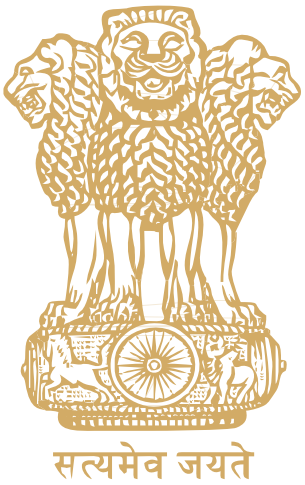

VIGILANCE MANUAL
2026



CENTRAL VIGILANCE COMMISSION

Vigilance Manual

2026

[NINTH EDITION]

Central Vigilance Commission

First Edition	1968
Second Edition	1971
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FOREWORD

The Central Vigilance Commission has brought out Vigilance Manuals comprising various rules, instructions, guidelines and judicial pronouncements to facilitate uniformity, consistency and transparency in handling of vigilance administration from time to time. The Manual aims to strengthen Preventive Vigilance, promote ethical decision-making and enhance public confidence in organisations. The first edition of the Vigilance Manual was published in 1968. The latest (eighth) edition of the Vigilance Manual was brought out in 2021.

During the last 5 years since 2021, many new developments, policy initiatives and clarifications have taken place. A number of new guidelines, both by the Government and the Commission, have been issued. For example, Manuals of Procurement of Goods, Works, Consultancy and non-Consultancy Services of Department of Expenditure, Ministry of Finance; Updation of CCS (Pension) Rules; Bharatiya Nyaya Sanhita (BNS), Bharatiya Nagarik Suraksha Sanhita (BNSS) and Bharatiya Sakshya Adhiniyam have replaced the Indian Penal Code (IPC), Code of Criminal Procedure (CrPC) and the Indian Evidence Act; fresh / revised instructions / guidelines issued by the Government; changes in guidelines in Banking and Insurance, etc. The Commission has also consolidated, updated and revised its earlier guidelines, circulars, public notices, etc. in the form of Master Circulars and Public Notices.

The need was felt to update the Vigilance Manual accordingly to bring about ease of reference and consolidate latest provisions and provide a comprehensive reference book for management as well as those involved in the vigilance administration. Since Commission has also consolidated the previous guidelines in the form of Master Circulars, the Vigilance Manual shall be read with the consolidated Master Circulars.

The Manual should serve as ready reference for vigilance functionaries. It is intended to supplement the applicable statutory provisions, government instructions and guidelines issued by the competent authorities and should not be construed as a substitute for them.

The Commission is hopeful that this Manual will contribute significantly to strengthening vigilance administration and fostering a culture of integrity, accountability and excellence within the Ministries / Departments / Organisations.

(Praveen Vashista)
VIGILANCE COMMISSIONER

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VIGILANCE COMMISSIONER

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New Delhi
Dated : the 23rd July, 2026

ACKNOWLEDGEMENT

The Central Vigilance Commission has updated and revised the Vigilance Manual. The Commission has also consolidated, updated and revised its earlier guidelines, circulars, public notices etc. in the form of Master Circulars and Public Notices.

The Commission acknowledges the contribution of Sh. Praveen Sinha, IPS (Retd.), Former Spl. Director, CBI and Sh. A. K. Rath, CVO, State Bank of India for sparing their time and for contributing to the finalisation of the drafts of the Vigilance Manual and Master Circulars.

The Commission also acknowledges the contribution of the drafting committee consisting of Sh. Rajiv Verma, Consultant, CVC (Former Director, CVC), Sh. Ajai Kumar Verma, Director, CVC, Sh. Arvind Kumar, Officer on Special Duty, CVC for their efforts in going through all the earlier circulars, collating and compiling the relevant information and for drafting the Vigilance Manual and Master Circulars.

The Commission also acknowledges the contribution of a host of officers of the Commission, Chief Vigilance Officers (CVOs) and vigilance functionaries of various organisations, who have given suggestions and inputs for the finalization of the Vigilance Manual and Master Circulars.

The Commission also acknowledges the efforts of the staff of the Commission for rendering secretarial and technical assistance and the Hindi Division for translating the Vigilance Manual and Master Circulars.

DISCLAIMER

1. Vigilance Manual 2026 is intended only to be a reference book and it cannot be a substitute for Acts, Rules, Orders, Instructions, etc. of various authorities.

2. We have taken every effort to provide accurate and updated information in the Vigilance Manual 2026. For any inadvertent error and omission or doubt, the Commission may be contacted for clarification.

3. The Commission does not take responsibility for accuracy and completeness of third party Circulars / Citations, etc. referred in the Manual.

The Commission welcomes suggestions on content or form and inadvertent errors or omissions in this Manual for further improvement.

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Chapter-I

INTRODUCTION TO VIGILANCE ADMINISTRATION

INTRODUCTION

Indian history is replete with examples of good governance practices which helped to ensure ethics in public affairs. The organisations, systems and procedures of the government must not only be efficient but also ethical, just and fair, with integrity being its essential ingredient, as righteousness is the foundation of good governance.

The ill-effects of corruption are well known. It undermines developmental efforts and weakens democratic institutions. Corruption is manifested in various forms such as bribery; nepotism; willful action or inaction to unduly benefit someone or to deny benefit to someone; favouritism etc. The challenge before us is to create an environment in which the honest can work fearlessly and the corrupt are penalised promptly.

The battle against corruption is fought on many fronts. An oversight mechanism often referred to as vigilance administration is at the forefront of this battle. Vigilance is defined as watchfulness and alertness. Vigilance administration in any organisation is an integral function like any other function of management, such as finance, personnel, operation, marketing, material, contracts, etc. Vigilance administration encompasses of preventive and punitive anti-corruption measures. It includes detecting irregularities, analysing and finding out reasons for such irregularities and making effective systemic improvements to curb them. It also entails identifying the public servants responsible for misconduct and taking appropriate punitive action against them. If the vigilance set-up in an organisation is effective, it will ensure effective functioning of other segments.

1.1 VIGILANCE ADMINISTRATION IN CENTRAL GOVERNMENT

Effective vigilance administration mechanism is to be ensured by (i) the Central Vigilance Commission (hereinafter referred to as the Commission) (ii) Administrative Vigilance Division (AVD) in the Department of Personnel & Training (DoPT); (iii) Central Bureau of Investigation (CBI); (iv) Vigilance units in the Ministries / Departments / Organisations of Government of India, (hereinafter referred to as Organsation); (v) Disciplinary Authorities; (vi) Supervisory Officers and (vii) Chief Executive of the organisation concerned.

1.1.1 ADMINISTRATIVE VIGILANCE DIVISION

The AVD was set up in the Ministry of Home Affairs (MHA), in August 1955, to serve as a central agency to undertake overall responsibility for anti-corruption measures. With the establishment of the Commission, a good part of the functions, earlier performed by AVD, are now exercised by the Commission. The AVD, which is now part of DoPT in the Ministry of Personnel, Public Grievances & Pension, is now responsible for the formulation and implementation of policies of Central Government and providing guidance to other ministries / departments in matters pertaining to vigilance, integrity in public services and anti-corruption measures.

1.1.2 CENTRAL BUREAU OF INVESTIGATION

The CBI was constituted under the Government of India Resolution No. 4/31/61-T dated 01.04.1963. CBI is the successor organisation to Delhi Special Police Establishment (DSPE) with an enlarged charter of functions. With the establishment of CBI on 1st April, 1963, DSPE has been made one of its divisions, i.e. 'Investigation and Anti-Corruption Division' which derives its police powers from the Delhi Special Police Establishment Act, 1946[1]. DSPE is empowered to inquire and to investigate certain specified offences or classes of offences pertaining to corruption and other kinds of malpractices involving public servants. Section 3 of the DSPE Act-1946 provides that "the Central Government may, by notification in the Official Gazette, specify the offences or class of offences, which are to be investigated by the Delhi Special Police Establishment".

The Anti-Corruption Division of CBI is responsible for collection of intelligence with regard to corruption, maintaining liaison with various organisations through their vigilance functionaries, inquiries into complaints about bribery and corruption, investigation and prosecution of offences pertaining to bribery and corruption.

It handles all cases registered under the Prevention of Corruption Act (PC Act), 1988 (as amended on 26.07.2018)[2] and cases registered under other related sections of the Indian Penal Code, 1860[3]. If an offence under any other criminal law is committed along with an offence of bribery and / or corruption, it will also be investigated by the Anti-Corruption Division. The CBI is headed by a Director who is appointed by the Central Government on the recommendation of a high-level committee chaired by the Prime Minister.

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[1] Subs. by Act 26 of 1952, sec. 2, for 'for the State of Delhi for the investigation of certain offences committed in connection with matters concerning Departments of the Central Government' (w.e.f 06-03-1952).
[2] The Prevention of Corruption (Amendment) Act-2018 (16 of 2018) (with effect from 26.07.2018)
[3] Now replaced with Bhartiya Nyaya Sanhita - 2023.

1.1.3 ROLE OF THE CHIEF EXECUTIVE IN VIGILANCE ADMINISTRATION

The responsibility of ensuring probity, fairness and transparency in an organisation vests with the Chief Executive of that organisation. The Chief Vigilance Officer (CVO) assists the Chief Executive in effective vigilance administration and also acts as an extended arm of the Commission. A responsibility is cast upon the Chief Executive to set the right tone from the top management to ensure that the guilty are punished swiftly and the innocent are protected from harassment. This would help prevent misconduct and unethical practices, and support the efficient functioning of the organisation. The Chief Executive is, therefore, expected to carefully review the vigilance work at least on a quarterly basis and act upon the reports submitted by CVO in a timely manner.

The Chief Executive is required to ensure the following: -

(i) Filling up vacancies in the Vigilance Unit;

(ii) Holding structured meeting with the CVO every quarter;

(iii) Develop monitoring mechanisms to ensure probity and transparency in the organisation;

(iv) Encourage efforts for effective preventive vigilance mechanism so that occasions for resorting to punitive methods are reduced;

(v) Extend adequate support to surveillance activities of the Vigilance Unit for obtaining information on any malpractices and taking corrective action thereon ;

(vi) To facilitate periodic training of all officials about rules, regulations, systems and procedures for generating general awareness about possible deviations and transgressions attracting sanctions so that officials do not suffer due to ignorance; and

(vii) To ensure that the Conduct, Discipline & Appeal (CDA) Rules of the organisation concerned are updated and brought in accordance with the Model Rules issued by the Department of Public Enterprise (DPE)[1] and the government organisations concerned.

1.1.4 SUPERVISORY OFFICERS

(a) It is the duty of every official holding a supervisory post in an organisation to take all possible steps to ensure integrity and devotion to duty of all officials under his control and authority[2].

(b) The supervisory official also has to ensure that officials under his control maintain absolute integrity. A column has been introduced in the proforma for the Annual Performance Appraisal Report (APAR) of officials in which the supervisory official

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[1] DPE's Office Memorandum No. 15(07)/99-DPE-GM-VOL-III-FTS-2344 dated 29.10.2025 on the subject "Consolidated Model Conduct, Discipline and Appeal (CDA) Rules for CPSEs-2025, refers, as may be amended from time to time.

[2] Rule 3 (2) (i) of Central Civil Services (Conduct) Rules, 1964, as may be amended from time to time, provides for such duties of supervisory officers.

reports on the integrity of the official reported upon. If any suspicion arises upon the integrity of officials under his control, further action is to be taken as per guidelines issued by DoPT vide their Office Memorandum (OM) dated 20.05.1972[1].

1.1.5 DISCIPLINARY AUTHORITY

The disciplinary authority means the authority who has been entrusted with powers to impose any penalty on officials of an organisation under the Discipline & Appeal Rules, as may be applicable to the officials of the organisation concerned. In respect of employees governed by the Central Civil Services (CCS) Classification, Control and Appeal (CCA) Rules,1965, the term Disciplinary Authority is defined as the authority competent to impose on a government servant, any of the penalties specified in the CCS (CCA) Rules.

It is the responsibility of the Disciplinary Authority (DA) to ensure discipline in the organisation and to deal with misconduct by way of awarding suitable penalty. Role and functions of the DA are explained in detail in the Discipline & Appeal Rules of the organisation concerned.

1.1.6 CENTRAL VIGILANCE COMMISSION

(i) **Genesis:** The Commission was set up by the Government of India by a Resolution dated 11.2.1964[2] in pursuance of the recommendations made by the Committee on Prevention of Corruption (commonly known as the Santhanam Committee). Further, in pursuance of the directions of the Hon'ble Supreme Court of India in the case of Vineet Narain vs. Union of India (CWP 340-343 of 1993-1 SCC 226), the Commission was accorded statutory status with effect from 25.8.1998 through The Central Vigilance Commission Ordinance, 1998.

This was followed by the Central Vigilance Commission (Amendment) Ordinance dated 27.10.1998, the Central Vigilance Commission Ordinance dated 08.01.1999, the DoPT Resolution No. 371/20/99-A VD-III dated 04.04.1999 and the DoPT Resolution No. 371/20/99-AV D-III dated 13.08.2002, while the Central Vigilance Commission Bill was under the consideration of the Parliament. Subsequently, the Central Vigilance Commission Bill was passed by both Houses of Parliament in 2003 and the President gave assent to the same on 11th September 2003. Thus, the Central Vigilance Commission Act (CVC Act), 2003 (No. 45 of 2003) came into effect from that date.

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[1] DoPT's OM No. 51/5/72Ests(A) dated 20.05.1972 on the subject of "Confidential Report -Preparation and maintenance of", refers, as may be amended from time to time.

[2] Government of India vide Resolution No. 24/7/64-AVD dated 11.02.1964 constituted the Central Vigilance Commission.

(ii) **Set-up**: In terms of the provisions contained in Section 3 & 4 of the CVC 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 are appointed by the President by warrant under his hand and seal for a term of four years from the date on which they enter upon their offices or till they attain the age of sixty-five years, whichever is earlier. The Commission is assisted by a Secretary who is appointed by the Central Government.

1.2 JURISDICTION OF THE CENTRAL VIGILANCE COMMISSION

1.2.1 JURISDICTION UNDER SECTION 8 OF THE CVC ACT, 2003:

(i) For the purpose of clause (d) of sub-section (1) of Section 8 of the CVC Act, 2003, the Commission's jurisdiction extends to such category of public servants as defined under Subsection (2) of Section 8 of the Act and subsequent notifications issued by the Central Government from time to time.

(ii) The following categories of public servants (hereinafter referred to as category 'A' officers) are covered under the jurisdiction of the Commission in terms of sub-section (2) of Section 8 of the CVC Act, 2003: -

(a) Members of All India Services serving in connection with the affairs of the Union and Group 'A' officers of the Central Government;

(b) Such level of officers of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued, all officers of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred to in clause (d) of sub-section (1) of Section 8 of CVC Act, 2003.

(c) At present, the following levels of officers have been notified by the Central Government[1] for the purpose of clause (b) of sub-section (2) of Section 8 of CVC Act, 2003: -

i. Officers of Scale V and above of Public Sector Banks
ii. Chief Executives and Executives on the Board and other officers of E-8 and above in respect of Schedule 'A' and 'B' Public Sector Undertakings;
iii. Chief Executives and Executives on the Board and other officers of E-7 and above in respect of Schedule 'C' and 'D' Public Sector Undertakings;
iv. Officers in Grade 'D' and above in respect of RBI, NABARD and SIDBI;

[1]DoPT's Gazette Notification No. 280, issued vide S.O. 371(E) dated 18.3.2004 & Gazette Notification No. 1109 issued vide S.O. 1538(E) dated 12.9.2007, refers in this regard.

v. Managers and above in General Insurance Companies;

vi. Senior Divisional Managers and equivalent and above in Life Insurance Corporations;

vii. Officers drawing salary of Rs. 8700/ - p.m. and above on Central Government D.A. pattern, as on the date of the notification and as may be revised from time to time in Societies and other Local Authorities.

(iii) On a reference made by the Lokpal under proviso to sub-section (1) of Section 20 of the Lokpal and Lokayuktas Act, 2013, the persons referred to in clause (d) of sub-section (1) of Section 8 of CVC Act 2003 shall also include :-

(a) members of Group B, Group C and Group D services of the Central Government;

(b) such level of officials or staff of the corporations established by or under any Central Act, Government companies, societies and other local authorities, owned or controlled by the Central Government, as that Government may, by notification in the Official Gazette, specify in this behalf:

Provided that till such time a notification is issued under this clause, all officials or staff of the said corporations, companies, societies and local authorities shall be deemed to be the persons referred in clause (d) of sub-section (1) of Section 8 of CVC Act, 2003.

1.3 FUNCTIONS AND POWERS OF THE CENTRAL VIGILANCE COMMISSION

1.3.1 The functions and powers of the Commission, as laid down in sub-section (1) of Section 8 of the CVC Act, 2003, are as under: -

(i) Exercise superintendence over the functioning of the Delhi Special Police Establishment in so far as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 or an offence with which a public servant specified in sub-section (2) of Section 8 of CVC Act, 2003 may, under the Code of Criminal Procedure (CrPC), 1973[1], be charged at the same trial;

(ii) Give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of Section 4 of the Delhi Special Police Establishment Act, 1946:

Provided that while exercising the powers of superintendence or giving directions to it, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner;

(iii) Inquire or cause an inquiry or investigation to be made on a reference made by the Central Government wherein it is alleged that a public servant being an employee of the Central

[1]Replaced with Bhartiya Nagarik Suraksha Sanhita-2023.

Government or a corporation established by or under any Central Act, Government company, society and any local authority owned or controlled by that Government, has committed an offence under the Prevention of Corruption Act, 1988; or an offence with which a public servant may, under the Code of Criminal Procedure, 1973 , be charged at the same trial;

(iv) Inquire or cause an inquiry or investigation to be made into any complaint against any official belonging to such category of officials specified in sub -section (2) of Section 8 of CVC Act-2003 wherein it is alleged that he has committed an offence under the Prevention of Corruption Act, 1988 and an offence with which a public servant specified in sub-section (2) of Section 8 of CVC Act-2003 may, under the Code of Criminal Procedure, 1973 , be charged at the same trial;

(v) Review the progress of investigations conducted by the Delhi Special Police Establishment into offences alleged to have been committed under the Prevention of Corruption Act, 1988 or the public servant may, under the Code of Criminal Procedure, 1973 , be charged at the same trial;

(vi) Review the progress of applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 1988;

(vii) Tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government on such matters as may be referred to it by that Government, said Government companies, societies and local authorities owned or controlled by the Central Government or otherwise;

(viii) Exercise superintendence over the vigilance administration of the various Ministries 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:

Provided that nothing contained in this clause shall be deemed to authorise the Commission to exercise superintendence over the vigilance administration in a manner not consistent with the directions relating to vigilance matters issued by the government and to confer power upon the Commission to issue directions relating to any policy matters;

1.3.2 The functions and powers of the Commission as laid down in some other Sections of the CVC Act, 2003 are as under: -

(i) **Power relating to inquiries:** In terms of Section 11 of the CVC Act, 2003 the Commission, while conducting any inquiry referred to in clause (c) and (d) of sub-section

(1) of Section 8 of the CVC Act, 2003, shall have all the powers of a civil court trying a suit under the Cr.PC, 1973[1] and in particular, in respect of the following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;
(b) requiring the discovery and production of any document;
(c) receiving evidence on affidavits;
(d) requisitioning any public record or copy thereof from any court or office;
(e) issuing commissions for the examination of witnesses or other documents; and
(f) any other matter which may be prescribed.

