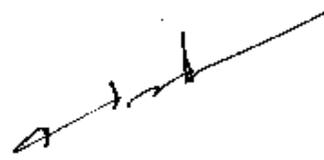




ANNUAL REPORT
1.1.2008 to 31.12.2008

CENTRAL VIGILANCE COMMISSION
NEW DELHI

The Central Vigilance Commission presents its 45th Report relating to the calendar year 2008.

A handwritten signature in black ink, appearing to read 'Pratyush Sinha', is written over a diagonal line that serves as a signature line.

(PRATYUSH SINHA)
CENTRAL VIGILANCE COMMISSIONER

New Delhi
Dated: the 30th June, 2009

ACKNOWLEDGEMENT

The Central Vigilance Commission thanks its team of Chief Vigilance Officers, and all Departments/Organizations for their cooperation and assistance, especially the Department of Personnel and Training and the Central Bureau of Investigation.

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CHAPTER-1

Introduction

I Background

1.1 The Central Vigilance Commission was set up by the Government of India through a Resolution of 1964, as an apex body for prevention of corruption in Central Govt. institutions and public administration. A debate in the Parliament on the issue of corruption in administration led to setting up of Committee by Shri Lal Bahadur Shastri, the then Hon'ble Minister for Home Affairs under the Chairmanship of Shri K. Santhanam, MP, to review the existing instruments for checking corruption in the central services and to advise practical steps to make anti-corruption measures more effective. The committee identified the following four major causes of corruption:

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

1.2 The conspicuous absence of a dynamic integration between the vigilance units in the various Ministries and the Administrative Vigilance Division was felt and the Committee conceptualized an apex body for exercising general superintendence and control over vigilance administration as well as to create a body having the technical expertise to deal with matters relating to engineering works, constructions, etc. They recommended that the body may undertake an inquiry into the transactions of suspected public servants or into allegations of improper conduct or practices. In September 1997, an independent review Committee constituted by Central Government recommended conferring statutory status on the Central Vigilance Commission. Months later, the Hon'ble Supreme Court of India in Criminal Writ Petition Nos.340-343/93 (Vineet Narain and others Vs Union of India and others) popularly known as Jain Hawala Case also gave directions on 18.12.1997 that statutory status should be conferred upon the Central Vigilance Commission. The Central Government promulgated an Ordinance dated 25.8.1998 to comply with the directions of the Supreme Court followed by Ordinance dated 8.1.1999. Subsequently, the Central Government promulgated another Resolution dated 4th April, 1999 and the Central Vigilance Commission continued to function under the Resolution dated 4.4.1999 till the Central Vigilance Commission Act was passed by both the Houses of the Parliament in 2003.

II Present Status

1.3 The Central Vigilance Commission Act, 2003 (45 of 2003) came into force with effect from 11.9.2003. The Act also amended the Delhi Special Police Establishment Act to give the commonly known principle of 'Single Directive', a legal status that had been struck down by the Supreme Court in the Hawala Case. According to this principle, the CBI required the prior approval of the Central Government to conduct inquiry or investigation against any offence alleged to have been committed under the Prevention of Corruption Act by an employee of the level of Joint Secretary and above in the Central Government, or such

officers in the Government Corporations, Companies, Societies and local authorities owned or controlled by the Central Government.

**Powers and Functions of the Central Vigilance Commission
under the Central Vigilance Commission Act, 2003**

- The Commission shall consist of a Central Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);
- The Central Vigilance Commissioner and the Vigilance Commissioners shall be appointed by the President on the recommendations of a Committee consisting of the Prime Minister (Chairperson), the Minister of Home Affairs (Member) and the Leader of the Opposition in the House of the People (Member);
- The term of office of the Central Vigilance Commissioner and the Vigilance Commissioners would be four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier;
- It shall exercise superintendence over the functioning of the Delhi Special Police Establishment (CBI);
- **According to the provisions of the Act, the Central Vigilance Commissioner (CVC) is also the Chairperson of the two Committees, on whose recommendations, the Central Government shall appoint the Director of the Delhi Special Police Establishment and the Director of Enforcement.** The Committee concerned with the appointment of the Director CBI is also empowered to recommend, after consultation with the Director (CBI), appointment of officers to the posts of the level of SP and above in DSPE;
- The Commission shall have the powers to exercise superintendence over the functioning of the Delhi Special Police Establishment (DSPE) with respect to investigation under the Prevention of Corruption Act, 1988; or offence under the Cr.PC for certain categories of public servants and to give directions to the DSPE in discharging this responsibility;
- It shall also review the progress of investigations conducted by the DSPE into offences alleged to have been committed under the Prevention of Corruption (PC) Act;
- The Commission shall have the powers to inquire or cause an inquiry or investigation to be made on a reference made by the Central Government;
- The Commission shall have the powers to inquire or cause an inquiry or investigation to be made into any complaint received against any official under its jurisdiction under the Act;
- It shall advise the disciplinary and other authorities in disciplinary cases, involving vigilance angle at two stages i.e. investigation and inquiry;
- The Commission shall exercise superintendence over the vigilance administrations of the various Central Government Ministries, Departments and organizations of the Central Government;
- The Commission, while conducting the inquiry, shall have all the powers of a Civil Court with respect to certain aspects;
- The Commission shall tender advice to the Central Government and its organizations on such matters as may be referred to it by them;
- Respond to Central Government on mandatory consultation with the Commission before making any rules or regulations governing the vigilance or disciplinary matters

relating to the persons appointed to the public services and posts in connection with the affairs of the Union or to members of the All India Services; and

- The Commission shall undertake or cause an inquiry into complaints received under the Public Interest Disclosure and Protection of Informer and recommend appropriate action.

III Jurisdiction of Central Vigilance Commission

1.4 In principle, the jurisdiction of the Commission extends to all the organizations to which the executive power of the Union of India extends. Sections 8(1)(d) and 8(2)(a) of the Central Vigilance Commission Act extend its jurisdiction to Group 'A' level officers of the Central Government and such level of officers in the corporations, Govt. companies, societies and other local authorities of the Central Government as may be notified by the Central Government separately.

Commission's Jurisdiction under the Act at present

- 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; and
- Officers drawing salary of Rs. 8700/- per month and above on Central Government D.A. pattern, in societies and local authorities owned or controlled by the Central Government.

1.5 **The Commission, however, retains its residuary powers to enquire into any individual case in respect of the employees other than those who are within its normal advisory jurisdiction.** Cases of difference of opinion between the CBI and the administrative authorities concerned are also resolved by the Commission irrespective of the level/grade of the employee concerned.

Approval of the Central Government

The CVC Act provided for inclusion of the following section, after Section 6 of the DSPE Act.

The DSPE shall not conduct any inquiry or investigation into any offence alleged to have been committed under the PC Act 1988 except with the previous approval of the Central Government where such allegation relates to:

- the employees of the Central Government of the level of Joint Secretary and above; and
- such officers as are appointed by the Central Government in Corporations established by or under any Central Act, Government Companies, Societies & Local authorities owned or controlled by that Government.

However, such approval is not necessary for cases involving arrest of persons on the spot on the charge of accepting or attempting to accept any gratification other than legal remuneration.

IV Public Interest Disclosure Resolution

1.6 In response to a PIL filed in the Supreme Court, the Supreme Court directed the Central Government to devise a suitable mechanism to act on the complaints from “Whistle Blowers” till such time as a suitable legislation was enacted to that effect. **The Central Government, through the Public Interest Disclosure and Protection of Informers’ Resolution dated 21st April, 2004, designated the Central Vigilance Commission as the agency to act on the complaints from “Whistle-Blowers”** According to the resolution, popularly known as the Whistle Blower Resolution, the Commission has been entrusted the responsibility of keeping the identity of the complainant lodging the complaint under PIDPI Resolution secret, to provide protection to whistle blowers from victimization and the power to take action against complainants making motivated or vexatious complaints. While the Central Vigilance Commission Act 2003 defines the jurisdiction of the Commission for direct supervision mainly to Group ‘A’ Officers and such level of officers as notified by the Central Government, there is no such restriction on the Commission in the Government of India **‘Public Interest Disclosure and Protection of Informers’ Resolution, 2004.**

Important Features of the “Whistle-Blowers” Resolution

- The CVC shall, as the Designated Agency (herein after referred to as the Commission), 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 under any Central Act, government companies, societies or local authorities owned or controlled by the Central Government;
- The Commission will ascertain the identity of the complainant; if the complaint is anonymous, it shall not take any action in the matter;
- The identity of the complainant will not be revealed unless the complainant himself has made either the details of the complaint public or disclosed his identity to any other office or authority;
- While calling for further report/investigation, the Commission shall not disclose the identity of the informant and shall also request the head of the organization concerned to keep the identity of the informant a secret, if for any reason the identity is revealed;
- The Commission shall be authorised to call upon the CBI or the police authorities, as considered necessary, to render all assistance to complete the investigation pursuant to the complaint received;
- If any person is aggrieved by any action on the ground that he is being victimised due to the fact that he had filed a complaint or disclosure, he may file an application before the Commission seeking redressal in the matter, wherein the Commission may

- give suitable directions to the person or the authority concerned;
- If the Commission is of the opinion that either the complainant or the witnesses need protection, it shall issue appropriate directions to the government authorities concerned;
- In case the Commission finds the complaint to be motivated or vexatious, it shall be at liberty to take appropriate steps;
- The Commission shall not entertain or inquire into any disclosure in respect of which a formal and public inquiry has been ordered under the Public Servants Inquiries Act, 1850, or a matter that has been referred for inquiry under the Commissions of Inquiry Act, 1952;
- In the event of the identity of the informant being disclosed in spite of the Commission's directions to the contrary, the Commission is authorised to initiate appropriate action in accordance with the extant regulations against the person or agency making such a disclosure;

1.7 The Commission on its part, in keeping with the spirit of PIDPI Resolution has laid down a detailed procedure for lodging complaints. This has been given wide publicity and has also been put on the Commission's website. Only the complainants following the procedure would be entitled to protection under this resolution.

V Advisory Role

1.8 The advisory role of the Commission extends to all matters on vigilance administration referred to it by the departments/organizations of the Central Government. It is mandatory on the part of the organizations to seek the Commission's advice before proceeding further in a matter where earlier a report was called for by the Commission.

1.9 The Commission examines the investigation reports furnished by the CVO or the CBI and depending on the facts of each case and the evidence/records available, advises (a) initiation of criminal and/or regular departmental action (major or minor) against the public servant(s) concerned; (b) administrative action against public servants concerned; or (c) closure of the case as first stage advice.

1.10 The Commission tenders second stage advice where major penalty proceedings were advised, on the conclusion of the inquiry proceedings, also the Commission needs to be consulted for cases where the inquiry proceedings are not possible due to special circumstances,. In cases where Commission advised initiation of minor penalty proceedings, no second stage advice is required to be obtained if the organization concerned has decided to impose one of the defined minor penalties. In case the authorities concerned propose to exonerate the officer concerned after considering his defence statement, the Commission is required to be approached for advice before issuing final orders.

VI Present composition of the Commission

1.11 In terms of the Central Vigilance Commission Act 2003, the Commission consists of one Central Vigilance Commissioner as Chairperson and two Vigilance Commissioners as Members. The appointment of the CVC as well as that of the VCs is made by the Hon'ble President of India 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. At present, Shri Pratyush Sinha, IAS (Retd.) is the Central Vigilance Commissioner

and Shri Sudhir Kumar, IPS (Retd.) and Smt. Ranjana Kumar (Retd. Chairperson, NABARD) are the Vigilance Commissioners.

VII Staff Composition

1.12 The Central Vigilance Commission is assisted by a Secretary (in the rank of Additional Secretary to the Government of India), two Additional Secretaries (in the rank of Joint Secretary to the Government of India) and other staff which includes fourteen officers (in the rank of Director/Deputy Secretaries), two OSDs and four Under Secretaries. In addition, there are fourteen Commissioners for Departmental Inquiries (CDIs) to conduct departmental inquiries relating to major penalty proceedings on behalf of the disciplinary authorities in disciplinary cases against senior officers having serious charges of a vigilance nature. The group-wise staff strength of the Commission as on 31.12.2008 and related information is at **Annexure - I**.

VIII Technical Wing

1.13 The Chief Technical Examiners' (CTE) Unit of the Commission assists the Commission in formulating its views in cases involving technical aspects and undertakes intensive examination of major civil/electrical/horticulture and other projects and major procurements by the Central Government organizations. The wing comprises two Chief Technical Examiners (of the rank of a Chief Engineer), assisted by eight Technical Examiners (of the rank of Executive Engineer), six Assistant Technical Examiners (of the rank of Assistant Engineer) and supporting staff.

IX Chief Vigilance Officers

1.14 **Each department/organization covered under the normal advisory jurisdiction of the Commission has a vigilance unit headed by the Chief Vigilance Officer (CVO). The CVOs act as an extended arm of the Commission** and represent the Commission in respect of all vigilance matters including that of the junior officers, who are not covered under the normal jurisdiction of the Commission. The CVOs are required to provide assistance to the head of the organization concerned in all matters relating to vigilance administration by providing appropriate advice/expertise to them as well as to establish effective systems and procedures, in order to plug systemic failures/loopholes. The CVOs are also required to ensure speedy processing of vigilance matters, especially the disciplinary cases.. The Commission has a system of obtaining monthly reports and annual reports from the CVOs as an effective tool of communication with them, and holds annual zonal review meetings with the CVOs of all major government departments/organizations as a part of its review and monitoring mechanism. Besides, as and when required, the Commission invites the CVOs individually to discuss important issues relating to their organizations with them.

1.15 The Commission also attaches considerable importance to the training of the CVOs and other vigilance personnel, and organizes regular training modules for these functionaries at CBI Training Academy, Ghaziabad, besides regular workshops are held by CTEOs.

1.16 At present, 6 departments (viz. CBDT, CBEC, D/o Telecom, D/o Posts, M/o Railways and CPWD) of the Government of India, and larger PSEs, banks and insurance companies have full-time CVOs while others have part-time CVOs. The total number of full-time CVO

posts available is 199. The functions of CVOs in other organizations are performed by part-time CVOs who are officers of appropriate level already working in the organization.

1.17 During the year 2008, the Commission considered the suitability of 111 officers recommended by the administrative authorities for appointment to the post of CVOs in different organizations including names of 79 officers for appointment as part time CVOs in various Departments/Ministries/ Autonomous Bodies.

1.18 **The Commission also accorded 445 vigilance clearances for Board Level appointments.** In addition to this, clearances were accorded to 2535 officers of Group 'A' services for various purposes (like empanelment, appointment to statutory bodies, appointment to tribunals etc.).

X Right to Information Act, 2005

1.19 The Right to Information Act, 2005 was passed by the Parliament in June, 2005 to provide for right to every citizen to secure access to information under the control of public authority, consistent with public interest, in order to promote openness transparency and accountability in administration. **The Commission has set up an RTI Cell in the Commission** to deal with and receive applications from persons seeking information under the Act. There are eighteen officers of the rank of Director/Deputy Secretary/Under Secretary appointed and functioning as the Central Public information Officer and an officer of the rank of Additional Secretary to the Commission, as the Appellate Authority.

1.20 During the year 2008, 1030 applications were received and disposed of according to the provisions under the Act. 192 appeal cases as first appeal were filed with the Appellate Authority of the Commission were also disposed of. 46 appellants filed appeals before the Central Information Commission (CIC). Comments in 30 cases were sent to the CIC, who after due consideration of the Commission's views decided 2 appeals. In 14 cases, the matter is under process and comments to the CIC would be forwarded in due course. At the end of the year 2008, 45 RTI applications and 10 appeals to the Appellate Authority of the Commission were pending for disposal.

CHAPTER-2

Observations and Initiatives

I General Observations

2.1 The Central Vigilance Commission is the nodal agency having rich experience in overseeing vigilance administration and in implementing policies against corruption. The institution has evolved over the last 40 years and the current emphasis of the Central Vigilance Commission has been to have in place effective preventive measures to fight against corruption and also to increase transparency and accountability in the functioning of the Govt. In tune with the emphasis on good governance, the Central Vigilance Commission closely looks at the prevailing systems and procedures in the govt. departments and Public Sector Undertakings and recommends system strengthening and improvements.

2.2 The Commission strongly advocates fairplay and transparency in tendering process and, therefore, recommends wide publicity for all notice inviting tenders and other activities in the Govt. and PSUs, and adoption of codified tendering procedures with an emphasis on e-tendering and procurement techniques. To streamline the payments and to have an effective view on the pendency of contractor payments, the Commission has been recommending adoption of e-payment solution and various other real time banking techniques, as well as reduction of public interface in collection of payments.

2.3 The Commission has lately been advising all Government organization to evolve a strong internal audit mechanism as a preventive measure. The magnitude and character of public expenditure and revenue in the Government departments and their audit reflects the nature of effective governance in the Government. As a strategy of good governance, the Commission is strongly advocating thrust on strong internal audit systems.

2.4 It is a well accepted fact that the movement against corruption has to involve the civil society and non-governmental organizations, who can effectively carry the message to the society at large. The fight against corruption would not be effective without the active involvement of the Citizens' bodies and intense involvement of the masses. The Commission, therefore, closely interacts with reputed non-governmental organizations and has taken up corruption studies through reputed NGOs and has also introduced the concept of a zero tolerance in corruption.

2.5 The increasing use of technology has made it possible for international institutions involved in keeping a close watch on the unethical ways and means adopted by governing agencies and to interact more frequently, to exchange ideas on methodology and procedures required to tackle corrupt activities.

2.6 As a result of increased awareness amongst the users of public services and the growing interest of international community in India, the hope on the Central Vigilance Commission as an apex agency to be able to contribute in a major way in eradication of corruption from public life have rightly increased manifolds.

2.7 The Commission is also of the view that evolving and effectively implementing preventive techniques is the most important aspect of vigilance administration which includes transparency, fair-play, objectivity and timely response in dealing with matters relating to

public administration. The Commission, on its part, has been taking every possible step to ensure a prompt, responsive, accountable, transparent and corruption free system of Government by ensuring a qualitative decision-making process. It has taken many initiatives in this regard some of which are discussed below:-

(i) Reporting of fraud cases to Police/State CIDs/Economic Offences with of State Police by Public Sector banks

2.7.1 It has been brought to the notice to the Commission that Banks are facing practical difficulties in filing cases with the local police where the amount involved is relatively small, as no minimum amount has been specified above which cases should be referred to the local police.

2.7.2 Taking in view the seriousness of the issue, the Commission issued circular which provides that cases of financial frauds of the value of Rs. 1,00,000/- and above, which involve outsiders (private parties) & bank staff, should be reported by the Regional Head of the bank concerned to a senior officer of the State CID/Economic Offences Wing of the State concerned. For cases of financial frauds below the value of Rs.1,00,000/-, but above Rs. 10,000/-, the cases should be reported to the local police station by the bank branch concerned. Further, all fraud cases of value below Rs. 10,000/-, involving bank officials, should be referred to the Regional Head of the bank, who would scrutinize each case and then direct the bank branch concerned on whether it should be reported to the local police station for further legal action.

(ii) Steps to be taken to streamline the system of acceptance of bank guarantees from contractors/suppliers

2.7.3 A number of instances had come to the notice of the Commission where forged/fake bank guarantees (BGs) have been submitted by the contractors/suppliers. Organizations concerned have also not made any effective attempt to verify the genuineness/ authenticity of these BGs at the time of submission. Therefore, the Commission had advised all the organizations to streamline the system of acceptance of BGs from contractors/suppliers to eliminate the possibility of any forged/fake Bank Guarantees, and evolve the procedure for acceptance of BGs, which should be compatible with the guidelines of banks/Reserve Bank of India. The following steps were suggested to the CVO to frame their own guidelines to ensure that BGs are genuine and encashable :-

- i) Copy of proper prescribed format on which BGs are accepted from the contractors should be enclosed with the tender document and it should be verified verbatim on receipt with original document.
- ii) It should be insisted upon the contractors, suppliers etc. that BGs to be submitted by them should be sent to the organization directly by the issuing bank under registered post (A.D.).
- iii) In exceptional cases, where the BGs are received through the contractors, suppliers etc., the issuing branch should be requested to immediately send by registered post (A.D.) an unstamped duplicate copy of the guarantee directly to the organization with a covering letter to compare with the original BGs and confirm that it is in order.

- iv) As an additional measure of abundant precaution, all BGs should be independently verified by the organizations.
- v) In the organization/unit, one officer should be specifically designated with responsibility for verification, timely renewal and timely encashment of BGs.

(iii) Leveraging of technology for improving vigilance administration

2.7.4 It is experienced that lack of transparency brings about an opportunity of malpractices in operations leading to corruption. Technology should be utilized to detect malpractices, tampering in operations, and this in turn should synergize the net productivity with vigilance and operation. Electronics network makes it easier to inform public about various actions of the people involved in the process of governance, besides providing instant feedback and guidance to the governance system about people's reaction to the same.

2.7.5 The Commission has been emphasizing on bringing about transparency in the functioning of the government organizations by making extensive use of technology available, which provides for minimum personal contacts of the public with the govt. functionaries and thus, minimizes the scope for indulging in irregular practices for undue financial and other gains. The Commission with a view to tackle such irregularities and to bring about systemic improvement directed all organizations under its purview to make extensive use of the web-sites both as a tool for communication with the stakeholders and for curbing corruption.

(iv) Adoption of Integrity Pact (IP)

2.7.6 One of the latest initiatives of the Commission to eradicate corruption in procurement activity is introduction of the Integrity Pact in large valued contracts in all govt. organizations. The adoption of this pact is voluntary on the part of the organization concerned. The Pact envisages a pre-bid agreement between the buyers and the sellers to avoid all forms of corruption influenced by any person from the bidding stage to the last payment in the contract. The Integrity Pact envisages appointment of an Independent External Monitor of repute to oversee the implementation of the pact and to examine any complaint relating to violation of the pact.

2.7.7 The Pact essentially envisages an agreement between the prospective vendors/ bidders and the buyers, committing the persons/officials of both the parties not to exercise any corrupt influence on any aspect of the contract. Only those vendors/ bidders who have entered into such an 'Integrity Pact' with the buyer would be competent to participate in the bidding. In other words, entering into this Pact would be a preliminary qualification. The Integrity Pact in respect of a particular contract would be effective from the stage of invitation of bids till the complete execution of the contract.

