to the contractor to claim for payment of escalation in cost.
- b) Random Rubble masonry was done against the BOQ item of Coursed Rubble Masonry, whereas payment has been made to the contractor for Coursed Rubble masonry. Apart from this, no bond stones and plumb stones, which are required for stability of the masonry work, were provided. The number of weep holes provided in stone masonry retaining wall were also found to be lesser than required as per contract specifications. Thereby, not only undue benefit has been passed on to the contractor, but structural stability has also been compromised.
- c) The site of work is situated in a hilly terrain, as such, huge excavation was carried out to make the area leveled for construction of buildings and open theaters. It was observed that payment of Rs. 4.03 Crore has been made to the contractor for lifting the excavated materials up to 15 meters under the BOQ item for 'extra for additional lift of 1.5 m or part thereof in excavation/banking excavated or stacked materials'; whereas rates quoted by the contractor for excavation are inclusive of carrying out the work at all depths in foundation below ground level. Apart from this, because of the excavation in slope, there was no situation of lifting of earth beyond initial 1.5 m. Thus, undue benefit has been passed on to the contractor by way of making inadmissible payment to the contractor.

- d) Payment has been made to the contractor for Rs. 3.77 Crore on account of carriage of surplus earth to 1.0 km distance under BOQ item for 'carriage of earth by mechanical transport including loading, unloading & stacking to 1.0 km'. It was observed that the earth has been disposed off within 50 m from the periphery of the building just by dumping the same on the slope of the hill. This led to undue payment to the contractor.

2) In a Highway construction work, costing around Rs. 829 Crore, following major irregularities were observed:

- a) Date of start and completion of the work were 15.01.2016 and 14.01.2019 respectively. However, since the contractor was not able to execute the work as scheduled/rescheduled and till August 2021, progress of 52.21% could only be achieved, a notice of termination of the contract was issued on 27.05.2019, against which the contractor approached Hon'ble High Court (Guwahati). Hon'ble High Court disposed of the petition with a written commitment by the contractor to improve the performance and the notice of termination was withdrawn. However, the contractor again miserably failed in achieving the committed targets in spite of availability of the working front and instead of terminating the contract in terms of the contract agreement, the Organisation decided to foreclose the contract citing the policy of the Ministry concerned for foreclosure of the 'stuck up' contract. Perusal of the said policy of the Ministry reveals that a project would qualify to be stuck up only when there is default from both the parties. Since in this case, failure was attributed to the contractor, as such, instead of foreclosure, the contract should have been terminated. On termination of the contract, actions such as forfeiture of performance guarantee of the contractor of Rs.75 Crores, imposition of liquidated damages up to 10% of contract value for undue delay in completion of the project etc. were required to be taken, whereas on foreclosure the contractor could go scot-free in spite of serious defaults. Thus, by way of unduly foreclosing the contract, the contractor was extended undue favour.
- b) In addition to above, it is observed that around Rs. 35 Crore interest bearing ad-hoc advance was given to the contractor without any provision in the contract. While interest to be charged on this advance was approved at 'SBI Prime Lending Rate + 3%', but only 5% simple interest was charged from the contractor for portion of the advance recovered. Ad-hoc advance of Rs. 25.56 Crore was paid to the contractor even after the decision of foreclosure taken by competent authority.

- c) Embankment was constructed using sandy soil but no protective measures to prevent erosion of the embankment were taken. As a result, in most of the portions of the highway, deep rain cuts developed. Thus, stability of the embankment was compromised.

3) In a Highway construction work, costing around Rs. 369 Crore, following major irregularities were observed:

- a) Road pavement was designed for 73 MSA (Million Standard Axle) & 50 MSA in two stretches of the project. For traffic > 30 MSA, clause 10.3 of IRC: 37-2012 provides for use of VG 40 grade bitumen in Bituminous Concrete (the top layer of the road pavement). Contractor submitted job mix for Bituminous Concrete with VG 30 grade bitumen, but the same was not accepted in view of it not being in conformity with the IRC Specification. However, later the job mix with VG 30 grade bitumen was approved. Thus, the codal provision for use of particular grade of bitumen in top layer of road pavement was not adhered to.
- b) There was no drainage layer in the existing road. Keeping in view the high rainfall in the area, reconstruction was proposed for the entire stretch with new flexible pavement. In the design proposed by Organization, existing bituminous layers were to be scarified and existing 'Jhama Brick' layer was to be used as sub-grade. Over this sub-grade, 260 mm thick Granular Sub-Base (GSB) and 250 mm thick base course of Wet Mix Macadam (WMM) were to be provided below bituminous layers of Dense Bituminous Macadam (DBM) and Bituminous Concrete (BC). The EPC contractor proposed a different design of road using 500 mm sub-grade, 150 mm sub-base course of stabilized soil, 175 mm base course of stabilized soil to be provided below the bituminous layers. The design proposed by the contractor with stabilized soil was not approved by the Organisation holding that as per IRC:37, stabilized soil for sub-base is not permitted for heavy traffic in wet areas; however, later this design was allowed to be used. Apart from this, in place of 500 mm sub-grade, only 151 mm sub-grade was provided. Thus, not only unsuitable material was allowed to be used as sub-base, but also lesser thickness of sub-grade was permitted. Cracks in the road pavement developed in most of the stretches, which may be due to use of unsuitable material as well as lesser compaction.
- c) Approximate 88,020 trees were identified to be affected in the proposed Right of Way. As per terms and condition of contract, the contractor was required to plant 1,76,040 trees (two times of the affected trees) on both sides of the road.

However, the Organisation approved the proposal for plantation of only 8,889 numbers of trees. At some places, Nerium Oleander (Kaner) was counted as a tree whereas it comes under the category of shrub. The ornamental plants provided are also far lesser in number than required.

- d) The contract price is inclusive of all duties, taxes, royalties, and fees. All applicable taxes were clubbed in GST w.e.f. 01.07.2017. Contractor has claimed Rs. 12.53 Crore towards GST reimbursement. GST claimed by contractor was restricted to Rs. 8.88 Crore on scrutiny by Chartered Accountant of the Organisation. However, even Rs. 8.88 Crore reimbursements are on the higher side, as pre-GST tax liability of the contractor was underestimated by way of non-consideration of Excise Duty on materials and Works Contract Tax.
- e) Damaged earthen shoulder and cracks on the pavement were observed at places. As per contract condition, notice was to be issued to the contractor for repairing of such defects like cracks, potholes, damaged earthen shoulder etc. Instead of removing the defects, contractor raised an invoice of Rs. 2.86 Crore to be paid @ 1.5 % of the contract value in maintenance period. Finally, Organisation has paid Rs. 2.86 Crore towards maintenance of the road. Thus, on one hand, no penal action was taken against the contractor for not removing the defects; on the other hand, payment was made to the contractor without doing any maintenance activity.
- f) Contractor was required to provide a video recording for every calendar quarter, covering status/progress of work, but no such video recording was available. The purpose of such video recording is to create record of methods employed in the construction, quality control measures, etc. Such record will not only be available for posterity but will also deter the contractor from making any compromise in the construction activities.
- g) A consultant was engaged as Authority's Engineer and agreement was signed on 06.01.2015. The Appointed Date i.e. date of start of work was fixed on 15.09.2015. Authority's Engineer started work during February 2016, but payment of Rs. 1.41 Crore was made to Authority's Engineer w.e.f. February 2015. Thus, the Authority's Engineer was paid Rs. 1.41 Crore without any supervision of the work.

4) In a work of construction of Hospital building costing around Rs. 180 Crore carried out in Engineering Procurement and Construction (EPC) mode, following major irregularities were observed:

- a) The underground water storage tank and pump/plant room (approximate area 270 sqm) were to be constructed separately as marked in the drawings annexed with tender documents. But the underground water storage tank and plant room were constructed in basement of the building. While full payment for basement was released and an additional payment of Rs. 2.24 Crore for the storage tank and pump/plant room was also made to the contractor. On one hand effective parking area got reduced, and on the other hand inadmissible payment amounting to Rs. 2.24 Crore has been made even without construction of storage tank and pump/plant room separately.
- b) As per the scope of the work, the contractor was required to provide sufficient parking for hostels and residential blocks in stilts and open spaces, out of which minimum 25% was to be covered parking. It was observed that entire parking required for hostel and residential blocks was provided in open spaces and no covered parking was provided. Thus, undue benefit was passed on to contractor.
- c) As per the scope of the work, the contractor was required to provide mosquito proof stainless steel wire gauge shutters for balcony/ veranda doors of residential blocks. No such doors were provided by the contractor in the residential blocks.
- d) As per the norms for Hospital Building, Stretcher Guard and Corner Guard are essentially required to be provided on the walls / corners of the walls along the corridor, lift lobby and other areas where the movement of Stretcher is expected. The same were not found provided in the hospital building.