(ii) **Tender advice on report of inquiry:** In terms of Section 17 of the CVC Act, 2003, report of inquiry undertaken by any agency on a reference made by the Commission shall be forwarded to the Commission. The Commission shall on receipt of such report and after taking into consideration any other factors relevant thereto, advice the Central Government and corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by that Government, as the case may be, as to the further course of action. Appropriate action shall be taken after taking into consideration the advice of the Commission and in the event of disagreement, the reasons shall be recorded in writing and communicated to the Commission.

(iii) **Call for reports & returns:** In terms of Section 18 of the CVC Act, 2003, the Commission may call for reports, returns and statements from the Central Government or corporations established by or under any Central Act, Government companies, societies and other local authorities owned or controlled by that Government so as to enable the Commission to exercise general supervision over the vigilance and anti-corruption work in that Government and in the said corporations, Government companies, societies and local authorities.

(iv) **Mandatory consultation by Central Government:** In terms of Section 19 of the CVC Act, 2003 the Central Government shall, in making any rules or regulations governing the vigilance or disciplinary matters relating to persons appointed to public services and posts in connection with the affairs of the Union or to members of the All-India Services, consult the Commission.

(v) **Annual report of the Commission:** In terms of Section 14 of the CVC Act, 2003 the Commission is to present annually to the President, a report as to the work done by it within six months of the close of the year under report. The report shall contain a separate part on the functioning of the Delhi Special Police Establishment in so far as it relates to Section 4(1) of the Delhi Special Police Establishment Act, 1946. On receipt of such report from the Central Vigilance Commission, the President shall cause the same to be laid before each House of Parliament.

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[1] Replaced with Bhartiya Nagarik Suraksha Sanhita-2023.

(vi) In terms of Section 25 of the CVC Act, 2003 the Central Government shall appoint a Director of Enforcement in the Directorate of Enforcement in the Ministry of Finance on the recommendation of the Committee consisting of: –

(a) the Central Vigilance Commissioner – Chairperson;

(b) Vigilance Commissioners – Members;

(c) Secretary to Government of India in charge of Ministry of Home Affairs in Central Government – Member;

(d) Secretary to Government of India in charge of Ministry of Personnel in Central Government – Member;

(e) Secretary to Government of India in charge of Department of Revenue, Ministry of Finance in Central Government – Member;

The Director of Enforcement shall not be transferred except with the previous consent of the Committee referred to above.

The Committee referred to above, shall, in consultation with the Director of Enforcement, recommend officers for appointment to the posts above the level of the Deputy Director of Enforcement and also recommend the extension or curtailment of the tenure of such officers.

(vii) In terms of Section 26 of the CVC Act, 2003, the Central Government shall appoint officers to the posts of the level of the Superintendent of Police and above except Director, and also recommend the extension or curtailment of the tenure of such officers in the Delhi Special Police Establishment, on the recommendation of a committee consisting of:-

(a) the Central Vigilance Commissioner – Chairperson;

(b) Vigilance Commissioners – Members;

(c) Secretary to the Government of India in charge of the Ministry of Home – Member;

(d) Secretary to the Government of India in charge of the Department of Personnel – Member:

Provided that the Committee shall consult the Director before submitting its recommendation to the Central Government.

(viii) In terms of provisions of Section 4BA of the Delhi Special Police Establishment Act, 1946[1], the Central Government shall appoint the Director of Prosecution on the recommendation of Central Vigilance Commission.

(ix) **Residuary functions under Central Vigilance Commission Resolution of 1964[2]**: In terms of Section 24 of the CVC Act, 2003, the Commission continues to discharge the functions entrusted to it vide Government of India Resolution dated 11.02.1964[2], insofar as those functions are not inconsistent with the provisions of the Act. Thus, the Commission continues to perform the following functions:

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[1] Inserted by the Lokpal and Lokayuktas Act, 2013.
[2] Government of India Resolution No. 24/7/64-AVD dated 11.02.1964.

(x) **Appointment of the Chief Vigilance Officers[1]:** The CVO in Central Government Organisations is to be appointed in consultation with the Commission and no person whose appointment as the CVO is objected to by the Commission will be so appointed.

(xi) **Assessment of work of the Chief Vigilance Officers[1]:** The Central Vigilance Commissioner would assess the work of the CVO which would be recorded in the character rolls (APARs) of the officer concerned.

(xii) **Advice in cases requiring sanction for prosecution[2]:** The cases in which sanction for prosecution is required to be accorded in the name of the President, the Commission would advise the ministry / department concerned and it would be for that ministry / department to consider the advice of the Commission and to take a decision as to whether or not the sanction for prosecution is to be granted.

(xiii) **Resolving difference of opinion between Central Bureau of Investigation and the administrative authorities[2]:** In cases where an authority other than the President is competent to sanction prosecution and that authority does not propose to accord such sanction sought for by the CBI, the case will be reported to the Commission and the authority will take further action after considering the advice of the Commission.

(xiv) **Entrusting cases to Commissioner for Departmental Inquiries:** The Commission has the power to require that the oral inquiry in any departmental proceedings, except petty cases, should be entrusted to one of the Commissioners for Departmental Inquiries (CDI) borne on its strength or such other official as it may deem fit.

(xv) **Advising on procedural aspects:** If it appears that the procedure or practice in an organisation is such that it affords scope or facilities for corruption or misconduct, the Commission may advise the organisation concerned that such procedure or practice be appropriately changed or be changed in a particular manner.

(xvi) **Review of procedure and practices:** The Commission may initiate at such intervals as it considers suitable, the review of procedures and practices of administration in an organisation insofar as they relate to maintenance of integrity in administration.

1.3.3 Functions under Public Interest Disclosure and Protection of Informers Resolution 2004[3]: The Commission is the 'Designated Agency' under Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-2004[3&4] to receive complaint or disclosure alleging corruption against any employee of the Central Government or its organisations.

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[1] Detailed procedure for appointment of CVOs and assessment of their work is described in Ch-II of the Vigilance Manual-2026 "titled "Chief Vigilance Officers".

[2] Detailed procedure for considering the request for sanction for prosecution is given in Master Circular No. 05/MC/2026 titled 'Master Circular on Procedure for Processing Request for Sanction for Prosecution under Section 19 of the Prevention of Corruption Act 1988'.

[3] DoPT's Gazette Notification No. 89 dated 21.04.2004, issued vide No. 371/12/2002-AVD-III, refers.

[4] Detailed procedure for receiving and taking action on complaints received under PIDPI Resolution-2004 is provided in the Master Circular No. 04/MC/2026 on'Processing of Complaints Received Under The Public Interest Disclosure and Protection of Informers (PIDPI) Resolution -2004'

1.3.4 CENTRAL VIGILANCE COMMISSION AS SPECIFIED AUTHORITY UNDER THE PREVENTION OF MONEY LAUNDERING ACT, 2002:

Under Section 66 of the Prevention of Money Laundering Act-2002[1] (PMLA-2002), the Director or any other authority specified by him may furnish or cause to be furnished such information to such other officer or body as the Central Government may, in its opinion deem it necessary to do so in public interest, specify, by notification in the Official Gazette. Any information received or obtained by such Director or any other authority in the performance of their duties under the PMLA-2002 may be shared with such notified authority.

Vide Gazette Notification dated 15.12.2015[2], the Central Government has notified "Central Vigilance Commission" as an authority competent to receive such information from the Director, Financial Intelligence Unit (FIU). The Commission on receipt of such information may (on the facts and circumstances of the case) require either the CBI, the CVO concerned or any other agency to investigate and report the facts and to ascertain whether there is any misconduct by a public servant within the jurisdiction of the Commission. The Commission, on consideration of such a report would tender its advice.

1.3.5 Inputs on Vigilance Status of officers for appointment to key positions: The DoPT, vide its OM dated 09.10.2024[3] has laid down guidelines that while considering cases for grant of vigilance clearance for the purpose of empanelment of the AIS officers of any particular batch, for members of the Central Civil Services / Central Civil posts and Board level positions in the Central Public Sector Enterprises (CPSE), the comments of the Commission may be obtained. Further, as per the Commission's Letter dated 12.07.1999[4] vigilance clearance shall also be obtained from the Commission in respect of all candidates / officers recommended by the Public Enterprises Selection Board (PESB) for appointment to any Board level position in CPSEs, irrespective of their holding a Board level or below Board level post at that point of time.

1.3.6 Other functions and activities:

(i) **Supervision & control of Chief Technical Examiners' Organisation:** The Commission exercises supervision and administrative control over the Chief Technical Examiners' (CTEs') Organisation.

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[1] PMLA Act No. 15 of 2003 w.e.f. 17.01.2003 "to prevent money-laundering and to provide for confiscation of property derived from, or involved in, money-laundering and for matters connected therewith or incidental thereto".

[2] Ministry of Finance (Department of Revenue) Gazette Notification No. GSR 970 (E) dated 15.12.2015 on Prevention of Money Laundering Act, 2002 (15 of 2003)

[3] DOPT's OM No. 104/33/2024-AVD-IA dated 09.10.2024 on the subject of " Revised guidelines regarding grant of Vigilance Clearnce to AIS Officers & Central Civil Services/ Central Civil Posts," refers, as may be amended from time to time.

[4] Letter No. 3 (v)/99/4 dated 12.07.1999 on the subject of "Guidelines for obtaining vigilance clearance from the Commission in respect of candidate(s) recommended for Board Level appointment(s) in Public Sector Enterprises," refers, as may be amended from time to time.

(ii) **Appointment of Independent External Monitors:** The Commission nominates persons for appointment as Independent External Monitors (IEMs) whose function is to ensure implementation of the Integrity Pact.

(iii) **Capacity Building Programmes :** The Commission organises training programmes for CVOs, other functionaries and for its own officials. It also provides guidance on preparation of course modules for imparting training by institutions or organisations active in this area.

(iv) **Vigilance Awareness Week:** The Commission has been observing Vigilance Awareness Week (VAW) every year since the year 2000 as an outreach campaign to spread awareness against corruption among citizens. The VAW coincides with the birth anniversary of Bharat Ratna Sardar Vallabh Bhai Patel, the first Home Minister of India.

1.4 ORGANISATIONAL STRUCTURE OF THE CENTRAL VIGILANCE COMMISSION

1.4.1 In terms of sub-section 4 of Section 3 of the CVC Act, 2003, the Central Government appoints a Secretary to the Commission to exercise such powers and discharge such duties as the Commission may, by regulations, specify in this behalf.

1.4.2 In terms of Section 7 of CVC Act, 2003, the Central Government, in consultation with the Commission, makes rules with respect to the number of members of the staff of the Commission and their conditions of service.

1.4.3 In terms of Section 13 of the CVC Act, 2003, the expenses of the Commission, including salaries, allowances and pensions payable to the Central Vigilance Commissioner, the Vigilance Commissioners, the Secretary and the staff of the Commission, is charged on the Consolidated Fund of India.

1.4.4 The Commission is assisted in discharge of its functions by a Secretariat headed by the Secretary. The major Branches / Units of the Commission are: -

(i) **Vigilance:** Each Vigilance Branch is under Director / Deputy Secretary level officer, in turn supervised by the respective Additional Secretary. The Vigilance Branches process complaints and cases pertaining to various organisations covered under the jurisdiction of the Commission and communicate advice of the Commission.

(ii) **Confidential:** This branch handles complaints received under the PIDPI Resolution, 2004.

(iii) **Co-ordination:** This branch deals with policy matters, Annual Report of the Commission, appointment of CVOs, vigilance clearance, matters pertaining to superintendence over CBI, conducting Management Audit of Vigilance Unit (MAVU) etc.

(iv) **Commissioners for Departmental Inquiries' Unit:** This unit assists the disciplinary authorities by conducting oral inquiries. The officers designated as Commissioners for Departmental Inquiries (CDIs) undertake the function of conducting oral inquiries in individual disciplinary cases, on appointment as Inquiring Authorities (IAs) by the DA.

(v) **Administration:** It comprises Establishment, Cash, General matters, Library, and Hindi Cell.

(vi) **Legal:** This branch deals with matters involving legal issues.

(viii) **Right To Information:** This branch is the Nodal division for matters related to Right to Information Act (RTI Act), 2005 including processing of RTI appeal cases.

(vii) **Information Technology:** This branch is responsible for maintaining and implementing e-governance.

(ix) **Training:** This branch deals with training of the Chief Vigilance Officers, Inquiring Authorities, Presenting Officers and other functionaries on vigilance administration and organising knowledge workshops, etc.

(x) **Chief Technical Examiners' Organisation[1]:** It is the technical wing of the Commission headed by the Chief Technical Examiners. It carries out inspection of civil, electrical, horticulture and all other types of procurement contract works of the Central Government organisations. It provides assistance and advice to the Commission on technical matters and issues relating to procurement.

1.5 HANDLING OF LEGAL CASES WHERE CENTRAL VIGILANCE COMMISSION OR ITS OFFICIALS HAVE BEEN MADE RESPONDENT

The Commission, under the provisions contained in clause (g), sub-section (1) of Section 8 and sub-section (2) of Section 17 of the CVC Act, 2003 has the mandate to tender advice to the Central Government, corporations established by or under any Central Act, Government companies, societies and local authorities owned or controlled by the Central Government, regarding the officers covered under its advisory jurisdiction as defined under sub-section (2) of Section 8 of the CVC Act, 2003.

[1]Details about the functioning of CTE's organisation are provided in Chapter VI of Vigilance Manual-2026 titled CTE's Organisation.

(i) The Commission takes a considered view regarding the further course of action to be taken in respect of the officials / cases as mentioned above, based on the records / evidence / material available with it and may advise either prosecution of the Suspected Public Servant (SPS) or initiation of appropriate disciplinary proceedings or for imposition of appropriate penalty, as the case may be, based on the misconducts detected.

(ii) The aggrieved officials, against whom action has been taken as advised by the Commission, sometimes approach either the Central Administrative Tribunal (CAT) or other constitutional Courts of Law with the prayer to get the disciplinary action or penalty quashed. The Commission and / or its officials, along with the organisation concerned to whom the SPS belongs and the disciplinary authority of the petitioner officials are made respondents by the official.

(iii) In cases, where the Commission has been named as a respondent along with the organisation concerned, the authorities in the organisation, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition / application / plaint, etc., shall bring the same to the notice of the CVO of the organisation. The CVO of the organisation shall inform the Commission immediately about that court case. The CVO shall also forward a self-contained note containing a summary of the issues raised in the petition / application / plaint, etc., indicating the paras where the Commission's actions have been described / questioned and also quoting the Commission's references / correspondences exchanged with the organisation concerned, relating to the case mentioned before the Court / CAT , etc., if any.

(iv) During the intervening period, when correspondence is being made by the CVO of the organisation with the Commission and prior to receipt of its specific advice / directions, the CVO of the organisation concerned shall ensure that the interests of the Commission and its officials are duly protected before the Court or Tribunal etc., if the case comes up for hearing.

(v) The CVO and / or any other authority of the organisation, shall suitably brief the counsel / advocate of the organisation about the Commission's functions and powers and its advisory jurisdiction, as mandated under Section 8 and Section 17 of the CVC Act, 2003 to suitably apprise the court. It may be noted that Section 15 of the CVC Act, 2003 states that "No suit, prosecution or other legal proceeding shall lie against the Commission, the Central Vigilance Commissioner, any Vigilance Commissioner, the Secretary or against any staff of the Commission in respect of anything which is in good faith done or intended to be done under this Act". This may also be brought to the notice of respective Courts or Tribunals etc., through the organisation's counsel / advocate, in order to get the name of the Commission or its officials deleted from the list of respondents.

(vi) Many a time, petitioners / applicants / plaintiffs approach the courts alleging corrupt /

inappropriate activities by various govt. organisations and / or by public servants and seek investigation about such inappropriate activities through the Commission. In case they had made complaint to the Commission earlier, regarding the issues mentioned before the court, they point out this fact in their petition / prayer and sometimes express dissatisfaction about the action taken by the Commission on their complaints, as may have been intimated to them. In such cases also, immediately on receipt of a notice from the respective court or on receipt of advance copy of the petition / application / plaint, etc., the authorities concerned in the organisation shall bring the same to the notice of the CVO of the organisation, immediately. The CVO of the organisation shall inform the Commission immediately, about that court case. The CVO shall also forward a self-contained note containing a summary about the issues raised in the petition / application / plaint, etc., indicating the paras where the Commission's actions have been described / questioned and also quoting the Commission's references / correspondences exchanged with the organisation concerned relating to the case mentioned before the Court, Tribunal etc., if any.

(vii) During the intervening period, when correspondence is being made by the CVO of the organisation with the Commission and prior to receipt of its specific advice / directions, the CVO of the organisation shall ensure that the interest of the Commission and its officials are duly protected before the Court or Tribunal etc., if the case comes up for hearing. The CVO and / or any other authority of the organisation, shall suitably brief the counsel / advocate of the organisation about the Commission's Complaint Handling Policy and provisions contained under Section 8 and Section 17 of the CVC Act, 2003, to suitably apprise the court.

(viii) Wherever a need arises to argue before the respective courts regarding the merits of specific advice tendered by the Commission in a particular case or action taken by it on an individual complaint or any other action of the Commission, the organisation shall seek specific comments and advice of the Commission before informing / apprising the court through their counsel / advocate.

(ix) The orders passed by the respective courts or any development pertaining to the case shall be intimated to the Commission by the organisation / the CVO concerned at the earliest possible, along with the details of action required to be taken at the end of the Commission, if any.

