

Module 3

Vigilance Mechanism

Chapter 6

Vigilance Manual

Vigilance Manual serves as a comprehensive reference book for the vigilance administration. The Central Vigilance Commission has brought out Vigilance Manuals comprising of compilation of various rules, instructions and guidelines on vigilance administration from time to time. The first edition of vigilance manual was published in 1968 and thereafter, the revised editions of Vigilance manuals were published periodically to incorporate new guidelines, amendments in the PC Act and CCS(CCA) rules etc. The latest vigilance manual is published in the year 2021 as an updated version. However, to meet the constant development and changes envisaged in the vigilance administration, there are subsequent amendments carried out by the Commission in the provisions of vigilance manual after October, 2021, by way of issue of circulars/guidelines which are updated on the Commission's website www.cvc.gov.in.

The updated Vigilance manual (2021) contains 12 chapters and considering that most of the Government functions are shifting on e-platforms a new chapter in form of e-Vigilance has been added in the Vigilance manual published in the year 2021. Vigilance Manual (updated 2021) is available on the home page of Commission's website www.cvc.gov.in under the heading "Manuals". A chapter wise gist of the vigilance manual is given below:-

Vigilance Administration

The chapter explains in detail the creation of Central Vigilance Commission and its statutory status, constitution of the Commission, its jurisdiction, powers and functions, superintendence, functions under PIDPI

resolution, inputs required of vigilance status of officers for appointment to key positions etc.

Appointment, Role, Functions and Responsibilities of CVOs

The CVO heads the Vigilance division of the organization and provides a link between the organization and the CVC as well as the CBI. In this chapter the procedure for appointment of Full time/part time CVOs, their tenure, duties and functions including the issues related to rotation of vigilance officers and protection of vigilance officers against victimization has been discussed.

Complaints

A complaint is a piece of statement or information containing details about offences alleged to have been committed under the PC Act, 1988. The chapter deals with the source of complaint, action taken on the complaints in the Commission, action on Lokpal referred complaints, action on complaints from Member of Parliaments, handling of complaints against Board level officers and CVOs etc. Complaints received in the Commission are dealt as per the Complaint Handling Policy of the Commission (Comprehensive policy has been issued on 24.12.2021 and available on the CVC website). Anonymous and Pseudonymous complaints are simply filed and no action taken on them.

PIDPI Complaints

The chapter explains in detail about the Public Interest Disclosure and Protection of Informers Resolution, 2004. CVC as the designated agency under the resolution and CVOs of the Ministries as designated authority under the PIDPI resolution. Complaint can be made to either designated agency or designated authority. The identity of the PIDPI complainant is not disclosed and

in case of victimization of the complainant the mechanism for protection is also detailed in the chapter.

Preliminary Enquiry

The Chapter deals with the different agencies available for conducting preliminary enquiry / investigation viz., CBI, ACB of Union Territories, local/State Police etc. Parallel investigation by department is to be conducted only on allegations not being looked into by the CBI. Preliminary enquiry has to be conducted on allegations which are to be looked into departmentally for determining whether there is prima-facie any substance in the allegations. The procedure for conducting preliminary enquiry has been brought out in this chapter. Monetary limits for referring the matter to CBI/ACB and local / State Police and Competent Authorities to refer a matter to CBI have been specified. In addition, the procedure for conducting enquiry against officers on deputation, under suspension/close to retirement, resignation by officers pending investigation/inquiry has been mentioned.

Central Bureau of Investigation

This Chapter deals with the evolution of CBI and its jurisdiction. The Commission has been mandated to exercise superintendence over the CBI in matters relating to investigation of offences alleged to have been committed under the PC Act, 1988 as well as review and progress of these investigations. The chapter explains about the mode of appointment in CBI. Procedure for conducting inquiry/investigation in respect of different categories of officers including registration of FIR, filing of closure report maintenance of different types of diaries has been brought out in the chapter. Issues relating to previous sanction for criminal prosecution is also discussed.