5) In a work of construction of Office building costing around Rs. 334 Crore, carried out in EPC mode, following major irregularity was observed:

The estimated cost of the work was worked out by the consultant amounting to Rs. 395 Crore. While inviting the tender, the estimated cost put to tender was reduced arbitrarily from Rs. 395 Crore to Rs. 350 Crore. Had the estimated cost put to tender was kept as Rs. 395 Crore, the L1 bidder to whom the work was awarded could not have qualified. Thus, such arbitrary reduction in

estimated cost facilitated an agency (who was not having the required experience to execute a work costing Rs. 395 Crore) to participate in bid process and work was awarded to him.

6) In a work of construction of Institutional buildings costing around Rs. 231 Crore, carried out in EPC mode, following major irregularities were observed:

- a) As per the terms and conditions of contract agreement, the rates quoted by the contractor for the item for 'Centring and Shuttering' were valid for all heights and nothing extra was payable on this account. But payment was made to the contractor amounting to Rs. 2.54 Crore for extra height of shuttering, over a height of 3.5 m as extra item. Thus, inadmissible payment amounting to Rs. 2.54 Crore was made to the contractor.
- b) In the Pre-bid meeting, it was requested by one participating agency to fix the basic rate of Granite stone slab, but the same was not agreed by the Department. On perusal of purchase vouchers of Granite stone slab, it was observed that Granite stone slabs costing Rs. 82/sft to Rs. 110/sft + GST (18%) have been used in the work; whereas the basic rate of Granite stone slab in DSR 2014(based on which the estimate was framed) was Rs. 2000/sqm (Rs.185.88/sft). Thus, cheaper granite stone slabs were allowed to be used in the work without any benefit to Department.

7) In a work of construction of Road costing around Rs. 1333 Crore, carried out in EPC mode, following major irregularities were observed:

- a) Two spans collapsed along with Launching Girder during pre-stressing stage. The Organisation constituted a four-member expert committee to carry out detailed technical analysis and reasons of failure leading to accident. Ministry concerned also constituted an expert committee comprising of another four members to look into the collapse of two spans and to suggest measures to improve design, construction practices and quality assurance/ control measures. As per reports of Committees, there were serious lapses in the design, execution, and quality control.
- b) One of the prospective bidders raised a query in pre-bid meeting whether a single crash barrier of 650 mm height will be permitted in place of two crash barriers of 650 mm height on single elevated structure. Though, it was clarified

that single crash barrier will not be permitted; however, it was found that only single crash barrier at median of elevated road was provided. This deviation from the contract agreement not only caused undue financial benefit to the contractor, but safety of the road users has also been compromised.

- c) Stipulated date of completion of the work was 27.11.2020, but progress of work in July 2022 was 73% only. None of the milestones as specified in contract could be achieved in the scheduled period. Delay of around two years has already occurred in the contract, but completion is still not in sight. As per the correspondence exchanged with the contractor, Organisation has largely held the contractor responsible for delay. However, no action against the contractor for slippage in achieving the milestones and the overall delay has been taken. Apart from this, as per Organisation's policy guidelines, a particular authority is competent to grant EOT beyond three months, but EOT for more than five months period (26.02.2021 to 05.08.2021) was granted by a lower-level authority by bifurcating the period into two parts (26.02.2021 to 25.05.2021 and 25.05.2021 to 05.08.2021), which is not in order. Moreover, payment of escalation of approx. Rs. 40 Crore was made without valid approval of EOT by the competent authority.
- d) From perusal of correspondence between Organisation and the contractor, public grievance representations available on record and also during site visit by the team of CTEO, it is observed that existing road/diversions were not being maintained in traffic worthy condition as required under the contract. As per project record, potholes, damaged surface, muddy roads were reported by the users. Safety provisions for night were almost absent. At certain stretches existing road has been fully closed without proper diversion. Since, this is expressly part of obligations of the contractor and has cost implications, non-compliance is an outright undue financial favour to the contractor, besides serious public safety hazard.
- e) As per consultancy contract, if the key personnel are replaced at the time of initial deployment or after deployment, for the reasons other than permanent long-term disability or death, remuneration was to be reduced by 5%, 10% and 15% of the accepted remuneration based on replacement of 33%, 50% and 66% respectively. For total replacement beyond 66% of the key personnel, the organisation was to initiate higher penalty including termination/debarment up to 2 years. In this contract, out of seven key personnel, five personnel i.e. 71% (more than 66%) were replaced, but no action was taken against the consultant. Even reduction in remuneration was not done.