1.6 VIGILANCE ADMINISTRATION OF SUBSIDIARIES AND JOINT VENTURE COMPANIES

(i) The Commission has jurisdiction over any organisation so long as the administrative ministry / department of the Central Government continues to exercise administrative control over these organisations, including appointment of the Chief Executive and Board Members, etc. Accordingly, the CVOs are expected to ensure that vigilance

activities are carried out in CPSEs, their subsidiaries and joint venture companies in accordance with the guidelines of the Commission.

(ii) **Jurisdiction over Joint Venture Companies:**

Jurisdiction of the Commission extends to such companies where, in a combination of the Central Government, one or more State Government, one or more Government Companies and one or more corporations owned or controlled by the Central Government / State Government, the cumulative share of the Central Government is not less than 51% of the paid-up share capital.

1.7 In order to ensure effective vigilance administration and to facilitate proper functioning by the organisations covered under the jurisdiction of the Commission and their vigilance units, the Commission has issued Master Circulars and Public Notices covering different aspects. The same are described in brief in the following table:

S. No	Master Circular No. / Public Notice No.	Subject of Master Circular / Public Notice	Topics Covered
1	**01/MC/2026**	Master Circular on Definition of Vigilance Angle	• Definition of vigilance angle. • Vigilance angle in public sector banks. • Vigilance angle in public sector insurance companies. • Vigilance angle in public sector financial institutions. • Vigilance angle in respect of quasi-judicial functions being performed by officials. • Action on administrative misconduct
2	**02/MC/2026**	Master Circular on Role and Function of Chief Vigilance Officers and Protection to Chief Vigilance Officers and other Vigilance Functionaries.	• Role and functions of Chief Vigilance Officers. • Role of the Chief Vigilance Officer in punitive vigilance functions. • Role of the Chief Vigilance Officers in preventive and participative vigilance functions. • Timely processing of vigilance cases • Other important functions. • Tour programmes of Chief Vigilance Officers. • Vigilance administration of subsidiaries and joint venture companies. • Monitoring of vigilance cases & submission of periodic report(s) by the Chief Vigilance Officers.

			• Protection against victimization of vigilance functionaries. • Rotational transfer of vigilance functionaries. • Role of Chief Vigilance Officer - managing conflict of interest. • Facilities perks etc. to the Chief Vigilance Officers, holding additional charge. • Circulars issued by the Central Vigilance Commission covering important aspects of vigilance administration.
3	**03/MC/2026**	Master Circular on Handling of Complaints by Chief Vigilance Officer and Organisation.	• Introduction. • Sources of information about corruption. • Complaint Handling Policy of organisations. • Action on complaints received in the organisations directly from complainants. • Procedure for handling complaints received in the organisation against Secretaries to GOI and Chief Executives / CMDs and Functional Directors. • Complaint against Chief Vigilance Officers / Vigilance Officers. • Action on complaints received from the Central Vigilance Commission. • Complaint under Public Interest Disclosure and Protection of Informers Resolution -2004. • Action on complaints received from Member(s) of Parliament and VIP(s). • Action against persons making false complaints. • Withdrawal of complaints. • Display of Public Notice Board for lodging complaints. • Handling of the complaints against tendering process. • Tentative view of Disciplinary Authority. • Handling of complaints received from Lokpal.
4	**04/MC/2026**	Master Circular on processing of complaints received under Public Interest Disclosure and Protection of	• Introduction • Important features of the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution - 2004 dated 21.04.2004 and amendment dated 14.08.2013.

		Informers (PIDPI) Resolution -2004.	• Processing of complaints received under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution – 2004. • Protection to the complainant. • Supervision of complaints received by the Designated Authority. • Guidelines for lodging complaints under the Public Interest Disclosure and Protection of Informers (PIDPI) Resolution – 2004.
5	**05/MC/2026**	Master Circular on Procedure for Processing Request for Sanction for Prosecution under the Provisions of Prevention of Corruption Act, 1988.	• Prior sanction for prosecution under Prevention of Corruption Act-1988. • Guidelines for Competent Authority for sanction for prosecution under Section 19 of Prevention of Corruption Act-1988. • Cases requiring advice of the Central Vigilance Commission for grant of sanction for prosecution.
6	**06/MC/2026**	Master Circular on Procedure for Obtaining and Implementing the Advice of the Central Vigilance Commission.	• Jurisdiction of the Central Vigilance Commission. • First Stage Advice of the Central Vigilance Commission. • Procedure and documents required for obtaining First Stage Advice of the Central Vigilance Commission. • Reconsideration of First Stage Advice of the Central Vigilance Commission. • Simultaneous criminal proceedings (prosecution) and disciplinary proceedings. • Second Stage Advice of the Central Vigilance Commission. • Reconsideration of Second Stage Advice of Central Vigilance Commission. • Procedure for dealing with cases of officials, convicted by court of law. • Time limit for submitting further information / clarification sought by the Central Vigilance Commission. • Timely reference to the Central Vigilance Commission for obtaining its advice. • Monitoring of disciplinary cases and accountability for delay in such cases.

			• Self-contained speaking and reasoned order to be issued by the Competent Authority. • Deviation from the advice tendered by the Central Vigilance Commission. • Acceptance of resignation in cases where advice of the Central Vigilance Commission was obtained.
7	**07/MC/2026**	Master Circular on Vigilance Administration in Public Sector Banks, Public Sector Insurance Companies and Public Sector Financial Institutions.	• Vigilance angle in Public Sector Banks. • Mandate of the Internal Advisory Committee in Public Sector Banks. • Vigilance angle in Public Sector Banks. • Role of the Chief Vigilance Officer in determination of staff accountability in Public Sector Banks. • Vigilance administration in Regional Rural Banks. • Preventive vigilance in banks. • Fraud reporting to the Central Vigilance Commission. • Vigilance angle in Public Sector Insurance Companies. • Mandate of the Internal Advisory Committee in Public Sector Insurance Companies. • Vigilance angle in Public Sector Insurance Companies. • Preventive vigilance in Public Sector Insurance Companies. • Vigilance angle in Public Sector Financial Institutions. • Mandate of the Internal Advisory Committee in Public Sector Financial Institutions. • Vigilance angle in Public Sector Financial Institutions. • Preventive vigilance in Public Sector Financial Institutions. • Rotational transfer of officials holding sensitive posts. • Mandate for referring cases to Advisory Board on Banking and Financial Frauds (ABBFF).
8	**08/MC/2026**	Master Circular on Timely Initiation and	• Importance of timely action.

		Finalisation of Disciplinary Action.	• Model time schedule for conducting investigation and subsequent disciplinary actions. • Reducing delay in conducting disciplinary action • Petitions of bias by charged officers. • Uniformity in levels of processing of vigilance cases. • Expeditious action in respect of officials due to retire. • Training to IOs and POs. • Referring cases to UPSC for advice.
9	**09/MC/2026**	Master Circular on Identification of Sensitive Posts and Rotation of Officials Holding Sensitive Posts	• Identification of sensitive posts • Rotational transfer of officials holding sensitive posts

The Commission has issued two Public Notices on the following subjects:

S. No	Master Circular No. / Public Notice No.	Subject of Master Circular / Public Notice	Topics Covered
1	**10/MC/2026**	Public Notice on Procedure for Lodging Complaint with Central Vigilance Commission	• Central Vigilance Commission's mandate to receive and act on complaints • Procedure for lodging complaints • Guidelines for the complainant • Confirmation from complainant • Withdrawal of complaint • Action against persons making false complaints • Gazette Notification about procedure for dealing with complaints and procedure of inquiry
2	**11/MC/2026**	Public Notice on Procedure for Lodging Complaint under Public Interest Disclosure and Protection of	• Public Interest Disclosure and Protection of Informers (PIDPI) Resolution-2004 and amendment dated 14.08.2013 • Guidelines for the complainant for lodging a complaint under the Public Interest

		Informers (PIDPI) Resolution -2004	Disclosure and Protection of Informers (PIDPI) Resolution-2004 • Confirmation from the complainant • Withdrawal of complaint • Action against persons making false complaints

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Notes

Chapter-II

CHIEF VIGILANCE OFFICERS

INTRODUCTION

The primary responsibility for maintaining efficiency, integrity and transparency in an organisation vests in the Chief Executive [Secretary in the case of ministry / department and Chief Executive Officer (Chairman cum Managing Director / Managing Director etc.) in case of any other organisation]. Such an authority is assisted by the CVO in performing vigilance functions. The CVO acts as an advisor to the Chief Executive and reports directly to him. He heads the Vigilance Unit of the organisation. He also provides a link between his organisation and the Commission. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the prevailing corrupt practices or the possibility of corrupt practices by the officials of the organisation; investigating or causing an investigation to be made into allegations having vigilance sensitivity reported to him; processing investigation reports for further consideration of the Competent Authority concerned; referring cases to the Commission for advice in accordance with the existing guidelines; taking steps to prevent improper practices or commission of misconduct; examining audit, inspection and other reports etc.

2.1 APPOINTMENT OF CHIEF VIGILANCE OFFICER

The CVOs are appointed by the Competent Authority in the organisations of Government of India to carry out vigilance work. Large organisations should have a full-time CVO, i.e., the official should not have any other responsibility. If it is considered that the CVO in an organisation does not have full-time vigilance work, he may be entrusted with such functions that serve as input to vigilance activities. However, the CVO should not be involved in decision making processes or in activities of such nature, which are likely to have clear vigilance sensitivity.

Furthermore, in order to be effective in his functioning, a CVO should ordinarily be an outsider appointed for a fixed tenure on deputation terms as stipulated by the DoPT vide their OM dated 18.11.2022[1]. The CVO in an organisation is appointed with prior consultation of the Commission and no person whose appointment in that capacity is objected to by the Commission may be so appointed.

[1] DoPT's O.M. No.40/1/2022-EO(CVO) dated 18.11.2022 on the subject "Guidelines on procedure for appointment of Chief Vigilance Officers (CVOs) in Central Public Sector Enterprises (CPSEs) and other organisations under central Ministries/Departments" refers, which may have been amended from time to time.

2.2 APPOINTMENT OF THE PART TIME CHIEF VIGILANCE OFFICER IN THE MINISTRIES / DEPARTMENTS

The duties of CVO in the ministries / departments of the Government of India may be entrusted to an official of that ministry / department on a part time basis, with the approval of the Commission. Further, there may be certain organisations under the administrative control of a ministry / department which are small in size and do not have an official of sufficient seniority to be appointed as the CVO. In such a case, the ministry / department concerned may entrust vigilance functions to a suitable official of appropriate level. Such an appointment can be made under intimation to the Commission.

2.3 ADDITIONAL CHARGE ARRANGEMENTS TO THE CHIEF VIGILANCE OFFICER

A proposal for appointment of the CVOs on part time basis or for giving additional charge of the post of the CVO of an organisation to an official already working as CVO in another organisation, should be made to the Commission by the ministry / department concerned. The following information / details should invariably be forwarded to the Commission along with the proposal: -

(i) Tenure of the official proposed as the CVO (in his present capacity).

(ii) Is he holding additional charge as the CVO of any other organisations?

(iii) Is the Head Quarter of current proposed organisation is the same as that of the organisation, where he is already working as the CVO?

(iv) Brief profile of the organisation (number of employees, number of cases arising in a year, status, core activity, organisation set up, etc.).

(v) Order of preference, if the proposed official(s) are from the respective ministry / department. Provided, the proposed official(s) do not hold any charge which attracts conflict of interest with the proposed post of CVO.

(vi) Brief profile of the official(s) proposed as CVO.

2.4 APPOINTMENT OF THE CHIEF VIGILANCE OFFICER IN ORGANISATIONS WHERE THE CHIEF VIGILANCE OFFICER IS A CADRE POST

In a few organisations e.g. Central Board of Direct Taxes (CBDT), Central Board of Indirect Taxes and Customs (CBIC), Department of Posts and Ministry of Railways / Railway Board, there is an encadred post of the full time CVO. In such organisations, a panel of names of officers of adequate seniority, in the order of preference, along with the bio data and complete APAR dossiers is to be sent to the Commission. One of the officials from the panel approved by the Commission is appointed as the CVO in that organisation.

2.5 APPOINTMENT OF THE FULL TIME CHIEF VIGILANCE OFFICERS IN CENTRAL PUBLIC SECTOR ENTERPRISES / SOCIETIES / AUTONOMOUS BODIES AND DEPARTMENTS

The following guidelines are prescribed for filling up full-time posts of the CVOs:

(i) The posts of the CVO in CPSEs and other organisations under administrative control of the Government of India shall be filled up on deputation basis and such a post would be Non-Central Staffing Scheme posts.

(ii) The DoPT would request the cadre controlling authorities of various organised services as well as the CPSEs to offer names of officials of proven integrity for the post of CVO. The cadre authorities as well as the officers who apply, would also be required to indicate choice of location.

(iii) An official willing to be posted as the CVO would submit online application as is done for the Central Staffing Scheme (CSS). The portal will have facilities for exercising the option to apply for (a) CSS only; (b) CVO; or (c) both for CVO and CSS posts.

(iv) The Cadre Controlling Authorities would forward the online applications of the officials along with their APAR dossiers to the DoPT. Such applications would be forwarded by the DoPT to the Commission for clearance. Once cleared by the Commission, names of such officials would be retained on the "CVO offer list" for appointment. The offer list of the CVOs would be maintained by the Establishment Officer (EO), for placing it before the Civil Services Board (CSB) along with the list of vacancies existing / likely to arise in near future. CVOs offer list would be maintained on the lines of the CSS offer list.

(v) The selection of official(s) appearing on the CVO offer list in individual organisation as the CVO, would be done as per procedure prescribed by CSB. For Deputy Secretary / Director level posts, orders for appointment will be issued by the EO with the approval of the Minister of State (Personnel, Public Grievances and Pensions) [MOS (PP)]. For Joint Secretary (JS) level posts, the same procedure will be followed as is being done for appointment of JS under the CSS. In this regard, the DoPT's OM dated 18.11.2022[1] also refers.

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[1] *DoPT's O.M. No.40/1/2022-EO(CVO) dated 18.11.2022 on the subject " Guidelines on procedure for appointment of Chief Vigilance Officers (CVOs) in Central Public Sector Enterprises (CPSEs) and other organisations under central Ministries/Departments" refers, which may have been amended from time to time.*

2.6 APPOINTMENT OF THE CHIEF VIGILANCE OFFICER IN PUBLIC SECTOR BANKS, PUBLIC SECTOR INSURANCE COMPANIES AND PUBLIC SECTOR FINANCIAL INSTITUTIONS

(i) The CVO in a Public Sector Bank, a Public Sector Insurance Company or a Public Sector Financial Institution (PSB / PSIC / PSFI) is appointed on deputation basis by the Department of Financial Services (DFS). Chief General Managers (CGMs) / General Managers (GMs) of PSBs, CGMs of the Reserve Bank of India (RBI) and Executive Directors (EDs) of PSFIs, having minimum three years of residual service and other eligible categories of officials, as may be decided from time to time, are eligible to apply for the post of the CVO in PSB, PSIC or PSFI. The officials of the level of ED in Life Insurance Corporation (LIC) are eligible to apply for the posts of the CVO in a PSIC only. Such officials are not eligible to apply for the post of the CVO in their parent organisation.

(ii) DFS calls for applications from willing officials for the post of CVO in a PSB or PSIC or PSFI before the vacancy arises. Selection of the candidates for appointment to the post of CVO shall be made by the Government in consultation with the Commission, in accordance with the extant guidelines.

2.7 APPOINTMENT OF THE CHIEF VIGILANCE OFFICER IN AUTONOMOUS ORGANISATIONS / SOCIETIES, etc.

(i) An autonomous organisation, society, etc. would forward to the Commission for consideration, a panel of names of three officials, arranged in order of preference, along with their bio-data and complete APAR dossiers. The panel is to be forwarded through the administrative ministry / department. One of the officials from the panel approved by the Commission would be appointed as the CVO in that organisation.

(ii) An autonomous organisation that has a full-time post of the CVO and proposes to fill up the post on deputation basis on the pattern of CSS, may obtain a panel of names from the DoPT, from the CVOs offer list as approved by the Commission.

2.8 CHARGE ASSUMPTION REPORT BY THE CHIEF VIGILANCE OFFICER

In order to facilitate proper communication with the organisation, the newly appointed CVO (full-time or part-time) is required to submit charge assumption report, along with other particulars to the Commission immediately on assumption of charge as the CVO. For submission of particulars the format enclosed with the Commission's circular dated 26.08.2019[1] may be used. The communication in this regard may also be mailed to secy-cvc@nic.in.

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[1] *CVC Circular No. MISC/CDN-2/19 dated 26.08.2019 on the subject 'Submission of charge assumption report by the newly appointed CVOs to the Commission regarding' refers, which may have been amended from time to time.*

2.9 TENURE OF THE CHIEF VIGILANCE OFFICER

The tenure of CVO in an organisation shall be for a period of 03 years which is extendable by another 02 years, subject to overall combined time limit prescribed for central deputation and / or being away from the cadre, as per instruction issued by the DoPT from time to time. The initial tenure of 03 years as the CVO in an organisation is extendable for a further period of 03 years on lateral transfer to another organisation with prior concurrence of the Commission, subject to the overall combined time limit prescribed for central deputation and / or being away from the cadre, as per instructions issued by the DoPT from time to time. Once an official has worked as the CVO in a particular organisation, he shall not be considered for the post of the CVO in the same organisation for another term.

2.10 The officials already on central deputation on a CSS post would normally be appointed for a minimum residual tenure of 03 years. Applications of such officials should be forwarded with the approval of the Minister-in-charge of the ministry / department in which the official is posted and should reach the DoPT at least a year before the expiry of tenure of the official on the CSS post.

2.11 SHORT TERM ARRANGEMENT FOR THE POST OF THE CHIEF VIGILANCE OFFICER

(i) If due to unforeseen circumstances, the post of CVO falls vacant without any replacement, then additional charge arrangement from amongst the eligible officials of appropriate seniority would be as per procedure followed for CSS posts. The ministry / department concerned may propose the name of any eligible official (of appropriate seniority) working in that ministry / department or working as the CVO in any other organisation. The ministry / department concerned is required to submit the proposal to the DoPT with the concurrence of the Commission and after taking approval of the Minister in-charge. The approval of the MOS(PP) would be required for additional arrangement upto 01 year. For continuation of additional arrangement beyond 01 year, approval of the Appointments Committee of the Cabinet (ACC) will be required.