2.7.8 It is observed that many organizations evinced interest in the adoption of Integrity Pact. Adoption of a new system is bound to raise queries and suggestion on its operational aspect. Taking into account the nature of limited procurement activities, the Commission has exempted PSBs, insurance Companies and Financial Institutions from adoption of Integrity Pact. Some of the general nature of queries clarified by the Commission are given below:-

- i) Adoption of Integrity Pact in an organization is voluntary, but once adopted, it should cover all tenders/procurements above a specified threshold value, which should be set by the organization itself.
- ii) IP should cover all phases of the contract i.e., from the stage of Notice Inviting Tender(NIT)/pre-bid stage to the stage of last payment or a still later stage, covered through warranty, guarantee, etc.
- iii) Independent External Monitors (IEMs) are vital to the implementation of IP and at least one IEM should be invariably cited in the NIT. However, for ensuring the desired transparency and objectivity in dealing with the complaints arising out of any tendering process, the matter should be referred to the full panel of IEMs, who would examine the records, conduct the investigation and submit a report to the management, giving joint findings.
- iv) A maximum of three IEMs would be appointed in Navratna PSUs and upto two IEMs in other Public Sector Undertakings. The organizations may, however, forward a panel of more than three names for the Commission's approval. For the PSUs having a large territorial spread or those having several subsidiaries, the Commission may consider approving a large number of IEMs, but not more than two IEMs would be assigned to any one subsidiary.
- v) Remuneration payable to the IEMs may be similar to the Independent Directors in the Organization.

(v) Training on IT Procurement

2.7.9 Instances have come to the notice of the Commission indicating that a number of bank officials lack basic skills in computer operations and knowledge of the banking software. There is also a tendency on the part of senior officers to disclose their password to junior officials/staff for operating the system on their behalf, citing reasons, including work pressure and ignorance as regards nuances of technology which is not a good practice specially in Banking Sectors. Considering the seriousness of the issues, the Commission issued instruction on an urgent need to impart proper training to such officers and staff at various levels particularly those working in the branches so that they could update knowledge of the computer system for day-to-day operations and are not dependent on their colleagues. CVOs, were also advised to arrange such programmes for training on an on going basis for the benefit of bank officials.

(vi) Initiatives taken in the Banking sector for improving Vigilance Administration

2.7.10 During the course of the year, the Commission has taken the following initiatives in Public Sector Banks and Insurance companies which have resulted in consequent issuance of guidelines by RBI, D/o Banking, M/o Finance.

- i) The Commission convened a meeting of CMDs of select public sector banks to discuss deficiencies in the working of 'Multiple Banking Arrangement' (MBA) and 'Consortium Arrangement' (CA). In this respect, RBI took up the matter with Indian Banks Association (IBA) at the Commission's instance and a working group was formed by IBA. The working group suggested substantial changes in the information sharing/reporting system presently

being followed by banks financing under MBA and CA. The RBI, based on the recommendations of IBA, issued various circulars to all the public sector banks outlining the modalities of sharing information amongst banks and in particular, calling extensive details from the borrower companies/firms, obtaining of certificates from CAs.

- ii) The Commission also took initiative in association with the IBA, to discuss the impact of continuation of criminal proceedings in cases where the bank had entered into One Time Settlement with a willful defaulter. Meetings were held with Director, CBI, CMDs of the select banks, functionaries of the IBA and the Commission. Based on the deliberations in these meetings, IBA constituted a committee to examine the issues in detail, which came up with specific recommendations.
- iii) The Commission convened the meeting of CVOs of Insurance companies to discuss various important issues, one of which was misuse of the 'Cover Notes' issued in lieu of insurance policies. Consequently, fresh guidelines were issued by IRDA in this regard and a procedure has been put in place in order to minimize misuse of cover notes. Another important issue which formed part of discussion was misconduct of surveyors/appraisers and agents. Subsequent to the Commission's communication with IRDA, the IRDA introduced a quarterly reporting system about misconduct of surveyors to be reported so that suitable action could be taken against the surveyors. The Commission has also had meetings with the CMDs of the various Insurance Companies and senior functionaries of the IRDA.
- iv) The Commission brought to the notice of D/o Financial Services (DFS), M/o Finance, cases where banks had freshly financed the borrowers who had entered into compromise earlier, sacrificing substantial amount. This was based on vigilance audit of one of the banks. The Commission have emphasized the need for adherence to the bank's policy in this regard of recovery of the earlier sacrificed amount, before releasing the fresh finance.
- v) Other instances of declining exposure on new clients without recording reasons for such rejection and subsequently sanctioning limits to the same borrowers without any fresh remarks by the 'New Business Group' (NBG), also came to light during vigilance audit, which were brought to the notice of DFS, M/o Finance by the Commission and new guidelines have been issued by M/o Finance in this regard, incorporating the concerns as highlighted by the Commission.

(vii) Systemic improvement for better Vigilance Administration in Govt. Organization

2.7.11 The Commission, in its endeavour to improve Vigilance Administration in Government has been emphasizing on taking initiatives on system improvement as a part of preventive vigilance. It is observed that many a time the officials take wrongful advantage of either weakness/ambiguity in the systems or lack of systems in the organization. Accordingly CVO were advised to conduct an exercise to identify the weakness in the existing systems and policies in their organizations and the lapses that have arisen or are likely to arise due to

the systemic flaws noticed. It also emphasized the need to identify the steps required to strengthen/improve the systems and take up the matter with the management of the organization on an ongoing basis, to ensure implementation of the systemic improvement identified so that there should no uncertainty or room for manipulation in any procedure/systems. The Commission has also identified “Recruitment” is one of the areas where probability of manipulation always exists. At various occasions, the Commission emphasized on need to streamline the procedure in a transparent manner.

2.7.12 The Commission, as part of improving vigilance administration in Government Departments/Organizations, held a number of meetings with the Chief Executives and CVOs. The Commission, during the meeting mainly discussed the following common areas of concern:-

- i) One of the important area of concern where the Commission found that efforts were not being taken seriously by the Organizations was on implementation of Commission’s guidelines on leveraging of technology for improving vigilance administration. The Commission advised the CVOs forcefully to ensure implementation of its guidelines on the subject in letter and spirit.
- ii) The Commission had been emphasizing on the need for expeditious completion of disciplinary action, particularly against officials likely to superannuate soon. A delay in taking timely action against the SPS/CO often serves to his advantage. The Commission again directed the organizations to keep in mind the date of superannuation of the delinquent official while taking disciplinary action so that appropriate action was possible against the official and to send right signals with the organization.
- iii) The Commission has been emphasizing on strengthening of vigilance set up in all departments & organizations. Directions have been given to the Ministries and organization to revamp vigilance structure and impart skills in vigilance administration to the employees working in vigilance. A number of organizations have sought support and guidance from the Commission in this respect and the Commission has been providing guest faculty and other support whenever possible.
- iv) The Commission has made it mandatory for the CVO to have ‘structured meetings’ with Secretary/CEO of the organization on a regular basis and to ensure that minutes of these meetings are kept on record.

(viii) Introduction of Technical Vigilance Audit

2.7.13 The Commission has been contemplating increasing the scope of preventive vigilance by introducing a system of technical vigilance audit in major organizations dealing with procurements and projects. During the course of the year, a series of meetings were held with the CMDs of various PSUs and Secretaries of various Ministries to elicit their views and to work out the modalities of this audit. Based on the consultation and suggestions, a technical vigilance audit manual is being finalized and further steps for commencing the audit are under consideration in the Commission.

CHAPTER-3

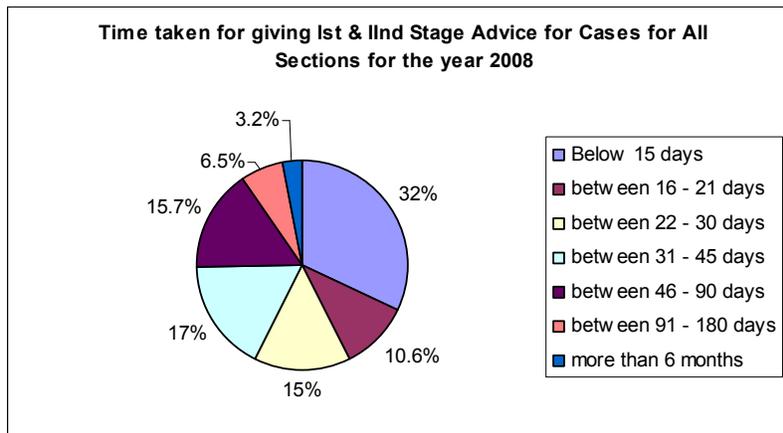
Commission's activities during the Year 2008

3.1 The Central Vigilance Commission accords prime importance to timely processing of cases received for advice. With this aim, a computerized file tracking system developed by DOPT has been adopted.

I Advice on vigilance cases by the Commission

3.2 **The Commission, on its part, makes every possible effort to tender its advice within four weeks, and in the year 2008 more than 42 percent of its advices were tendered within three weeks of receipt of the cases.** About 42.4 percent of the cases were delayed beyond four weeks. The primary reason for the delay in tendering of advice by the Commission was the deficiency in providing the complete facts relating to the case by the organizations, or their recommendations/ inputs were not supported by logical reasoning and hence further clarifications were sought by the Commission. The delay was also contributed by more than 20% of the posts at the critical levels of Director/Deputy Secretary remaining vacant for greater part of the year. The break-up of time taken by the Commission in tendering advice is given in **Chart-1**.

Chart-1



3.3 As a result of the Commission's continuous monitoring and its efforts in ensuring implementation of its advice, the organizations concerned imposed penalties against 2649 officers during the year 2008, in cases where the Commission had advised imposition of appropriate penalty. The percentage of the cases where punishments were awarded compared to the number of cases received in the Commission, works out to more than 55 percent, indicating the effectiveness of the Commission's vigilance administration and its monitoring of various organizations. The charts 2, 3 and 4 provide a comparative study of the number of cases received in the Commission and number of penalties imposed during the last five years by the various organizations based on Commission's advice.

Chart-2

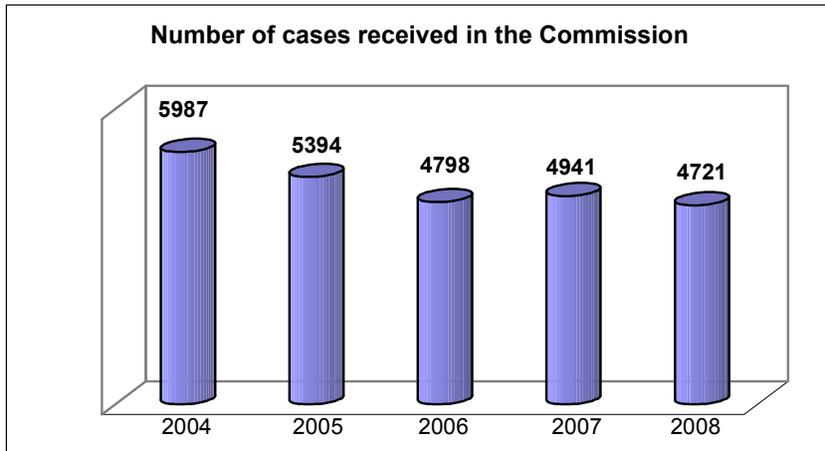


Chart-3

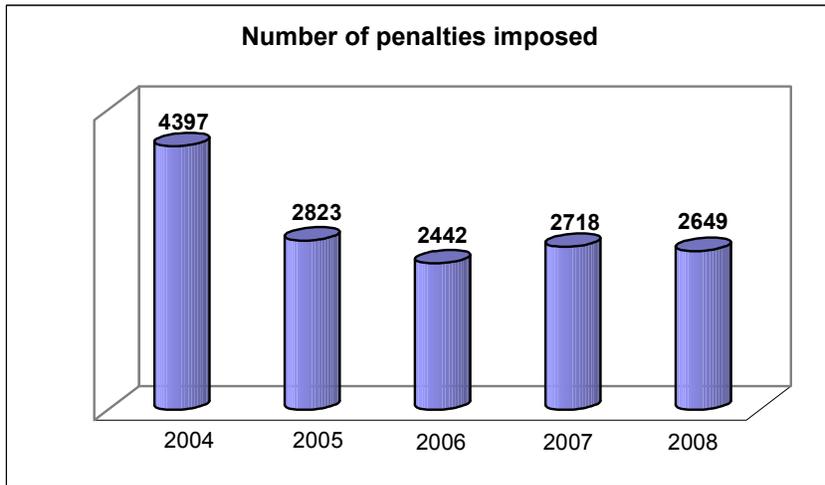
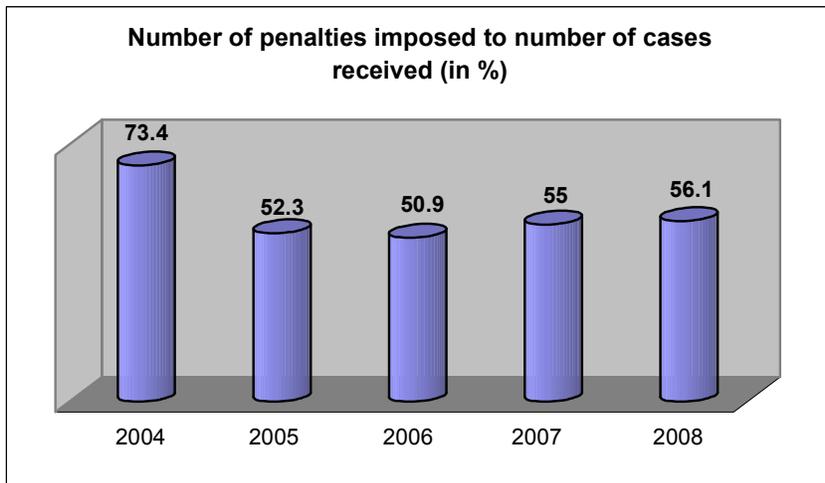


Chart-4

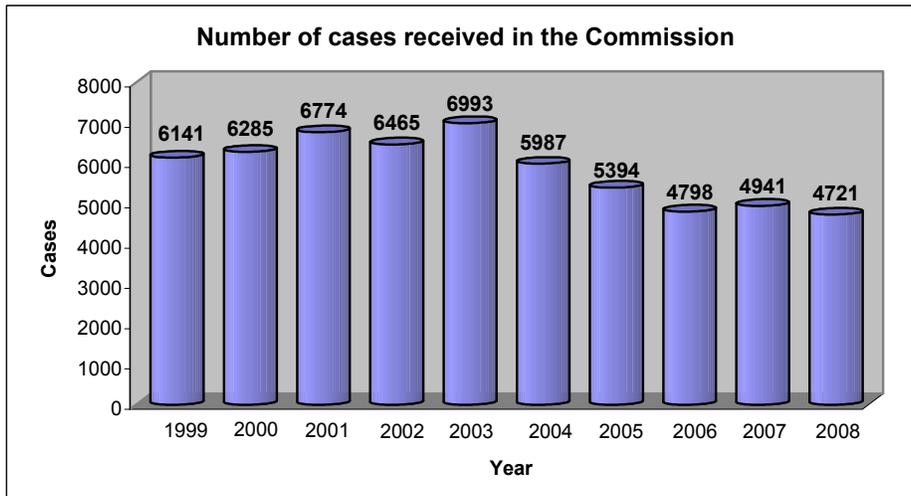


II Receipt and Disposal of Vigilance Cases

3.4 Over the years, the number of cases received in the Commission for obtaining its advice has increased manifold. In the year 2008, the Commission received 4721 cases and tendered its advice in 4238 cases including 710 cases brought forward from the previous year. This includes cases disposed of by the Commission as first stage and second stage advice and also reconsideration requests.

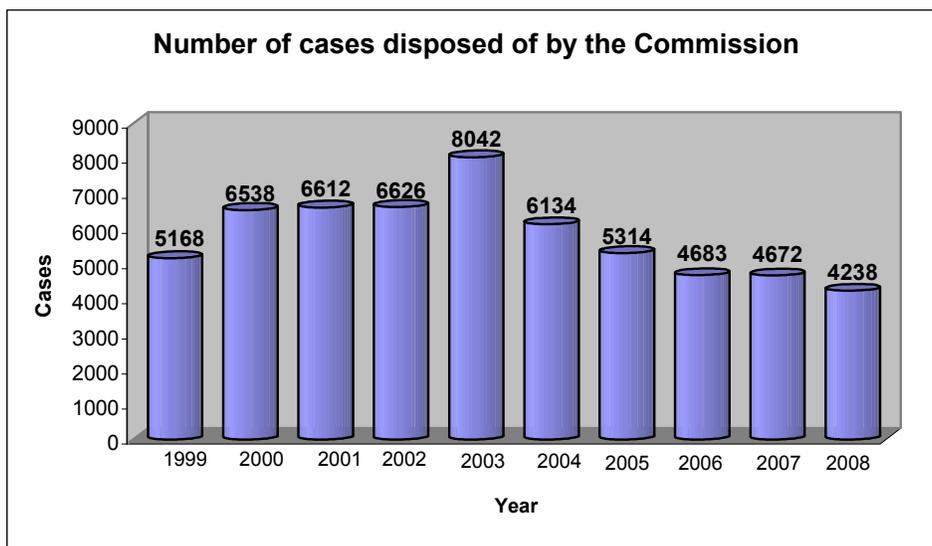
3.5 The comparative figures of cases received in the Commission during the last ten years are given in **Chart- 5**.

Chart- 5



3.6 The number of cases disposed of by the Commission during the last ten years is given in **Chart-6**.

Chart-6



III First stage advice cases

3.7 During the year 2008, the Commission tendered first stage advice in 2358 cases, of which 220 cases were based on the investigation reports of the CBI and 2138 cases were based on investigation reports forwarded by the CVOs concerned. Out of the cases investigated by the CBI, the Commission advised launching of prosecution in 39.5 percent cases, major penalty proceedings in 20.5 percent cases and minor penalty proceedings in 3.2 percent cases. From amongst the cases investigated by the CVOs concerned, the Commission advised initiation of major penalty proceedings in 20.9 percent cases and minor penalty proceedings in 8.6 percent cases. In the remaining cases, initiation of regular departmental action was not warranted as, prima facie, the allegations were either not established conclusively or were merely procedural in nature. Table – 1 provides the summary of the nature of advice tendered by the Commission at first stage.

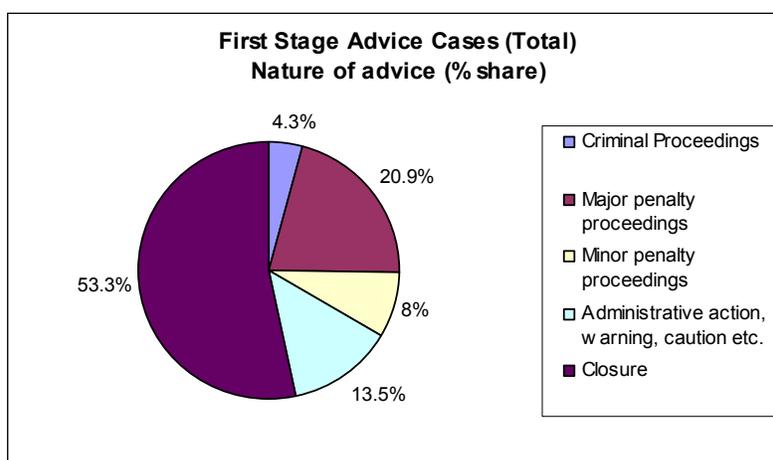
Table – 1

First Stage Advice Cases During 2008

Nature of advice	On the investigation reports of		Total
	CBI	CVO	
Criminal Proceedings	87	14	101
Major penalty proceedings	45	447	492
Minor penalty proceedings	7	183	190
Administrative action, warning, caution etc.	26	293	319
Closure	55	1201	1256
Total	220	2138	2358

3.8 During the year 2008, the Commission recommended penal action in 13.5 percent of the cases where CBI and CVOs concerned had forwarded their investigation reports. Chart-7 provides a summary of various actions advised by the Commission at first stage.

Chart- 7



IV Second stage advice cases

3.9 During the year, the Commission tendered second stage advice in 1235 cases. Out of these cases, the Commissioners for Departmental Inquiries (CDIs) of the Commission conducted inquiry in 103 cases and in the remaining 1132 cases, the inquiries were conducted by the inquiry officers appointed from within the organizations concerned. **Table-2** provides a break-up of nature of advices tendered /penalty advised by the Commission during the year 2008 at the second stage of examination of the vigilance case after receipt of an oral inquiry report in the vigilance matter, earlier advised for major penalty proceedings at the first stage.

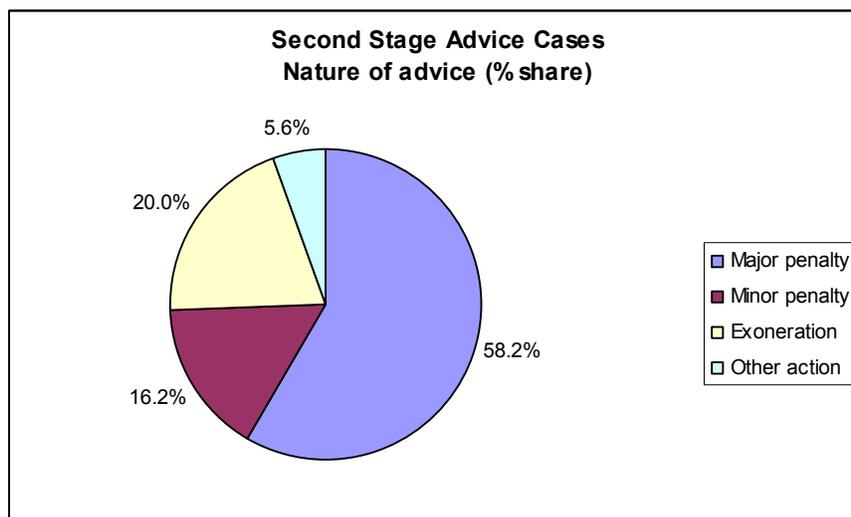
Table – 2

Second Stage Advice Cases During 2008

Nature of advice	On the CDI's Reports	On the cases received from CVOs	Total
Major penalty	52	667	719
Minor penalty	19	181	200
Exoneration	23	224	247
Other action	9	60	69
Total	103	1132	1235

3.10 As can be seen, the Commission recommended imposition of major and minor penalty in 58.2 percent (719 cases) and 16.2 percent (200 cases) respectively during the year 2008. In 20 percent of the cases, the charges could not be proved conclusively. **Chart-8** provides the percentage figures in this regard.