8) In a Charter hiring of mobile drilling Rigs, costing around Rs.188 Crore, following major irregularities were observed:

- a) For charter hiring of a Rig in a PSU as per eligibility criteria, the firm should have been a drilling Rig Contractor having minimum 03 years of experience in providing services for charter hiring of drilling rigs in oil and gas wells in oil fields/gas fields in last 10 years, out of which at least 01 year should be on the mobile drilling rigs. The documents acceptable were satisfactory Completion/Performance Report or proof of release of PBG after completion of contract or proof of settlement/release of final payment against the contract or any other documentary evidence that can substantiate the satisfactory execution of the contract. The certificate considered during evaluation shows the contract as ongoing and not successfully executed / completed.
- b) There is a provision in the contract for contractor to make arrangements of lodging at site for 300 PSU officials per month. No such arrangements could be found at site. The contractor's liability stands at Rs. 64.80 lakh. PSU has failed to ensure the compliance of this condition, causing the contractor a gain of Rs. 64.80 lakh.

9) In a work related to CNG compressors costing around Rs. 117 Crore, following major irregularity was observed:

The delivery date for 600 Standard Cubic Meters Per Hours (SCMH) and 1200 SCMH compressors was extended up to 31.05.21 from 12.02.21 and 18.12.20. The reason cited is wrong submission of process and instrumentation drawing by the firm. However, the extension of time was given without imposing liquidated damages. This delay was on contractor's part; however no liquidated damages was imposed on the agency.

10) In a work related to Design, Engineering, Supply and Supervision of Erection, Testing and Commissioning, etc, of Twin Boom Stacker and Reclaimer costing around Rs. 52 Crore, following major irregularities were observed:

- a) As per tender qualification criteria, a solvency of 40% of the estimated cost of the procurement was required to be submitted by the bidder. However, agency had submitted a solvency certificate issued by the Bank for Rs. 8 Crore only, against the requirement of Rs 18.07 Crore. Further, organisation entered into a communication with the agency to seek a revised credential suiting the

qualifying criteria and was finally declared techno-commercially eligible for the work. The principles of public procurement have been breached and clear favour has been extended to the firm which otherwise would not have qualified and taken the order.

- b) The work was supposed to get completed in 2011; however, the supply could get completed in 2019 i.e. after a delay of 08 years. But no liquidated damages/penalty has been levied on the contractor as per the terms and conditions of the contract.

11) In a work related to Modernization of Existing Hospital and Construction of Building for Dental College, Auditorium, Residential Building, Hostel, Site Development, Electrical, Fire Alarm, Fire Fighting, HVAC, BMS etc. (Electrical portion), costing around Rs.1155 Crore, following major irregularities were observed:

- a) The stipulated date of start of the work was 21.08.2009 with completion period as 24 months. However, the approval from District Development Authority was obtained on 25.05.2011. Also, significant hindrance free land for dental college could be provided to the contractor from 2011-12 onwards only. Still on date, lot of land is encroached and could not be provided to the contractor. In absence of required statutory approvals and availability of hindrance free land, department went ahead with tendering and awarding the contract finally concluding to a major failure of the contract.
- b) In the Electrical scope of work, equipment related to HVAC, BMS, Substation, Lifts, DG set, Package Sub-station & RO System have been supplied long back in 2009-2012. All, the equipment are lying/uninstalled and un-utilised. On date, all the equipment have crossed their warranty period. There is a possibility that most of the equipment may have undergone severe deterioration and may adversely impact their codal life now. The supply and procurement of the store was done with the consent of department officials. The material was procured without any planning and foresightedness and now the material is lying at site in depreciated state.