Disciplinary Proceedings and Suspension

The process of disciplinary proceedings, various Rules such as CCS (CCA) Rules, AIS Rules, Railway Rules and details of major/minor penalties have been covered. The procedure for obtaining Commission's First / Second stage advice /Reconsideration, consultation with DoPT/UPSC etc., deviation cases to be reported to the Commission have been detailed in the Chapter. Types of cases wherein prosecution / departmental proceedings have to be initiated and action thereon has been brought out. Time limits for finalization of departmental inquiry proceedings, which is the prime responsibility of the Disciplinary Authority (DA) have been mentioned.

Specific Issues related to Public Sector Banks & Insurance Companies

Issues perceived to be having vigilance angle in banking parlance, role of Internal Advisory Committee (IAC) in determining vigilance angle in banks, vigilance administration in Regional Rural Banks (RRB), fixing staff accountability in case of accounts categorized as NPA have been brought out in this chapter. Importance of preventive vigilance in banks to pre-empt frauds, types of frauds, use of technology and forensics for fraud prevention in banks and insurance companies has been detailed.

Chief Technical Examiners' Organisation (CTEO)

CTEO conducts technical and financial scrutiny of different procurement cases and intensive examinations of all contractual activities, including execution of works, purchase of goods, hiring of services, etc. which are mainly funded by the Central Government. The process and SOP for conducting Intensive Examination by CTEO as well as by CVO has been provided in the Chapter. Details of all the important ingredients of the Public Procurement Process viz., procurement manual, consultancy, DPR, approvals &

sanctions, NIT, tender evaluation & award of contract as well as the different modes of tendering, common irregularities in tendering process and the latest guidelines/provisions relating to tendering have been brought out in this chapter.

Preventive Vigilance

As part of its multi-pronged strategy to eliminate corruption, the Commission lays stress on various preventive vigilance initiatives / system improvements which besides reducing corruption also lead to better operational results. Causes and potential areas of corruption alongwith preventive vigilance measures such as simplification and standardization of rules, leveraging technology, bridging of knowledge gap etc., have been brought to the notice of the CVOs/Organisations. Integrity Pact, an important tool of preventive vigilance, is a written agreement between the Organisation and all the bidders agreeing to refrain from bribery, collusion etc. failing which certain sanctions would apply. Integrity Pact is implemented through an SOP and enforced through a panel of Independent External Monitors (IEM) appointed by the Commission.

Some Relevant Issues

The chapter covers some of the functional issues which are important in handling the vigilance matters and help in better vigilance administration including the thrust of the Commission towards curbing corruption. Some such matters included in the chapter are illustrated below:

- ❖ Commission provides vigilance inputs for empanelment to the posts of Joint Secretary and above in the Central Government, for appointments to certain Statutory Posts under the Central Government and few others and for persons recommended for

appointment to Board level posts in the Central Public Sector Undertakings/ Public Sector Banks etc.

- ❖ The Commission has in place an SOP regarding legal cases wherein the Commission has been made a respondent. The Commission provides information under RTI / RTI appeals within the prescribed time period.
- ❖ As part of its anti-corruption efforts, the Commission has ratified the United National Convention Against Corruption (UNCAC) and actively takes part in the G20 Anti-Corruption Working Group and BRICS summit.
- ❖ As part of participative vigilance, the Commission organizes Vigilance Awareness Week every year and encourages organisations and the public at large to take integrity pledges and conduct workshops, sensitization and training programs.

E-Vigilance

E-Vigilance is leveraging of modern technology for prevention and detection of frauds in an efficient, transparent and citizen-centric manner. The pros and cons of E-Vigilance, the need for organisations to have robust IT based systems and processes so that they are not susceptible to corruption and malpractices has been dealt in this Chapter. Issues faced during e-procurement, e-tender, e-recruitment, e-payment and the measures to be undertaken to enhance the effectiveness of IT based systems have been brought out. Capacity building of key personnel and regular audit of security systems are some of the proactive measures for strengthening of E-Vigilance.