(ii) As far as feasible, duties of the vacant post of the CVO should be assigned to a CVO of another organisation under the administrative control of the same ministry / department or to an eligible official of that ministry / department. Asking a junior officer in an organisation to perform duties of CVO should be avoided.

(iii) Similarly, a Government Nominee Director in an organisation should not handle cases where there is possibility of a conflict of interest with his full-time assignment.

(iv) The guidelines issued by the DoPT vide their OM dated 18.11.2022[1] may also be taken note of on the issue of appointment, tenure and short term arrangement on the post of the CVO in an organisation .

2.12 ASSESSMENT OF CHIEF VIGILANCE OFFICER's WORK

The assessment of the work of the CVO is done by the Central Vigilance Commissioner and is recorded in the APAR. The following procedure is adopted for the purpose of assessment of the CVO's work:-

(i) The APAR of the CVO of the organisation, whether working on a full time or a part-time basis, would be initiated by the Chief Executive of that organisation, reviewed by the Secretary of the administrative ministry / department and would be sent to the Central Vigilance Commissioner for writing his remarks as the Accepting Authority;

(ii) The APAR of full time CVO of the ministry would be initiated by the Secretary of that ministry and would be reviewed by the Central Vigilance Commissioner.

(iii) The assessment by the Central Vigilance Commissioner in respect of the CVO of the ministry / department of the Government of India and their attached / subordinate offices, who look after vigilance functions in addition to their normal duties, would be recorded on a separate sheet of paper. The same would be subsequently added to the APAR of the official concerned.

(iv) However, after the implementation of the scheme of Smart Performance Appraisal Report Recording Online Window (SPARROW) for filing of APAR online, the Central Vigilance Commissioner would record his assessment, online. A column in the forms attached with SPARROW, is being introduced by the DoPT, for enabling the Central Vigilance Commissioner to write his remarks in the APAR of the CVO concerned.

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[1] *DoPT's O.M. No.40/1/2022-EO(CVO) dated 18.11.2022 on the subject " Guidelines on procedure for appointment of Chief Vigilance Officers (CVOs) in Central Public Sector Enterprises (CPSEs) and other organisations under central Ministries/Departments" refers, which may have been amended from time to time.*

2.13 It may be noted that role, duties and functions of the Chief Vigilance Officers are given in details in the Master Circular No. 02/MC/2026 titled 'the 'Master Circular on Role and Function of Chief Vigilance Officer and Protection to Chief Vigilance Officer and other Vigilance Functionaries' as may be amended from time to time.

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Notes

Chapter-III

PRELIMINARY ENQUIRY

INTRODUCTION

Preliminary Enquiry is conducted for verifying the allegations made in a complaint. It generally involves collection of documents, other evidence(s), obtaining statement of witness(es), their verification and scrutiny of the same to confirm if prima facie, misconduct exists. In common parlance, it is also referred to as Investigation. The investigation into a criminal offence is conducted by the CBI or any other Law Enforcement Agency (LEA) under the Cr.PC, 1973[1]. The preliminary enquiry is thus different from an investigation into criminal offence, as powers under the Cr.PC, 1973[1] are not vested in the authority conducting a preliminary enquiry / investigation.

3.1 AGENCIES FOR CONDUCTING PRELIMINARY ENQUIRY / INVESTIGATION

3.1.1 **Central Bureau of Investigation / Anti-Corruption Bureau of Union Territories:** As soon as a decision has been taken by the competent authority to cause investigation into the allegations contained in a complaint, it would be necessary to decide whether the allegations should be enquired within the organisation or whether a police investigation is necessary. As a general principle, investigation should be entrusted to CBI or to Anti Corruption Bureau (ACB) in the Union Territories (UTs) about allegations of the following nature:-

(i) Allegations involving offences punishable under the law which the CBI is authorised to investigate; such as offences involving bribery, corruption, forgery, cheating, criminal breach of trust, falsification of records, etc.;

(ii) Allegations of possession of assets disproportionate to known sources of income;

(iii) Allegations of such nature in which the truth cannot be ascertained without making inquiries from non-official persons; or those involving examination of non-government records, books of accounts, etc.;

(iv) Allegations that need investigation abroad;

(v) Allegations of a complicated nature requiring expert police investigation.

3.1.2 **State Police Authorities:** Allegations of such nature which indicate, prima facie, a criminal offence, but the offence is one which the CBI is not authorised to investigate, should be investigated by State Police Authorities.

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[1]Presently Bhartiya Nagrik Suraksha Sanhita – 2023 (BNSS -2023).

3.1.3 **Departmental Agency:** Allegations relating to an irregularity other than a criminal offence, e.g. a departmental irregularity or act of negligence, violation of service rules / conditions and where the alleged facts are capable of verification or investigation within the organisation should be investigated departmentally.

3.1.4 **Consultation with Central Bureau of Investigation:** In certain cases, the allegations may include both criminal misconduct and violation of service rules / conditions. In such cases, it should be decided in consultation with CBI, as to which of the allegations should be investigated by CBI and which should be left to the authorities within the organisation.

3.1.5 **Allegations difficult to segregate:** If there is any difficulty in segregating the allegations for separate investigation in the manner suggested in Para 3.1.4 above, it would be appropriate to entrust the whole case to CBI.

3.2 PARALLEL INVESTIGATION BY THE DEPARTMENTAL AGENCY AND THE CENTRAL BUREAU OF INVESTIGATION

(i) Once a case has been referred to and taken up by the CBI for investigation, a parallel investigation by departmental agencies should be avoided. In such cases, further action by the authorities within the organisation should be taken on completion of investigation by the CBI and on the basis of its report. However, the departmental agency is not precluded from investigating the non-criminal misconducts and if they decide to do so, the CBI should be informed of non-criminal aspects which the departmental agency has taken up for investigation. Further, if the departmental disciplinary proceedings have already been initiated on the basis of the investigation conducted by the departmental agencies, the administrative authorities may proceed with such disciplinary proceedings. In such cases, it would not be necessary for the CBI to investigate those allegations, which are the subject matter of the disciplinary proceedings, unless CBI observes criminal misconduct on the part of the official(s) concerned.

(ii) On occasions, it is observed that if the CBI is investigating certain allegations against an official involving criminal misconduct, during the pendency of the CBI investigation, the organisation concerned does not take up investigation into other misconduct involving departmental irregularities, violation of service rules etc. It is to be noted that if required, the organisation concerned should investigate issues against the official concerned, which are not being investigated by the CBI and take the matter to logical conclusion as per extent procedure. Further, if the CBI is investigating criminal misconduct relating to a bank loan / fraud / forging of accounts, etc., the bank need not wait for the CBI to complete its investigation, to initiate action for recovery.

3.3 REFERRING MATTER TO THE CENTRAL BUREAU OF INVESTIGATION FOR INVESTIGATION

As a general rule, investigations into criminal matters involving officials of the respective organisation should be entrusted to the ACB of CBI with the prior approval of the Chief Executive concerned. If, in criminal matters, involvement of the officials is prima-facie not evident, the matter should be referred to the Economic Offences Wing (EOW) of CBI. Such criminal matters should be referred to the State Police, only if the CBI has refused to take up investigations or where transaction value is less than Rs. 25 lakh. However, in respect of the PSBs, the monetary limits and procedure as provided for in the RBI's Master Direction dated 15.07.2024[1] should be followed while referring cases to the CBI and the State Police.

3.4 COMPETENCY TO REFER MATTER TO THE CENTRAL BUREAU OF INVESTIGATION

All CVOs, subject to the administrative approval of the Chief Executive concerned, are competent to refer to the CBI, the allegations of misconduct of the nature as indicated in Para 3.1.1 and Para 3.3 above. In case of difference of opinion between the CVO and the Chief Executive, matter is required to be referred to the Commission for resolving the difference of opinion.

3.5 PRELIMINARY ENQUIRY BY THE DEPARTMENTAL AGENCIES

3.5.1 A preliminary enquiry by the departmental agencies is commonly referred to as investigation. After it has been decided that the allegations noticed by the administrative authorities are to be investigated departmentally, the investigating officer should proceed to make a preliminary enquiry with a view to determine whether, prima facie, there is substance in the allegations. The preliminary enquiry may be made in several ways depending upon the nature of allegations and the judgment of the enquiry officer, e.g.:-

(i) If the allegations contain information which can be verified from any document, file or any official records, the investigating officer should, without loss of time, secure such records, etc., for inspection / critical examination. If any such records are found to contain evidence supporting the allegations, such records should be taken over by him to guard against the possibility of available evidence being tampered with. If the records in question are required for any current action, it

[1] Reserve Bank of India (RBI's) Master Direction No. DOS.CO.FMG.SEC.No.5/23.04.001/2024-25 dated 15.07.2024 titled 'Master Directions on Fraud Risk Management in Commercial Banks (including Regional Rural Banks) and All India Financial Institutions' refers, as may be amended time to time.

may be considered whether the purpose would be served by substituting the same with the authenticated copies of the relevant portions, original records being retained by the investigating officer in his custody. If that is not considered feasible for any reason, the authority requiring the records in question for current action should be made responsible for safe custody of the records after retaining authenticated copies for the purpose of investigation;

(ii) In case, the facts relating to the issue under investigation are likely to be known to other employees of the organisation, the investigating officer should seek their explanation either orally or may ask for their written statements. In case of oral explanation, the same should be reduced in writing and the person whose statement was obtained should be asked to sign in token of confirmation. Wherever necessary, any important facts disclosed during investigation should be verified by documentary or collateral evidence to make sure of the facts;

(iii) In case, it is found necessary to make inquiries from the officials of any other government organisation, the investigating officer may seek the assistance of the organisation concerned, through its CVO, for obtaining statement (s) / explanation of the official (s) concerned;

(iv) In certain types of complaints, particularly those pertaining to procurement / works etc., the investigating officer may find it helpful to make a site inspection, or a surprise check, to verify the facts on the spot and also to take suitable action to ensure that the evidence found there, in support of the allegations, is not disturbed;

(v) If during the course of investigation, it is observed that it would be necessary to collect evidence from non-official persons or to examine non-government records, investigation in the matter may be entrusted to the CBI.

(vi) In cases where investigation is being conducted on a reference made by the Commission under Section 8 of the CVC Act, 2003, the help of the Commission could also be sought, if required.

(vii) Under Section 11 of the CVC Act, 2003, the Commission, while conducting an inquiry as mandated under clause (c) and (d) of sub -section (1) of Section (8) of CVC Act, 2003, shall have all the powers of a civil court trying a suit under the Code of Civil Procedure (CPC), 1908 and in particular, in respect of following matters, namely:-

(a) summoning and enforcing the attendance of any person from any part of India and examining him on oath;

(b) requiring the discovery and production of any document;

(c) receiving evidence on affidavits;

(d) requisitioning any public record or copy thereof from any court or office;
(e) issuing commissions for the examination of witnesses or other documents; and
(f) any other matter which may be prescribed.

(viii) Regulation 4 of the Central Vigilance Commission Regulations, 2021 dated 08.01.2021[1] may also be referred to by the CVOs for conduct of investigation and the standard format for various processes as prescribed in the Schedule annexed to the aforesaid Regulations may be utilised for the purpose of investigation. Wherever necessary, other formats for processes may also be utilised from CPC, 1908, wherever applicable, with such modifications as deemed necessary by the administrative authority concerned.

(ix) If the official complained against is in-charge of stores, equipment, etc., and there is a possibility of his tampering with the records pertaining to such stores or equipment, the investigating officer may consider recommending transfer of that official immediately to other duties. If necessary, he may seek the help of any other authority for this purpose.

(x) While normally, the investigation would be made by the vigilance functionary, it may be suggested to the administrative authority to entrust investigation to any other official considered suitable in the particular circumstances of the case, e.g., it may be advisable to entrust the conduct of investigation to an official having technical expertise, if investigation is likely to involve examination and appreciation of technical data or documents.

(xi) The investigating officer may take the help of scientific tools and forensic tools to aid the investigation, wherever required.

(xii) During the course of investigation, the suspect official may be given an opportunity to say what he may have to say about the allegations against him, to find out if he is in a position to give any satisfactory information or explanation. In the absence of such an opportunity, the official concerned is likely to be proceeded against unjustifiably. It is, therefore, desirable that the investigating officer tries to obtain the suspect official's version of facts and why an inquiry should not be held. However, there is no question of making available, to the suspect official, any documents at the stage of investigation.

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[1] Government of India Gazette Notification No. 016/VGL/073 (E) dated 08.01.2021 titled 'In exercise of the powers conferred by clause (a) of sub-section (2) of Section 21 read with sub-section (4) of Section 3 of the Central Vigilance Commission Act, 2003 (45 of 2003), the Central Vigilance Commission, with the previous approval of the Central Government'

3.5.2 On completion of investigation, the investigating officer would prepare a self-contained report including the material available, to controvert the defence. The investigation report should contain the explanation of the suspect official. The fact that an opportunity was given to the suspect official should be mentioned in the investigation report even if the suspect official did not avail of it. The investigating officer should also take all connected documents in his possession as it would be very helpful if departmental disciplinary proceedings are initiated against the suspect official.

3.5.3 The investigating officer would submit his report to the CVO or the appropriate authority, who would conclude whether on the basis of the facts disclosed in the investigation report, the complaint should be dropped or whether disciplinary proceedings should be recommended against the official concerned, or the administration of a warning or caution would serve the purpose. The CVO would forward the investigation report to the DA, along with his own recommendations, for appropriate decision. The investigation report should broadly confirm to Annexure-I of Master Circular No. 06/MC/2026[1] issued by the Commission.

3.5.4 The decision, whether disciplinary proceedings are to be initiated against an employee, should be taken by the authority competent to award appropriate penalty as may be specified in the relevant CDA Rules. The advice of the Commission is required to be obtained in respect of officials covered under the jurisdiction of the Commission, before the competent authority takes a final decision in the matter.

3.6 FORENSIC SCIENCE AS A TOOL FOR INVESTIGATION

(i) Forensic science deals with scientific methods of investigation and collection of evidence. Normally, several branches of forensic science like forensic medicine, computer forensic, forensic pathology, forensic ballistics, etc., are employed for investigation of complex criminal cases. Forensic science can also be gainfully employed in investigations by administrative authorities, for collection of evidence, better appreciation of facts and fixing of responsibility.

(ii) The organisations could explore improving the quality of their investigations through use of forensic tools and expertise for ascertaining facts that could be crucial for arriving at definite conclusions after investigation. In case of need, certain professional organisations may also be approached to help in application of forensic tools for investigation purpose.

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[1]Master Circular No. 06/MC/2026 titled 'Procedure for Obtaining and Implementing the Advice of the Central Vigilance Commission' refers, as may be amended from time to time.

(iii) During investigation of fraud / corruption cases, various forensic techniques are used for analysis of physical and electronic evidences. Conventional methods are mainly used to prove the authenticity of the documents available, which typically involves examination of physical documents for matching of handwriting and signatures, matching / establishing age of paper and ink to analyse the evidence by comparison and to establish erasures or substitution of documents and restoration of obliterated writing.

(iv) Examination and analysis of the documents available in physical form may require opinion of the Government Examiner of Questioned Documents (GEQD). The following types of examination are carried out by the GEQD:-

(a) to determine the authorship of the questioned writings by a comparison with the known standards / accepted documents;
(b) to detect forgeries in the questioned documents;
(c) to determine the identity of the questioned typescripts by comparison with standards;
(d) to determine the identity of seal impressions;
(e) to decipher erased (mechanically or chemically) or altered writings;
(f) to determine whether there have been interpolations, additions, or overwriting and whether there has been substitution of papers;
(g) to determine the order or sequence of writings as shown by cross strokes and also to determine the sequence of strokes, creases or folds in the questioned documents where additions are suspected to have been made;
(h) to detect any tampering in wax seal impressions;
(i) to decipher secret writings;
(j) to determine the age of documents and other allied handwriting problems.

(v) Services of the Document Division of Central Forensic Science Laboratory (CFSL), CBI or other forensic laboratories of the Central / State Government or National Accreditation Board for Testing and Calibration Laboratories (NABL) accredited laboratories may also be used for this purpose.

3.7 COMPUTER FORENSICS

(i) Computer forensics deals with the identification, documentation, extraction and preservation of the computer evidence. Typically, computer forensic tools exist in the form of computer software and hardware, procedures and communication protocols. To ensure accuracy and reliability of computer evidence, it is imperative to go for cross validation of the results through use of multiple tools and techniques and standard procedures.

(ii) With growing and widespread use of computer technology, a computing machine / computer system / communication network can be used for committing irregularities / crimes; at the same time, these objects can also be the target of nefarious activities. The first step in the direction of committing such activities is to have access to a computer / computer system / computer network; the access may be physical or from a remote location through a communication network. Though unauthorised and remote access to a computer / computer system makes investigation into an act of omission or commission difficult, we need to realise that such acts, like any other conventional irregularity / crime, leave behind evidence at the scene of crime.

(iii) Electronic evidence normally consists of an electronic record which, in turn, may be in the form of data, image or sound stored, received or sent in an electronic form or microfilm or computer-generated microfiche. Computer data means a representation of information, knowledge, facts, concepts or instructions, prepared in a formalized manner and intended to be processed in a computer system or computer network. Significant digital sources of evidence include computers, mobile devices, removable media and external data storage devices, online banking software, e-mail / notes / letters, telephone records, financial or asset records, electronic money transfers, accounting or record keeping software, etc.

(iv) A computer forensic examination may reveal when a document first appeared on a computer, when it was last edited, when it was last saved or printed, and which user carried out these actions. It can detect sophisticated money trails / movement of proceeds of corruption. As much of the day-to-day communication and financial transactions are conducted over the Internet, real time monitoring of bank accounts, e-mail traffic and the interception and processing of other forms of on-line data become important for conducting a proper investigation, complementing traditional investigative and surveillance techniques.

(v) However, all these activities require the assistance of a digital forensic expert. The Cyber Forensic Laboratory and Digital Imaging Centre, functioning under CFSL / CBI, assists investigating / enforcement agencies in the collection and forensic analysis of electronic evidence.

(vi) Services of other such forensic laboratories of the Central / State Government or NABL accredited laboratories may also be used for this purpose.

3.8 INVESTIGATION AGAINST THE OFFICIALS ON DEPUTATION

Investigation against an official on deputation should be carried out by the CVO of the organisation where the misconduct has occurred. However, when investigation has started against an official, who is on deputation, by parent organisation, it would

be appropriate if parent organisation sends an intimation to that effect to the borrowing organisation. In such cases, the result of investigation should also be intimated to the borrowing organisation. Further, where investigation was initiated by the parent organisation in respect of an official for a misconduct in the parent organisation and the official proceeds on deputation, the CVO of the parent organisation should take the matter to logical conclusion and not transfer it to the CVO or the authorities of the organisation in which the suspect official is working on deputation basis.