12) In a work related to Construction of Multi-Storied office building, costing around Rs. 116 Crore, following major irregularity was observed:

Estimate towards work at Rs. 76 Crore, prepared in 2012 based on DSR-2012 was revised to Rs.136 Crore in 2015 based on DSR-2014 and market rates for

non-DSR items. An increase of approximately Rs. 60 Crore (increase of approximately 79%) in a span of 04 years cannot be considered reasonable. Estimate seems to have been inflated through non-DSR items by considering inflated market rates.

13) In work related to Construction of Switchyard, costing around Rs. 160 Crore, following major irregularities were observed:

- a) There was a delay in approval of 25 MVAR Reactor and associated Nitrogen Injection Fire Protection and Extinguishing System (NIFPES). Contractor has obtained approval of its sub-vendor for supply of reactor. After approval, contractor submitted GTP (Guaranteed Technical Parameter) with 80 kW total losses which is more than required level of losses i.e. 50 kW (as per guideline/policy). Since, the tender document does not specifically mention maximum load losses as 50 kW and supply of associated NIFPES, the matter is under dispute between Contractor and organization for the level of losses and supply of NIFPES.
- b) As per tender document, time completion for switchyard is 37 months for Unit-1 and 43 months for Unit-2 which is on very higher side. It is seen from other projects that ideal time to complete the 440 kV Substation is 18 months. Further, this issue has also been raised by two prospective bidders in the pre-bid meetings. It appears that due to higher time for completion of switchyard i.e., more than 18 months, project cost has been increased by more than Rs. 9.55 Crore and defect liability period will also be expired for most of the facilities before commissioning of the switchyard.

14) In a work related to solar power project costing around 322 Crore, following major irregularities were observed:

- a) Changes have been made in technical specification of the contract agreement after award of the work without considering financial implication. It has contractual deviations having huge financial implications with respect to allowing use of 1 no. Auxiliary transformer instead of 02 nos. Auxiliary Transformers and power evacuation at 33 kV overhead transmission line instead of 33 kV XLPE cable.
- b) The organization has violated the land border policy of Government of India by making Tri-Party agreement with foreign agency beyond the terms and conditions of the contract in respect of supply of Solar panels.

- c) The payment conditions were relaxed by releasing 100 percent payment through Letter of Credit against dispatch against the contract provisions of 70% on dispatch, 10% on delivery of modules and 20% after commissioning. This extended undue benefit the contractor.

15) In a work related to Empanelment of vendors for supply of Computer Hardware, Notebook PC, etc. costing around Rs. 29 Crore, following major irregularities were observed:

- a) Financial bids were opened before due date of opening. As per RFP, the date of opening was 11-07-2016 but bids were opened on 07-07-16 on the pretext that both the empaneled bidders have submitted their offers.
- b) Pre-bid conference was held for clarifying issues and clearing doubts of the prospective bidders about the specifications and other allied technical details of equipment projected in the bidding document. The Minutes of the Pre-bid Meeting was also not uploaded on websites.

16) In a case related to Procurement of HIV Drugs costing around Rs. 697 Crore, following major irregularities were observed:

- a) The last corrigendum to tender was issued on 03-04-20 and the tender was opened on the same day. Hence, adequate time for bid submission was not ensured.
- b) As per tender document, it was indicated that in case of requirement of large quantities, Department may place orders with 3 suppliers in the ratio of 50:30:20. It was observed that the exact number against the 'large quantities' was not clearly indicated. It was left on the discretion of the Organization's officials.
- c) Some drugs worth Crores of rupees stocked in the warehouse were allowed to expire without any use and some are due to expire in the coming months. This indicates that there was no proper Inventory Control System adopted by the concerned Department.

17) In a work related to Design, Manufacturing, Testing, Supply, Installation, Commissioning, Training and Performance Testing of Currency printing Machines costing around Rs. 411 Crore following major irregularities were observed:

- a) As per tender document, if any machine parameters are not proved by the bidder during Final Acceptance Test (FAT), performance BG will be invoked and purchaser may reject the machine consequently requiring the supplier to repay the total money paid for the machine within 3 months of such rejection, in such situation, purchaser reserves the right to place order on L2 bidder. As per extant rule, at this stage, L-2 offer cannot be considered for placement of order after finalization of tender.
- b) As per Request for Proposal (RFP), in case of Indian Manufacturers, the past performance and experience shall be relaxed at the discretion of the purchaser with appropriate justification. Subjectivity in the eligibility criteria is involved. Formula/ methodology of relaxation should have been given in tender document.