Chart- 8



V Prosecution and Punishments

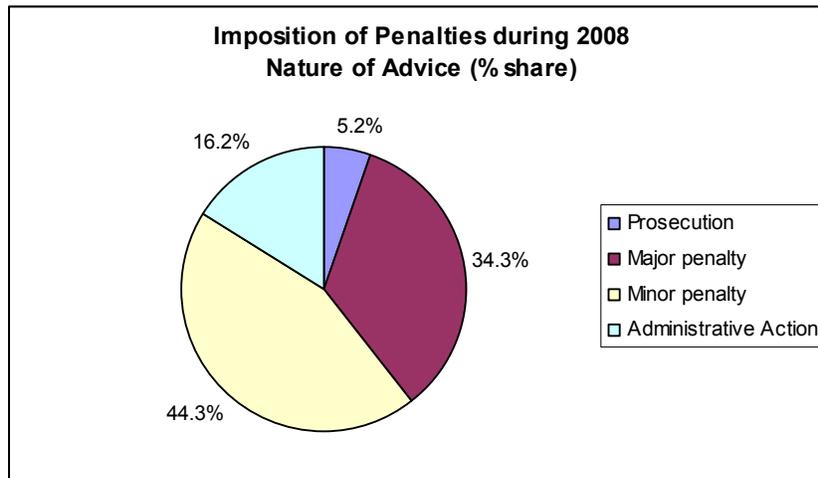
3.11 In pursuance of the Commission's advice, the competent authorities in various organizations, issued sanction for prosecution against 138 public servants, imposed major

penalties on 909 public servants and minor penalties on 1173 public servants during 2008 (Table-3, Chart-9).

Table – 3
Prosecution Sanctioned and Punishment Awarded

Year	Prosecution sanctioned	Punishment awarded			
		Major penalty	Minor penalty	Administrative Action	Total
2004	120	1951	1616	611	4298
2005	141	1084	1136	462	2823
2006	150	1024	936	332	2442
2007	192	1002	1164	360	2718
2008	138	909	1173	429	2649

Chart-9



3.12 A few such cases where deterrent action was taken against the officials based on the Commission's advice are:-

Among others, sanction for prosecution was accorded by the authorities concerned, against two General Managers of Mahanagar Telephone Nigam Ltd./D/o Telecom, one Dy. Commissioner of Police and one OSD of Govt. of NCT of Delhi and one Superintending Engineer and one Executive Engineer of M/o Urban Development & Poverty Alleviation. Further, one Director of Indian Council of Agricultural Research was terminated from service; one Addl. Commissioner of Income Tax and one Director of Indian Oil Corp. Ltd. were dismissed from service and penalty of forfeiture of Rs. 3,71,112/- plus Rs. 61,008/- from retirement benefits was imposed on the Director of IOCL, on the Commission's advice; and the then General Manager of Bharat Sanchar Nigam Ltd. and one Commissioner and one Dy. Commissioner of Income Tax were compulsorily retired from service. A penalty of withholding of gratuity till a decision on the criminal case was imposed on a Director of Bureau of Indian Standards and reduction of 30% in payment of gratuity was imposed on one Director of D/o Fertilizers. A penalty of

withholding 10% and 5% of pension was imposed on one Dy. Chief Electrical Engineer and one Dy. Chief Material Manager of M/o Railways respectively. A penalty of cut in pension has been imposed on the following officers: one Dy. Director General of M/o Information & Broadcasting (50%), one Chief General Manager of D/o Telecom, One Chief Commissioner and one Commissioner of Central Board of Excise & Customs (20%), one Retd. Dy. Chief Electrical Engineer of M/o Railways (10%), four Directors and one Jt. Financial Advisor of Delhi Development Authority and the then Director (M) of Employees State Insurance Corp. (5%).

3.13 An analysis of organization-wise break up of penalties imposed by the disciplinary authorities concerned in cases where the Commission's advice was obtained, shows that **CBEC has issued sanction for prosecution in 22 cases, M/o External Affairs in 18 cases, M/o Personnel, PG & Pensions in 11 cases, BSNL, D/o Telecom, United India Insurance Co. Ltd. and M/o Home Affairs in 8 cases each, M/o Railways in 7 cases, CBDT in 6 cases and SBI in 5 cases.** The complete list giving organization-wise break-up of the number of cases where either sanction for prosecution has been accorded or a penalty has been imposed on the public servants on Commission's advice is given in **Annexure-II**.

3.14 The maximum number of punishments including Administrative Action during 2008 have been imposed by the Ministry of Railways (449), Bharat Sanchar Nigam Ltd. (284), D/o Telecom (148), Delhi Development Authority (135), Municipal Corp. of Delhi (92), Central Coalfields Ltd. (67), Canara Bank (57), State Bank of India (56), Life Insurance Corp. (55), Oil & Natural Gas Corp. Ltd. (55), Central Board of Excise & Customs (48), and Bank of India (44).

3.15 **Amongst the penalties so imposed, major penalties of the higher order, viz. dismissal, removal and compulsory retirement from service were imposed on 89 officers by the disciplinary authorities in various organizations.**

VI Pendency

3.16 **Out of a total of 5431 cases received during 2008 (including those brought forward), it disposed of 4238 cases – leaving a pendency of 1193 cases at the end of 2008 (Table-4).**

Table – 4
Number of Cases Received and Disposed of During the Year

Cases	Investigation Reports (1 st Stage)	Inquiry Reports and minor penalty cases (2 nd Stage)	Other Reports/ cases such as reconsideration etc.	Total
Brought forward	578	81	51	710
Received	2687	1360	674	4721
Total	3265	1441	725	5431
Disposed of	2358	1235	645	4238
Pending	907	206	80	1193

3.17 The Commission itself attempts to set an example for promptness in handling the vigilance cases/matters. **The Commission monitors all aspects relating to the examination of cases and dispatch of advices of cases in its internal monthly meetings with the various wings of the Commission.**

VII Handling of Complaints in the Commission

3.18 The Central Vigilance Commission recognizes the importance of complaints as a good source of information and a starting point in its fight against corruption. Enhanced awareness by citizens of their rights and increased expectations of delivery of services by the public agencies, the public is more frequently coming forward to point out shortcomings in the system, corrupt practices and apathy of the public servants. This is reflected in the increasing number of complaints being received in the Commission. The complaints received in the Commission are scrutinized diligently before deciding whether a complaint requires further investigation by the appropriate agency or needs to be simply filed.

3.19 The complaints are received by the Commission from various sources/channels like individuals, civil society organizations engaged in creating awareness among public etc. Internally, the Chief Technical Examiners' Unit of the Commission, while conducting inspections of works/procurements etc., looks into the aspects of lapses and irregularities. In addition, whenever any misconduct comes to the Commission's notice, the same is treated as a source information for taking up the matter for investigation by the organization concerned. Of late, the Commission has been receiving a large number of complaints through the complaint lodging facilities available on its website. The Commission is further strengthening its scrutiny and analysis of complaints..

3.20 In order to educate the public about the procedure for making complaints under PIDPI Resolution and to establish their faith, adequate publicity is being given to the PIDPI Resolution through print and electronic media, besides making available the same on the Commission's website alongwith the specific requirements for making complaints under the resolution. Despite the best efforts of the Commission, sometimes the complainants while seeking secrecy from the Commission under the PIDPI Resolution forward copies of the same complaint or lodge separate complaints containing similar allegations with other authorities concerned, thus revealing their identity. Despite such incidents, the Commission in its efforts to safeguard the complainants' interest, has issued guidelines asking the organizations not to subject the complainant to any kind of harassment because of his having lodged a complaint, even if, at any time, the identity of the complainant gets revealed through any source.

3.21 After receipt of the complaints in the Commission (including those received under PIDPI Resolution), the same are scrutinized thoroughly and wherever specific and verifiable allegations of vigilance nature are noticed by the Commission, the complaints are forwarded to the appropriate agency to conduct investigation into the matter and report to the Commission expeditiously. The Commission, after examining the report advises the organizations concerned about further appropriate action against the suspected public servants, besides pointing out systemic failures which allow such misconducts to take place. The Commission also advises the organizations to take appropriate corrective measures for improvement in systems and procedures.

VIII General complaints

3.22 As a result of peoples' expectations from the Commission, there is an ever increasing inflow of complaints in the Commission from the public. Many a time, people either lodge complaints about personal grievances, which, more or less, contain procedural/administrative lapses or against the officers/officials not within the Commission's jurisdiction. Due to these factors, the Commission, after proper scrutiny of all complaints, finds only a small number of complaints, appropriate for seeking detailed investigation reports from the appropriate agency.

3.23 As the Commission found that more often than not the anonymous/ pseudonymous complaints were becoming a source of harassment and blackmailing for public servants rather than bringing out corrupt activities against them, it decided that as a matter of policy, such complaints should not be entertained. However, to ensure that genuine complaints having verifiable, specific allegations/data of vigilance nature do not remain uninvestigated, the Commission, as a safeguard, issued directions to seek Commission's prior approval before conducting investigation into such complaints. In those cases where the complainants (other than those making complaints under PIDPI Resolution), request the Commission to maintain confidentiality regarding their identity, the Commission accepts their request for the same.

3.24 **During the year 2008, the Commission received 10142 complaints and about 6.6 percent of them were anonymous/ pseudonymous, which were filed in accordance with the Commission's complaint handling policy.** During the year, the Commission received a large number of complaints having either vague allegations or containing administrative issues. The Commission also received a considerable number of complaints against public servants who were outside its normal advisory jurisdiction like public servants working in the state governments etc.

3.25 **After a scrutiny of all complaints received, only 1147 (11.3 percent) complaints were found serious enough to warrant further follow up at the Commission's end and these complaints were forwarded to the CVOs concerned or the CBI, for investigation and report.** The break-up of all the complaints received in the Commission and action taken on them are given in **Charts 10 and 11.**

3.26 The Commission, out of 10330 complaints (including 188 complaints brought forward from the previous year) disposed of 10188 complaints during the year 2008 and only 142 complaints remained pending at the end of the year. The nature of complaints received and action taken in respect of them are given in **Table-5.**

Table – 5

Complaints received and Disposed of During 2008

Complaints	Nos.	Action Taken
No. of complaints received and B/F	10330	
Anonymous/Pseudonymous	673	Filed
Vague/Unverifiable	2343	Filed
Non-vigilance/officials not Under CVC jurisdiction	6025	For necessary action to Orgns./Deptts.

Verifiable	1147	Sent for investigation to CVO / CBI
Total disposed of	10188	
Pendency	142	

Chart-10

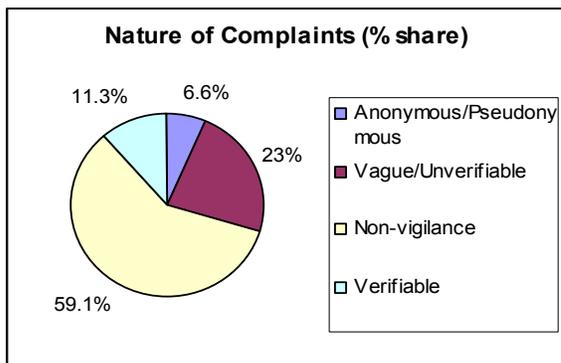
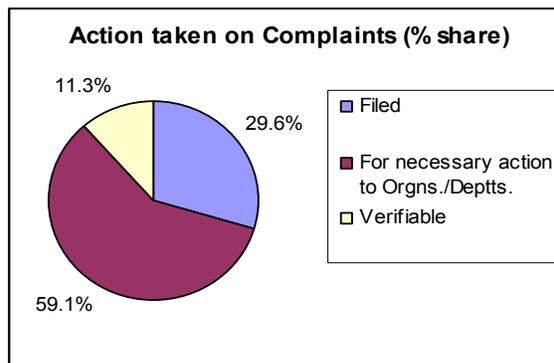


Chart-11



3.27 The Commission calls for investigation reports from the appropriate agencies only in those complaints which contain serious and verifiable allegations and a clear vigilance angle. The Commission has prescribed that in complaints forwarded by it to the organizations concerned for investigation, the reports should be sent to the Commission within a period of 3 months. **The Commission, however, notes with concern that in a majority of cases there is considerable delay in finalizing the investigation of the complaints by the various organizations. Wherever the Commission observes inordinate delay in investigation of complaints of serious nature by the organizations concerned, it, by invoking its powers under the CVC Act, either summons CEOs/CVOs concerned with records/ documents or the officers of the Commission are assigned to conduct direct inquiry into such complaints.**

3.28 During 2008, 25 complaints were entrusted to the officers of the Commission, for conducting direct inquiries which had the desired effect on the organizations and in 11 of these 25 cases, the CVOs concerned submitted their investigation reports immediately. The Commission's officers completed their direct inquiry in 13 cases and submitted their reports.

IX Complaints Received under PIDPI Resolution, 2004

3.29 **The Commission has established a very well defined internal procedure for processing complaints received under PIDPI Resolution in order to ensure that the complainant's identity is not disclosed to anyone investigating these complaints. The Joint Secretary (Home), Ministry of Home Affairs has been made the nodal authority to arrange for protection to the complainants wherever required and as directed by the Commission.** The Commission has formed a Screening Committee headed by the Secretary, CVC, to examine these complaints and to decide the further course of action on such complaints.

3.30 The Commission received 276 complaints from whistle blowers during 2008 and 83 complaints were sent to the CVOs concerned or the CBI for investigation/discreet verification of facts/comments, which constitute 30.4 percent of such complaints. 144 (52.7 percent) of

these complaints were sent for necessary action and in 46 complaints i.e. 16.9 percent being anonymous/pseudonymous or without vigilance angle were filed, thus leaving a pendency of 3 complaints.

3.31 **Table 6 and Chart 12-13** below gives the nature of complaints received under PIDPI Resolution and action taken by the Commission on them during the year:

Table – 6
Complaints Received and Disposed of during 2008
Under the PIDPI Resolution

Complaints Received	Nos.	Action Taken
No. of complaints received	276	
Anonymous/Pseudonymous	46	Filed
Non-vigilance	144	For necessary action to Orgns. / Deptts.
Verifiable	83	For investigation to CVO / CBI
Total disposed of	273	
Pendency	3	

Chart-12

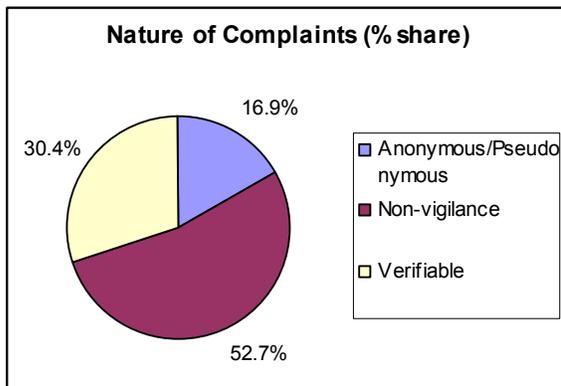
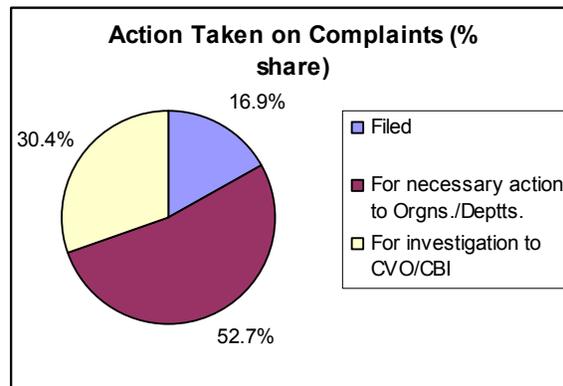


Chart-13



3.32 It is observed that the complaints received under the PIDPI Resolution provide more specific and verifiable allegations as compared to complaints received otherwise. The PIDPI complaints are also to be investigated on priority and the CVO/agency entrusted the investigation is to submit a confidential report to the Commission in one month's time according to the provisions of the PIDPI resolution.

CHAPTER-4

Superintendence over Vigilance Administration

4.1 The CVC Act 2003 provides effective superintendence over the Vigilance Administration of the various Ministries/Departments of the Central Government or corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government. The Act also empowers the Central Vigilance Commission to supervise the vigilance activities of the organizations under its advisory jurisdiction but the primary responsibility for maintaining integrity and effective vigilance administration in the organization concerned rests with the CEO/Heads of the organizations. The role of the Commission is advisory in nature and its concern is to give impartial and objective advice to enable the organization to take suitable action.

4.2 The Commission exercises its powers of superintendence over vigilance administration through the Chief Vigilance Officers (CVOs) posted in various organizations. Hence, the Commission monitors the work done by the CVOs through the monthly reporting system and also through sectoral/zonal meetings conducted every year. The CVO of the organization concerned function as the extended arms of the Commission and all the vigilance activities in the organizations are monitored through the CVOs only. The Commission, therefore, constantly strives to ensure the effective functioning of the CVOs by constantly monitoring their performance. The monthly reports from the CVOs in an exhaustive format, provide information on all aspects of vigilance administration including complaints received and action taken on them, action taken on cases where disciplinary proceedings have been initiated and also the various initiatives taken by them for making systemic improvements.

II Performance of the CVOs

4.3 The Commission monitors the performance of the CVOs through the prescribed Monthly Reports and Annual Reports which provide statistical details on the processing of complaints and vigilance cases, as well as the initiatives taken for the system improvement by the CVO and use of technology in the organization. The qualitative performance of the CVOs is also monitored through these reports. In addition to complaints and cases, which are referred to the Commission, the CVOs are also responsible for the overall guidance to the management in the implementation of effective vigilance administration in respect of the officers outside the jurisdiction of the Commission.

4.4 The Quarterly Progress Reports being sent by the CVOs to the CTEs' Unit of the Commission provide details about the major purchases/procurements/works being undertaken by the organizations. These reports help the CTEs to select some activities for intensive examination. The Commission has also issued guidelines to the CVOs to conduct CTE type inspections which would ensure that the works have been awarded in a transparent manner, with fair competition among bidders placed on equal footing.

4.5 The performance of the CVOs, as reported by them in their annual reports to the Commission, is given in **Annexures-III A-F. The list of some of the important organizations who have submitted the annual report to the Commission within the stipulated time is enclosed at Annexure III-G. Based on the data as given in the annexures quoted above, it is seen that during the year 2008, punitive action was taken**

in a total of 12539 cases (for all category of officers) dealt with by the CVOs. Major penalty was awarded in 3528 cases and minor penalty was awarded in 9011 cases. The details on major and minor penalties imposed is given below in Table-7.

Table – 7

Details of Penalties Imposed in cases for all category of officers handled by the CVOs

S. No.	Nature of Penalty	No. of officers
	Major Penalty	3528
1.	Cut in pension	67
2.	Dismissal/Removal/Compulsory retirement	819
3.	Reduction to lower scale/rank	1664
4.	Other major penalty	978
	Minor penalty	9011
5.	Minor penalty other than censure	5252
6.	Censure	3759
	Total	12539

Note: This data is not comprehensive since the data is based on annual reports sent by the organizations and some organizations have not sent their annual reports.

4.6 In order to review the performance of the CVOs and for exchange of views with them, the Commission holds zonal review meetings every year apart from sectoral meetings whenever required. The Commission has found these meetings to be constructive and very effective as these meetings provide an opportunity to the CVOs to seek Commission’s guidance on various issues relating to vigilance administration in their organizations. The Commission also takes this opportunity to inform the CVOs about the focus areas where they need to pay greater attention to ensure that the vigilance mechanism functions smoothly and effectively. During the year 2008, the Commission held 16 zonal review meetings where about 175 CVOs covering a wide spectrum including Ministries, Financial Institutions, Power, Coal and Oil Sector PSUs, manufacturing sector PSUs & Port Trusts etc. participated.

During these meetings, the Commission emphasized:-

- **implementation of Commission’s guidelines regarding leveraging of technology for better vigilance administration;**
- **using monthly reports as an effective communication tool with the Commission;**
- **the need for proper training to the staff members of organizations including the vigilance functionaries;**
- **the need to respond promptly on the Commission’s query and adherence to the time frame in investigation and submission of report on the complaints by the CVOs as delay in investigation might allow the culprit to go scot-free due to tampering of records or his retirement before the completion of investigation;**
- **the need for improving the quality of investigation and to properly scrutinize the relevant records to arrive at the truth;**
- **the need to give due care to drafting of charge sheets in the inquiry proceedings and to avoid unwarranted delay, the factors which reduce the effectiveness of the disciplinary action initiated;**

- the need to make internal audit system more effective as a part of preventive vigilance;
- the need to initiate disciplinary action on time w.r.t. cases wherein delinquent officers is retiring shortly;
- the need of regular interaction between CVO and chief executives of the organization to review the vigilance related matters;
- the need to initiate immediate action on complaints forwarded by the Commission under Public Interest Disclosure and Protection of Informers' (Whistle Blower) Resolution;
- the need to keep close watch on cases pending sanction for prosecution;
- the need to amend service rules appropriately so that action against a retired employee can be taken in case any act of serious malpractices/irregularities is detected after the employee's retirement;
- the case should not be sent to the Commission for reconsideration in a routine manner unless some new facts which have effect on disciplinary proceedings come to the notice of the CVO; and
- the need to have in place a composite Complaint Handling Policy.

III Pendency with the CVOs – All categories

4.7 The Commission constantly reviews the status of complaints and cases pending in the organizations concerned as it is of the view that timely finalisation of investigation into complaints and completion of disciplinary proceedings is of paramount importance for effective vigilance administration. At the close of the year 2008, 4853 complaints were pending with the CVOs concerned for investigation out of which 1748 complaints were pending beyond a period of 6 months. The complaints forwarded by the Commission, including complaints received under the Whistle Blower Resolution, mainly relating to officers under the Commission's jurisdiction, were 1169 out of which 494 were still pending at the close of 2008. The number of departmental inquiries pending with the inquiry authorities was 634 in respect of officers under the jurisdiction of the CVC and 14435 in respect of officers outside its jurisdiction.