If a misconduct is detected in the borrowing organisation on the part of an official after his repatriation to his parent organisation, the borrowing organisation should bring the fact of the matter, after due investigation by the CVO, to the notice of the parent organisation which will decide the further course of action. It should be noted that only the current DA under whom an official is functioning, including the parent organisation, is competent under relevant CDA rules to initiate disciplinary proceedings against him.

3.9 INVESTIGATION AGAINST THE OFFICIAL(S) UNDER SUSPENSION / CLOSE TO RETIREMENT

Investigation into allegations against officials under suspension or those about to retire, should be given the highest priority. It should also be ensured that there is sufficient time for processing the investigation report involving retiring and / or retired officials so that the matter does not become time barred for action, if warranted, under the relevant CDA or Pension Rules / Regulations.

3.10 GRANT OF IMMUNITY / PARDON TO THE APPROVERS

(i) If, during an enquiry or investigation, the CBI or the CVO finds that an official, against whom the advice of the Commission is required, has made a full and true disclosure implicating himself and other public servants or members of the public and that such statement is free from malice, the competent authority in the CBI or the CVO, as the case may be, may forward his recommendation to the Commission regarding grant of immunity / leniency to such person, from the departmental proceedings. The Commission may consider such recommendation in consultation with the administrative ministry / department and may tender advice about further course of action.

(ii) In cases investigated by the CBI, if it is decided to grant immunity to such an official from departmental proceedings, the Commission would advise the CBI whether to produce him at the appropriate time before a Magistrate of competent jurisdiction

for the grant of pardon under Section 337 of the Cr.PC[1]; or to withdraw prosecution at the appropriate stage under Section 494 of the Cr.PC[2].

(iii) In cases pertaining to the officials against whom the advice of the Commission is not required, the recommendation for grant of immunity / leniency from departmental proceedings and for the grant of pardon under Section 337 of the Cr.PC.[1] ; or to withdraw prosecution under Section 494 of the Cr.PC[2]. may be made to the CVO concerned, who would consider the same and advise the DA regarding the further course of action to be taken. If there is a difference of opinion between the CBI and the administrative authorities or between the CVO and the DA, the CBI or the CVO, as the case may be, should refer the matter to the Commission for advice.

(iv) The intention behind the procedure prescribed in Para 3.10 (i) to (iii) above is not to grant immunity / leniency in all kinds of cases but only in cases of serious nature and that too on merits. It is not open to the official involved in a case to request for such immunity / leniency. It is for the DA to decide, in consultation with the Commission, or the CVO, as the case may be, if such an immunity / leniency may be considered and granted.

3.11 RESIGNATION BY OFFICIALS PENDING INVESTIGATION / INQUIRY

The procedure for consideration of request for resignation by the officials against whom enquiry / investigation or departmental proceedings are pending, has been mentioned in Para 12.1 of Master Circular No. 06/MC/2026, on the subject 'Procedure for Obtaining and Implementing the Advice of the Central Vigilance Commission' which is available on the Commission's website i.e . www.cvc.gov.in in downloadable form under the head 'Master Circulars and Public Notices'.

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[1] *Presently Section 344 of The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023*

[2] *Presently Section 360 of The Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023*

Chapter-IV

CENTRAL BUREAU OF INVESTIGATION

4.1 EVOLUTION

The Special Police Establishment (SPE) was set up in the year 1941 to investigate allegations of bribery and corruption in transactions of the War and Supply Department of India during World War -II. DSPE Act was brought into force in the year 1946. Subsequently, the CBI was set up through a Resolution dated 01.04.1963[1] of the Government of India and SPE became a constituent of the CBI. Presently, the jurisdiction of the CBI extends to all departments of the Government of India, Union Territories and could be further extended to the states with the consent of the State Government concerned.

4.2 JURISDICTION OF THE CENTRAL BUREAU OF INVESTIGATION vis - à-vis STATE POLICE

The CBI is empowered to investigate all offences notified by the Central Government under Section 3 of the DSPE Act, 1946. Though, the CBI's powers are concurrent and coextensive with those of the State Police Forces, it is not possible for the CBI to take up all such cases for investigation, given its limited resources. In order to bring clarity and to avoid duplication of efforts, an administrative arrangement has been arrived at, according to which:-

(i) cases, which substantially and essentially concern the Central Government employees or the affairs of the Central Government, even though involving the State Government employees, are to be investigated by the CBI. The State Police is, however, kept informed of such cases and will render necessary assistance to the CBI during investigation;

(ii) cases, which substantially and essentially involve the State Government employees or relate to the affairs of the State Government, even though involving certain Central Government employees, are investigated by the State Police. The CBI is informed of such cases and it extends assistance to the State Police during investigation, if necessary. When the investigation made by the State Police agencies involves a Central Government employee, the request for sanction for prosecution from the competent authority of the Central Government are routed through the CBI.

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[1] Government of India Resolution No. 4/31/61-T dated 01.04.1963 titled 'Establishment of the Central Bureau of Investigation for the investigation of crimes at present handled by the Delhi Special Police'.

4.3 SUPERINTENDENCE AND ADMINISTRATION OF THE CENTRAL BUREAU OF INVESTIGATION

4.3.1 The genesis of superintendence over the CBI has been laid in the Hon'ble Supreme Court's judgment dated 18.12.1997 in the case of Vineet Narain Vs, UOI [1 SCC 226]. In this judgement, the Hon'ble Supreme Court directed that the Commission would be responsible for ensuring the efficient functioning of the CBI. To give effect to this direction, the CVC Act, 2003 was enacted. Section 4 of the DSPE Act, 1946 was also amended with effect from 11.09.2003 and reads as follows:

"4. Superintendence and administration of Special Police Establishment.

1. The superintendence of the Delhi Special Police Establishment insofar as it relates to investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988), shall vest in the Commission.
2. Save as otherwise provided in sub-section (1), the superintendence of the said police establishment in all other matters shall vest in the Central Government.
3. The administration of the said police establishment shall vest in an officer appointed in this behalf by the Central Government (hereinafter referred to as the Director) who shall exercise in respect of that police establishment such of the powers exercisable by an Inspector-General of Police in respect of the police force in a State as the Central Government may specify in this behalf."

4.3.2 Similar provisions have also been made in clause (a) and (b) of sub-section (1) of Section 8 of the CVC Act, 2003.

"Sec. 8(1): The functions and powers of the Commission shall be to –

(a) exercise superintendence over the functioning of the Delhi Special Police Establishment insofar as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 1988 (49 of 1988) or an offence with which a public servant specified in sub-section (2) may, under the Code of Criminal Procedure,1973 (2 of 1974), be charged at the same trial;

(b) give directions to the Delhi Special Police Establishment for the purpose of discharging the responsibility entrusted to it under sub-section (1) of Section 4 of the Delhi Special Police Establishment Act,1946 (25 of 1946):

Provided that while exercising the powers of superintendence under clause (a) or giving directions under this clause, the Commission shall not exercise powers in such a manner so as to require the Delhi Special Police Establishment to investigate or dispose of any case in a particular manner;"

4.3.3 In respect of a reference made by the Commission under clause (c) or (d) of sub

section (1) of Section 8 of the CVC Act, 2003, the CBI shall cause an inquiry or investigation as may be directed by the Commission.

4.3.4 Under the provisions contained in clause (e) of sub section (1) of Section 8 of the CVC Act, 2003, the functions and powers of the Commission also include review of the progress of investigations conducted by the CBI into offences alleged to have been committed under the PC Act, 1988 or the offences for which officials concerned may, under the Cr.PC, 1973, be charged at the same trial.

4.3.5 The Commission may cause an inquiry or investigation to be made by the CBI, on a reference made by the Central Government or upon receipt of any complaint against officials falling under its jurisdiction, alleging commission of offences under the PC Act, 1988 or an offence with which such official may, under the Cr.PC, 1973 be charged at the same trial. As per Government of India's Notification dated 16.07.2024[1], a reference to the CrPC shall be read as reference to the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023.

4.3.6 Under the provisions contained in Section 17 of the CVC Act-2003, the report of the inquiry undertaken by any agency on a reference made by the Commission shall be forwarded to it.

4.3.7 Under the provisions contained in clause (f) of sub-section (1) of Section 8 of the CVC Act, 2003, the Commission shall review the progress of applications pending with the competent authorities for sanction of prosecution under the PC Act, 1988.

4.3.8 As per clause (1) of Section 25 of the Lokpal & Lokayuktas Act, 2013, "The Lokpal shall, notwithstanding anything contained in Section 4 of the Delhi Special Police Establishment Act, 1946 (25 of 1946) and Section 8 of the Central Vigilance Commission Act, 2003 (45 of 2003), have the powers of superintendence over, and to give direction to the Delhi Special Police Establishment in respect of the matters referred by the Lokpal for preliminary inquiry or investigation to the Delhi Special Police Establishment under this Act: Provided that while exercising powers of superintendence or giving direction under this sub-section, the Lokpal shall not exercise powers in such a manner so as to require any agency (including the Delhi Special Police Establishment) to whom the investigation has been given, to investigate and dispose of any case in a particular manner."

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[1] Gazette Notification No. 2654 dated 16.07.2024 titled 'Criminal Laws - Three new Criminal Laws namely, the Bharatiya Nyaya Sanhita, 2023, the Bharatiya Nagarik Suraksha Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 came into effect on 01.07.2024 - Notification dated 16.07.2024 issued by the Central Government – Communicated', issued by Ministry of Law and Justice (Legislative Department).

4.4 APPOINTMENTS IN THE CENTRAL BUREAU OF INVESTIGATION

4.4.1 As per Section 4A of the Delhi Special Police Establishment Act, 1946, the Director of CBI is appointed by the Central Government on the recommendations of a committee comprising of :-

(i)	Prime Minister	—	Chairperson
(ii)	Leader of Opposition in Lok Sabha	—	Member
(iii)	Chief Justice of India or a judge of the Supreme Court nominated by him	—	Member

4.4.2 As per Section 4BA of the Delhi Special Police Establishment Act, 1946, the Central Government appoints the Director of Prosecution in the CBI on the recommendation of the Commission.

4.4.3 As per Section 26 of the CVC Act, 2003, the Central Government shall appoint officers to the posts of the level of Superintendent of Police (SP) and above, except the Director, and also recommend the extension or curtailment of the tenure of such officers in the CBI, on the recommendation of a committee consisting of:-

(i)	Central Vigilance Commissioner	—	Chairperson
(ii)	Vigilance Commissioners	—	Members
(iii)	Secretary to the Government of India in charge of the Ministry of Home	—	Member
(iv)	Secretary to the Government of India in charge of the Department of Personnel	—	Member

Provided that the Committee shall consult the Director before submitting its recommendation to the Central Government.
The proposals for extension of tenure may be put up to the Committee in due time. Ex post facto approvals should be avoided.

4.5 ENQUIRY / INQUIRY / INVESTIGATION BY THE CENTRAL BUREAU OF INVESTIGATION

4.5.1 When a complaint is received or information is available with the CBI, which may, after verification, indicate serious misconduct on the part of an official but is not adequate to justify the registration of a Regular Case (RC), a Preliminary Enquiry (PE) may be registered. Further, if the information received does not disclose a

cognizable offence but indicates the necessity for an enquiry, a PE may be conducted only to ascertain whether a cognizable offence is disclosed or not.

4.5.2 As soon as sufficient material disclosing the commission of a cognizable offence becomes available during the course of PE and it is felt that the outcome of the investigation is likely to culminate in prosecution, an RC should be registered by the CBI.

4.5.3 In some cases, it might become clear, soon after the enquiries are initiated, that nothing useful is likely to come out or that the case is really fit only for a departmental action, in such cases, the PEs should be recommended for closure or for departmental investigation, as may be appropriate.

4.5.4 As soon as a PE or RC is registered, a copy of the PE Registration Report or First Information Report (FIR), as the case may be, should be sent confidentially by the CBI to the Head of the Department (HoD), and / or the administrative ministry concerned and the CVO of the organisation concerned. In all these cases where copy of FIR is forwarded to the authority concerned, the CBI should inform the final outcome of the RC / PE to that authority.

4.5.5 In cases involving defence personnel, irrespective of their status and rank, the local administrative authority concerned should also be taken into confidence as early as possible. In cases where the CBI has already consulted the Army / Air / Naval Headquarters and the latter has agreed to enquiry or investigation being conducted, the local administrative authority concerned should be informed directly by the respective service Headquarters. The CBI will, however, take the local administrative authority into confidence before starting the enquiry.

4.5.6 In complaints / references forwarded by the Commission to the CBI for inquiry or investigation, the CBI is required to furnish its report within the timeline specified by the Commission. In case, the inquiry or investigation is not completed within the stipulated timeline, an interim report may be sent to the Commission along with the details of difficulties being faced and the likely date by which the report will be submitted.

4.5.7 Investigation into the allegations against officials who are under suspension or are about to retire should be given the highest priority so that the period of suspension is kept to the barest minimum and sufficient time remains for processing the investigation report concerning officials, who are due to retire. The fact of impending retirement and / or suspension of the official should be prominently marked on the

case to attract attention of all authorities concerned.

4.5.8 The CBI should have an internal mechanism to review the progress of enquiries / inquiries / investigations, to ensure their expeditious disposal.

4.6 ASSISTANCE TO AND COOPERATION WITH THE CENTRAL BUREAU OF INVESTIGATION IN ENQUIRY / INQUIRY / INVESTIGATION

4.6.1 In order to ensure expeditious completion of enquiries / inquiries / investigations, it is necessary that the authorities concerned, including the CVO of the organisation extends appropriate cooperation to the CBI. Some of the important areas and actions required to be taken are described in the following paras:-

(i) **Inspection of records by the Central Bureau of Investigation:** The authorities in the organisation concerned should ensure that the SP of the CBI or his authorised representatives are given full cooperation and necessary facilities to scrutinize all relevant records during Preliminary Enquiry (PE) or after registration of Regular Case (RC). If the CBI wishes to check the veracity of information in its possession against the official records even before registration of a PE or RC, it may be allowed to see the records on receipt of a written request from the SP, CBI.

During an investigation, the CBI may ask for original documents from the authorities. The records required by the CBI should be made available to them within 01 month from the date of receipt of the request. If, for any special reasons, it is not possible to hand over the records within 01 month, the matter should be brought to the notice of the SP of the CBI, by the authority in possession of the records, stating the reasons for its inability to make available the records within the specified period. The matter should also be brought to the notice of the CVO of the administrative ministry concerned for further directions. However, in asking for original documents, particularly those forming part of current files, the CBI should exercise due care to ensure that day-to-day work is not impeded. The authorities in the organisation may keep attested photo copies of the records for meeting urgent functional requirements or taking any action that may be pending on the part of the organisation, without prejudice to the investigation being carried out by the CBI.

In cases where officials are alleged to have possessed assets, disproportionate to known sources of income, there may be a request from the CBI for information relating to pay, allowances, honorarium or any other payment drawn by the officials over a certain period. In such cases, if it is not possible to supply the required information within 01 month's period, the position may be suitably indicated to the

CBI. Simultaneously, necessary steps should be taken to obtain and furnish the particulars to the CBI as expeditiously as possible. In the case of officials, who have served in more than one organisation during the period under review, the CBI may simultaneously address all the administrative authorities concerned, including the CVO of the administrative ministry, for furnishing the required information for the relevant period(s).

(ii) **Inspection of Classified / Graded documents:** When the CBI desires to see any classified documents / records, the same should be made available to the CBI, after obtaining approval of the Competent Authority in the following manner: -

(a) "Top Secret" documents should be handed over only to a gazetted officer of the CBI.

(b) "Secret" and "Confidential" documents should be given to gazetted officer of the CBI, or to an Inspector of the CBI if authorised by SP of the CBI, to obtain such documents.

(c) A temporary receipt should be obtained from the CBI authorities, whenever any classified document is handed over to them, who should be asked to comply with the provisions of the pamphlet entitled 'Classification and Handling of Classified Documents, 1958', especially paras 27(a), (b), (c) and (e) thereof.

(d) Where original documents cannot be made available to the investigating officer for any reason, he should be supplied with attested photo copies and a certificate should be given by an official of appropriate rank in the organisation concerned, stating that the originals are in safe custody, are beyond the reach of the suspected official, and will be produced whenever required.

(e) Current files having a bearing on day-to-day administration should not be handed over to the CBI at the preliminary stage of an investigation. However, copies or extracts thereof, should be supplied, if necessary.

(iii) **Obtaining documents from Audit Office: -**

(a) Documents from the Audit Office may be obtained by the CBI, in accordance with the procedure laid down by the Government of India, in consultation with the Comptroller and Auditor General (C&AG) of India.

(b) In case the original documents relating to accounts are in the possession of the organisation(s) concerned and not that of the Audit Office(s), the CBI should send a requisition to the appropriate authority, at the level of not less than SP, if any document are needed to be produced in original. The CBI should also certify that copies of the required documents or photostat copies would not serve the purpose of investigation. Orders of appropriate authority in the organisation may be obtained, before handing over the documents in original to the CBI.

(iv) **Examination of disputed documents by the Government Examiner of Questioned Documents:**

(a) The CBI may find it necessary to take the assistance of the GEQD, during the course of enquiry / inquiry / investigation for certain types of documents.

(b) When original documents are required by the CBI for obtaining the opinion of the GEQD, such documents should be made available to the CBI by the administrative authorities concerned without delay.

(c) In the case of original documents being in the custody of the Accountant General, the procedure as laid down by the Government of India in consultation with the C&AG may be followed.

4.7 ACTION ON THE REPORT OF THE CENTRAL BUREAU OF INVESTIGATION

4.7.1 Cases where departmental disciplinary proceedings are recommended by the CBI:

(i) On completion of enquiry / inquiry / investigation, the report may be forwarded by the CBI, to the authority concerned, recommending initiation of disciplinary proceedings only, against the accused official. Disciplinary proceedings may be recommended by the CBI under the following circumstances: -

(a) When there is inadequate evidence for a successful criminal prosecution but there is sufficient evidence for the initiation of departmental disciplinary proceedings;

(b) When the misconduct noticed during the enquiry / inquiry / investigation points out to violation of the CDA Rules of the organisation concerned, not amounting to criminal offences;

(c) When departmental disciplinary proceedings are preferable to prosecution for some other important reasons.

