

Central Vigilance Commission

Minutes of the Annual Zonal Review Meeting with the CVOs held on 16 -3-09 at New Delhi.

The list of participants is at *Annexure-A*.

2. CVC in the Chair. The meeting started with introductory remarks by CVC and the Vigilance Commissioners. This was followed by presentations by CTEs on the inadequacies observed in the CTE examination of the works and procurement contract of the organizations present in the meeting. Copies of the CTE presentations were provided to the CVOs during the meeting. The Commission made some observations during discussion with CVOs. These observations are indicated in the minutes later.

3.0 Introductory Remarks:

CVC:

3.01 At the outset, CVC commented about the slack working of vigilance organizations present. CVC noted that the pendency in the case of M/o Defence was higher compared to other organizations and therefore there was a fit case for undertaking the vigilance audit of M/o Defence. He noted that investigation of complaints in ministries took a long time and this indicated ulterior motive behind delays.

3.02 In such cases where delay was abnormal, when the Commission invoked the process of Direct Inquiry, the reports had invariably been submitted immediately by the CVO to the Commission.

3.03 In case of part time CVOs, it has been often observed that the vigilance duties were not paid adequate attention, the reports were often sketchy and the monthly reports were not submitted on time. CVC added that this dereliction would reflect on the performance of CVOs in their Annual Confidential Reports. All the Ministries had this common problem.

3.04 In the case of M/o E&F, CVC mentioned that this ministry in the normal course consulted state governments which was not necessary in all cases falling under the jurisdiction of the CVC and this became the cause for delay.

3.05 CVC also mentioned that in case of part time CVOs if their charge was considered heavy, some solution would need to be found.

4.0

VC (S)

4.01 VC (S) observed that there was a lot lacking in the quality of reports and examinations by the CVOs while seeking first stage advice.. It has been observed that the CVOs did not focus specifically on key vigilance issues and their investigation reports lacked objectivity. The reason could be that preliminary investigation was not assigned importance or was not done by the people who have intention of doing only superficial jobs.

4.02 He also noted at the time of examination at 2nd stage was also routine and stereotyped which compelled one to think that this was a pre - meditated approach

with the purpose of soft peddling. The evidence available was often ignored and a pre determined line was generally taken. The examination also lacked application of mind at the senior level. The serious issues of violation of procedures and quality of evidence and objective evaluation needed to be paid attention.

4.03 He noted that the delays in the case indicated certain design. A pattern has generally been observed that preliminary investigation was generally delayed for long and things were rushed in a hasty manner close to the date of retirement of officials concerned rendering whole purpose useless.

4.04 He also observed that there seemed to be total apathy towards communication sent by CVC and often the memos sent by CVC were either not responded or ignored.

4.05 He advised all the CVOs to take the job seriously and put in application of mind otherwise the Commission would be compelled to convey or place displeasure on record.

5.0

VC (R)

5.01 VC (R) emphasized that CVO had to pay attention to complaint handling policy and to ensure that all complaints having vigilance angle came to the notice of the CVO.

5.02 CVOs should review whether the system of internal audit existed in the department and whether this internal audit was effective. She pointed out that it was often observed that CVOs did not state specific recommendations in cases. Specially, in cases where different position compared to DA was being taken, application of mind was generally not there.

5.03 VC (R) also underlined the fact that it is a general tendency on the part of the CVOs to state that the anomaly in the cases existed, but, no guidelines were available. She emphasized that the CVOs in such cases should verify records and circulars and cull out the guidelines and, if there was ambiguity in such guidelines, it had to be specifically stated.

5.04 She pointed out that at the time of serving charge sheet it has been noted that the charges were specific and grave but after Inquiry Officer submitted report, it was found that the charges had not proved. The reasons for this needed to be analyzed by the CVO and it had to be examined whether IO had done the proper job.

5.05 She observed that monthly report was important management tool and had to be proper and regular.

6.0 Presentation on Agenda Points:

6.01 Leveraging of technology

It has been noted that apart from BSNL, MTNL and ITI, no other organization has implemented either phases of the circular completely.

6.02 Access of CVOs to complaints:

In most of the organizations, the complaints handling mechanism required improvement. CVOs did not have access to all the complaints. It was advised that the CVOs should go through all the complaints to ensure that complaints with vigilance angle were attended to properly.

6.03 Structured meetings with CVOs and the CMDs:

During last year's annual zonal meetings, the Commission had requested the CVOs to have monthly or quarterly structured meetings with their CMDs as per their requirement with a proper agenda and minutes of the meetings. It was observed that this was not being followed in many of the organizations. The Commission directed the CVOs to immediately commence the practice and report compliance in the monthly reports immediately, with a copy of the minutes of the meetings so held.