4.8 During 2008 a total of 257 cases were received from the CBI for sanction of prosecution. The disciplinary authorities gave sanction for prosecution in 168 cases and denied sanction in 29 cases. 60 cases were pending for decision with respect to sanction for prosecution, of which 17 were pending for more than 6 months.

4.9 The Commission has no doubt about the need to accelerate the process of investigation of the complaints and finalization of disciplinary proceedings. As the main action for timely completion of disciplinary matters rests with the organizations concerned, the Commission on its part has been pointing out to the authorities in the organizations, the cases where undue delays have taken place and has been asking them to finalise such cases promptly. The Commission, wherever felt necessary, has called the Head of the organization alongwith the CVO to find out the reasons for unwarranted delay in the completion of investigation/vigilance cases and to suggest the ways and means to finalise such cases. The Commission has been impressing upon the organizations that timely completion of investigations/cases ensures that guilty officials are punished promptly whereas honest officials caught in a vigilance case are absolved without delay and thereby conveying the right message down the line in the organizations.

IV Appointment of CVOs

4.10 The Chief Vigilance Officers are the most important link for the Commission in performing its mandate of overall superintendence of vigilance administration. The Commission, therefore, minutely scrutinizes the candidature for appointment of CVO in each organization. The CVO is the Commission's eyes and ears in the organization and on his effectiveness, is based the promptness with which the Commission's guidelines and advices in individual cases are implemented in the organizations, in letter and spirit.

4.11 The Department of Personnel & Training is the nodal agency for appointment of the CVOs. The DOPT calls for applications from the individual officials for appointment as CVOs in various PSUs and the same are forwarded to the Commission for their empanelment. The Commission carefully scrutinizes the service record of each individual officer and approves the appropriate official only after satisfying itself about his integrity and efficiency. The Commission also calls for the past track records of the officer from the CBI and the organizations where he might have served previously to satisfy itself that his conduct has been above board all through his career. **The Commission has identified major banks and important public sector undertakings as select organizations. For appointment of a CVO in the select organizations, the Commission calls for a separate panel of names for each organization, out of which a shortlist of officers is approved for appointment as the CVO in individual organization. The Commission, during the year 2008, approved the suitability of 32 officers recommended by the administrative authorities for appointment to the post of CVOs in various organizations. Further, it has also approved names of 79 officers for appointment as CVOs in various Ministries/Departments/ Autonomous Bodies on part-time basis. Besides, the Commission also approved the names of 75 officers, for their empanelment for consideration for the post of CVOs in other organizations.**

4.12 The Commission always tries to ensure timely selection of the successor CVO in an organization so that the new CVO could take over the charge without any time gap. Despite the best of efforts by the Commission, there has been delay in appointment of successor CVOs in some organizations due to either delay in initiating the process by the organizations concerned or some other reasons beyond the Commission's control. As an interim measure, part-time ad-hoc CVOs were appointed from within the organization, which is not a healthy practice and is not encouraged by the Commission. The Commission has in the past pointed out the need for full-time CVOs in important ministries/departments, mainly those who have large size PSUs under their administrative control.

V Vigilance Clearance

4.13 The Commission provides vigilance clearance for board level appointments in the Public Sector Undertakings. **During the year 2008, the Commission issued vigilance clearances in respect of 445 persons under consideration for Board Level appointments in public sector undertakings.** The Commission on its part has been making every effort to process vigilance clearance within the shortest possible time but sometimes delay takes place on account of factors like receipt of incomplete information/bio-data from the Ministry/ Department concerned.

VI Vigilance Advisory Council

4.14 The Commission has been emphasizing preventive vigilance and in this direction, the Commission constituted a Vigilance Advisory Council of eminent persons from various fields of public life to advise it on important aspects of vigilance related activities and discuss quality inputs about making improvements in the system of vigilance administration and for making the overall system of governance more receptive and accountable to commonman's needs and aspirations. The Commission held meeting of the Vigilance Advisory Council in 2008 which was attended by a majority of the members. The members made some valuable suggestions which are summarized below: -

- i) there should be a work flow software which would be implemented in the Commission as a project. The Commission has taken up the matter with the Government;
- ii) conducting technical vigilance audit of various government organizations;
- iii) to undertake vigilance audit of major departments;
- iv) there is a need to regularly monitor the progress of implementation of Integrity Pact; and
- v) there is a need to publicize the Commission's influence broadly as it is limited to major cities and the need to have media plans.

Important instructions/guidelines issued by the Commission – January 2008 to December 2008.

- Instructions relating to acceptance of bank guarantees (Circular No.01/01/08 dated 31.12.2007)
- Instructions regarding Reporting of fraud cases to Police/State CIDs/Economic Offences Wing of State Police by public sector banks (Circular No.3/1/08 dated 03.01.2008)
- Instructions regarding measures to curb the menace of counterfeit and refurbished IT products (Circular No. 7/2/08 dated 15.2.2008)
- Instructions regarding entrusting of additional charge(s) to Board-level functionaries in PSUs etc. (Circular No. 8/2/08 dated 15.2.2008)
- Instructions regarding constitution of committee of experts for scrutiny of prosecution sanctions (Circular No.24/3/08 dated 24.3.2008)(amendment of Commission's earlier Circular no. 17/5/07 dated 24.3.2007)
- Instructions regarding officials working in sensitive posts to be rotated every two/three years to avoid developing vested interest. (Circular No. 17/4/08 dated 1.5.2008)
- Instructions regarding non-interference with investigation of CBI (Circular No. 20/7/08 dated 8.7.2008)
- Instructions regarding mentioning of additional assignments, if any, handled by the CVO in their ACRs (Circular No.21/7/08 dated 14.7.2008)
- Instructions regarding clarification on adoption of Integrity Pact by Govt. organizations in major procurement activities (Circular No.24/8/08 dated 5.8.2008)

CHAPTER-5

Areas of concern including non-compliance and delay in the implementation of the Commission's advice

5.1 The Central Vigilance Commission tenders its advice on disciplinary matters based on a reasoned appreciation of all the facts and documents/records relating to a particular case brought to its notice by the organizations concerned. The Commission has noted with satisfaction that in a majority of cases, where the officials involved are covered under its advisory jurisdiction, the authorities concerned have accepted the Commission's advice and acted in accordance with them. However, it remains a matter of concern that in some cases, where the officers were covered under its jurisdiction, either the consultation mechanism with the Commission was not adhered to or the authorities concerned did not accept the Commission's advice. During the year, there were instances where the advice tendered by the Commission was diluted considerably without approaching the Commission for reconsideration of its advice. The Commission takes a serious view in such cases.

I Cases of non-compliance/non-consultation with the Commission

5.2 Any failure on the part of the organizations concerned to seek the Commission's advice in vigilance related matters involving the category of officials under its jurisdiction or the organizations' unwillingness to accept the Commission's advice against some officers are viewed as examples of a "selective approach" by the organizations in order to favour/disfavour certain officers, which not only dents the credibility of the vigilance administration but also weakens the objectivity/impartiality of the system and harm the respective organization. Whenever such cases come to the Commission's notice, its concerns are conveyed to the organizations. A few cases of deviations from the prescribed procedure or of non-acceptance of the Commission's advice are being mentioned specifically here in order to highlight the instances where the officials concerned have benefited unduly due to the organizations not accepting the Commission's advice. The Commission has observed that during the year 2008, there were deviations from the Commission's advice in 48 cases. Some of the significant cases are illustrated below (Table-8):

Table – 8

Cases of non-compliance/non-consultation/non-acceptance

S. No.	Department/ Organization	Commission's advice	Action taken by the Department	Remarks
1.	Bureau of Indian Standards	Major penalty	Censure	Non compliance
2.	Central Public Works Department	Major penalty	Closure	Non compliance
3.	Delhi Development Authority	Stiff Major penalty	Closure	Non compliance
4.	Delhi Development Authority	Major penalty	Censure	Non compliance
5.	Delhi Development Authority	Major penalty	Censure	Non compliance

6.	Delhi Development Authority	Major penalty	Minor penalty	Non-acceptance
7.	Department of Personnel & Training	Sanction for prosecution	Declined to issue sanction	Non compliance
8.	Govt. of NCT of Delhi	Major penalty	Minor Penalty	Non compliance
9.	Khadi & Village Industries Commission	Stiff major penalty	Warning	Non compliance
10.	Ministry of External Affairs	Major penalty proceedings	Recordable Warning	Non compliance
11.	Ministry of Railways	Major penalty proceedings	Exoneration	Non compliance
12.	Ministry of Railways	Major penalty	Minor penalty	Non compliance
13.	Ministry of Railways	Minor penalty and withholding of passes and PTO each	Withholding of one set of privilege passes and PTO each	Non compliance
14.	Ministry of Railways	Major penalty proceedings	Minor penalty proceedings	Non compliance
15.	Municipal Corp. of Delhi	Minor penalty	Exoneration	Non compliance
16.	Municipal Corp. of Delhi	Major penalty proceedings	Dropped the charges	Non acceptance
17.	Municipal Corp. of Delhi	Minor penalty	Exoneration	Non compliance
18.	NSIC/HUDCO	Stiff major penalty	Minor penalty	Non compliance
19.	New Delhi Municipal Council	Major penalty	Exoneration	Non compliance
20.	Satluj Jal Vidyut Nigam Ltd.	Minor penalty proceedings	Exoneration	Non consultation

Detailed notes on the aforementioned cases are as follows:

Ministries/Departments

Bureau of Indian Standards (BIS)

Based on the Commission's 2nd stage advice to impose a major penalty on the then Scientist-F and Head NBO, the disciplinary authority had imposed a major penalty of "reduction to a lower stage by two stages from Rs. 20,000/- to Rs. 19,100/- with immediate effect in the time scale of Rs.16400-450-20000 till his superannuation on 31.1.2008" on the charged officer. The charged officer had preferred appeal against the said penalty order to the Executive Committee of BIS, the Appellate Authority.

After considering the facts of the case, the Appellate Authority had decided to reduce the major penalty imposed on the Scientist by the DA, to a minor penalty of 'Censure'. The charged officer has superannuated from service on 31.1.2008, hence 'Censure' now has no meaning in this case. The position explained by BIS has been noted.

Central Public Works Department (CPWD)

The Commission had advised imposition of a suitable major penalty against a CPWD official as an exemplary punishment for charges that he had demanded and accepted illegal gratification from a contractor and was caught red handed in a trap laid by the CBI. CPWD intimated the Commission that the competent authority had decided to drop the charges against the SO(Horticulture) which is in deviation from the Commission's advice for imposition of suitable major penalty against him

Delhi Development Authority (DDA)

Case-1

The Commission had advised imposition of a "stiff major penalty" on an Executive Engineer who was found guilty of a misconduct, in a departmental inquiry in a case of failure in ensuring submission of the bank guarantee bond by the contractor, as stipulated in the agreement, causing a loss of over Rs.1.52 crores to the DDA,.. The disciplinary authority, however, imposed a major penalty, instead of 'stiff major penalty,' of reduction in pay by two stages in the time scale of pay for a period of two years with cumulative effect. The appellate authority, subsequently, exonerated him of the charge. Thus, the case, which warranted imposition of exemplary punishment on the officer, virtually resulted in closure without imposition of any penalty.

Case-2

The Commission had advised imposition of a major penalty upon a Sr. Accounts Officer of the DDA, found guilty of the misconduct, in a departmental inquiry, on the issue of bill payment of watch and ward services in violation of the instructions contained in the EM Circulars dated 2.5.1997 and dated 30.3.1999, thus causing a wrongful loss to the DDA. The Disciplinary Authority, however, without making a reference to the Commission for reconsideration of its advice, imposed upon him a minor penalty of stoppage of four increments for a period of four years with cumulative effect. The appellate authority has reduced the punishment further to "Censure".

Case-3

The Commission had advised imposition of a major penalty upon an Executive Engineer, against the charge of acceptance of sub-standard work in the construction of LIG houses at Motia Khan, and recommending payment thereof to the contractor, in his capacity as Asstt. Engineer. The sub-standard work was subsequently got dismantled and redone at an additional expenditure which could not be recovered from the agency.

The disciplinary authority accepted the Commission's advice and imposed a major penalty of reduction in pay by one stage for a period of two years with cumulative effect. The appellate authority, viz. the Hon'ble LG, Delhi, however, reduced the penalty to 'Censure', i.e. the lowest minor penalty.

Case-4

Based on the Commission's advice, the disciplinary authority concerned had imposed a major penalty of 'reduction in pay by two stages for a period of one year with cumulative effect' upon an Executive Engineer, as he was found guilty of the misconduct in a departmental inquiry for charges of (i) recommendation and forwarding payment of watch & ward charges, even before the obligations and liabilities of the main contractor were got completed, as defects were existing on the date of drawal of supplementary agreements and also on the date on which the payments were recommended; and (ii) non-verification of deployment of chowkidars while recommending the aforesaid payments. The appellate authority, however, has observed that the contractors, who received watch & ward charges, had rendered such services beyond the period when their projects were accepted as completed by the DDA after rectification of defects, and it would, therefore, not be fair or equitable to burden them with obligation of providing watch & ward services without compensation thereof. In the appellate authority's opinion, therefore, the Executive Engineer had committed a procedural lapse of not obtaining prior written approval of the higher authorities. The appellate authority, therefore, modified the penalty imposed by the disciplinary authority to a minor penalty of withholding of two increments without cumulative effect. Thus, the decision of the appellate authority has resulted in non-acceptance of the Commission's advice.

Department of Personnel & Training (DOPT)

The Commission's advice was sought by DOPT on a proposal from the Central Bureau of Investigation (CBI) to prosecute one IAS officer of Uttar Pradesh Cadre. The investigation made by the CBI had prima-facie established that the officer in conspiracy with other co-accused, favoured various candidates in selection of Group 'C' post by taking illegal gratification from them. Considering gravity of the allegation, the Commission had advised DOPT to issue sanction for prosecution against the officer. However, DOPT did not properly appreciate the merits of the case and declined to issue sanction against the officer citing lack of 'credible evidence' as the reason for deviating from Commission's advice.

Govt. of National Capital Territory of Delhi (GNCTD)

The Commission had advised imposition of a suitable major penalty upon a Principal of a school after the charges pertaining to raising and passing of inflated bills to the extent of Rs.34,270/- were proved against her in a departmental inquiry. The disciplinary authority, however, considered that a penalty of 'censure' would suffice, and therefore, made a reference to the Commission for reconsideration. The Commission did not find any new facts in the proposal that would justify reduction in penalty, and hence reiterated its advice. The disciplinary authority, however, observed that there has been no defalcation of Government funds; that the inquiry has been able to substantiate a single charge, out of three charges, and imposed a minor penalty on the Principal, without due consideration of the facts indicating serious misconduct warranting major penalty.

Khadi & Village Industries Commission (KVIC)

The Commission, in agreement, with KVIC, had advised initiation of major penalty

proceedings on 21.9.2004, against one of their Directors. The case was related to demand and acceptance of illegal gratification for settlement of rebate claim and wrong assessment of beneficiaries and recommending huge unrealistic budgetary targets during the year 1998-99 and 1999-2000, without complying with the prescribed guidelines, thereby creating scope for unscrupulous elements to claim false rebate claims. The case was inquired through a CDI and stiff major penalty was advised by the Commission based on inquiry. However, the KVIC ignored the gravity of misconduct and allowed the officer to get away with a mere 'warning'.

Ministry of External Affairs

In a case investigated by CBI, the Commission had advised RDA for major penalty proceedings against one Passport Official based on CBI recommendation for possession of disproportionate assets and also non-intimation of various movable/immovable properties acquired by him. However, M/o External Affairs issued only a "recordable warning" to him, on the ground that the percentage of disproportionate assets to the total income was within reasonable limits.

Ministry of Railways

Case-1

The Commission had advised initiation of major penalty proceedings against the then ACM for processing refunds of demurrage charges, issuing pay orders in favour of a wrong party, , granting 40% waiver in favour of a firm, and converting it subsequently into a refund which was not permitted as per rules, etc. As the charged officer was due for retirement on 30.9.2008, the Railway Board made a reference to the Commission. The Commission advised for continuation of departmental proceedings with a view to bring the proceedings to its logical conclusion. However, the GM/WR exonerated the charged officer only on the basis of the reply of the charged officer which amounts to non-acceptance of the advice of the Commission without any valid ground.

Case-2

The CBI, Jammu Region had registered a case against some officers of M/o Railways on the charge of misappropriation of Railway Funds and recommended prosecution against one of the charged officer i.e. Dy FA&CAO. The Commission had advised prosecution. But later, on reconsideration of the matter, the Commission advised initiation of major penalty against the CO. However, the DA, the Railway Board in its final order imposed a minor penalty of withholding of increment for a period of 12 months without cumulative effect by not accepting the Commission's advice and thus, awarded a lighter penalty.

Case-3

The CBI investigated a case pertaining to the black marketing of tickets of Shatabdi Express through a tout on payment of extra money than the ticket fare and recommended minor penalty action against a DCM, an ACM and a Head TC. The Railway vigilance recommended minor penalty action other than "censure" and "withholding of passes/PTO", against all these officials including, a Chief Booking Clerk, also. The Commission in its first

stage advice recommended “stiff minor penalty” proceedings against the charged officials.

The DA, after considering the defence statement of one of the COs, i.e., (ACM) proposed penalty of “Stoppage of one set of pass and PTO”. The Commission considering the commission of offence, (done with deliberate act and malafide intention), reiterated its earlier advice of minor penalty other than censure and withholding of passes & PTOs. Despite this, the DA has imposed a penalty of “withholding of one set of privilege pass and PTO each”. This is a case of non-acceptance of Commission’s advice.

Case-4

Case relates to irregularities in the matter of selection Group “D’ posts against Sports Quota in the Jaipur Division, where after inviting applications from 7 women candidates, the selection was postponed and the post was filled by a basket ball player .

Considering the gravity of the misconduct, and in agreement with the Railway Board, initiation of major penalty action against two officers and minor penalty action against one officer was advised by the Commission. In addition, the Commission advised initiation of major penalty action against two other offices [S/Shri Devi Lal and R.K. Meena], in whose case only counseling was recommended by the Railway Board.

The case in respect of these two officers was referred back by the Railway Board for reconsideration. The Commission, after re-examination, found that there was no justification for a review accordingly, reiterated its earlier advice. The competent Disciplinary Authority, however, disagreed with the Commission and decided to proceed against these two officers for minor penalty action.

Municipal Corporation of Delhi (MCD)

Case-1

Based on the Commission’s advice, minor penalty proceedings were initiated against the SE(Slum & JJ) and the EE (Slum & JJ), MCD for disallowing the sale of tender documents to a private firm. The disciplinary authority viz. the Commissioner/MCD recommended dropping of charges on the plea that the officials were justified in disallowing sale of tender documents to the private firm as it had already been decided to debar the contractor from entering into the tendering process. The Commission, however, disagreed with the contention on the ground that, the officials were not justified in disallowing sale of tender documents to the private firm as the firms did not stand blacklisted at that time and reiterated its earlier advice. The Commissioner/MCD, however, did not accept the Commission’s advice and dropped the charges against them.

Case-2

In June 2005, the Commission, in agreement with the MCD’s recommendation, had advised initiation of major penalty proceedings against an Additional Commissioner/ MCD for delay in processing and finalization the tender, while functioning as Director (PE), for supply of processed/pre-cooked food items under mid-day meal scheme for 2002-03, which had affected the finalization of the tender for the said work. The Corporation decided to drop the

proposed disciplinary proceedings and referred the matter to the Commission for reconsideration. The Commission, however, observed that the files were not processed by the officer concerned for a period of two and a half month, though the files were in his custody and reiterated its advice for major penalty proceedings against the officer concerned. The Appointment Committee of the Corporation decided in September 2008 to drop the proposed proceedings after conducting the major penalty proceedings. Thus, this has resulted in non-acceptance of the Commission's advice.

Case-3

The CBI and the MCD had recommended minor penalty proceedings against four MCD officers, including the then Chief Engineer [now ME-cum-E-in-C]. The irregularities pertained to installation of signage of inferior quality but releasing the payment at the rate for type-IX retro reflective sheets. Looking to the gravity of the irregularities, the Commission advised initiation of major penalty proceedings against four officers, including the then Chief Engineer. Later the advice was changed to minor penalty other than censure on the recommendation of DA. The Commissioner, MCD, later recommended exoneration of CE on the ground that he was not involved at execution stage. The Commission did not agree with this plea but the disciplinary authority, viz. the Commissioner, MCD dropped the proceedings against the officer concerned.

National Small Industries Corp. Ltd.(NSIC)/HUDCO

The Commission, in September 1999, advised initiation of major penalty proceedings against five officials of NSIC, including a Joint Manager (Accounts), who subsequently joined HUDCO as Manager (Finance) in a case of irregularities in the release of financial assistance to SSI units, under the 'Raw Material Assistance Scheme', the 'Integrated Marketing Support Programme Scheme', etc. Charge-sheet was, therefore, issued to him by HUDCO. On completion of inquiry by a CDI and agreeing with the recommendation of DA the Commission advised imposition of a 'stiff major penalty' on the then Joint Manager (Accounts). The penalty of removal from service was awarded on the official. However, the HUDCO Board, considering his appeal against the penalty, diluted the penalty to reduction to a lower stage in the time scale of pay based on the consideration of his past track record.

New Delhi Municipal Council (NDMC)

NDMC had appointed an Inquiry Officer (IO) to inquire into the charges framed against the CMO(South) into a case of Irregularities in quotations. The Inquiry Officer held the charges as "not proved". The Commission had advised the department to re-examine the inquiry report. The NDMC, however, referred the matter back to the Commission for reconsideration with a recommendation for closure of the case. The Commission reiterated its advice for imposition of a major penalty on the CMO(S) on the ground that the inquiry had deficiencies and the evidence has been ignored. The DA, however, did not accept the Commission's advice and exonerated the CMO and the Sr. Assistant concerned.

Satluj Jal Vidyut Nigam Ltd. (SJVNL)

A contract for the repair of Guide Vanes valuing at Rs.69 lacs was awarded in 2004. The Commission found serious irregularities in the award of the contract, aimed at favouring a particular firm and advised initiation of minor penalty proceedings other than censure against an AGM (Elect), three Senior Managers and one Manager (F&A) of Satluj Jal Vidyut Nigam Ltd.