(ii) If sufficient proof is not available to justify either criminal prosecution or departmental disciplinary proceedings but there is a reasonable suspicion about the honesty or integrity of the official(s) concerned, the nature of the irregularity or negligence may be brought to the notice of the Competent Authority, for such action as may be considered appropriate by that authority.

4.7.2 Enquiry / Inquiry / Investigation Reports involving category 'A' officials (officials who are covered under the jurisdiction of the Commission), are required to be forwarded by the CBI to the Commission, for further necessary action by it. A copy of the report is also to be forwarded to the administrative authority, through the CVO concerned, to enable it to submit its comments on the CBI report, to the Commission. The report to be forwarded to the Commission is to be accompanied by the following documents:-

(i) verbatim statement(s) of the suspected official(s) recorded by the investigating officer;
(ii) the opinion of the Law Officer (s) of the CBI, wherever obtained;
(iii) Copy of FIR registered, along with date of registration of PE and / or RC, as the case may be.

4.7.3 Enquiry / Inquiry / Investigation Reports pertaining to category 'B' officials (officials who are outside the jurisdiction of the Commission) are to be forwarded by the CBI to the Competent Authority, through the CVO concerned.

4.7.4 On receipt of report from the CBI, if there is any matter on which the competent authority may desire to have additional information or clarification, the CBI may be requested to furnish the required information / clarification, before the Competent Authority takes a final decision.

4.7.5 In cases, where Preliminary Enquiry / Inquiry / Investigation reveals that there is no substance in the allegations, the CBI may decide to close the case. Such cases pertaining to category 'A' officials will be reported to the Commission along with the authorities to whom copies of FIR / PE Registration reports were endorsed. In other cases, the decision to close a case will be communicated by the CBI to the administrative authorities concerned.

4.7.6 **Simultaneous recommendation of criminal prosecution and departmental disciplinary proceedings:**

Disciplinary proceedings are to be recommended for specific violation of the CDA Rules. The rule which has been violated should be specified while drafting article of charge and the statement of imputations. There may be instances, where disciplinary proceedings are initiated by the Disciplinary Authority of the accused official on the same charges, on which criminal prosecution has been or is being launched, even though the CBI did not recommend initiation of disciplinary proceedings. In such cases, the CBI may exercise due diligence in assessing the possible effect of the disciplinary proceedings on the ongoing or proposed criminal prosecution. The CBI may also take up the issue with the Competent Authority by sharing its concern, about simultaneous disciplinary proceedings and criminal prosecution.

4.7.7 **Documents required for initiation of Departmental Disciplinary Proceedings**

The following documents are required to be sent by the CBI in paper book form, to the Competent Authority for initiation of disciplinary proceedings in cases enquired / inquired / investigated by it:

(i) Investigation Report;
(ii) Draft Article of Charge;
(iii) Draft Statement of Imputations of Misconduct or Misbehavior in support of the

Article of Charge;

(iv) List of witnesses;

(v) List of documents;

(vi) Copies of statements relied upon;

(vii) Copies of documents relied upon;

(viii) Copy of statement of accused and comments of the Investigating Officer, thereon.

4.7.8(i) Before filing a charge-sheet in the court, the CBI may prepare set(s) of authenticated copies of relied upon documents, irrespective of the fact whether disciplinary proceedings have been recommended by the CBI or not. Such documents may include extracts, gist of contents, statements of witnesses etc. and may be provided to the administrative authority concerned, as and when required by it.

(ii) However, where the documents required by the competent authority for the purpose of disciplinary proceedings are in the custody of the court, the CBI is required to facilitate in obtaining such documents / certified copies of documents, on receipt of a written request from the competent authority.

4.8 PREVIOUS SANCTION FOR CRIMINAL PROSECUTION:

4.8.1 On completion of investigation, if the CBI comes to a conclusion that sufficient evidence is available for launching a criminal prosecution under the provisions of the PC Act, 1988 and previous sanction for prosecution is required to be issued in the name of the President, a copy of the report is required to be forwarded to the Commission. A copy of the report is also required to be forwarded to the authority competent to grant sanction for prosecution, through the CVO of the organisation concerned. In such matters, the Commission would tender advice to the competent authority, in accordance with the extant procedure.

4.8.2 In other cases where prosecution sanction is to be accorded in the name of an authority other than the President, a copy of the report would be forwarded to the authority competent to grant sanction for prosecution, through the CVO of the organisation concerned. The report may be accompanied by the draft sanction order and should give the rank and designation of the authority competent to grant sanction for prosecution and the law or rules under which that authority is competent to do so.

4.8.3 The detailed procedure to be adopted by the Competent Authority on receipt of request for sanction for prosecution is described in the Master Circular No. 05/MC/2026[1].

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[1] Master Circular No. 05/MC/2026 titled 'Master Circular on Procedure for Processing Request for Sanction for Prosecution under Section 19 of the Prevention of Corruption Act 1988', refers, as may be amended from time to time.

4.9 PREVIOUS APPROVAL UNDER SECTION 17A OF THE PREVENTION OF CORRUPTION ACT, 1988 (AS AMENDED IN 2018)

4.9.1 In the PC Act, 1988, Section 17A was introduced through the Prevention of Corruption (Amendment) Act, 2018 dated 26.07.2018. As per the provisions contained in Section 17A, previous approval of the Competent Authority is required before conducting any enquiry / inquiry / investigation against a public servant for an offence punishable under PC Act, 1988. The main purpose of Section 17A is to protect honest public servant(s) from unnecessary or frivolous investigations related to decisions taken during the discharge of their official functions or duties.

4.9.2 On receipt of information, the CBI shall verify whether the information pertains to offences punishable under the PC Act,1988. It shall also verify whether the alleged public servant(s) are identifiable and if so, the present status of such public servant(s). In case the person has ceased to be in service, the position / office last held by him shall be taken into consideration. The CBI is also required to verify the specific act(s) of commission or omission attributable to such public servant(s) and also the facts whether such act(s) are relatable to the official function or duty discharged by such public servant(s).

4.9.3 The CBI shall send proposal to the appropriate government or authority, as the case may be, where the official was working at the time of the commission of offence. Detailed Standard Operating Procedure (SOP) to be followed by the CBI, for seeking previous approval under Section 17 A of the PC Act-1988 has been issued by the DoPT vide their letter dated 03.09.2021[1].

4.9.4 The CBI is required to take following precautionary measures, while sending the proposal to the competent authority, seeking previous approval under the PC Act, 1988:-

(i) The said material / information should preferably be in the form of a Self-Contained Note (SCN), prima-facie containing the information / facts disclosing the commission of cognizable offence under the Act;

(ii) While forwarding such request for previous approval, the material / information so provided should highlight the seriousness of allegations against the official(s) prima-facie involved in the commission of an alleged offence, and merit of it being investigated, inquired or enquired into against such official(s) as the case may be;

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[1] *DoPT's Letter No. 428/07/2021-AVD.IV(B) dated 03.09.2021 on the subject of "Standard Operating Procedure (SOPs) for processing of cases under Section 17 A of the Prevention of Corruption Act, 1988" refers, as may be amended from time to time.*

(iii) The CBI should ensure that the proposal being sent to the Competent Authority is complete in all respects, so as to avoid delay in taking decision by the competent authority;

(iv) In appropriate cases, personal meetings should be arranged with the Competent Authority to explain the case / documents or for any clarification sought by that authority, so that the decision can be expedited.

(v) The CBI should also apprise the Competent Authority that previous approval under Section 17A of the Act is required only to initiate enquiry / inquiry / investigation and not to prosecute the official concerned.

4.9.5 As per Section 17A of the PC Act, 1988, the Competent Authority shall convey its decision to the CBI within a period of three months, which may, for reasons to be recorded in writing, be extended by a further period of one month.

4.10 CLOSE LIAISON BETWEEN THE CENTRAL BUREAU OF INVESTIGATION AND THE ADMINISTRATIVE AUTHORITY

(i) The need for close liaison and co-operation between the organisation concerned and the CBI, during the course of an enquiry / inquiry / investigation and the processing of individual cases, hardly needs to be emphasised. Both, the CBI and the CVO, receive information about the activities of the official(s) from diverse sources. As far as possible, the information could be cross-checked at appropriate intervals and the authorities be apprised of the latest developments.

(ii) The CVO or Vigilance Officer of the organisations should remain in touch with the authorities in the CBI at the appropriate level and discuss personally, matters of mutual interest, particularly those arising from enquiries / inquiries / investigations. Periodical meetings between the CVO and the authorities in the CBI will help avoid unnecessary paper work and eliminate unnecessary delay at various stages of processing of cases. Such meetings could be held once every quarter or more frequently, if required.

4.11 ASSISTANCE IN PREPARATION & MAINTENANCE OF AGREED LIST

The Agreed List of officers of gazetted status against whose honesty or integrity there are complaints, doubts or suspicion, is prepared in consultation with the CBI by the organisations concerned to keep a secret watch on them. The detailed criteria for

preparation of Agreed Lists of Suspected Officers are provided in the MHA's OM dated 05.05.1966[1].

4.12 ASSISTANCE IN PREPARATION & MAINTENANCE OF LIST OF OFFICERS OF DOUBTFUL INTEGRITY

The criteria for preparation of List of officers of gazette status of doubtful integrity is given in MHA's OM dated 28/10/1969[2]. The CVO is required to take timely steps for the finalization of list of officers of gazette status of doubtful integrity, in consultation with the CBI and the Chief Executive of the organisation.

4.13 JOINT SURPRISE CHECK

The CBI may conduct joint surprise checks at suspected places and points of corruption in cooperation with the vigilance unit of the organisation concerned, after thoroughly acquainting themselves with the rules, regulations, procedures and practices as well as the modus operandi adopted by the corrupt suspect officials.

4.14 LIST OF UNDESIRABLE CONTACT MEN

The CBI prepares and maintains the lists of undesirable contact men who are suspected of resorting to corrupt or irregular practices in their dealings with official agencies.

4.15 AGREED LISTS OF POINTS AND PLACES OF CORRUPTION

(i) Agreed Lists should be prepared of points and places where corrupt practices are suspected to be prevalent. It may be emphasised that these are not lists of all those points and places where there is scope of likelihood of corruption but only of those points and places where corruption is believed to exist in substantial measure.

(ii) The preparation of these Agreed Lists of points and places of corruption must necessarily be done by those in the field. The CBI would settle and prepare these lists locally after discussion with the CVO or the HoD, at the beginning of the calendar year.

(iii) It may be noted that-

(a) "Points" are those items of work and stages at which decisions are taken or orders are passed and provide scope for corruption, e.g., processing of tenders, appraising, grant of quota certificates, etc.

(b) "Places" would be Sections, Sectors, Units of an organisation.

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[1] MHA's OM No. 130/1/66-AVD dated 05.05.1966 on the subject "Agreed list of suspected officers." refers, as may be amended from time to time .

[2] MHA's OM No. 105/1/66-AVD-I dated 28.10.1969 on the subject "Scheme for preparation, maintenance and custody of lists of public servants of gazette status of doubtful integrity." refers, as may be amended from time to time.

4.16 APPRECIATION REPORTS

(i) Appreciation Reports are prepared by the CBI in consultation with the vigilance functionaries, highlighting the organisational structure, and suspected points / places of corruption, modes of corruption in the said government organisation including the modus operandi of the suspected officials.

(ii) After the preparation of the lists, the following actions are required to be taken:-

(a) Quiet and unobtrusive watch by the CBI, followed by joint surprise checks, as and when considered appropriate.

(b) Collection of information by the CBI about specific instances of bribery and corrupt practices so as to initiate open enquiries.

(iii) Closer and more frequent scrutiny and inspection by the organisation of the work done at these points and places.

(iv) Surprise checks by the organisation.

4.17 LIST OF UNSCRUPULOUS CONTRACTORS, SUPPLIERS, FIRMS AND CLEARING AGENTS

The list will be prepared of unscrupulous contractors, suppliers, firms and clearing agents, who are suspected of indulging in corrupt practices. These lists are to be prepared by the organisations concerned as they are in the best position to do so. They need not be 'Agreed' Lists. Copies of these lists should be sent to the CBI for its information. The CBI on its part will pass on to the organisation concerned any information regarding suspected corrupt practices by contractors, suppliers, firms and clearing agents, for its information and consideration as to whether the name of any such contractor, etc. should be included in its lists.

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Chapter-V

DISCIPLINARY PROCEEDINGS

INTRODUCTION

On the basis of available records / evidence, the DA may decide for initiation of disciplinary action against an official. The stage when a decision is taken by the DA to frame charges against the delinquent official and a memorandum of charges is served on him, marks the initiation of the process called disciplinary proceedings. It ends with the final orders of punishment or exoneration being issued and served on the official concerned.

5.1 DISCIPLINARY RULES

5.1.1 The government has framed different sets of rules governing the recruitment and the conditions of service of government servants under the provisions of the Article 309 and the Article 312 of the Constitution of India. Further, the government has also made rules for regulating the conduct and discipline of government servants.

5.1.2 The procedure for departmental disciplinary proceedings has been laid down in different sets of rules applicable to government servants. The rules having the widest applicability are the Central Civil Services (Classification, Control & Appeal) Rules, 1965, [CCS (CCA) Rules, 1965] [1 and 2] which apply to every government servant including every civilian government servant in the Defence services, except:-

"(a) any railway servant, as defined in Rule 102 of Volume I of the Indian Railways Establishment Code,
(b) any member of the All India Services,
(c) any person in casual employment,
(d) any person subject to discharge from service on less than one month's notice,
(e) any person for whom special provision is made, in respect of matters covered by these rules, by or under any law for the time being in force or by or under any agreement entered into by or with the previous approval of the President before or after the commencement of these rules, in regard to matters covered by such special provisions."

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[1] Government of India Gazette Notification No. F/7/63-Est(A) dated 20.11.1965 titled Central Civil Services (Classification, Control and Appeal) Rules, 1965, refers, as may be amended from time to time.
[2] DoPT vide their Notification No. G.S.R. 548 (E) dated 02.06.2017 has issued CCS (CCA) Amendment Rules, 2017 revising certain time limits, refers, as may be amended from time to time.

5.1.3 However, the President may, by order, exclude any group of government servants from the operation of all or any of the rules as contained in the CCS (CCA) Rules.

5.1.4 A government servant governed by the CCS (CCA) Rules, 1965, who is transferred temporarily to any of the services as mentioned in Para 5.1 (ii) (a) to (e) above, will continue to be governed by the CCS (CCA) Rules,1965.

5.1.5 Railway servants are governed by the Railways (Discipline & Appeal) Rules, 1968 and the members of All India Services are governed by the All India Services (Discipline & Appeal) AIS (D&A) Rules, 1969.

5.1.6 The defence services personnel (other than civilian government servants in the defence services) who are paid out of the defence services estimates and are subject to the Army Act, 1950, the Navy Act, 1957 and the Air Force Act, 1950, are governed by the disciplinary provisions contained in the respective Acts and the Rules made thereunder.

5.1.7 Employees of CPSEs, Statutory Corporations, etc., are governed by the Discipline and Appeal Rules framed by the respective organisation in exercise of powers conferred upon such an organisation by the applicable Statute or by the Articles of Association. In certain cases, the relevant rules are laid down in the contract of service. DPE, vide their communication dated 29.10.2025[1] has issued model CDA Rules for adoption by CPSEs.

5.1.8 The disciplinary rules applicable to government servants have been framed in conformity with the provisions contained in the Article 311 of the Constitution. The basic provisions in them are, therefore, similar in character. As most of the government servants in civil employment are governed by the CCS (CCA) Rules, 1965, the procedures discussed in this chapter are those prescribed in the CCS(CCA) Rules, 1965. While a reference to variations of an important nature in other rules has been made at appropriate places, the CVOs or the VOs should take care to ensure that the provisions of the respective rules are observed where they vary from those prescribed in the CCS (CCA) Rules, 1965. This is particularly necessary in the case of CPSEs and Statutory Corporations, as their officials are governed by the rules framed by the respective organisations. The departmental proceedings against any official should be conducted strictly as per the disciplinary rules applicable to the respective organisation.

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[1] Department of Public Enterprises Communication No. 15(07)/99-DPE-GM-VOL-III-FTS-2344 dated 29.10.2025 on the subject "Consolidated Model Conduct, Discipline and Appeal (CDA) Rules for CPSEs -2025", refers, as may be amended from time to time.

5.2 PENALTIES

5.2.1 As per provisions contained under Rule 11 of CCS (CCA) Rules, 1965, the following penalties may, for good and sufficient reasons and as hereinafter provided, be imposed on a government servant, namely :-

Minor Penalties –

(a) censure;

(b) withholding of his promotion;

(c) recovery from his pay of the whole or part of any pecuniary loss caused by him to the government by negligence or breach of orders;

(c 1) reduction to lower stage in the time-scale of pay by one stage for a period not exceeding three years, without cumulative effect and not adversely affecting his pension.

(d) withholding of increments of pay;

Major Penalties –

(e) except for provisions, as mentioned in Para 5.2.1 (c 1) above, reduction to a lower stage in the time scale of pay for a specified period, with further directions as to whether or not the government servant will earn increments of pay during the period of such reduction and whether on the expiry of such period, the reduction will or will not have the effect of postponing the future increments of his pay;

(f) reduction to lower time-scale of pay, grade, post or service for a period to be specified in the order of penalty, which shall be a bar to the promotion of the government servant during such specified period to the time-scale of pay, grade, post or service from which he was reduced, with direction as to whether or not, on promotion on the expiry of the said specified period –
(1) the period of reduction to time-scale of pay, grade, post or service shall operate to postpone future increments of his pay, and if so, to what extent; and
(2)the government servant shall regain his original seniority in the higher time scale of pay, grade, post or service;

(g) compulsory retirement;

(h) removal from service which shall not be a disqualification for future employment under the government;

(i) dismissal from service which shall ordinarily be a disqualification for future employment under the government.

Provided that, in every case in which the charge of possession of assets disproportionate to known sources of income or the charge of acceptance from any person of any gratification, other than legal remuneration, as a motive or reward

for doing or forbearing to do any official act is established, the penalty mentioned in Para 5.2.1 (h) or (i) shall be imposed:
Provided further that in any exceptional case and for special reasons recorded in writing, any other penalty may be imposed.

5.2.2 **Model Rules:** It is observed that in some of the CPSEs there is no distinction between minor and major penalties. All CPSEs should take steps to amend their CDA rules as per Model Rules[1] issued by DPE and update the same from time to time in line with instructions issued by the organisations concerned.