18) In a case related to Supply, Installation and Maintenance of Desktops, Dot Matrix Printers, All-in-One Desktops and Laptops and MS Office Standard costing around Rs 176 Crore, following major irregularity was observed:

As per RFP, the lowest quote under each Line item may be taken as the maximum base for Online Reverse Auction (ORA). Online Reverse Auction will be conducted, and the eligible Bidders will be informed about the "Business Rules" and the details of the online RA, subsequently after the opening of commercial bid. However, some extraneous rate was considered as base price for start of ORA. Moreover, subsequently, base price was jacked up multiple times instead of defining/ sharing of business rules.

CASES ARISING OUT OF INTENSIVE EXAMINATIONS AND TAKEN UP FOR DETAILED VIGILANCE INVESTIGATIONS BY THE RESPECTIVE CVO**1. In a work of construction of embankment for Railway track costing around Rs. 229 Crore, following major irregularity was observed:**

The contract was terminated due to failure on part of the contractor to achieve the required progress of the work. Timely action in respect to encashment of Bank Guarantees by the concerned officials was not taken after determination of contract resulting loss to the organization. Apart from this, the contractor was allowed to take away the material from the site (after determination of contracts) for which secured advance amounting to Rs. 10.99 Crore was outstanding towards the contractor. The net outstanding amount towards the contractor after deducting amount of work done is Rs. 20.63 Crore which could not be recovered from the contractor.

2. In a work of construction of water reservoir costing around Rs. 315 Crore, following major irregularities were observed:

As per the tender document, experience of having executed Earthen Embankment Reservoir/ Ash/ Tailings dyke work on EPC basis was essential technical criteria for prequalification of participating agencies. Whereas no such requirement was there, as percentage rate tender was invited by organization not EPC tender. Due to this restrictive condition, there was very poor response and only two agencies remained in fray. The difference of cost quoted by L1 and L2 bidder was Rs. 81.89 Crore, which is about 25% of estimated cost. Hence, there was no competition in the tender due to such restrictive condition which was absolutely not required for the impugned work.

In spite of clarification given in pre-bid meeting that blasting will not be permitted for excavation of hard rock, permission for controlled blasting was given to the contractor for the excavation of hard rock and an extra amount of Rs. 7.01 Crore was sanctioned for the same. Also, the rate sanctioned for excavation of hard rock using blasting is also on higher side.

3. In a work of construction of Low-Cost Housing for Urban Poor/Slum Rehabilitation costing around Rs. 146 Crore, following major irregularities were observed:

There were 10 projects in execution under JNNURM scheme for construction of around 34260 EWS houses in the organisation. Out of 10 works, 6 works, comprising

of 17660 houses had been stated to be completed (except providing sanitary and electric fittings & services etc.) till the date of intensive examination i.e., October 2018. Other projects were in standstill position and under active consideration of termination/foreclosure.

As per prescribed qualification requirement, L1 bidder to whom the work was awarded did not seem to qualify. The work of CPWD for which experience certificate submitted by the agency was awarded to L1 bidder, but the agency executed the work on back-to-back basis. Apart from this, L1 bidder submitted one experience certificate which was issued by some private firm. On perusal of the documents furnished, it was observed that the Managing Director of the said firm and the L1 bidder is the same person. Thus, the agency was qualified on the basis of certificate issued by agency itself.

Date of start of this work was 13.12.2012 and was to be completed in one year by 12.12.2013, but surprisingly even after lapse of six years, 58% progress could be achieved till October 2018. The progress of work was very slow right from the beginning and contractor has stopped the work since July 2017. As per the record, slow progress was due to non-deployment of required manpower and non-availability of shuttering material. It was stated during inspection that performance bank guarantee has been encashed and the case was put up to the Board for termination in April 2018, but no decision was taken till the date of inspection i.e. October 2018. There was a lapse on the part of organization to take timely action against the contractor. Instead of taking action against the contractor, Tools & Plants (T&P) advance amounting to Rs.6.55 Crore was given in July 2016 and further secured advance of Rs.1.37 Crore was also given on 23.10.2017 for reinforcement steel without any security. The material got deteriorated at site. It was an undue advantage to the contractor.