The Disciplinary Authorities, on the conclusion of minor penalty proceedings, exonerated all the five officials without consulting the Vigilance Department of SJVNL and without seeking second stage advice of the Commission, as required under the rules. It was also noted that in case of four officials, decision for exoneration was taken by the Director (Electrical), one day prior to his retirement. Even after pointing out by the CVO that the above action of the Management was improper, the CMD ordered that the exoneration order be issued and the Commission be informed about the exoneration.

Thus SJVNL in utter disregard of the Commission's advice has shielded the guilty officials.

II Delays and Deficiencies

5.3 Prompt investigation of complaints helps in timely action against the officials found responsible for improper conduct, prima facie, besides ensuring that the honest officials unnecessarily implicated are cleared of allegations at the earliest possible. Such timely action sends a clear message to the officials that any misconduct observed on their part would not go unaccounted besides reposing the public faith in the system of governance and public administration. The Commission has already issued guidelines declaring undue/ unjustified delays in the disposal of a case as one of the elements of the existence of a vigilance angle in any case.

5.4 Despite, the seriousness with which the delays are viewed by the Commission, it is a matter of serious concern that procrastination remains a major issue in the handling of vigilance cases. Delays have been noticed not only at various levels of processing the complaints/cases but also at the level at which decisions are to be taken by the competent authorities who are senior level functionaries in the organizations. Although the Commission's constant Endeavour has been to sensitize the organizations about the importance of timely and efficient handling of vigilance related matters but it has been observed that many a time the authorities in the organizations show complete apathy to these factors. **The common areas where delays have been noticed pertain to the investigation of complaints, issue of charge-sheets for initiation of appropriate departmental proceedings, appointment of inquiry officers and the issue of the final orders after the completion of the disciplinary proceedings.** It has also been noticed that sometimes the inquiry officers appointed by the disciplinary authorities from within the organizations to conduct oral inquiry against the charged officers take unduly long time in conducting the inquiry, which adds to the delay in the finalisation of the vigilance cases.

III Delay in investigation of complaints

5.5 The Commission pays due attention to the complaints received from various sources, which are in large numbers. With the increasing level of awareness and expectations among the public, the number of complaints being received in the Commission is constantly on the rise every year. The Commission is of the view that complaints provide valuable information about the systemic deficiencies in any organization besides pointing out towards the instances of malpractices being indulged in by individual officers for personal gains or undue favour to some particular persons, parties etc.

5.6 All the complaints received in the Commission are thoroughly scrutinized before the Commission decides about a particular course of action in respect of each individual complaint. In some of the complaints sent to the CVO for necessary action, the Commission also seeks a feedback in the form of an Action Taken Report. These complaints are classified as NA & ATR complaints. Those complaints, which contain serious, verifiable allegations with a perceptible vigilance angle, are normally forwarded to the CVOs concerned for thorough investigation and sending a report to the Commission. In case, the Commission feels that it would not be possible for the CVOs to investigate the matter properly (e.g. where outside agencies/persons are involved over whom the CVOs have no jurisdiction/control) the complaints are forwarded to CBI for discreet verification/investigation.

5.7 During the year 2008, only 11.3 percent of the complaints received in the Commission were sent for investigation and report by the Commission. Although, only 11.3% of the total complaints received in the Commission were sent for investigation and report to the CVOs, the CVOs concerned delayed submission of reports to the Commission as investigation was not carried out within the three months' stipulated time-limit as prescribed by the Commission. The delay becomes all the more significant and serious as only those complaints were sent by the Commission for investigation and report, which contain allegations of serious nature involving a perceptible vigilance angle and point towards the involvement of senior level functionaries of the organizations concerned.

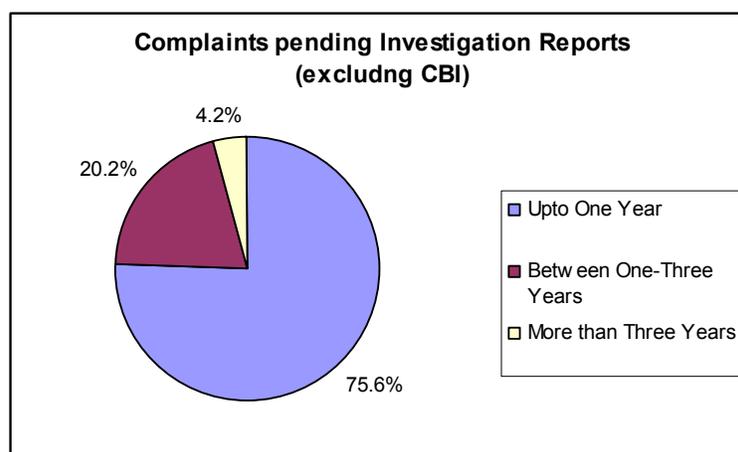
5.8 The Commission after careful consideration of all factors and with a view to ensuring promptness in the matters involving vigilance administration has prescribed a period of three months for completing investigation into a complaint and sending the report to the Commission by the CVOs concerned. For the CBI, the time limit prescribed is six months. It is with some concern that the Commission has noted that at the end of the year 2008, in a total of 1716 complaints forwarded by the Commission to the CVOs concerned, the investigation reports were still awaited from them. The organization-wise break-up of pendency is given in **Annexure-IV**. Despite the CVOs being reminded repeatedly, 72 (nearly 4.2 percent) complaints were still pending investigation for more than three years and 347 (nearly 20.2 percent) complaints were pending for a period ranging between one to three years. The remaining 1297 (nearly 75.6 percent) complaints were pending for a period of less than one year. **Table-9** and **Chart-14** below provide the details regarding delay in submission of investigation reports by the CVOs during 2007 and 2008:

Table – 9

Complaints Pending for Investigation and Report

Year	Upto one year	Between 1-3 years	More than 3 years
2007	618	203	30
2008	1297	347	72

Chart – 14



Some of the organizations where a considerably large number of complaints are pending for investigation and submission of report to the Commission are:

Organizations/Departments	Delays in reports on complaints
M/o Railways	133
Govt. of NCT of Delhi	107
Bharat Sanchar Nigam Ltd.	99
D/o Posts	82
Municipal Corp. of Delhi	79
Delhi Development Authority	69
Central Board of Direct Taxes	67
Employees Provident Fund Organization	58
D/o Secondary & Higher Education and D/o Elementary Education & Literacy	52
M/o Defence	46
Central Board of Excise & Customs	38
D/o Health	38
M/o Urban Development & Poverty Alleviation	29
M/o Home Affairs	28
M/o Environment & Forests	27
M/o Information & Broadcasting	22
Food Corp. of India	20

IV Delay in holding oral inquiry

5.9 In case an officer is found prima facie responsible for committing a misconduct of a serious nature during the preliminary investigation, the authority concerned, after satisfying itself about the seriousness of the case, orders for initiation of appropriate disciplinary proceedings against the suspected public servant. An oral inquiry is conducted, if necessary, to give the public servant a fair opportunity to present his case. The Commission, keeping in view, the importance of the inquiry proceedings has laid down a clear and detailed schedule for the completion of the oral inquiry, defining each step separately with the time limit within which each step is to be completed. According to that schedule, the inquiry proceedings should be completed within a period of six months after the appointment of the Inquiry Officer. The Commission has also laid down a two months' period for the appointment of an Inquiry officer after the Commission has tendered its advice for the initiation of major penalty proceedings. The two months' time limit includes one month time to the disciplinary authority for issuing charge sheet to the delinquent official.

5.10 The Commission, due to the limited resources available with it, advises the organizations concerned to appoint their own Inquiry Officer(IO) where departmental inquiry is required against the charged officers. The Commission nominates its officers as IO to conduct inquiry proceedings in a limited number of cases, where the charged officers are senior in rank and the charges against them are grave in nature. Even then, it has been noticed that there was considerable delay in issuing the appointment orders of Commission's Commissioners for Departmental Inquiries (CDIs) as IOs, by the Disciplinary Authorities concerned. During the year 2008, appointment orders for the CDIs as IOs was delayed beyond the stipulated time frame in 32 cases. Of these, 7 cases were more than one year old and 25 cases were more than three months old. The organization-wise break-up of 32 cases of delay in the appointment of the CDIs as IOs is given in Annexure-V.

5.11 Even after the orders for appointment as IO are issued, the IO requires the relevant documents viz. a copy of charge sheet, reply of the charged officer, order of appointment of the Presenting Officer, the listed documents, list of witnesses etc. to proceed with the inquiry proceedings. During the year 2008, these relevant documents were not made available by the disciplinary authorities concerned to the Commission's CDIs in 12 cases due to which the inquiries could not progress in a timely manner.

V Delay in the implementation of the Commission's advice

5.12 The Commission tenders its advice after due consideration of all the facts presented before it and any delay in the implementation of its advice reflects poorly on the state of vigilance administration in the organizations concerned. The Commission notes with concern that at the end of the year 2008, as many as 1648 cases were pending for over six months for the implementation of the Commission's first stage advice. During the same period, 733 cases were pending for the implementation of the second stage advice of the Commission beyond six months. The organization-wise details of these cases are given in Annexure-VI. Some of the organizations where a large number of cases have been considerably delayed are as follows:-

Table – 10**Delay in the implementation of Commission's advice for over 6 months**

Organizations/Departments	First State Advice	Second Stage Advice
Central Board of Excise & Customs	177	114
M/o Railways	122	77
D/o Telecom	144	5
Central Board of Direct Taxes	82	55
M/o Information & Broadcasting	56	35
Indian Oil Corp. Ltd.	25	54
Delhi Development Authority	49	9
M/o Defence	34	18
Govt. of NCT of Delhi	17	35
M/o Personnel, PG & Pensions	35	16
M/o Home Affairs	31	16
National Insurance Co. Ltd.	40	5
M/o Urban Development & Poverty Alleviation	27	17
Municipal Corp. of Delhi	34	6
Kendriya Vidyalaya Sangathan	30	6
Bureau of Indian Standards	27	7
UT of Daman & Diu and Dadra & Nagar Haveli	24	9
Andaman & Nicobar Admn.	31	1
Chandigarh Administration	11	18
D/o Defence Production & Supplies	18	11

VI Delay in seeking advice/conduct of disciplinary proceedings

5.13 The Commission has been impressing upon the organizations the need for avoiding delay in taking decision regarding initiation of disciplinary proceedings or otherwise and also to avoid unwarranted delay in the completion of the disciplinary proceedings. The delay in taking timely action often works to the advantage of the suspected public servant and undermines the effectiveness of vigilance administration. Whenever, any instance of inordinate/unwarranted/willful delay comes to the Commission's notice, it not only expresses its concern and displeasure but also advises action against the erring officers.

VII Other Areas of Concern

5.14 The Commission has observed that in many organizations, especially, public sector undertakings, there was no provision in the Service Rules for taking action or imposing penalty after the superannuation of the delinquent officials who might have committed serious irregularities during their period of service. In the absence of such a provision, some public servants feel tempted to indulge in inappropriate behavior just prior to their retirement from service.

5.15 In the banking sector CMD/MD/EDs are appointed on contractual basis and are governed by terms of contract. However, there is no reference/mention of types of

punishment, in the terms of contract, except removal from the position. Normally, their tenure is short and in case any irregularity is identified, the process may extend beyond the expiry of tenure of the CMD/MD/ED. As such there is possibility of erring officers left scot-free without any punishment except when the CBI investigate the matter and propose prosecution. As such there is a need to formulate provision to keep such officers under the ambit of regulation. The Commission has already expressed its concern to the Department of Financial Services.

CHAPTER-6

Chief Technical Examiner's Unit

6.1 Chief Technical Examiner's (CTE) Unit of the Commission conducts inspection of civil, electrical and horticulture works being carried out by the Central Government departments, public sector undertakings/enterprises of the Government of India and Central financial institutions/banks etc. This unit also conducts inspection of stores/purchases contracts and works for computerization etc.

6.2 The CTE Unit selects works or contracts for intensive examination either on its own or on the basis of inputs available to it or from the details furnished by the CVOs in the quarterly progress reports being sent to the CTE Unit. The CVOs are required to furnish details regarding ongoing Civil works having a tender value exceeding Rs. 1 crore, Electrical/Mechanical/Electronics works exceeding Rs. 30 lacs, Horticulture works more than Rs. 2 lacs and Store/Purchase contracts valuing more than Rs. 2 crores. The intensive examination of works carried out by the CTE Unit helps in bringing out irregularities relating to substandard execution of work, avoidable and/or excess expenditure, and undue favour or overpayment to contractors etc. The CVOs, while forwarding the details of works, are free to recommend other cases also for examination by CTE Unit, if they feel the need for inspection by the CTE Unit of such works. The inspections carried out by the CTE Unit have helped systemic improvements and to prevent the recurrence of irregularities.

I Technical Examinations

6.3 During the year under review, Quarterly Progress Reports were received from about 450 organizations. The CTE Unit inspected works of 81 organizations and submitted 154 reports. The details of these examinations are given below in **Table-11**:

Table-11

Inspection of CTE Unit during 2008

Details of Organization	No. of Deptts./PSUs	No. of I.E. Reports
Government Departments	21	44
Banks/Insurance Companies & Financial Institutions	10	11
Public Sector Undertakings, Autonomous Bodies, etc.	50	99
Total	81	154

Some of the organizations inspected by the CTE during the year i.e. 2008 were DG(MAP), New Delhi Municipal Council, N.F. Railway, M/o Defence, Delhi Development Authority, Central Public Works Department, Delhi Jal Board, Municipal Corp. of Delhi, Geological Survey of India, Heavy Vehicle Factory, State Bank of India, Reserve Bank of India, Dena Bank, UCO Bank, National Thermal Power Corp., National Highways Authority of India, Airports Authority of India, RITES, Rail Vikas Nigam Ltd., Delhi Metro Rail Corp., IRCON, NALCO., Hindustan Petroleum Corp. Ltd., Hindustan Aeronautics Ltd., Power

Grid Corp. of India Ltd., National Hydro-electric Power Corp., Oil & Natural Gas Corp., Bharat Sanchar Nigam Ltd. etc.

6.4 Inspection reports are forwarded to the CVOs concerned or CBI, depending upon the seriousness of the irregularities noticed, for detailed investigation from vigilance angle. During the year 2008, 88 such cases were referred to the CVOs for investigation.

6.5 As a result of the inspections conducted by the CTE Unit during the year, recoveries were effected to the extent of Rs. 47.44 crores on account of overpayments/ deficiencies in the quality of material used, or as penalty to the contractors for non-fulfillment of contract conditions etc. Table-12 indicates recoveries effected during the last three years.

Table-12

Recoveries Effected During the Last Three Years

Year	Amount (Rs. In cores)
2006	19.83
2007	28.90
2008	47.44

6.6 The Commission's emphasis has always been on the preventive aspects of vigilance as these help in plugging the systemic loopholes which could possibly allow for such irregularities to take place. In pursuance of this objective, the CTE Unit, held workshops and participated in training programmes of various organizations.

II CTE Investigation in some organizations

6.7 The following are illustrative kind of irregularities and deficiencies noticed in various stages of public procurement contracts during the CTE inspections:-

(A) Appointment of consultant

6.7.1 In one of the organizations executing large-scale housing projects, in cases of Project Management Consultancy (PMC), over payment has been allowed due to wrong interpretation of the project cost.

6.7.2 In one of the infrastructure projects, an architectural consultant who otherwise was fulfilling the selection criteria was not pre qualified on the ground that they have not done any work in a particular city or they do not have any office in that particular city. This was not a compulsory condition prescribed as per the pre-qualification document.

6.7.3 In one dredging work, the eligibility criterion was revised knowing fully well that only one firm will be eligible after the revision of the criteria.

6.7.4 In one hotel renovation work, a consultant with no experience in similar work was given the contract though, an experience of similar work was a pre qualification criteria.

6.7.5 In one of the tourism development projects for illumination, it was observed that the criteria & associated marking scheme for selection of Consultancy firms was not properly defined upfront in the NIT by the organization and the marking scheme was subsequently finalized after the receipt of bids. The process adopted was thus non-transparent and also not in conformity with the Commissions' guidelines dated 04.09.2003 on evaluation methodology & marking scheme.

6.7.6 In a public sector undertaking, the appointment of Consultant was done through a limited tender enquiry without pre-qualifying the firms. In the instant case, limited tender enquiry was invited from firms who were selected out of the list of the firms qualified in phase-I for consultancy services in 1997-99.

6.7.7 The following irregularities were observed in the appointment of the consultant in a banking organization-:

- i) The consultant was initially engaged for one year, which does not appear to be sound as the work could not have been completed in one year.
- ii) Extension to agreement of the consultant was given three times without working out financial implications.
- iii) The work for consultancy services for the project management of Disaster Recovery Site, built in Lucknow at a professional fee of Rs. 6,00,000/- (Rs. Six lacs only) inclusive of all taxes plus out of pocket expenses was given without call of tenders.

(B) Preparation of Detailed Project Report (DPR)/Detailed Estimate

6.7.8 The cases have come to the notice where estimates were not prepared in a scientific manner following the rules and guidelines. The estimates were not based on the market survey. The splitting of the scope of the work was also observed. These lapses resulted in contracts being awarded on higher price and consequent loss to the Government.

6.7.9 In another case, as per guidelines of the organization, supply of cable meant for construction activities should be procured only through stores which was not ensured with a deliberate intent.

6.7.10 Detailed estimate of a Blast Furnace Package in steel sector was updated twice from an initial estimated cost of Rs. 1300 crores to Rs. 1469 crores, and then to Rs. 1590 crores to match the price of the quoted rate. The quoted rate of civil and structural part of work was 104.55% above the final updated estimated price. The work, was, however, shown awarded at 2.8% below the so arrived final estimated cost.

(C) Preparation of tender documents

6.7.11 In one case unrealistically low rates of recovery were kept for non compliance of requisite number of technical manpower.

6.7.12 In some cases adequate technical specifications conforming to climatic conditions were not ensured.

6.7.13 In material handing system in coal sector, the condition in the tender documents for use of cement was specified as only Ordinary Portland Cement. During framing contract agreement, this condition was changed which permitted use of other type of cement as well. Finally port land slag cement was found to have been used without cost adjustment.

6.7.14 In one of the project of Illumination work for Night Tourism, no provision had been kept in the sanction for basic infrastructure facilities like Shelters, Benches, Pathways, Horticultural works & other civic amenities for tourists/visitors, which were otherwise required for overall completeness of the work to attract the tourists/visitors.

6.7.15 According to qualifying criteria prescribed by an organization, a firm should have completed similar work in Central/State Govt./PSUs and/or reputed organizations in India. The adjective 'reputed organization in India' is subjective and needs a clear definition. Criteria should be clear for evaluation without any ambiguity or subjectivity.

6.7.16 The P.Q. criteria prescribed in a project appear to be stringent. In the condition for joint venture, both the firms were required to have experience of manufacturing/installation of GIS Sub-station. However, if the foreign bidder had proposed an Assignee in his bid to execute the second and/or third contract and had also furnished written unequivocal consent of the proposed Assignee to work as independent contractor on the terms offered by the bidder and the employer was satisfied with experience/qualification of the proposed Assignee, the Employer would have entered into the 'Second Contract' and/or 'Third Contract' with the said Assignee. This allowed indirectly the Assignee firm, who actually might not have qualified in joint venture criteria, to bag the contract.

(D) Inviting and Opening of Tenders

6.7.17 While opening the tenders, bids had been signed by only one member of the tender committee, whereas all the members of the tender committee should have signed the price bids. Similarly, no account of cuttings/overwriting/insertions was recorded on the price bids. Incidentally, in this case, the quoted rates by the L1 bidders were also found enhanced by 3.5%.

6.7.18 One central PSU 'A' awarded a work of construction of quarters to another central PSU 'B' under purchase preference policy, where B was the L2 bidder. B awarded the work to a private agency on back-to-back basis with 100% scope of work. No explanation could be furnished by PSU 'B' as to how they proposed to make value addition to the extent of at least 20% as envisaged in the purchase preference policy.

6.7.19 In one case, initially tenders were invited from 11 agencies empanelled with the organization and in the final call, tenders were invited from 44 agencies empanelled with the organization. This was within a span of 5 months for pre-bid tie-up of construction of quarters by the PSU. No documents in support of empanelment of two vendors, who were allowed to participate (including the L1 firm) could be shown by the organization, except a register, which was the minutes of meeting for empanelment of agencies. Signature of competent authority i.e. Zonal Manager was also not found in the register. It appears that empanelment of agencies and preparation of list of empanelled agencies by the organization was not being carried out in a fair & transparent manner. Insufficient time was given to

submit the tender documents in the above case. The tenders were got finalised only after six months. Web publishing of tender notice was also not done for the above tender.

6.7.20 In an organization, the tender box was kept for depositing the tender only on the last date of receipt of tender.

(E) Pre-qualification

6.7.21 In a Power Project, a joint venture firm was qualified for bidding based on the joint credentials of the JV Partners. However, during execution of the work, it was found that only one member of the JV was executing the entire work. It appears that perhaps, the intention in forming the joint venture was just to achieve qualification to bid and not for the joint execution of the work. Because of this, the client organization was deprived of the experience of the other JV Partners.

6.7.22 In a Power Project, in the NIT for call of tenders in a power sector organization, where there is quick technology changes, time period for the experience criteria for pre qualification of the bidders was not specified. L1 firm's experience of the year 1995 was accepted for pre-qualifying the firm.

6.7.23 In one case, in the 1st call of tender, the offer of a firm was rejected by an organization on the plea of not fulfilling the PQ criteria of similar work. But on examining the documents, it was found that similar work had been awarded to this firm earlier, before the 1st call of tender. The decision to award the work to the firm in one case and rejecting the same firm in another case (for experience criteria of similar work) does not appear logical.

6.7.24 As per clause of NIT, the tender of those firms shall be rejected, who had not submitted documents in support of their PQ qualification. However, offer of firms without these documents was not rejected. Firms were asked to submit the above said documents subsequently. This became objectionable since offers of two firms had been rejected for reasons of late submission of tenders. Fresh tenders should have been invited in case terms were to be relaxed.

(F) Tender Evaluation and Award of Work

6.7.25 In one infrastructure project, the justified cost of the work based on the prevailing market rates and also after considering the relevant factors was worked out as Rs.100 crores. However, the work was awarded at Rs.110 crores i.e. by more than 10% of the justified cost.

6.7.26 In the case of an airport infrastructure project, a component of 4% in justification was added for crashing time of 4 months due to urgency of work. However, the work was delayed by more than a year. Thus, the very purpose of award of work at higher rate was defeated.