6.04 Agreed List:

Most of the organizations have prepared an "Agreed List".

7.00 **Action Points:**

7.01 The Commission observed that M/o Defence was lagging far behind in implementation of leveraging of technology. The first phase had been only partly implemented. The Commission desired that a separate report should be sent to the Commission within a fortnight's time, especially, covering areas of procurement and public interface. Category I Cantonment Boards should have implementation of phase I and phase II in a time bound manner.

(Action- CVO-M/o Defence, M/o E&F, M/o I&B)

7.02 The Commission (CVC) advised that M/o Defence should have an internal meeting with all vigilance officials and thereafter the Commission would like to have a separate meeting for the M/o Defence.

(Action- CVO-M/o Defence, Adv.
(PSG))

7.03 The Commission desired that CVO, I&B should give a detailed report about the status of implementation of leveraging of technology and emphasized that DAVP has public interface and should immediately go for implementation of both the phases.

(Action- CVO-
I&B)

7.04 The Commission noted that there has been considerable delay especially in the cases of Doordarshan and CVO should start cases against the delaying officers, and a default report may be sent to the Commission with the name of delinquent officers.

(Action- CVO, Prasar Bharti)

7.05 The Commission noted that the vigilance structure in these Ministries need to be strengthened.

(Action- All
CVOs)

7.06 The Commission noted that Agreed list is not prepared and this needed to be done immediately in consultation with the CBI.

(Action- CVO, I&B, DoT)

7.07 The Commission noted that vigilance structure at field levels at DD kendras is very weak and CVO, I&B may prepare an action paper on vigilance revamp in Prasar Bharati and DAVP on the similar lines as BSNL and send it to the Commission within a month's time.

(Action- CVO, I&B)

7.08 The Commission desired that CTE type inspection report may be sent to the Commission for the perusal.

(Action- CVO, BSNL and MTNL, TCIL, ITI)

7.09 The Commission observed that structured meetings are not taking place in TCIL. This should immediately start and confirmation may be sent in the next monthly report.

(Action- CVO, TCIL, ITI)

7.10 The Commission observed that complaint handling policy was not satisfactory in TCIL. The CVO should immediately put up a proper mechanism in place.

(Action- CVO, TCIL)

7.11 CVO, DoT confirmed that phase II of leveraging of technology was under implementation and would be in place in the next 6 months. The Commission desired that the detailed report might be submitted to the Commission.

(Action- CVO, DoT)

7.12 VC (R) observed that a separate report on reconciliation exercise for cases pending for 1st and 2nd advice as well as cases pending for sanction of prosecution may be made and sent to the Commission.

(Action- CVO, DoT)

7.13 The Commission noted that 12 CTE reports are pending in NHPC. the CVO assured that this would be liquidated in 5 months time. The Commission asked him to submit the report early.

(Action- CVO, NHPC)

7.14 It was observed that CDA Rules are yet to be modified in NHPC. The Commission desired that this should be immediately completed and confirmation may be sent to the Commission.

(Action- CVO, NHPC)

Annexure-A

List of the participants for the meeting dated 16/3/09:

- 1 Shri D.K.Agrawal, Sr DDG(Vig), D/o Telecommunications
- 2 Shri Kabal Singh, CVO, MTNL
- 3 Shri Sat Paul, CVO, BSNL
- 4 Shri S.K.Mallick, CVO, TCIL
- 5 Shri M.K.Das, ITI Ltd.
- 6 Shri Shri Prakash, Director, M/o Defence
- 7 Smt C.Sailaja, Director(Vig), M/o I&B
- 8 Shri R.R.Rashmi, JS& CVO, M/o Environment & forests
- 9 Shri Chhabilendra Roul, CVO, PFC & NHPCL

Commission's officers

1. Shri K.S. Ramasubban, Secretary
2. Shri Vineet Kumar Gupta, Addl. Secretary
3. Smt Jaya Balachandran, Addl. Secretary
4. Shri Alok Bhatnagar, Addl. Secretary
5. Shri V. Ramachandran, CTE
6. Shri V.K.Gupta, CTE
7. Smt Shalini Darbari, Director
8. Shri Ranvir Singh, Director
9. Shri Surendra Mohan, Director
10. Shri K.Subramaniam, OSD
11. Shri P.S.Gupta, Advisor
12. Shri J.Vinod Kumar, Under Secretary