Various Arbitration cases were already going on in most of the housing projects undertaken by the organization because of not managing the contracts effectively. The instant project is under JNNURM scheme, which was jointly funded by the State Govt. and Govt. of India. In this project, 34260 houses were to be constructed with the total cost of Rs. 1728.77 Crore The project was divided in several packages and till date Rs. 1122 Crore has been spent in this project and mere 50% progress could be achieved. The department is short by Rs. 989 Crore fund due to inordinate delay and resultant escalation, which they are struggling to get. Moreover, JNNURM scheme has been declared closed in March 2017, therefore no additional fund will be provided under this scheme. The instant work has already stopped since July 2017, after

prolonged slow progress. After spending Rs. 1122 Crore, still no house is put to use with no end in sight. The entire project has reached in a state of limbo.

4. In a work of construction of Permanent Integrated Coy Level Building at BoPLukung, Leh (J&K) costing around 15.95 Crore, following major irregularities were observed:

The scope of the work consists of construction of integrated building for Company level Border Out Post (BOP) at high altitude with specialized features viz Solar Heating System, Radiant Under Flooring Heating System, Geothermal Fresh Air system and Solar Photo Voltaic System to maintain inside temperature (+) 22° C throughout the year even when outside temperature dips to (-) 40° C. The work was assigned to a PSU on nomination basis without ascertaining their experience and capability to execute such specialized work.

Consultant, appointed by PSU has designed the special features viz Solar Heating System, Radiant Under Flooring Heating System, Geothermal Fresh Air system and Solar Photo Voltaic System to maintain inside temperature (+) 22° C when outside temperature dips to (-) 25.6° C. The Border out Post (BOP) was to be constructed at Lukung. Altitude of Lukung is 4268 m and outdoor ambient temperature dips to (-) 40°C in winter season; however, it was required to maintain inside temperature of the building (+) 22°C throughout the year. From perusal of report of IIT Roorkee, who vetted the report of the consultant, it is seen that the Meteorological data viz. ambient temperature, humidity, rainfall, wind speed etc. etc. of Leh were considered in the design whereas the work is to be carried out at Lukung. Since Leh is located at a lower altitude of 3500 m and the minimum temperature dips only up to (-) 25.6°C (lowest minimum temperature of Leh was recorded (-) 28.6° C on 02.02.2008). Thus, the basic parameters used by consultant for design of the system and calculating heat transfer through building envelop itself were not proper. This could be one of the reasons for not achieving the desired result of all-weather comfort to the occupants.

**SYSTEMIC IMPROVEMENTS UNDERTAKEN DURING THE YEAR,
CONSEQUENT TO CTEO'S OBSERVATIONS MADE IN COURSE OF INTENSIVE
EXAMINATION**

1. In a work of PSU, it was observed that the tenders for a work were invited based on the estimate framed by a consultant which was not supported with analysis of rate of items and take off sheets (detail of measurement) and the estimate was accepted by the organisation without any further scrutiny. After our observation, a systemic improvement was issued by the PSU to include suitable conditions in the consultancy contract comprising that consultant should provide details/basis of estimates and such estimates prepared by the consultant shall be scrutinized and specifically approved by the department.
2. In a work of PSU, it was observed that tenders were not being published on Central Public Procurement (CPP) Portal which is mandatory as per Ministry of Finance OM dated 17.05.2016 & 30.11.2011. After our observation, a systemic improvement was issued by the Organisation comprising that all tenders should mandatorily be posted on CPP Portal⁴.
3. In a work of PSU, it was observed that provision was not made in the tender document for submission of Earnest Money Deposit (EMD) / Bid Security along with bids for appointment of Consultant / Architect. After our observation, systemic improvement was issued by the Organisation comprising that in all future tenders, either "EMD" must be obtained from the bidders participating in the tenders for appointment of Consultant / Architect or the provision given under Rule 170 (iii) GFR 2017 to be followed which provides that in case of default, the bidder will be suspended to take part in future tendering for a period of two years from the date of occurrence of default.
4. In a work of PSU, it was observed that while awarding the work, justified cost of the work was not worked out to ascertain the reasonability of rates quoted by the L1 bidder. After our observation, systemic improvement was issued by the Organization comprising that reasonability of the quoted price of the successful bidder shall be analysed before award of work.