6.7.27 In a port work, the bidder offered suo moto rebate after submission of bid. With the consideration of this rebate, this bidder became the lowest whereas earlier this bidder was not the lowest.

6.7.28 In case of continuous machine package of one of the Steel Plant it was observed that one of the tender opening committee members has put his initial with time 18:50 Hrs and date 21.03.2007, whereas bidders were asked to submit the same, latest by 2.30 pm on 21.03.2007.

After that, the un-priced bid was opened on 21.03.2007 and same member had put his initial by recording a time as 19:10 Hrs. It shows that un-priced bid along with price bid was received late i.e. at around 18:50 Hrs on 21.03.2007 i.e. after due time. Price bid of the Single bidder was opened on next day i.e. on 22.03.2007 at 10 AM, which is a serious lapse as it was told during the inspection that price bid was kept in the custody of one of the tender opening committee members of the contract division. By keeping the price bid in custody of one of the tender opening committee members and opening the same on next day, chances of manipulation in the price bid cannot be ruled out.

The single bidder had quoted Rs. 765.297 crores and their quote was 132.42% above the updated estimated cost of Rs. 382 crores, which was also opened along with the price bid. Negotiations were held with the firm who reduced their quoted price to Rs. 538.867 crores, which was 105.67% above the indicative estimated cost of Rs. 262 crores, 63.78% above the updated estimated cost of Rs. 329.28 crores (opened alongwith price bid) and 41.06% above the revised estimated cost of Rs. 382 crores. As per organization's board guidelines for tenders, if L1 price is above the estimate by more than 10%, re-tendering is to be resorted to and in case of urgency, the reasons are to be recorded in writing by an officer not below the rank of E-8 before recommending approval to the Competent Authority as per DoP. But organization had ignored all these facts and accepted the tender on exorbitant rates without obtaining the proper recorded reasons. It is also observed that organization took around one year to finalise the tender without recalling the tender, which is quite a long period sufficient to finalise the second call of tenders. Finally, contract was awarded at exorbitant rates at 63.78% above the estimated cost of Rs. 329.28 crores (opened alongwith price bid) that too after a lot of dilution of equipments/specifications and no efforts were made either to re-call the tender or to ascertain/justify the reasonableness of accepted rates. Simply in the name of urgency, that too after taking one-year period, work was awarded at high prices.

Also consortium of successful bidder was pre-qualified based on memorandum of understanding (co-operation agreement), whereas a proper consortium agreement was required as per tender document.

6.7.29 Two firms including one reputed PSU 'A' in power sector got rejected by a Central Power Generation organization on flimsy grounds, as they were stated to be not meeting the qualifying requirements. No opportunity was given to PSU 'A' to clarify regarding the so called parameters that rendered them disqualified. While on one hand, the PSU 'A' was the lone suitable vendor for executing the major packages for their some of the ongoing projects on nomination basis. The rejection of PSU 'A' thus does not appear to be logical.

6.7.30 The lowest quoted rates were compared by a PSU company with the rates quoted by 2nd lowest firm for justification which is not correct. The lowest rates should be compared with the departmental justified cost.

6.7.31 Neither the consultant nor the officials of a banking organization had noticed the arithmetic errors in the rates and amount quoted, due to which work has been awarded to the L2 firm. There is calculation mistake of nearly Rs. 8 crores in the rates of L1 firm on positive side and nearly Rs. 6 crores in the rates of L2 firm on negative side.

(G) Non- compliance of contract conditions resulting in undue benefit to the contractor

6.7.32 In a designed and build contract, as per the contract terms, the contractor was required to take 'Professional Indemnity Insurance' for an amount equivalent to the contract value from the start of the work and till two years after completion. But, it was observed that this insurance was not taken by the contractor, resulting into undue financial saving of huge premium amount to the contractor besides putting the organization into disadvantageous position.

6.7.33 As per contract provision, the rate for reinforcement steel included the lapse lengths that are not shown from construction drawings. However, it was observed that payment for lap-length was being made to the contractors, resulting into inadmissible payment running into crores of rupees.

6.7.34 In one case, the PVA was to be calculated on the basis of sale price of steel fixed by SAIL. But PVA bill was prepared on the basis of voucher of other firms.

6.7.35 In a power project, additional mobilization advance (over and above the stipulated mobilization advance) and other advance of several crores were paid to the contractor without any provision in the agreement. In another case, an adhoc payment of Rs. 10 crore was made by a department to a contractor but as per agreement there was no provision for adhoc payment

6.7.36 In an organization, it was found that the contractor had supplied mostly A.H.R. (Abnormally High Rated) items and no effort was made with the contractor to supply A.L.R. (Abnormally Low Rated) items.

(H) Quality Compromises

6.7.37 During inspection, concrete cubes of M 35 grade of concrete were tested in the site laboratory and the results of the testing failed to meet the codal requirement, indicating poor quality of work. This happened in a Mega Urban Transport Project.

6.7.38 Severe cracks were observed in residential buildings pertaining to communication sector. These buildings were constructed only 12 years ago. Corrosion of steel reported to be due to porous concrete including insufficient cover and more content of chloride in the concrete. From the test register, it was observed that no chemical analysis of sand was done. The site was very close to sea, therefore, this test should have been conducted. Rehabilitation work was not carried out in professional way. As a result the rehabilitation could not arrest the cracks.

6.7.39 In an industrial building, out of 392 piles casted, the concrete cube for 110 piles failed. Further the cement used in these piles also failed. These piles were abandoned due to poor strength. The work was being executed and supervised by three public sectors.

6.7.40 In an organization, full payment of items was made even though testing and commissioning was yet to be done.

III. IMPORTANT INITIATIVES TAKEN BY CTE UNIT DURING 2008

Following initiatives have been taken by the CTE's Unit during the year 2008 in order to increase the effectiveness of the organization and the intensive examination reports:

- A number of workshops/training programmes have been held for the benefit of field officers of various organizations to sensitize them about vigilance in public procurement.
- A special two-day workshop was organized for the benefit of all the Bank officials dealing in IT procurement (involved in Core Banking Solution and other activities) at the level of GM & DGM and the Chief Vigilance Officers in June 2007. Minutes of this Seminar were circulated in October 2007. Since the deficiencies were still persisting, a circular no. 9/2/08 was issued vide OM No. 008/VGL/016 dt. 18.2.2008 asking the Banks to organize special training programme to upgrade the skill level of the officials involved in such procurement.
- Delay in finalizing the tender is one of the sources of corruption. Taking cognizance of such delays in various cases, guidelines were issued vide Circular No. 31/11/08 (OM No,008/VGL/083) on time bound processing of procurement tenders.
- Training module was designed and imparted on conducting CTE's type inspections of Public Procurement Contract especially for the CVOs who do not have technical background / sufficient technical assistance.
- A circular on measures to curb the menace of counterfeit and refurbished IT products (which also received acclaim from the press) was issued to educate the users in the public sector in the process of either upgrading or procurement of new computer hardware and software to leverage IT Technology.(Circular N0.07/02/08 issued vide OM No.007/CRD/080 dt. 15.02.08)
- Presentations on deficiencies observed during intensive examination in 2007 and preventive measures to curb such deficiencies were made in Annual Zonal Review Meetings with CVOs held during 2008.
- Implementation of Commission's instructions on 'leveraging technology' and status of 'systems and procedures' in public procurement field were specifically examined and reported to the Commission. This was made a part of presentation during Annual Zonal Review Meetings with CVOs held in 2008

CHAPTER-7

Functioning of Delhi Special Police Establishment (Central Bureau of Investigation)

7.1 With the enactment of CVC Act, 2003, The Central Vigilance Commission exercise superintendence over the functioning of the Delhi Special Police Establishment, popularly known as CBI, to issue directions and to review the progress of investigation under PC Act with or without any offence committed by public servant charged under CrPC. The Commission's superintendence over CBI is confined to investigation of cases under the PC Act only and the process of trial continues to be under the government's control.

7.2 The Hon'ble Supreme Court of India, in its judgement dated 18.12.1997 in a PIL filed by Shri Vineet Narain (popularly known as Hawala case) had envisaged greater autonomy and objectivity in the functioning of CBI. In order to achieve this, some more steps are required to be taken so that CBI's work is perceived as impartial, objective and politically neutral. Pursuant to the Judgement, the "Directorate of Prosecution" was constituted in the CBI which has been assigned with major functions like tendering legal advice in cases taken up by the CBI, monitoring of prosecution cases, advising amendment of law, providing inputs on legal issue for various conferences and meetings etc.

7.3 In the recent past the CBI has emerged as a premier investigating agency of the country and mainly handled the investigation through Anti-Corruption Division, Economic Crimes Division and Special Crime Division. Anti Corruption division is to deal with the cases of corruption and fraud committed by public servants of all Central Government Departments, Central Public Sector Undertakings and Central Financial Institutions whereas Economic Crime Division deals with bank frauds, financial frauds, Import Export & Foreign Exchange Violation, smuggling of narcotics, antiques, cultural property and other contraband items. The Special Crime Division is responsible to deal with cases of terrorism and crimes committed by mafia/underworld.

I Monthly Review Meetings with the Director, CBI

7.4 The Central Vigilance Commission while exercising its superintendence over DSPE, holds regular review meetings with the Director, CBI at monthly intervals to review the progress and quality of the cases investigated by the CBI. It also monitors those cases where sanction for prosecution is pending on the part of concerned disciplinary authority. The Commission also holds meetings of the expert committee to review those cases where in agreement with the CBI's recommendations, the Commission had advised sanction for prosecution but the organizations concerned requested for a review of the case. During the year 2008, the Commission held 9 review meetings with the CBI wherein cases against Senior Officers of the Government, Executives of Banks/Public Sector Enterprises and Politicians were reviewed and 2 meetings were held between Secretary/Addl. Secretary, CVC and JD(P) regarding complaints received from CVC.

II Prosecution against Central Government employees

7.5 In accordance with the powers conferred upon it under section 8(1)(f) of the CVC Act, the Commission reviews the progress of cases pending for sanction of prosecution with various organizations, under the PC Act, 1988. CBI brought to the Commission's notice that

at the end of the year 2008, a total of 123 cases were pending for sanction for prosecution out of which 31 cases pertained to the State Governments/Union Territories. Further, during the year 2008, a total of 537 sanctions were received.

The number of cases pending with various organizations for granting sanction for prosecution as on 31.12.2008 are given below in Table-13:

Table-13

Number of cases pending for sanction for prosecution as on 31.12.2008

Ministry	Number of cases
Ministry of Agriculture	2
Ministry of Atomic Energy	1
Ministry of Civil Aviation	1
Ministry of Commerce	1
Ministry of Communication	4
Ministry of Culture	1
Ministry of Defence	6
Ministry of Energy	1
Ministry of Fertilizers & Chemicals	1
Ministry of Finance (Banking)	6
Ministry of Finance (Customs & Central Excise)	20
Ministry of Finance (Income Tax)	8
Ministry of Finance (Insurance)	3
Ministry of Finance (Rev and others)	2
Ministry of Health & Family Welfare	1
Ministry of Home Affairs	7
Ministry of Human Resources & Development	2
Ministry of Labour	5
Ministry of Personnel, Public Grievances & Pensions	2
Ministry of Petroleum & Natural Gas	2
Ministry of Railways	7
Ministry of Science & Technology	1
Ministry of Textiles	1
Ministry of Urban Development & Poverty Alleviation	4
Nationalised Banks	2
Govt. of NCT of Delhi	20
Govt. of Haryana	1
Govt. of Kerala	1
Govt. of Manipur	2
Govt. of Nagaland	1
Govt. of Orissa	1
Govt. of Rajasthan	1
Union Territories	4
Chairman, Rajya Sabha	1
Total	123*

**Only 116 cases are pending for prosecution sanctions. In 7 cases, sanction for prosecution is awaited from both Central and State Governments concerned.*

7.6 The Commission has been making every effort to ensure that the matters pertaining to sanction for prosecution are expedited by the authorities concerned. However, it is seen that in some cases, the delay in granting sanction for prosecution was unwarranted and inordinate. The Commission hopes that with the DOPT's guidelines for checking delay in grant of sanction for prosecution and the formation of a committee of experts by the Commission to review reconsideration proposals in cases where prosecution sanction was advised, the delay would be curtailed and sanction for prosecution would now be expedited and issued within the stipulated time.

III References from CVC for Clearance

7.7 During the year 2008, CBI received 3112 references from CVC for vigilance clearance which were processed, and replies sent to the Commission.

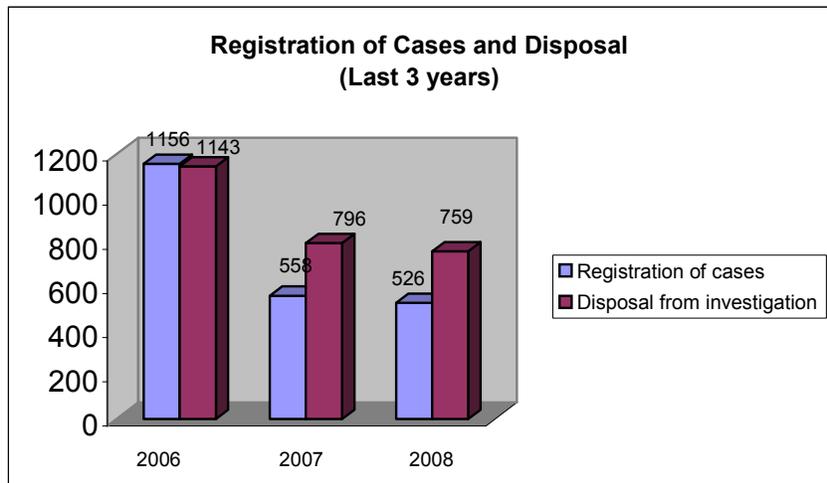
IV Activities of the Central Bureau of Investigation

(A) Registration of cases:

7.8.1 CBI registered 526 cases under the PC Act during the year 2008. These cases involved a total of 808 public servants including 471 gazetted officers. The cases mainly pertained to criminal misconduct by showing undue favour, obtaining bribes, amassing assets disproportionate to known source of income, etc and included trap cases and cases of possession of disproportionate assets by public servants. At the end of the year, a total of 596 cases were under investigation under PC Act. During the year charge-sheets were filed in 949 cases. The conviction rate for the year 2008 was 61.6%.

7.8.2 The following chart contains the comparative status over the last three years of the registration and disposal of cases (Chart-15) by CBI.

Chart 15



(B) Action in cases after investigation:

7.8.3 During 2008, the CBI completed investigations of 759 cases. CBI recommended disciplinary action as well as prosecution in 174 cases, prosecution only in 394 cases, appropriate disciplinary action in 92 cases, appropriate administrative action in 13 cases and closure in 80 cases. Chargesheets were filed in 949 cases after receipt of sanction for prosecution wherever necessary. At the end of the year 2008, 596 cases were pending investigation. The Commission has been impressing upon the CBI to complete investigation of cases within a year's time, if possible, and not more than 2 years in any case.

7.8.4 The percentage of detailed break-up of disposal of cases from investigation is shown in Table-14 below:

Table-14

Break-up of investigation disposal

Nature of disposal	Figures (in percentage)
Prosecution	52%
Prosecution and Department Action	23%
Departmental Action only	11%
Closed	9%
PE converted to RC	2%
Such Action/Otherwise Disposed of	3%

(C) Cases of trial and conviction:

7.8.5 During the year 2008, various courts disposed of 424 cases under trial, as compared to 498 cases in 2007 and 650 in 2006. Out of these 424 cases, 261 cases resulted in conviction, 121 in acquittal, 13 discharged, 29 cases were disposed of for other reasons. The overall rate of conviction in CBI cases during 2008 was 61.6 percent as compared to 63.6 percent in 2007 and 72.9 percent in 2006. 6385 cases were pending trial as on 31.12.2008, as compared to 6468 cases as on 31.12.2007. However, the Commission feels that there is a need for more designated & exclusive CBI Courts in all the States for the expeditious disposal of the cases.

V CBI Academy

7.9 The CBI Academy is one of the premier police training centres and has made a mark at the national as well as international level. The training curriculum at CBI Academy aims at enhancing professional knowledge and skills in order to inculcate right attitudes in individual and groups forming on organizations. The Academy is continuously striving not only to attain excellence in imparting training to the CBI officer in the field of Anti-corruption, Economic Offences and Special Crimes but also to provide inspiration and guidance to police forces and vigilance establishments all over the country. In order to meet these challenges, the CBI Academy has evolved and improved its training strategies to train its own officers and staff as well as officers from State Police Organizations, PSUs/PSBs.

7.10 In order to face new challenges like cyber crime, economic crimes etc. emerging all over the world, the CBI Academy is continuously making efforts for upgrading its system for

imparting training on various aspects of crime and investigation. Further, with the aim to optimize the training needs in a cost effective manner, the CBI Academy has established three regional training centres (RTC) at Kolkata, Mumbai and Chennai. These RTCs are situated in the anti-corruption branches of CBI and also equipped with modern training aids.

7.11 In the year 2008, the CBI had conducted 93 courses in its main centre and 31 courses were conducted in RTCs in which 3188 participants had participated.

VI Manpower

7.12 It was observed that a considerable number of posts were lying vacant during the year in CBI. It is felt that the large number of vacancies especially in the cadre of Investigating Officers viz. DSPs and Inspectors seriously hampers the progress of investigation of cases by CBI, more so when CBI is being entrusted with more and more cases of sensitive nature, while being under the constant gaze of courts. The measures required to fill the vacancies would include simplifying the process of direct recruitment besides providing attractive incentives to officers willing to come on deputation to the CBI. During the year 2008, the vacancy position in CBI is given in Table-15 below:-

Table – 15

Overall vacancy position in CBI as on 31.12.2008

	Sanctioned strength	Actual Strength	Vacancy
Executive Officers	4077	3544	533
Law Officers	230	155	75
Technical Officers	155	52	103
Ministerial Level	1284	942	342
Group 'D' Level	214	181	33
Grand Total	5960	4874	1086

VII Initiatives taken by the Commission for system improvement

7.13 The Commission at the request of the CBI, facilitated meeting of the CMDs of select Public Sector Banks, Senior officials of IBA with the Director, CBI to discuss issue of mutual interest. One such issue was in respect of "One Time Settlement"(OTS) entered in by the bank with the defaulting borrowers against whom criminal cases filed by the CBI are under progress. The IBA/Banks took note of the concerns of the CBI. The IBA issued guidelines to the Banks to obtain clearance of the CBI before entering in "OTS" with borrowers against whom criminal cases are pending and a clause in the agreement stating that criminal charges/case pertaining to the recovery of dues would continue notwithstanding the OTS reached between the banks and the said borrowers.

VIII Skill upgradation of CBI officials

7.14 To have better understanding of banking operations, Public Sector Banks conducted training programmes for the officials of CBI which were well received and were found to be useful. The Commission would encourage such programmes by the banks.

ANNEXURES

Group wise Staff Strength and related information, as on 31.12.2008

	Group ‘A’	Group ‘B’	Group ‘C’	Group ‘D’	Total
Sanctioned Strength	50*	92	73	73	288
Officials in position	41	72	46	71	230

*Including the officers of the Commission and 6 newly created posts of Dir/DS level officers.

Representation of Scheduled Castes, Scheduled Tribes and OBCs

As per the Government’s policy and instructions, the Commission has been making every effort for implementing the same in respect of the posts under its administrative control. The percentage of Scheduled Castes/Scheduled Tribes and OBCs in the various group of posts filled/held otherwise than by deputation as on 31.12.2008 is given below:

	Group ‘A’	Group ‘B’	Group ‘C’	Group ‘D’
Scheduled Castes	11.11%**	9.9%	11.11%	42%
Scheduled Tribes	11.11%**	2.50%	2.78%	5.50%
OBC	-	7.40%	11.11%	11%

**within the cadre of the Commission

Progressive Use of Hindi

The Official Language Policy is being given due emphasis by the Commission for implementation of the provisions as also achievement of the objectives envisaged in the Official Language Act, 1963.

Meetings of the Official Language Implementation Committee of the Commission are held regularly.

The Commission organises Hindi fortnight/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 a Hindi Essay Competition was organised in which prizes were distributed by the CVC to the winning participants.