5.2.3 **Warning:** There may be occasions, when a supervisory / controlling officer may find it necessary to comment adversely on the work of an official subordinate to him (e.g., point out negligence, carelessness, lack of thoroughness, delay, etc.) or he may call for an explanation for some act or omission and taking all factors into consideration, may come to a conclusion that while the matter is not serious enough to justify the imposition of the formal punishment of censure, it calls for some formal action, such as, the communication of warning, admonition, reprimand or caution. Administration of a warning in such circumstances does not amount to a formal punishment. It is an administrative device in the hands of the supervisory / controlling authority for conveying its criticism and disapproval of the work or conduct of the official concerned with a view to enable the official concerned to make an effort to remedy the defect, to improve efficiency and maintain discipline.

Where, on conclusion of the departmental proceeding, it is considered that the Charged Officer (CO) deserves to be penalized, he should be awarded any of the statutory penalties mentioned in the Rules 11 of the CCS (CCA) Rules, 1965. In such a situation, a recordable warning should not be issued as it would, for all practical purposes amount to a "Censure" which is a formal penalty to be imposed by a Competent Disciplinary Authority, after following the procedure prescribed in the disciplinary rules.

A warning or reprimand, etc., may also be administered when as a result of a preliminary investigation or inquiry, if the Competent Authority comes to the conclusion that the conduct of the official is somewhat blameworthy, though not to the extent calling for the imposition of a formal penalty. In this regard, MHA's OM dated 15.12.1956[2] and DoPT's OM dated 30.08.2022[3] may also be referred to.

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[1] Department of Public Enterprises communication No. 2/(121)/73–BPE (GM-1) dated 26.04.1974 and No.15(07)/99-DPE-GM-VOL-III-FTS-2344 dated 11.12.2017 on the subject 'Model Conduct, Discipline and Appeal (CDA) Rules' refers, as may be amended from time to time.
[2] MHA OM No. 39/21/56-Ests (A) dated 13.12.1956 on the subject 'Distinction between 'Warning' and 'Censure', refers, as may be amended from time to time.
[3] DoPT OM dated 30.08.2022 on the subject 'sealed cover Procedure', refers, as may be amended from time to time.

5.2.4 **Displeasure of Government:** On occasions, an official may be found to have committed an irregularity or lapse of a character which though not considered serious enough to warrant imposition of a formal penalty or even administration of a warning, may nevertheless warrant conveying to the official concerned, the sense of displeasure over it. However, the practice of communicating government displeasure to a retired official should be avoided.

5.2.5 **Reduction of Pension:** A Government servant ceases to be subject to the disciplinary rules after retirement or superannuation. Pension and Gratuity once sanctioned cannot be reduced, withheld or withdrawn except in accordance with the provisions of Rule 8 of the CCS (Pension) Rules, 2021[1] or the Rule 6 of the AIS (Death-cum-Retirement Benefit) [AIS (D&A)] Rules, 1958[2] in case of an officer of All India Services.

5.3 AUTHORITY COMPETENT TO INITIATE PROCEEDINGS

The DA specified under the Rule 12 of CCS (CCA) Rules, 1965[3] or the Rule 7 of the AIS (D&A), 1969 may institute proceedings against a member of the Central Civil Services or All India Services respectively as per procedure prescribed therein. In this regard the DoPT's OM dated 26.03.2024[4] may also be referred.

5.4 AUTHORITY COMPETENT TO INITIATE DISCIPLINARY PROCEEDINGS AGAINST OFFICIALS LENT OR BORROWED BY ONE DEPARTMENT TO ANOTHER OR STATE GOVERNMENT, etc.

The relevant information about the authority competent to deal with the misconduct committed by an official borrowed by one organisation from another organisation and the procedure to be followed in such cases, is given in detail in Chapter 23 of 'Handbook for Inquiry officers and Disciplinary Authorities' issued by the DoPT[5] in 2024.

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[1] Ministry of Personnel, Public Grievances and Pensions, D/o Pension & Pensioner's Welfare, vide Gazette Notification No. G.S.R. 868(E) dated 20.12.2021 titled 'the Central Civil Services (Pension) Rules, 2021', refers, as may be amended from time to time.

[2] DoPT Notification on the subject "All India Services (Death-Cum-Retirement Benefits) Rules, 1958", refers, as may be amended from time to time.

[3] Rule 12 of CCS(CCA) Rules, 1965, titled 'Disciplinary Authorities', refers, as may be amended from time to time

[4] DoP&T OM No. 1711452233125 (Estt. A- III) dated 26.03.2024 on the subject "Handling of Disciplinary proceedings in respect of Central Civilian Employees", refers, as may be amended from time to time.

[5] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiry officers and Disciplinary Authorities, refers, as may be amended from time to time.

5.4.1 Check-List for forwarding the disciplinary cases against Indian Administrative Service Officers to Department of Personnel and Training under the Single Window System

(i) The DoPT vide their OM dated 28.12.2018[1] have issued guidelines and the proforma / checklist for submission of disciplinary cases to the Union Public Service Commission (UPSC), which is to be used by the organisations for referring disciplinary cases to the UPSC.

It may be noted that complete reference is to be made to the UPSC at least 03 months prior to the retirement of the CO in case of minor penalty proceedings and at least 06 months prior to the retirement of the CO in case of major penalty proceedings.

(ii) The DoPT, vide their letter dated 25.02.2025[2] have issued guidelines and checklist for forwarding disciplinary cases against IAS Officers to the DoPT, under the Single Window System (SWS). The same is to be complied with by the authorities concerned for referring such matters to the DoPT.

5.5 INSTITUTION OF FORMAL PROCEEDINGS

5.5.1 Once a decision has been taken for institution of formal disciplinary proceedings against a delinquent government servant under the CCS (CCA)Rules, 1965, the DA would need to decide whether proceedings should be initiated under Rule 14 (i.e., for imposing a major penalty) or under Rule 16 (i.e., for imposing a minor penalty).

5.5.2 An illustrative list of the types of vigilance cases in which proceedings for imposing a major penalty may be required to be initiated, is given below:-

(i) Cases in which there is a reasonable ground to believe that a penal offence has been committed by a government servant but the evidence forthcoming is not sufficient for prosecution in a court of law, e.g.,

(a) Possession of disproportionate assets;

(b) Obtaining or attempting to obtain illegal gratification;

(c) Misappropriation of government property, money or stores;

(d) Obtaining or attempting to obtain any valuable thing or pecuniary advantage without consideration or insufficient consideration.

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[1] DoPT OM No. 39011/08/2016-Estt (B) dated 28.12.2018 on the subject of "Departmental Proceedings againstGovernment Servants - Procedure for consultation with the Union Public Service Commission, refers, as may be amended from time to time.

[2] DoPT, Letter No. DOPT-1766056567014 dated 25.02.2025 on the subject of "Compliance of various mandatory requirement while forwarding the Disciplinary Proceedings proposals/Appeal -Review-Revision-Memorial cases to Department of Personnel & Training against IAS Officers working under the affairs of State Govt./UTs under SingleWindow System (SWS) as per prescribed checklist circulated to all the State Governments/UT's vide letter dated05.08.2020 etc - reg., refers, as may be amended from time to time.

(ii) Falsification of government records;

(iii) Gross irregularity or negligence in the discharge of official duties with a dishonest motive.

(iv) Misuse of official position or power for personal gain;

(v) Disclosure of secret or confidential information even though it does not fall strictly within the scope of the Official Secrets Act;

(vi) False claims like LTC claims, T.A claims, reimbursement claims, etc.

5.5.3 The cases in which the Commission advises institution of disciplinary proceedings, it would also advise, keeping in view the gravity of the allegations, whether proceedings should be instituted for imposition of a major penalty or a minor penalty.

5.6 COMMON PROCEEDINGS

5.6.1 Where two or more government servants are concerned in any case, the President or any other authority competent to impose the penalty of dismissal from service on all such government servants may make an order[1] directing that disciplinary action against all of them be taken in a common proceeding. Where the authorities competent to impose the penalty of dismissal on such government servants are different, an order directing that disciplinary action be taken in a common proceeding may be made by the highest of such authorities with the consent of the others. Such an order should specify:-

(i) the authority which may function as the DA for the purpose of such common proceedings;

(ii) the penalties specified in Rule 11 of the CCS (CCA) Rules, 1965, which such DA is competent to impose;

(iii) whether the proceedings are to be initiated for imposition of a major penalty or a minor penalty.

5.6.2 Where alleged misconduct has been committed jointly by person who has retired from government service and a person who is still in service, common proceedings against them cannot be instituted. The oral inquiry against both of them could be entrusted to the same inquiring authority.

5.6.3 A joint proceeding against the accused and accuser is an irregularity which should be avoided.

5.6.4 It may also happen that two or more government servants governed by different disciplinary rules may be concerned in a case. In such cases, proceedings will have

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[1]A standard Form of the order is given in Chapter 32 of 'Handbook for Inquiry officers and Disciplinary Authorities' issued by DoPT, vide their notification dated 26.12.2024, refers, as may be amended from time to time.

to be instituted separately in accordance with the rules applicable to each government servant concerned.

5.7 SPECIAL PROCEDURE IN CERTAIN CASES

5.7.1 Rule 19 of the CCS (CCA) Rules, 1965, provides that notwithstanding anything contained in Rules 14 to 18 of the CCS (CCA) Rules, 1965: -

(i) where any penalty is imposed on a government servant on the ground of conduct which has led to his conviction on a criminal charge; or

(ii) where the DA is satisfied for reasons to be recorded by it in writing, that it is not reasonably practicable to hold an inquiry in the manner provided in the CCS (CCA) Rules, 1965; or

(iii) where the President is satisfied that in the interest of the security of the State, it is not expedient to hold any inquiry in the manner provided in the CCS (CCA) Rules, 1965, the DA may consider the circumstances of the case and make such orders thereon as it deems fit.

(iv) The government servant may be given an opportunity to make a representation on the penalty proposed to be imposed before any order is passed in a case as stated in Para 5.7.1 (i) above. The UPSC shall also be consulted where such consultation is necessary before any order is passed in a case, as stated in Para 5.7.1 (i) above.

5.7.2 In a case where a government servant has been convicted by a Court of Law for any penal offence but dealt with under Section 3 or 4 of the Probation of Offenders Act, 1958, he shall not suffer any disqualification because of the provisions of Section 12 of the Probation of Offenders Act, 1958 which reads as follows: -

"Notwithstanding anything contained in any other law, a person found guilty of an offence and dealt with under the provisions of Section 3 or Section 4 shall not suffer disqualification if any, attaching to a conviction of an offence under such law:
Provided that nothing in the section shall apply to a person who, after his release under Section 4, is subsequently sentenced for the original offence".

The question whether action under Rule 19(i) of the CCS (CCA) Rules, can be taken against a government servant, who, though convicted by a Court of Law but is not to suffer any disqualification because he has been dealt with under Section 3 or 4 of the Probation of Offenders Act, 1958 has been considered in consultation with the Ministry of Law and on the basis of the Andhra Pradesh High Court's Judgement in A. Satyanarayana Murthy Vs. Zonal Manager, L.I.C[1].

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[1] Andhra Pradesh High Court's Case No. AIR 69 AP 371 dated 04.08.1978 in the matter of A. Satyanarayana Murthy Vs. Zonal Manager, L.I.C, refers.

It has been decided that the order under Rule 19(i) of the CCS (CCA) Rules, 1965 should be passed on the ground of conduct which led to the conviction of the government servant and not because of the conviction in view of Section 12 of the Probation of the Offenders Act, 1958.

5.7.3 **Dispensation of inquiry under Rule 19(iii) of the CCS (CCA) Rules, 1965:** In cases where an inquiry is to be dispensed with in the interest of the security of the State under Rule 19(iii) of the CCS (CCA) Rules, 1965, the order of the President should be obtained in such cases. For this purpose, it would be sufficient if the orders of the Minister-in-charge are obtained, as the Supreme Court, in Shamsher Singh's Case (AIR 1974 SC 2192) has overruled its earlier decision in the case of Sardari Lal Vs. Union of India and others (Civil Appeal No.576 of 1969, [1971 AIR 1547, 1971 SCR (3) 461] under which it has been ruled that each such case has to be submitted to the President, for orders. The Supreme Court has now clearly pointed out that the Rules of Business and the allocation among the ministers of the said business, indicate that the rules of business made under the Article 77 (3) in the case of the President and the Article 166 (3) in the case of the Governor of the State is the decision of the President or the Governor respectively. In the said judgment it has been held that neither the President nor the Governor has to exercise the executive functions personally. It would thus be clear that the requirement of proviso (c) to the Article 311 (2) of the Constitution and Rule 19 (iii) of the CCS (CCA) Rules, 1965 would be satisfied if the matter is submitted to the Minister- in-charge under the relevant rules of business and it receives the approval of the Minister.

5.7.4 **Consultation with the Central Vigilance Commission not required in conviction cases:** In the disciplinary cases initiated under Rule 19 (i) of the CCS (CCA) Rules, 1965 consultation with the Commission is not required where government servants are convicted by courts of law on a criminal charge. Details in this regard are given in Para 10 of the Master Circular No. 06/MC/2026[1].

5.8 INITIATION OF DISCIPLINARY PROCEEDINGS FOR MINOR PENALTIES

5.8.1 Where the DA decides that proceedings should be initiated for imposing a minor penalty, the DA shall inform the government servant concerned in writing of the proposal to take action against him. This shall be done by a memorandum accompanied by a statement of imputations of misconduct or misbehaviour for which action is proposed to be taken. The government servant shall be given such time as prescribed in the relevant rules, for making such representation as he may

[1]Master Circular No. 06/MC/2026 on 'Procedure for Obtaining and Implementing the advice of the Central Vigilance Commission', refers, as may be amended from time to time.

wish to make against the proposal. The memorandum and the statement of imputations of misconduct or misbehaviour should be vetted by the CVO / VO. The memorandum should be signed by the DA and not by any one else on his behalf, unless provided for in the relevant rules.

5.8.2 If the competent DA in respect of the government servant against whom action proposed to be taken is the President, the file should be submitted for approval of the minister concerned before the charge-sheet is issued and the memorandum should be signed in the name of the President by an officer competent to authenticate orders on behalf of the President under the Article 77 (2) of the Constitution.

5.8.3 Rule 16 of the CCS (CCA) Rules, 1965 does not provide for the charged officer being given the facility of inspecting records for preparing his written statement of defence. There may, however, be cases in which documentary evidence provides the main grounds for the action proposed to be taken. The denial of access to records in such cases may handicap the CO in preparing his representation. Request for inspection of records in such cases may be considered by the DA on merit.

5.8.4 After taking into consideration the representation of the CO or without it, if no such representation is received from him by the date specified, the DA would proceed, after taking into account such evidence, as it may think fit, to record its findings on each imputation of misconduct or misbehaviour.

5.8.5 If, as a result of its examination of the case and after taking the representation made by the CO into account, the DA is satisfied that the charges have not been proved, it may exonerate the CO. An intimation of such exoneration would be sent to the CO in writing.

5.8.6 Where the DA is of the opinion that the charges against the CO stand substantiated, it may impose upon him any of the minor penalties specified in Rule 11 of the CCS (CCA) Rules, 1965, keeping in view the gravity of the charge(s).

5.8.7 In cases in which minor penalty proceedings were instituted on the advice of the Commission, consultation with the Commission at the stage of imposition of the penalty is not necessary, if the DA decides to impose one of the minor penalties specified in Rule11 of the CCS (CCA) Rules, 1965 or other corresponding rules. In such cases, a copy of the order imposing minor penalty should be endorsed to the Commission. However, where the DA decides not to impose any of the minor penalties, consultation with the Commission is necessary.

5.8.8 In case the services of the CO had been borrowed from another department or office of a State Government or a local or other authority and if that borrowing authority, having the powers of the DA for the purpose of conducting disciplinary proceedings against him, is of the opinion that any of the minor penalties specified in clauses (i) to (iv) of Rule 11 of the CCS (CCA) Rules, 1965 should be imposed, it may pass such orders as it deems necessary after consultation with the lending authority. In the event of difference of opinion between the borrowing authority and the lending authority, the services of the government servant would be replaced at the disposal of the lending authority.

5.8.9 Under clause (b) of sub rule (1) of Rule 16 of the CCS (CCA) Rules, 1965, the DA may, considering the circumstances of a particular case, decide that an inquiry should be held in the manner laid down in sub rules (3) to (23) of Rule 14 of the CCS (CCA) Rules, 1965. The implication of this rule is that all the formalities beginning with the framing of articles of charge, statement of imputation, etc. will have to be gone through. The procedure to be followed shall be the same as prescribed for an inquiry into a case in which a major penalty is proposed to be imposed.

5.9 INITIATION OF DISCIPLINARY PROCEEDINGS FOR MAJOR PENALTY

5.9.1 Sub-rule (1) of Rule 14 of the CCS (CCA) Rules, 1965 provides that no order imposing any of the penalties specified in clauses (v) to (ix) of Rule 11 shall be made except after an inquiry has been held in the manner prescribed in Rules 14 and 15 of the CCS (CCA) Rules, 1965 or in the manner provided by the Public Servants (Inquiries) Act, 1850[1], where an inquiry is held under that Act.

5.9.2 Ordinarily an inquiry will be made in accordance with the provisions of Rule 14 of the CCS (CCA) Rules, 1965. However, in respect of a government servant who is not removable from his office without the sanction of government, the DA, which will be the President in such a case, may decide to make use of the procedure laid down in the Public Servants (Inquiries) Act, 1850[1] if it is considered that there are good grounds for making a formal and public inquiry into the truth of any imputation of misbehaviour on his part.

5.10 ARTICLES OF CHARGE

5.10.1 As soon as a decision has been taken by the Competent Authority to start disciplinary proceedings for a major penalty, the vigilance functionary or the official given the responsibility, would draw up, on the basis of the material gathered

[1]The Public Servants (Inquiries) Act, 1850 dated 01.11.1850, refers.

during the investigation:

(i) the substance of the imputations of misconduct or misbehaviour into definite and distinct article(s) of charge;

(ii) a statement of the imputations of misconduct or misbehaviour in support of each article of charge which shall contain:-

(a) a statement of all relevant facts including any admission or confession made by the government servant; and

(b) a list of documents by which, and a list of witnesses by whom, the articles of charge are proposed to be sustained.