⁴<http://eprocure.gov.in>

5. In a work of PSU, it was observed that actual measurement of steel reinforcement was not being recorded in the measurement book, and payment for the same was being made based on Bar Bending Schedule (BBS) prepared for cutting, binding, and placing of reinforcement as per structural drawing. After our observation, systemic improvement has been issued by the Organization comprising that payment of steel reinforcement shall be made as per actual measurements recorded at site in the measurement book.
6. In a work of PSU, it was observed that there was no explicit provision in the contract agreement regarding procurement of reinforcement steel (rebar) manufactured in integrated plant from ore itself. After our observation, systemic improvement has been issued by the Organization comprising that the steel shall be supplied by main manufacturers like SAIL, TATA Steel & RINL etc. who manufacture the re-bars using billets produced from ore itself and not by rerolling of steel.
7. In a Public Sector Undertaking, direct payment was made to the sub-contractors on behalf of the main contractor without any legal document between PSU and sub-contractors. After our observation, systemic improvement has been issued by the Organization comprising that releasing payment to sub-contractor or vendor directly may be considered only in exceptional circumstances, such as Initiation of Insolvency Proceedings against Contractor, Freezing of Contractor's Bank Account, Automatic debit from Contractor's Bank Account by the bank or any other creditor etc., whereby contractor may be unable to make prompt payment to the sub-contractor or vendor, which affects the supplies of material & progress of works and therefore the Contractor has by its own volition, requested in writing, to directly make payment to such sub-contractor or vendor. Request of the contractor shall have to be accompanied by an indemnity bond from the contractor indemnifying Organization against any losses/claims arising out of release of such direct payment to the vendor/sub-contractor on behalf of contractor.
8. In a Public Sector Undertaking (PSU), relevant penalty clauses for late submission of PBG were found deleted from the contract without which the Contractor was not liable to be penalized for late/non submission of PBG. The issue was highlighted during the Intensive Examination and systemic improvement was issued by the department.
9. In a Public Sector Undertaking (PSU), the work has been processed as a supply contract. The subject work employs nearly 20 different works which involves supply of material and its installation, testing and commissioning. One unit approximately takes 25 Man-days to get furnished. Also, a good number of technicians and other

manpower are continuously involved in the furnishing works. Had the contract been considered as a works contract and not a supply contract, all the statutory compliance of ESI, PF, BOCW, etc. were required to be complied. The issue was highlighted during the Intensive Examination and systemic improvement was issued by the department.

10. 10. In a work of PSU, it was observed that in a case of entering into contract through Open tender for Mechanized Cleaning and Housekeeping Work, the Tender Committee Members have not given any Conflict of Interest undertaking in the technical as well as Financial Evaluation Reports/Minutes that none of them has any personal interest in the companies/Agencies participating in the tender process. This undertaking was required as per guidelines prevailing at that time and Manual for Procurement of Goods-2017 issued by MoF, DoE. After our observation, a systemic improvement was issued by the PSU for inclusion of the following undertaking in all future tender:

It is declared that none of the TC Member has any personal interest in the companies/Agencies participating in the tender process.

11. In a work of PSU, it was observed that in a work of Design, Engineering, Supply, Laying, Testing and Commissioning of U/G XLPE Cable, as per Tender Document under Qualification of bidder, Minimum Average Annual Turnover (MAAT) of the bidder for best of three years out of last financial years was asked instead of asking for financial turnover during the last three years as per guidelines prevalent at that time. After CTEO observation, department has issued Systemic Improvement to correct the MAAT requirement of the bidder with the approval of Board of Directors.
12. In a work of PSU, it was observed that Hindrances Register was not maintained properly at Site as only two entries of 12 & 45 days banning of construction activity was entered. Also, it was noticed that the instructions to the contractor were not issued through Site Order Book as per CPWD format. However Internal Report was being issued wherein only receiving of the contractor was being taken and no column for compliance/action taken was made. After CTEO observation, instructions were issued for ensuring and recording compliance of instructions given to the contractor on real time basis.



VAW function at Vigyan Bhawan, at New Delhi on 03.11.2022 presided over by Hon'ble Prime Minister of India



Sand art on the occasion of the VAW-2022



CENTRAL VIGILANCE COMMISSION
Satarkata Bhavan, A-Block, GPO Complex
INA, New Delhi-110023