Annexure-II
(Para 3.13)

**Organization-wise details of Punishments imposed during 2008 in respect of cases
where Commission's advice was obtained**

S. No.	Name of the Department/ Organization	Prose- cution	Major Penalty	Minor Penalty	Admn. Action
1.	Airports Authority of India	-	-	10	8
2.	Allahabad Bank	-	17	10	1
3.	Andhra Bank	-	6	-	-
4.	Bank of Baroda	-	9	5	-
5.	Bank of India	-	12	32	-
6.	Bank of Maharashtra	-	1	3	1
7.	Bharat Coking Coal Ltd.	-	-	-	1
8.	Bharat Heavy Electricals Ltd.	-	1	8	-
9.	Bharat Petroleum Corp. Ltd.	-	-	-	2
10.	Bharat Sanchar Nigam Ltd.	8	75	153	56
11.	Brahmaputra Board	-	-	1	-
12.	Bureau of Indian Standards	-	1	-	1
13.	Canera Bank	3	25	32	-
14.	Central Bank of India	-	10	1	-
15.	Central Board of Direct Taxes	6	10	7	4
16.	Central Board of Excise & Customs	22	21	17	10
17.	Central Bureau of Investigation	-	3	-	-
18.	Central Coalfields Ltd.	-	12	42	13
19.	Central Industrial Security Force	-	2	-	-
20.	Central Public Works Department	-	7	5	2
21.	Central Reserve Police Force	-	2	-	-
22.	Central Warehousing Corp. Ltd.	-	1	8	10
23.	Chandigarh Admn.	-	4	-	-
24.	Chennai Petroleum Corp. Ltd.	-	2	2	-
25.	Chennai Port Trust	-	-	1	-
26.	Coal India Ltd.	-	-	6	-
27.	Container Corp. of India	-	-	1	-
28.	Controller General of Defence Accounts	-	1	1	-
29.	Corporation Bank	-	1	10	-
30.	Council of Scientific & Industrial Research	-	1	6	-
31.	D/o Agriculture & Cooperation	1	2	-	-
32.	D/o Animal Husbandry & Dairying	-	2	-	-
33.	D/o Chemicals & Petrochemicals	1	-	-	-
34.	D/o Coal	-	1	12	3
35.	D/o Company Affairs	-	1	-	-
36.	D/o Defence Production & Supplies	-	1	-	-
37.	D/o Fertilizers	-	1	2	-
38.	D/o Health	1	-	4	-
39.	D/o Industrial Policy & Promotion	-	-	2	1
40.	D/o Mines	-	1	-	-

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Admn. Action
41.	D/o Posts	-	3	3	1
42.	D/o Revenue	-	-	-	1
43.	D/o Science & Technology	-	3	1	-
44.	D/o Secondary & Higher Education	-	-	1	-
45.	D/o Steel	-	-	-	5
46.	D/o Telecom	8	59	76	13
47.	Damodar Valley Corp.	-	-	2	1
48.	Delhi Development Authority	2	120	14	1
49.	Delhi Jal Board	-	5	16	-
50.	Delhi State Industrial Development Corp.	-	-	4	-
51.	Delhi Transco Ltd./IPGCL	-	-	3	-
52.	Delhi Transport Corp.	-	1	4	5
53.	Dredging Corp. of India Ltd.	-	-	3	-
54.	Eastern Coalfields Ltd.	-	5	14	5
55.	Employees Provident Fund Organization	2	2	2	-
56.	Employees State Insurance Corp.	1	3	-	1
57.	Food Corp. of India	1	3	1	-
58.	Gas Authority of India Ltd.	-	2	1	2
59.	Geological Survey of India	2	-	-	-
60.	Govt. of NCT of Delhi	2	6	8	1
61.	Govt. of Puducherry	1	1	-	-
62.	Hindustan Aeronautics Ltd.	-	1	-	1
63.	Hindustan Petroleum Corp. Ltd.	-	1	6	4
64.	Hindustan Prefab Ltd.	-	-	3	1
65.	Hindustan Salts Ltd.	1	-	-	-
66.	Hindustan Steelworks Construction Ltd.	-	-	3	-
67.	HMT Ltd.	-	9	2	-
68.	India Tourism Development Corp.	-	5	6	1
69.	Indian Airlines Ltd.	-	-	-	1
70.	Indian Bank	-	9	7	1
71.	Indian Council of Agricultural Research	1	1	3	-
72.	Indian Oil Corp. Ltd.	-	5	16	11
73.	Indian Overseas Bank	-	-	3	-
74.	Indian Telephone Industries Ltd.	-	-	-	7
75.	IRCON International Ltd.	-	-	1	3
76.	Kendriya Bhandar	-	-	1	-
77.	Kendriya Vidyalaya Sangathan	1	2	1	1
78.	Khadi & Village Industries Commission	-	2	1	1
79.	Life Insurance Corp.	-	23	24	8
80.	M/o Commerce	-	7	1	1
81.	M/o Culture	-	1	-	3
82.	M/o Defence	-	3	2	-
83.	M/o Environment & Forests	-	1	2	1
84.	M/o External Affairs	18	1	2	2

S. No.	Name of the Department/ Organization	Prosecution	Major Penalty	Minor Penalty	Admn. Action
85.	M/o Home Affairs	8	2	4	-
86.	M/o Information & Broadcasting	2	10	10	1
87.	M/o Labour	1	4	-	-
88.	M/o Personnel, PG & Pensions	11	-	-	-
89.	M/o Petroleum & Natural Gas	-	6	-	-
90.	M/o Power	-	-	-	1
91.	M/o Railways	7	101	232	116
92.	M/o Shipping	-	1	-	-
93.	M/o Small Scale Industries and Agro & Rural Industries	-	1	-	1
94.	M/o Urban Development & Poverty Alleviation	2	9	9	9
95.	M/o Water Resources	-	1	-	-
96.	Madras Fertilizers Ltd.	-	-	2	-
97.	Mahanadi Coalfields Ltd.	-	1	16	-
98.	Mahanagar Telephone Nigam Ltd.	-	10	11	3
99.	Metal Scrap Trading Corp.	-	-	2	1
100.	Minerals & Metals Trading Corp. Ltd.	-	3	2	-
101.	Municipal Corp. of Delhi	-	49	39	4
102.	National Aluminium Co. Ltd.	1	-	-	-
103.	National Bank for Agricultural and Rural Development	-	1	-	-
104.	National Buildings Construction Corp.	-	-	13	6
105.	National Cooperative Consumers' Federation of India	-	1	-	2
106.	National Highways Authority of India	1	1	1	-
107.	National Housing Bank	-	5	-	-
108.	National Hydro-Electric Power Corp. Ltd.	-	-	1	6
109.	National Insurance Co. Ltd.	1	19	18	-
110.	National Projects Construction Corp. Ltd.	-	-	4	-
111.	National Thermal Power Corp. Ltd.	-	1	2	-
112.	Navodaya Vidyalaya Samiti	-	1	-	-
113.	New India Assurance Co. Ltd.	3	30	7	1
114.	Neyveli Lignite Corp. Ltd.	-	-	1	2
115.	Northern Coalfields Ltd.	-	4	25	6
116.	O/o the Development Commissioner, Small Scale Industries	-	-	3	2
117.	Oil & Natural Gas Corp. Ltd.	-	4	13	38
118.	Oil India Ltd.	-	1	4	-
119.	Oriental Bank of Commerce	-	5	1	-
120.	Oriental Insurance Co. Ltd.	-	12	15	3
121.	Pawan Hans Helicopters Ltd.	-	-	3	-
122.	Post Graduate Institute of Medical Education & Research	-	-	1	-
123.	Power Finance Corp. Ltd.	-	-	1	-

S. No.	Name of the Department/ Organization	Prose- cution	Major Penalty	Minor Penalty	Admn. Action
124.	Punjab & Sind Bank	-	9	4	2
125.	Punjab National Bank	-	9	7	-
126.	Rail India Technical & Economic Services Ltd.	-	-	5	1
127.	Rail Vikas Nigam Ltd.	-	-	-	3
128.	Reserve Bank of India	-	1	-	2
129.	Satluj Jal Vidyut Nigam Ltd.	-	-	-	1
130.	State Bank of Bikaner & Jaipur	2	9	8	8
131.	State Bank of Hyderabad	-	-	4	-
132.	State Bank of India	5	34	13	9
133.	State Bank of Indore	-	-	3	-
134.	State Bank of Saurashtra	-	1	2	-
135.	State Bank of Travancore	-	5	8	-
136.	Steel Authority of India Ltd.	-	1	7	1
137.	Syndicate Bank	-	5	13	1
138.	Tribal Cooperative Marketing Development Federation of India	-	2	-	-
139.	UCO Bank	3	15	2	2
140.	Union Bank of India	-	3	12	-
141.	United Bank of India	1	1	2	1
142.	United India Insurance Co. Ltd.	8	11	9	-
143.	Vijaya Bank	-	3	15	-
144.	Western Coalfields Ltd.	-	-	1	-
	Total	138	909	1173	429

Annexure III-A(i)
(Para 4.5)

Work done by CVOs in 2008

Details of Complaints sent by CVC including Whistle Blower

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1.	Atomic Energy	17	8	9	5
2.	Chemicals & Petrochemicals	4	0	4	3
3.	Civil Aviation	32	28	4	2
4.	Coal	55	41	14	6
5.	Commerce	19	17	2	1
6.	Defence	10	9	1	0
7.	Fertilizers	1	1	0	0
8.	Finance	0	0	0	0
9.	Food & Consumer Affairs	6	0	6	6
10.	Govt. of NCT Delhi	12	8	4	1
11.	Heavy Industry	24	14	10	1
12.	Human Resource Development	10	7	3	3
13.	Insurance	13	6	7	0
14.	M/o Home Affairs	227	40	187	28
15.	Mines	14	12	2	0
16.	Non-Conventional Energy Sources	0	0	0	0
17.	Petroleum	85	70	15	6
18.	Power	39	21	18	13
19.	Public Sector Banks	231	190	41	8
20.	Railways	168	101	67	21
21.	Science & Technology	30	17	13	9
22.	Steel	59	21	38	21
23.	Surface Transport	34	26	8	4
24.	Telecommunication	31	15	16	5
25.	Tourism	8	6	2	0
26.	Urban Affairs	37	16	21	9
27.	Water Resources	3	1	2	0
	Total	1169	675	494	152

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-A(ii)
(Para 4.5)

Work done by CVOs in 2008

Details of Complaints regarding other employees

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1.	Atomic Energy	58	19	39	24
2.	Chemicals & Petrochemicals	45	34	11	0
3.	Civil Aviation	129	94	35	11
4.	Coal	789	564	225	61
5.	Commerce	11	8	3	0
6.	Defence	134	102	32	4
7.	Fertilizers	30	17	13	5
8.	Finance	2	2	0	0
9.	Food & Consumer Affairs	11	6	5	5
10.	Govt. of NCT Delhi	1064	652	412	141
11.	Heavy Industry	255	162	93	46
12.	Human Resource Development	127	85	42	42
13.	Insurance	322	180	142	28
14.	M/o Home Affairs	182	94	88	42
15.	Mines	73	57	16	4
16.	Non-Conventional Energy Sources	4	2	2	1
17.	Petroleum	1123	915	208	107
18.	Power	66	47	19	8
19.	Public Sector Banks	3343	2783	560	100
20.	Railways	8350	6615	1735	662
21.	Science & Technology	94	61	33	22
22.	Steel	1062	903	159	49
23.	Surface Transport	393	274	119	54
24.	Telecommunication	337	316	21	1
25.	Tourism	120	86	34	12
26.	Urban Affairs	548	241	307	162
27.	Water Resources	9	3	6	5
	Total	18681	14322	4359	1596

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-A(iii)
(Para 4.5)

Work done by CVOs in 2008

Details of Complaints regarding all category of employees

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1.	Atomic Energy	75	27	48	29
2.	Chemicals & Petrochemicals	49	34	15	3
3.	Civil Aviation	161	122	39	13
4.	Coal	844	605	239	67
5.	Commerce	30	25	5	1
6.	Defence	144	111	33	4
7.	Fertilizers	31	18	13	5
8.	Finance	2	2	0	0
9.	Food & Consumer Affairs	17	6	11	11
10.	Govt. of NCT Delhi	1076	660	416	142
11.	Heavy Industry	279	176	103	47
12.	Human Resource Development	137	92	45	45
13.	Insurance	335	186	149	28
14.	M/o Home Affairs	409	134	275	70
15.	Mines	87	69	18	4
16.	Non-Conventional Energy Sources	4	2	2	1
17.	Petroleum	1208	985	223	113
18.	Power	105	68	37	21
19.	Public Sector Banks	3574	2973	601	108
20.	Railways	8518	6716	1802	683
21.	Science & Technology	124	78	46	31
22.	Steel	1121	924	197	70
23.	Surface Transport	427	300	127	58
24.	Telecommunication	368	331	37	6
25.	Tourism	128	92	36	12
26.	Urban Affairs	585	257	328	171
27.	Water Resources	12	4	8	5
	Total	19850	14997	4853	1748

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-B
(Para 4.5)

Work done by CVOs in 2008

Details of Departmental Inquires against officers
(UNDER THE CVC JURISDICTION)

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1.	Atomic Energy	0	0	0	0
2.	Chemical & Petrochemicals	6	1	5	5
3.	Civil Aviation	19	10	9	8
4.	Coal	61	21	40	33
5.	Commerce	19	4	15	15
6.	Defence	1	1	0	0
7.	Fertilizers	5	2	3	3
8.	Food & Consumer Affairs	0	0	0	0
9.	Govt. of NCT Delhi	18	2	16	12
10.	Heavy Industry	6	6	0	0
11.	Human Resource Development	38	8	30	30
12.	Insurance	146	76	70	53
13.	M/o Home Affairs	31	7	24	24
14.	Mines	0	0	0	0
15.	Petroleum	62	34	28	16
16.	Power	6	2	4	4
17.	Public Sector Banks	226	129	97	39
18.	Railways	212	102	110	63
19.	Science & Technology	74	5	69	69
20.	Steel	20	15	5	0
21.	Surface Transport	36	3	33	27
22.	Telecommunication	19	7	12	10
23.	Tourism	2	1	1	1
24.	Urban Affairs	82	20	62	32
25.	Water Resources	2	1	1	1
	Total	1091	457	634	445

Note : The data is based on the Annual reports submitted by the CVOs.

Work done by CVOs in 2008

Details of Departmental Inquires against other employees

S. No.	Department/Sector	Total Received	Disposal	Pending	Pending for more than six months
1.	Atomic Energy	76	35	41	28
2.	Chemicals & Petrochemicals	26	5	21	18
3.	Civil Aviation	88	39	49	34
4.	Coal	180	63	117	60
5.	Commerce	4	3	1	1
6.	Defence	104	73	31	24
7.	Fertilizers	22	4	18	11
8.	Food & Consumer Affairs	3	3	0	0
9.	Govt. of NCT Delhi	40	27	13	0
10.	Heavy Industry	104	68	36	19
11.	Human Resource Development	36	7	29	29
12.	Insurance	350	200	150	108
13.	M/o Home Affairs	329	183	146	53
14.	Mines	4	0	4	2
15.	Petroleum	127	49	78	42
16.	Power	44	27	17	7
17.	Public Sector Banks	14663	2136	12527	362
18.	Railways	2287	1364	923	485
19.	Science & Technology	54	17	37	37
20.	Steel	77	53	24	14
21.	Surface Transport	73	27	46	25
22.	Telecommunication	132	76	56	45
23.	Tourism	91	47	44	24
24.	Urban Affairs	31	7	24	20
25.	Water Resources	3	0	3	3
	Total	18948	4513	14435	1451

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-D
(Para 4.5)

Work done by CVOs in 2008

Details of Prosecution Sanctions for all categories

S. No.	Department/Sector	Total cases for sanction	Disposal		Pending	Pending for more than six months
			Sanctioned	Refused		
1.	Atomic Energy	2	1	0	1	0
2.	Public Sector Banks	114	65	25	24	4
3.	Telecommunication	4	4	0	0	0
4.	Commerce	1	1	0	0	0
5.	Coal	32	32	0	0	0
6.	Defence	1	1	0	0	0
7.	M/o Home Affairs	8	2	0	6	6
8.	Insurance	7	7	0	0	0
9.	Mines	2	2	0	0	0
10.	Petroleum	3	3	0	0	0
11.	Power	4	4	0	0	0
12.	Railways	42	31	0	11	0
13.	Science & Technology	1	0	0	1	1
14.	Steel	4	4	0	0	0
15.	Surface Transport	1	1	0	0	0
16.	Urban Affairs	12	2	1	9	6
17.	Govt. of NCT Delhi	1	1	0	0	0
18.	Civil Aviation	10	2	0	8	0
19.	Heavy Industry	7	4	3	0	0
20.	Human Resource Development	1	1	0	0	0
	Total	257	168	29	60	17

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-E
(Para 4.5)

Work done by CVOs in 2008

Details on punishment awarded (all categories) in cases of Major Penalty Proceedings

S No	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	Total
1.	Atomic Energy	0	0	0	0	7	9	0	16
2.	Chemicals & Petrochemicals	1	1	1	1	0	0	0	4
3.	Civil Aviation	0	2	15	2	9	5	9	42
4.	Coal	0	15	41	27	7	46	17	153
5.	Commerce	1	0	5	0	0	0	1	7
6.	Defence	1	7	24	15	17	5	7	76
7.	Fertilizers	0	0	2	0	0	0	0	2
8.	Food & Consumer Affairs	0	0	1	0	2	0	0	3
9.	Govt. of NCT Delhi	2	18	18	5	5	24	3	75
10.	Heavy Industry	1	3	22	1	0	14	10	51
11.	Human Resource Development	7	2	1	0	1	2	5	18
12.	Insurance	12	20	133	17	11	26	19	238
13.	M/o Home Affairs	1	52	27	31	3	4	8	126
14.	Petroleum	0	6	18	1	15	17	24	81
15.	Power	0	1	0	0	3	3	1	8
16.	Public Sector Banks	7	444	940	251	62	92	59	1855
17.	Railways	21	213	362	597	91	24	87	1395
18.	Science & Technology	0	2	2	0	2	3	6	15
19.	Steel	0	12	20	14	1	10	5	62
20.	Surface Transport	1	5	3	6	0	5	7	27
21.	Telecommunication	2	16	17	6	6	4	8	59
22.	Tourism	0	0	5	2	15	0	1	23
23.	Urban Affairs	10	0	7	2	1	7	15	42
24.	Water Resources	0	0	0	0	1	0	4	5
	Total	67	819	1664	978	259	300	296	4383

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-F
(Para 4.5)

Work done by CVOs in 2008

Details of punishment awarded (all categories) in cases of Minor penalty proceedings

S. No.	Department/Sector	Reduction to lower stage	Postponement /withholding of increment	Recovery from pay	Withholding of promotion	Censure/ Warning	No Action	Total
1.	Atomic Energy	0	0	0	0	17	3	20
2.	Chemicals & Petrochemicals	0	5	0	0	9	0	14
3.	Civil Aviation	0	0	0	0	7	5	12
4.	Coal	11	54	1	1	120	4	191
5.	Defence	0	1	0	0	6	1	8
6.	Fertilizers	0	0	0	0	2	1	3
7.	Govt. of NCT Delhi	17	4	0	0	25	0	46
8.	Heavy Industry	4	2	0	0	47	5	58
9.	Human Resource Development	0	0	0	0	1	0	1
10.	Insurance	5	51	3	23	77	21	180
11.	M/o Home Affairs	4	11	1	0	16	5	37
12.	Mines	0	1	0	0	19	167	187
13.	Petroleum	1	4	0	0	88	26	119
14.	Power	3	0	0	0	15	1	19
15.	Public Sector Banks	418	72	11	10	595	29	1135
16.	Railways	254	3794	23	121	2313	375	6880
17.	Science & Technology	4	0	0	0	8	1	13
18.	Steel	0	22	0	0	30	2	54
19.	Surface Transport	0	6	0	0	8	6	20
20.	Telecommunication	6	18	17	0	22	6	69
21.	Tourism	0	0	3	0	19	3	25
22.	Urban Affairs	3	3	1	0	15	12	34
	Total	730	4048	60	155	3459	673	9125

Note : The data is based on the Annual reports submitted by the CVO's.

Annexure III-G
(Para 4.5)

Organizations from whom Annual Report for the year 2008 received

S. No.	Organization	S. No.	Organization	S. No.	Organization
1	A&N Island Forest & Plantation Development Corp.	49	Hindustan Aeronautics Ltd.	97	National Mineral Development Corp.
2	Air India (NACIL)	50	Hindustan Insecticides Ltd.	98	National Water Development Agency
3	Airports Authority of India	51	Hindustan Organic Chemicals Ltd.	99	New Delhi Municipal Council
4	Allahabad Bank	52	Hindustan Paper Corp.	100	New India Assurance Co. Ltd.
5	Andhra Bank	53	Hindustan Petroleum Corp. Ltd.	101	New Mangalore Port Trust
6	Artificial Limb Manufacturing Co. Ltd.	54	Hindustan Photo-Films Manufacturing Co. Ltd.	102	Neyveli Lignite Corp. Ltd.
7	Bank of Baroda	55	Hooghly Dock & Port Engineers Ltd.	103	North Eastern Electric Power Corp. Ltd.
8	Bank of Maharashtra	56	HUDCO	104	Northern Coalfields Ltd.
9	Bharat Dynamics Ltd.	57	IBP Balmer Lawrie Group of Companies	105	Nuclear Power Corp. of India Ltd.
10	Bharat Earth Movers Ltd.	58	India Tourism Development Corp. Ltd.	106	Numaligarh Refineries Ltd.
11	Bharat Electronics Ltd.	59	Indian Airlines Ltd.	107	O/o the Coal Mines Provident Fund
12	Bharat Heavy Electricals Ltd.	60	Indian Bank	108	Oil & Natural Gas Corp. Ltd.
13	Bharat Heavy Plate & Vessels Ltd.	61	Indian Overseas Bank	109	Oriental Bank of Commerce
14	Bharat Petroleum Corp. Ltd.	62	IRCTC Ltd.	110	Oriental Insurance Co. Ltd.
15	Bhartiya Reserve Bank Note Mudran	63	Indian Rare Earths Ltd.	111	Power Finance Corp. Ltd.
16	Bridge & Roof Co. Ltd.	64	Indian Renewable Energy Development Agency Ltd.	112	Power Grid Corp. of India Ltd.
17	Canara Bank	65	Indian Telephone Industries Ltd.	113	Punjab & Sind Bank
18	Central Coalfields Ltd.	66	Industrial Development Bank of India	114	Punjab National Bank
19	Central Electronics Ltd.	67	Instrumentation Ltd.	115	RITES
20	Central Industrial Security Force	68	International Institute for Population Sciences	116	Rashtriya Chemicals & Fertilizers Ltd.
21	Central Mine Planning & Design Institute	69	Inter State Council Secretariat	117	Rashtriya Ispat Nigam Ltd.
22	Central Public Works Department	70	IRCON International Ltd.	118	Repatriates Cooperative Finance & Development Bank Ltd.
23	Central Reserve Police Force	71	Jawaharlal Nehru Port Trust	119	Reserve Bank of India
24	Chennai Petroleum Corp. Ltd.	72	Kendriya Vidyalaya Sangathan	120	Rural Electrification Corp. Ltd.
25	Chennai Port Trust	73	Kochi Port Trust	121	Sashastra Seema Bal
26	Coal India Ltd.	74	Kochi Shipyard Ltd.	122	Satluj Jal Vidyut Nigam Ltd.
27	Corporation Bank	75	Kolkata Port Trust	123	Shipping Corp. of India Ltd.
28	Cotton Corp. of India	76	Krishak Bharati Cooperatives Ltd.	124	SIDBI
29	CSIR	77	Kudremukh Iron & Ore Co. Ltd.	125	State Bank of Bikaner & Jaipur
30	Damodar Valley Corp.	78	M.M.T.C. Ltd.	126	State Bank of Hyderabad
31	Delhi Metro Rail Corp. Ltd.	79	M/o Information Technology	127	State Bank of India
32	Delhi Transco Ltd.	80	M/o Mines	128	State Bank of Indore
33	Delhi Transport Corp.	81	M/o Railways	129	State Bank of Mysore
34	Directorate General of Assam Rifles	82	M/o Steel	130	State Bank of Patiala
35	Dredging Corp. of India. Ltd.	83	Madras Fertilizers Ltd.	131	State Bank of Travancore
36	Eastern Coalfields Ltd.	84	Mahanadi Coalfields Ltd.	132	State Trading Corp. of India
37	Electronics Corp. of India Ltd.	85	Mahanagar Telephone Nigam Ltd.	133	Steel Authority of India Ltd.
38	Engineering Projects India Ltd.	86	Mazagon Dock Ltd.	134	Syndicate Bank
39	Engineers India Ltd.	87	Metallurgical Engg. Consultants India	135	Telecommunication Consultants India Ltd.
40	Ennore Port Ltd.	88	Mineral Exploration Corp. Ltd.	136	Tuticorin Port Trust
41	Ferro Scrap Nigam Ltd.	89	Mishra Dhatu Nigam Ltd.	137	UCO Bank
42	Fertilizers & Chemicals Travancore Ltd.	90	Mormugao Port Trust	138	Union Bank of India
43	Gandhi Smriti and Darshan Samiti	91	National Aluminium Co. Ltd.	139	United Bank of India
44	Garden Reach Shipbuilders & Engineers	92	National Buildings Construction Corp.	140	Vijaya Bank
45	Gas Authority of India Ltd.	93	National Cooperative Consumers' Federation	141	Visakhapatnam Port Trust
46	General Insurance Corp. of India	94	National Fertilizers Ltd.	142	Western Coalfields Ltd.
47	Goa Shipyard Ltd.	95	National Housing Bank		
48	Heavy Engineering Corp. Ltd.	96	National Insurance Co. Ltd.		

Annexure-IV
(Para 5.8)

List of organizations yet to submit reports on complaints forwarded by the Commission

S. No.	Name of the organization	Complaints pending with CVOs for investigation		
		Upto one year	Between one-three years	More than three years
1.	Air India	5	1	-
2.	Airports Authority of India	5	1	-
3.	Aligarh Muslim University	1	-	-
4.	All India Council for Technical Education	4	1	3
5.	All India Institute of Medical Sciences	3	2	-
6.	Andaman & Nicobar Admn.	6	-	-
7.	Bank of Baroda	2	-	-
8.	Bank of India	6	-	-
9.	Bank of Maharashtra	-	1	-
10.	Bharat Heavy Electricals Ltd.	4	-	-
11.	Bharat Sanchar Nigam Ltd.	88	4	7
12.	Border Roads Development Board	7	1	-
13.	Border Security Force	1	-	-
14.	Bureau of Indian Standards	5	1	-
15.	Canara Bank	5	-	-
16.	Cement Corp. of India	-	1	-
17.	Central Bank of India	1	-	1
18.	Central Board of Direct Taxes	30	30	7
19.	Central Board of Excise & Customs	34	4	-
20.	Central Board of Secondary Education	-	2	-
21.	Central Board of Workers Education	1	-	-
22.	Central Bureau of Investigation	3	1	-
23.	Central Industrial Security Force	2	-	-
24.	Central Public Works Department	10	2	-
25.	Central Reserve Police Force	1	-	-
26.	Central Warehousing Corp. Ltd.	14	-	-
27.	Chandigarh Administration	4	1	1
28.	Coal India Ltd.	7	3	-
29.	Container Corp. of India	1	-	-
30.	Corporation Bank	2	-	-
31.	Council for Advancement of Peoples Action and Rural Tehcnology	5	1	-
32.	Council of Scientific & Industrial Research	-	1	-

S. No.	Name of the organization	Complaints pending with CVOs for investigation		
		Upto one year	Between one-three years	More than three years
33.	D/o Agriculture & Cooperation	5	2	-
34.	D/o Animal Husbandry & Dairying	3	-	-
35.	D/o Atomic Energy	1	-	-
36.	D/o AYUSH	4	3	-
37.	D/o Chemicals & Petrochemicals	-	2	-
38.	D/o Coal	4	-	-
39.	D/o Commerce	4	-	-
40.	D/o Commerce	3	5	-
41.	D/o Company Affairs	2	2	-
42.	D/o Consumer Affairs	5	-	-
43.	D/o Defence Production & Supplies	5	4	1
44.	D/o Economic Affairs	-	2	-
45.	D/o Financial Services	7	-	-
46.	D/o Food & Public Distribution	5	-	-
47.	D/o Food Processing Industries	1	-	-
48.	D/o Health	28	7	3
49.	D/o Heavy Industries	1	-	-
50.	D/o Industrial Policy & Promotion	1	-	-
51.	D/o Mines	2	-	-
52.	D/o Ocean Development	5	1	-
53.	D/o Posts	54	2	26
54.	D/o Revenue	3	6	-
55.	D/o Secondary & Higher Education and D/o Elementary Education & Literacy	29	22	1
56.	D/o Space	-	1	-
57.	D/o Steel	3	-	-
58.	D/o Telecommunications	4	2	-
59.	D/o Women & Child Development	4	1	-
60.	D/o Youth Affairs & Sports	7	-	-
61.	Delhi Development Authority	52	17	-
62.	Delhi Jal Board	10	6	-
63.	Delhi Police	14	5	-
64.	Delhi State Industrial Development Corp.	4	2	-
65.	Delhi Transport Corporation	1	1	-
66.	Dena Bank	2	-	-
67.	Educational Consultants India Ltd.	1	-	-
68.	Employees Provident Fund Organization	43	14	1

S. No.	Name of the organization	Complaints pending with CVOs for investigation		
		Upto one year	Between one-three years	More than three years
69.	Employees State Insurance Corp.	16	2	-
70.	Food Corp. of India	16	4	-
71.	Gas Authority of India Ltd.	1	-	-
72.	Govt. of NCT of Delhi	82	25	-
73.	Govt. of Puducherry	2	1	-
74.	Heavy Engineering Corp. Ltd.	1	-	-
75.	Hindustan Petroleum Corp. Ltd.	2	-	-
76.	Hindustan Vegetable Oils Corp. Ltd.	1	-	-
77.	HMT Ltd.	1	-	-
78.	Housing & Urban Development Corp. Ltd.	4	-	-
79.	IIT, Delhi	-	2	-
80.	IIT, Kharagpur	-	1	-
81.	IIT, Roorkee	1	-	-
82.	India Tourism Development Corp.	5	-	1
83.	Indian Airlines Ltd.	3	-	-
84.	Indian Bank	1	-	-
85.	Indian Bureau of Mines	1	-	-
86.	Indian Council of Agricultural Research	10	1	-
87.	Indian Council of Medical Research	3	1	-
88.	Indian Oil Corp. Ltd.	8	-	-
89.	Indian Railway Catering & Tourism Corp. Ltd.	3	1	-
90.	Indian Rare Earths Ltd.	1	-	-
91.	Indian Telephone Industries Ltd.	3	-	-
92.	Indira Gandhi National Open University	4	4	1
93.	Intelligence Bureau	-	2	-
94.	Jamia Milia Islamia University	1	-	-
95.	Jawaharlal Nehru University	1	1	-
96.	Kandla Port Trust	3	1	-
97.	Kendriya Vidyalaya Sangathan	4	1	-
98.	Khadi & Village Industries Commission	-	1	-
99.	Kolkata Port Trust	3	-	-
100.	KRIBHCO	1	-	-
101.	Life Insurance Corp. of India	17	1	1
102.	M/o Culture	9	2	2
103.	M/o Defence	25	19	2
104.	M/o Development of North East Region	4	-	-
105.	M/o Environment & Forests	21	4	2

S. No.	Name of the organization	Complaints pending with CVOs for investigation		
		Upto one year	Between one-three years	More than three years
106.	M/o External Affairs	12	4	-
107.	M/o Home Affairs	1	2	1
108.	M/o Home Affairs	19	9	-
109.	M/o Information & Broadcasting	15	5	2
110.	M/o Information Technology	6	3	1
111.	M/o Labour	13	4	-
112.	M/o Minority Affairs	-	2	-
113.	M/o Overseas Indian Affairs	2	-	-
114.	M/o Parliamentary Affairs	1	-	-
115.	M/o Personnel, PG & Pensions	-	1	-
116.	M/o Petroleum & Natural Gas	7	1	-
117.	M/o Power	9	2	-
118.	M/o Railways	124	8	1
119.	M/o Road Transport & Highways	1	2	-
120.	M/o Rural Development	2	-	-
121.	M/o Shipping	6	3	-
122.	M/o Social Justice & Empowerment	5	6	-
123.	M/o Statistics & Programme Implementation	2	1	-
124.	M/o Textiles	2	-	-
125.	M/o Tourism	3	-	-
126.	M/o Tribal Affairs	-	-	1
127.	M/o Urban Development & Poverty Alleviation	24	5	-
128.	M/o Water Resources	6	7	-
129.	Mahanagar Telephone Nigam Ltd.	11	-	1
130.	MECON Ltd.	-	1	-
131.	Medical Council of India	1	-	-
132.	Mumbai Port Trust	3	-	-
133.	Municipal Corp. of Delhi	58	19	2
134.	National Agricultural Coop. Marketing Federation of India Ltd.	1	-	-
135.	National Bank for Agricultural & Rural Development	3	-	-
136.	National Book Trust, India	1	-	-
137.	National Buildings Construction Corp.	5	-	-
138.	National Commission for Minorities	1	-	-
139.	National Cooperative Consumers' Federation of India	-	1	-

S. No.	Name of the organization	Complaints pending with CVOs for investigation		
		Upto one year	Between one-three years	More than three years
140.	National Council of Educational Research and Training	1	-	-
141.	National Highways Authority of India	14	3	-
142.	National Hydroelectric Power Corp. Ltd.	2	-	-
143.	National Institute of Educational Planning & Administration	1	-	-
144.	National Insurance Co. Ltd.	4	-	-
145.	National Mineral Development Corp.	1	-	-
146.	National Projects Construction Corp. Ltd.	1	-	-
147.	National Thermal Power Corp.	1	-	-
148.	National Water Development Agency	1	-	-
149.	Navodaya Vidyalaya Samiti	2	1	-
150.	New Delhi Municipal Council	2	1	2
151.	New India Assurance Co. Ltd.	7	-	-
152.	New Mangalore Port Trust	-	-	1
153.	O/o Comptroller & Auditor General	2	1	-
154.	O/o Controller General of Defence Accounts	1	-	-
155.	O/o the Development Commissioner, SSI	1	-	-
156.	Oil & Natural Gas Corp.	2	-	-
157.	Oil India Ltd.	1	-	-
158.	Oriental Insurance Co. Ltd.	1	-	-
159.	P.G. Institute of Medical Education & Research	1	2	-
160.	Paradeep Port Trust	3	-	-
161.	Pawan Hans Helicopters Ltd.	-	1	-
162.	Power Grid Corp. of India Ltd.	1	-	-
163.	Punjab & Sind Bank	1	-	-
164.	Punjab National Bank	5	-	-
165.	Rail India Technical & Economic Services Ltd.	-	1	-
166.	Reserve Bank of India	2	-	-
167.	Scooters India Ltd.	1	-	-
168.	Shipping Corp. of India Ltd.	3	-	-
169.	South Eastern Coalfields Ltd.	3	-	-
170.	State Bank of Bikaner & Jaipur	2	1	-
171.	State Bank of India	16	3	-
172.	State Bank of Indore	1	-	-
173.	State Bank of Mysore	1	-	-
174.	State Bank of Patiala	-	2	-

S. No.	Name of the organization	Complaints pending with CVOs for investigation		
		Upto one year	Between one-three years	More than three years
175.	State Bank of Saurashtra	1	-	-
176.	State Bank of Travancore	1	-	-
177.	Steel Authority of India Ltd.	1	-	-
178.	Syndicate Bank	11	1	-
179.	UCO Bank	2	-	-
180.	Union Bank of India	11	-	-
181.	United Bank of India	1	-	-
182.	United India Insurance Co. Ltd.	1	-	-
183.	University of Delhi	2	4	-
184.	UT of Daman & Diu and Dadra & Nagar Haveli	1	1	-
185.	Vijaya Bank	2	-	-
186.	Visakhapatnam Port Trust	2	-	-
	Total	1297	347	72

Annexure - V
(Para 5.10)

List of Organizations yet to appoint CDIs nominated by the Commission

S. No.	Name of the Organization	No. of nominations pending	
		>3 months but <1 year	>1 year
1.	Central Board of Direct Taxes	5	1
2.	Central Board of Excise & Customs	7	1
3.	D/o Health	5	-
4.	Delhi Transport Corp.	-	1
5.	Food Corp. of India	-	2
6.	Govt. of NCT of Delhi	1	1
7.	Indian Oil Corp. Ltd.	4	-
8.	M/o Commerce	1	-
9.	M/o Culture	1	-
10.	M/o Human Resources Development	1	-
11.	M/o Personnel, PG & Pensions	-	1
	Total	25	7

Organization-wise list of cases in which Commission has not received information about implementation of its advice

S. No.	Name of the organization	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage advice
1.	Airports Authority of India	1	-
2.	All India Institute of Medical Sciences	3	-
3.	Allahabad Bank	2	-
4.	Andaman & Nicobar Admn.	31	1
5.	Andhra Bank	7	1
6.	Archaeological Survey of India	1	-
7.	Bank of India	1	-
8.	Bank of Maharashtra	4	-
9.	Bharat Bhari Udyog Nigam Ltd.	1	-
10.	Bharat Coking Coal Ltd.	5	6
11.	Bharat Immunologicals & Biologicals Corp. Ltd.	-	3
12.	Bharat Petroleum Corp. Ltd.	7	-
13.	Bharat Sanchar Nigam Ltd.	4	5
14.	Bharat Wagons & Engg. Corp. Ltd.	1	-
15.	BPR&D	-	2
16.	Bureau of Indian Standards	27	7
17.	Cabinet Secretariat	1	1
18.	Canara Bank	7	1
19.	Central Bank of India	19	-
20.	Central Board of Direct Taxes	82	55
21.	Central Board of Excise & Customs	177	114
22.	Central Board of Secondary Education	1	-
23.	Central Bureau of Investigation	6	7
24.	Central Coalfields Ltd.	1	-
25.	Central Coalfields Ltd.	-	2
26.	Central Council for Research in Ayurveda & Siddha	1	1
27.	Central Industrial Security Force	2	1
28.	Central Mine Planning & Design Institute Ltd.	1	-
29.	Central Public Works Department	17	6
30.	Central Reserve Police Force	8	6
31.	Chandigarh Admn.	11	18
32.	Coal India Ltd.	2	-
33.	Container Corp. of India Ltd.	6	1
34.	Corporation Bank	2	-

S. No.	Name of the organization	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage advice
35.	Council for Advancement of Peoples Action and Rural Technology	5	1
36.	Council of Scientific & Industrial Research	8	3
37.	D/o Agriculture & Cooperation	3	-
38.	D/o Atomic Energy	1	1
39.	D/o AYUSH	3	3
40.	D/o Coal	10	-
41.	D/o Commerce	5	6
42.	D/o Company Affairs	1	2
43.	D/o Consumer Affairs	3	2
44.	D/o Defence Production & Supplies	18	11
45.	D/o Economic Affairs	5	1
46.	D/o Fertilizers	5	1
47.	D/o Food & Public Distribution	4	-
48.	D/o Food Processing Industries	1	-
49.	D/o Industrial Policy & Promotion	4	1
50.	D/o Legal Affairs	1	-
51.	D/o Mines	2	-
52.	D/o Posts	3	2
53.	D/o Revenue	14	-
54.	D/o Science & Technology	2	-
55.	D/o Shipping	5	2
56.	D/o Space	-	1
57.	D/o Steel	5	10
58.	D/o Telecom	144	5
59.	D/o Youth Affairs and Sports	2	-
60.	Damodar Valley Corp.	3	-
61.	Delhi Development Authority	49	9
62.	Delhi Jal Board	2	8
63.	Delhi Metro Rail Corp.	1	-
64.	Delhi State Industrial Development Corp.	5	1
65.	Delhi Transport Corp.	15	3
66.	Dena Bank	3	2
67.	DTL/IPGCL	5	4
68.	Electronics Corp. of India Ltd.	1	-
69.	Employees Provident Fund Organization	6	2
70.	Employees State Insurance Corp.	4	-
71.	Food Corp. of India	6	1
72.	Gas Authority of India Ltd.	1	-
73.	General Insurance Corp.	-	1
74.	Geological Survey of India	1	-

S. No.	Name of the organization	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage advice
75.	Govt. of NCT of Delhi	17	35
76.	Govt. of Puducherry	20	3
77.	HFCL	-	4
78.	Hindustan Antibiotics Ltd.	1	-
79.	Hindustan Copper Ltd.	1	-
80.	Hindustan Insecticides Ltd.	1	-
81.	Hindustan Organic Chemicals Ltd.	2	2
82.	Hindustan Paper Corp.	2	1
83.	Hindustan Petroleum Corp. Ltd.	1	-
84.	Hindustan Salts Ltd.	1	-
85.	Hindustan Vegetable Oils Corp. Ltd.	2	-
86.	HMT Ltd.	-	3
87.	Hospital Services Consultancy Corp.	2	-
88.	HUDCO	15	1
89.	IIT, Kanpur	1	-
90.	India Tourism Development Corp.	-	1
91.	India Trade Promotion Organization	4	-
92.	Indian Bank	2	-
93.	Indian Council of Agricultural Research	2	1
94.	Indian Council of Medical Research	1	-
95.	Indian Oil Corp. Ltd.	25	54
96.	Indian Overseas Bank	3	-
97.	Indian Rare Earths Ltd.	1	-
98.	Indira Gandhi National Open University	2	-
99.	Industrial Development Bank of India	2	-
100.	Industrial Investment Bank of India	2	-
101.	Inland Waterways Authority of India	1	-
102.	IRCON International Ltd.	1	-
103.	Kendriya Vidyalaya Sangathan	30	6
104.	Khadi & Village Industries Commission	16	6
105.	Kolkata Port Trust	6	2
106.	Lakshdweep Admn.	8	2
107.	Life Insurance Corp.	1	1
108.	M/o Culture	4	-
109.	M/o Defence	34	18
110.	M/o Development of North East Region	1	-
111.	M/o Environment & Forests	11	4
112.	M/o External Affairs	9	3
113.	M/o Health & Family Welfare	12	1
114.	M/o Home Affairs	31	16
115.	M/o Human Resources Development	10	1

S. No.	Name of the organization	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage advice
116.	M/o Information & Broadcasting	56	35
117.	M/o Labour	10	3
118.	M/o Minority Affairs	1	-
119.	M/o Overseas Indian Affairs	1	-
120.	M/o Personnel, PG & Pensions	35	16
121.	M/o Petroleum & Natural Gas	-	3
122.	M/o Power	-	2
123.	M/o Railways	122	77
124.	M/o Rural Development	-	1
125.	M/o Small Scale Industries	3	-
126.	M/o Social Justice & Empowerment	6	2
127.	M/o Statistics & Programme Implementation	2	-
128.	M/o Textiles	8	8
129.	M/o Urban Development & Poverty Alleviation	27	17
130.	M/o Water Resources	14	2
131.	Madras Fertilizers Ltd.	2	-
132.	Mahanadi Coalfields Ltd.	1	-
133.	Mahanagar Telephone Nigam Ltd.	1	-
134.	Mazagon Dock Ltd.	1	-
135.	Metal Scrap Trading Corp. Ltd.	1	-
136.	Mormugao Port Trust	-	1
137.	Municipal Corp. of Delhi	34	6
138.	NAFED	3	-
139.	National Buildings Construction Corp.	2	2
140.	National Consumers Federation of India	2	2
141.	National Cooperation Development Corp.	1	-
142.	National Highways Authority of India	5	-
143.	National Housing Bank	-	1
144.	National Hydro Electric Power Corp.	1	-
145.	National Insurance Co. Ltd.	40	5
146.	National Projects Construction Corp. Ltd.	2	-
147.	National Remote Sensing Agency	-	1
148.	National SC&ST Finance & Development Corp.	1	-
149.	National Seed Corp. Ltd.	1	-
150.	National Small Industries Corp.	1	-
151.	National Textiles Ltd.	-	1
152.	National Thermal Power Corp.	1	-
153.	Navodaya Vidyalaya Samiti	4	1
154.	NEPA Ltd.	1	-
155.	New Delhi Municipal Council	1	-
156.	New India Assurance Co. Ltd.	2	-

S. No.	Name of the organization	No. of cases pending implementation of CVC's advice for more than six months	
		First Stage Advice	Second Stage advice
157.	New Mangalore Port Trust	2	-
158.	Neyveli Lignite Corp. Ltd.	1	4
159.	Northern Coalfields Ltd.	1	-
160.	O/o Comptroller & Auditor General	11	3
161.	O/o Controller General of Defence Accounts	5	4
162.	O/o Development Commissioner (SSI)	-	3
163.	Oil & Natural Gas Corp.	1	2
164.	Oil India Ltd.	2	-
165.	Oriental Bank of Commerce	3	-
166.	Oriental Insurance Co. Ltd.	8	1
167.	P.G. Institute of Medical Education & Research	1	-
168.	Prasar Bharati	1	-
169.	Projects & Equipment Corp. of India Ltd.	1	-
170.	Punjab National Bank	5	-
171.	Rashtriya Ispat Nigam Ltd.	2	1
172.	Registrar General of India	1	1
173.	Reserve Bank of India	1	-
174.	Sasastra Seema Bal	2	1
175.	Scooter India Ltd.	1	-
176.	South Eastern Coalfields Ltd.	2	9
177.	Sports Authority of India	4	2
178.	Staff Selection Commission	1	-
179.	State Bank of Bikaner & Jaipur	14	2
180.	State Bank of Hyderabad	19	2
181.	State Bank of India	20	-
182.	State Bank of Patiala	6	8
183.	State Bank of Saurashtra	1	2
184.	State Bank of Travancore	2	-
185.	Syndicate Bank	2	-
186.	Tribal Coop. Marketing Development Federation of India	-	3
187.	Triveni Structural Ltd.	1	-
188.	UCO Bank	6	3
189.	United Bank of India	3	-
190.	United India Insurance Co. Ltd.	8	-
191.	University of Delhi	1	-
192.	UT of Daman & Diu and Dadra & Nagar Haveli	24	9
193.	Vijaya Bank	10	-
194.	Visakhapatnam Port Trust	2	1
	Total	1648	733