5.10.2 A charge may be described as an accusation, relating to which, prima-facie there are enough specific fact(s) and evidence(s), to be taken seriously. A charge may be related to negligence in the performance of official duties, inefficiency, acceptance of sub-standard work, false measurement of work executed, execution of work below specification, breach of a conduct rule, etc. A charge should briefly, clearly and precisely identify the misconduct / misbehaviour. It should also specify the time, place, persons or things involved so that the government servant concerned has clear notice of his involvement.

5.10.3 The article(s) of charge should be framed with great care. The following guidelines would be of help: -

(i) Each charge should be expressed in clear and precise terms; it should not be vague;

(ii) If a transaction / event amounts to more than one type of misconduct, then each misconduct should be mentioned;

(iii) If a transaction / event shows that the government servant must be guilty of one or the other of misconduct, depending on one or the other set of circumstances, then the charge can be in the alternative;

(iv) A separate charge should be framed in respect of each separate transaction / event or a series of related transactions / events amounting to misconduct or misbehaviour;

(v) Multiplication or splitting up of charges on the basis of the same allegation should be avoided;

(vi) The wording of the charge should not appear to be an expression of opinion as to the guilt of the accused;

(vii) A charge should not relate to a matter which has already been the subject matter of an inquiry and decision, unless it is based on benefit of doubt or on technical considerations;

(viii) A charge should not refer to the report of Preliminary Investigation or the

advice of the Commission;

(ix) The article(s) of charge should first give the facts leading to the charge and should mention the nature of misconduct /misbehaviour (violation of Conduct Rules, etc.) only at the end.

5.10.4 Special care should be taken while drafting a charge-sheet. A charge related to lack of devotion to duty or integrity or unbecoming conduct should be clearly spelt out and summarised in the article(s) of charge. It should be remembered that ultimately the Inquiring Authority (IA) would be required to give his specific findings only on the articles that appear in the charge-sheet. The court has struck down charge-sheets on account of the charges framed being general or vague[1]. The court has also ordered that if the charge is that the employee acted out of an ulterior motive, that motive must be specified[2]. Equally important, while drawing a charge-sheet, special care should be taken in the use of language to ensure that the guilt of the CO is not pre-judged or pronounced upon in categorical terms in advance[3]. However, the mere inclusion of a statement of hypothetical or tentative conclusion of guilt in the charge, will not, by itself, vitiate the charge-sheet[4].

5.11 STATEMENT OF IMPUTATIONS

The statement of imputations should give a full and precise recitation of the specific and relevant acts of commission or omission on the part of the CO in support of each article of charge including any admission or confession made by the CO and any other circumstance which is proposed to be taken into consideration. A statement that a CO allowed certain entries to be made with ulterior motive was held to be much too vague. A vague accusation that the CO was in the habit of doing certain acts in the past is not sufficient. The statement of imputations should be precise and factual. In particular, in cases of any misconduct / misbehaviour, it should mention the conduct / behaviour expected or the rule violated. It would be improper to call an Investigating Officer's Report, a statement of imputations. While drafting the statement of imputations, it would not be proper to mention the defence and enter into a discussion on the merits of the case. Wording of the imputations should be clear enough to justify the imputations even in the light of the likely version of the CO concerned.

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[1] Supreme Court judgement in the case of Sawai Singh V/s State of Rajasthan, 1986, 3 SCC 454, refers in this regard.
[2] Allahabad High Court judgement dated 08.03.1960 in the matter of Uttar Pradesh Vs. Saligram Sharma, refers in this regard.
[3] Calcutta High Court judgement dated 23.07.1973 in the matter of Meena Jahan Vs. Deputy Director, Tourism, refers in this regard.
[4] Orissa High Court judgment dated 03.09.1959 in the matter of Dinabandhu Rath Vs. State of Orissa Powari Tea Estate Vs. Barkataki (M.K.), refers in this regard.

5.12 LIST OF WITNESSES

A number of witnesses are usually examined during the course of the preliminary inquiry and their statements are recorded. The list of such witnesses should be carefully checked. Only those witnesses who would be able to give evidence to substantiate the allegations, during the oral inquiry, should be included in the statement. Formal witnesses to produce only documents, need not be mentioned in the list of witnesses.

5.13 LIST OF DOCUMENTS

The documents containing evidence in support of the allegations which are proposed to be listed for production during the inquiry, should be carefully scrutinised. All material particulars given in the allegations, such as dates, names, makes, figures, total of amount, etc., should be carefully checked with reference to the original documents and records.

5.14 STANDARD FORM OF ARTICLE(S) OF CHARGE

5.14.1 Standard skeleton forms of the article(s) of charge and the statement of imputations and of the covering memorandum are given in Chapter 33 of the 'Handbook for Inquiry Officers and Disciplinary Authorities' issued by DoPT, vide their letter dated 26.12.2024[1].

5.14.2 The covering memorandum should be signed by the DA or in case in which the President is the DA, by an officer who is authorised to authenticate orders on behalf of the President.

5.15 DELIVERY OF ARTICLE(S) OF CHARGE

5.15.1 The DA will deliver or cause to be delivered a copy of the article(s) of charge, the statement of the imputations of misconduct or misbehaviour and a list of documents and witnesses by which each charge is proposed to be sustained, to the CO in person if he is on duty and his acknowledgement taken, or by registered speed post, acknowledgement due. The acknowledgement of the CO should be added to the case.

5.15.2 If the CO evades acceptance of the article(s) of charge and / or refuses to accept the registered cover containing the article(s) of charge, the article(s) of charge will be deemed to have been duly delivered to him as refusal of a registered letter normally tantamount to proper service of its contents.

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[1] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.

5.15.3 A copy of the article(s) of charge and the accompanying papers would be endorsed to the CBI in cases in which disciplinary proceedings are instituted on the basis of an investigation made by the CBI.

5.16 STATEMENT OF DEFENCE

5.16.1 The government servant should be required to submit his reply to the article(s) of charge (i.e., his written statement of defence) by a date to be specified in the covering memorandum. He should also be required to state whether he pleads guilty and whether he desires to be heard in person.

5.16.2 In the interest of timely conclusion of departmental proceedings, as far as possible, copies of the documents and the statements of witnesses relied upon for proving the charges may be furnished to the CO along with the charge sheet. If the documents are bulky and the copies cannot be given to the CO, he may be given an opportunity to inspect these documents, as per provisions in the relevant rules.

5.17 ACTION ON RECEIPT OF THE WRITTEN STATEMENT OF DEFENCE

5.17.1 On receipt of the written statement of defence, the DA should examine it carefully. If all the charges have been admitted by the CO, the DA should take such evidence as it may think fit and record its findings on each charge. Further action on the findings should be taken in the manner provided under Para 5.19 to 5.21 of this Chapter.

5.17.2 The DA has the inherent power to review and modify the article(s) of charge(s) or drop some or all of the charges after the receipt and examination of the written statement of defence submitted by the CO under sub rule (4) of Rule 14 of the CCS (CCA) Rules, 1965. The DA is not bound to appoint an IA for conducting an inquiry into the charges that are not admitted by the CO but about which the DA is satisfied on the basis of the written statement of defence that there is no further course to proceed with. The exercise of the powers to drop the charges after consideration of the written statement of defence would be subject to the following conditions: -

(i) In cases arising out of investigation by the CBI, the latter should be consulted before a decision is taken to drop any of or all the charges on the basis of the written statement of defence. The reasons recorded by the DA for dropping the charges should also be intimated to the CBI.

(ii) Where disciplinary proceedings were initiated in accordance with the advice tendered by the Commission, it may be approached for obtaining its Second Stage Advice (SSA), if the Competent Authority proposes to issue final orders,

which are at variance with the First Stage Advice (FSA) of the Commission. Details in this regard are given in Para 8 of the Master Circular No. 06/MC/2026[1].

5.17.3 In some cases, the DA "decides" to disagree with the Commission and then send the case back to the Commission for reconsideration of its advice. This is not quite in order. Once the Competent Authority has 'decided' or 'resolved' to differ with the advice of the Commission, the case would be treated as one of non-acceptance of the advice of the Commission.

5.18 AMENDED / SUPPLEMENTARY CHARGE-SHEET

5.18.1 The DA has the inherent power to review and modify the articles of charge after receipt and examination of the written statement of defence submitted by the CO under sub-rule (4) of Rule 14 of the CCS (CCA) Rules, 1965.

5.18.2 During the course of inquiry, if it is found necessary to amend the charge-sheet, it is permissible for the DA to do so, provided a fresh opportunity is given to the CO in respect of the amended / supplementary charge-sheet. The IA may hold the inquiry again from the stage considered necessary so that the CO has a reasonable opportunity to submit his defence or produce his witness(es) in respect of the amended charge-sheet. However, if there is a major change in the charge-sheet, it would be desirable to hold fresh proceedings on the basis of the amended charge-sheet.

5.18.3 **Precaution to be taken consequent to issue of amended / supplementary charge-sheet:**

Delhi High Court in its judgement dated 10.07.1987[2] has held as under:-

"It is obvious that the effect of the corrigendum would be to make out a new charge against the petitioner. However, the earlier enquiry was not terminated and new enquiry was not commenced against the petitioner. The corrigendum substantially altered the charge against the petitioner. No new enquiry was held. Mr. S.P. Jain witness was re-called in the continued enquiry on 03/04/1986 and he further gave evidence which supported the corrigendum. The enquiry ultimately resulted in the aforesaid order of dismissal dated 24/07/1986 which was confirmed by an order dated 18/11/1986. The result of this enquiry cannot obviously be sustained. When the charge has been substantially altered, it has to be tried de novo.

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[1]Master Circular No. 06/MC/2026 titled 'Procedure for Obtaining and Implementing the advice of the Central Vigilance Commission', refers, as may be amended from time to time.

[2] Delhi High Court's judgement dated 10.07.1987 in the case of M.G. Aggarwal Vs. Municipal Corporation of Delhi decided on 10 July, 1987 [32 (1987) DLT 394, refers.

The enquiry held and continued on the basis of the charge-sheet dated 31/01/1985 and continued by incorporating the distinct charge, the subject- matter of the corrigendum dated 04/03/1986, is no enquiry at all as the petitioner has been denied an opportunity to meet the amended charge, as amended by the corrigendum. He has not been permitted to file reply to the amended charge. This being the case, the petitioner not having been given the opportunity to defend himself, the entire enquiry proceedings are bad in law, and the order of termination dated 24/07/1986 as well as the appellate order dated 18/11/1986 have to be quashed."

5.19 APPOINTMENT OF INQUIRING AUTHORITY

5.19.1 If the DA finds that any or all the charges have not been admitted by the CO in his written statement of defence or if no written statement of defence is received by him by the date specified, the DA may itself inquire into such charges or appoint an IA to inquire into the truth of the charges. Though the CCS (CCA) Rules, 1965 permit such an inquiry to be made by the DA itself, the normal practice is to appoint another official as IA. It should be ensured that the official so appointed has no bias and has had no occasion to express an opinion in the earlier stages of the case.

5.19.2 Having regard to the nature and gravity of the disciplinary case, inquiry may be entrusted to an official of the Commission, designated as the 'Commissioner for Departmental Inquiry (CDI)'.

5.19.3 **Inquiring Authority to be sufficiently senior** : It may not be always possible to entrust inquiries against the CO to Gazetted Officers. However, the inquiries should be conducted by an IA who is sufficiently senior to the official whose conduct is being inquired into, as inquiry by a junior official cannot command the confidence which it deserves. Further, it may be ensured that only an official with sufficient service experience and seniority is appointed as the Presenting Officer (PO).

5.19.4 **Panel of retired officers for appointment as Inquiring Authority:** Organisations may, depending upon their need, and if they so desire, maintain a panel of retired officers from within or outside the organisation, for appointment as IAs.

5.19.5 **Procedure for empanelment of retired officers as the Inquiry Authority and grant of honorarium:**

For the purpose of empanelment of retired officers as IAs and for the grant of honorarium to them, the guidelines issued by DoPT vide their OM dated 15.09.2017[1] and 16.11.2022[2], respectively, may be considered.

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[1] DoPT OM No. F.No.142/40/2015-AVD.I dated 15.09.2017 on the subject "Procedure for empanelment of retired officers as the Inquiry Officers for conducting Departmental Inquiries- reg.", refers, which may be amended from time to time.
[2] DoPT OM No. DOPT-1668597747466 dated 16.11.2022 on the subject "Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries conducted by the Ministries / Departments - reg.", refers, which may be amended from time to time.

5.19.6 **Order for appointment of Inquiring Authority:** As soon as the DA has decided upon the person who would conduct the oral inquiry, the DA would issue an order appointing him as the IA. A standard form of the order for appointment of IA is given in Chapter 33 of 'Handbook for Inquiry Officers and Disciplinary Authorities' issued by DoPT on 26.12.2024[1].

5.19.7 **Appointment of a Presenting Officer:** The DA which initiated the proceedings will also appoint simultaneously, a government servant or a legal practitioner as the PO to present on its behalf, the case in support of the article(s) of charge before the IA. Ordinarily a government servant belonging to the departmental set up who is conversant with the case is appointed as the PO except in cases involving complicated points of law where it may be considered desirable to appoint a legal practitioner to present the case on behalf of the DA. An official who conducted the preliminary investigation or inquiry into the case should not be appointed as the PO.

5.19.8 **Appointment of Presenting Officer when specific provision in rules does not exist:** While the disciplinary rules under which departmental inquiries are conducted against CO provide for the appointment of a PO by the DA to present its case before the IA, the disciplinary rules of certain organisations do not contain such a provision. As the appointment of PO would help in the satisfactory conduct of departmental inquiry, it is advised that even in cases where the disciplinary rules do not contain a specific provision for the appointment of a PO, the DA may consider appointing a PO for presenting the case before the IA.

5.19.9 **Honorarium to Presenting Officer:** In order to expedite disposal of departmental inquiries, the Competent Authority within its financial powers, may consider sanction of suitable honorarium to the PO, where conducting an inquiry is not a part of their sphere of duties. The amount payable on such occasion may be decided on merit taking into account the quality / volume of work and its quick and expeditious completion.

The grant of honorarium in the case of a serving government servant who has been appointed as PO, whether full time or part time, may be regulated in accordance with the guidelines contained in DoPT's OM No. 1668597747466 dated 16.11.2022[2].

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[1] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.

[2]DoPT OM No. 1668597747466 dated 16.11.2022 on the subject 'Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries conducted by the Ministries / Departments - reg.' refers, as may be amended from time to time

5.20 ASSISTANCE TO THE CHARGED OFFICER IN THE PRESENTATION OF HIS CASE

5.20.1 In the copy of the order appointing the PO, endorsed to the CO, the CO should be asked to finalise the selection of his Defence Assistant before the commencement of the proceedings. The CO may avail himself of the assistance of any other government servant, as defined in CCS(CCA) Rules, 1965[1], posted in any office either at the headquarters or at the place where inquiry is to be held. The CO may take the assistance of any other government servant posted at any other station if the IA, having regard to the circumstances of the case and for reasons to be recorded in writing, so permits.

5.20.2 If the PO appointed by the DA is a legal practitioner, the CO will be so informed by the DA as soon as the PO is appointed, so that the CO may, if he so desires, engage a legal practitioner to present the case on his behalf before the IA. The CO may not otherwise engage a legal practitioner unless the DA, having regard to the circumstances of a case, so permits. If, for example, the facts and the mass of evidence are very complicated and a layperson is not able to understand the implications thereof and prepare a proper defence, the facility of a lawyer may be allowed to the CO as a part of the reasonable opportunity, subject to provisions in the relevant rules.

5.20.3 There may be good and sufficient circumstances for the DA to exercise his discretion in favour of the CO to allow him to be represented by a legal practitioner. For examples, when on behalf of the DA, the case is being represented by a PO of the CBI or by a government law officer i.e. Legal Advisor, Junior Legal Advisor etc. In such cases, any exercise of discretion against allowing a legal practitioner to represent the CO, is likely to be held by the court as arbitrary and prejudicial to the defence of the CO.

5.20.4 No permission is needed by the CO to secure the assistance of any other government servant. The latter also is not required to take permission for assisting the CO. It would, however, be necessary for him to obtain the permission of his controlling authority to absent himself from office in order to assist the CO during the inquiry.

5.20.5 CO involved in disciplinary proceedings may also take the assistance of retired government servants. Details in this regards are given in Chapter 16 of Handbook for Inquiry Officers and Disciplinary Authorities issued by DoPT on 26.12.2024[2].

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[1] Sub Rule (h) of Rule 2 of CCS(CCA) Rules, 1965, refers, in this regards, as may be amended from time to time.

[2] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.

5.20.6 Conditions relating to appointment of a serving government servant as Defence Assistant:

(i) The government servant concerned must be posted in any office at the Headquarters of the CO or in any office where the inquiry is being held.

(ii) The person so appointed must not have 03 pending cases as Defence Assistant. Details in this regard are given in Chapter 16 of Handbook for Inquiry Officers and Disciplinary Authorities issued by DoPT on 26.12.2024[1].

5.21 DOCUMENTS TO BE FORWARDED TO THE INQUIRING AUTHORITY

5.21.1 As soon as the order of appointment of the IA is issued, the DA is required to forward to him the following papers along with the order: -

(i) A copy of the article(s) of charge and the statement of imputations of misconduct or misbehaviour;

(ii) A copy of the written statement of defence submitted by the CO. If the CO has not submitted a written statement of defence, this fact should be clearly brought to the notice of the IA;

(iii) List of witnesses by whom the article(s) of charge are proposed to be sustained;

(iv) A copy each of the statement of witnesses by whom the article(s) of charge are proposed to be sustained. In the case of common proceedings, the number of copies of the statements of witnesses should be as many as the number of COs covered by the inquiry;

(v) List of documents by which the article(s) of charge are to be proved;

(vi) A copy of the covering memorandum to the article(s) of charge addressed to the CO;

(vii) Evidence proving the delivery of the documents to the CO. The date of receipt of the document by the CO should be clearly indicated. The date of receipt of the article(s) of charge by the CO will need to be taken into account by the IA in fixing the date of the first hearing;

(viii) A copy of the order appointing the PO;

(ix) Bio-data of the CO in the prescribed format.

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[1] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.

5.21.2 The above documents and all other relevant papers should be made available to the PO at the earliest possible. If the CO has submitted a written statement of defence, the PO should carefully examine it. If there are any facts which the CO has admitted in his statement without admitting the charges, a list of such facts should be prepared by the PO and brought to the notice of the IA at an appropriate stage of the proceedings so that it may not be necessary to lead any evidence to prove the facts which the CO has admitted.

5.21.3 Before referring a case to the IA, the DA may ensure that he is in possession of the listed documents. While forwarding the case to the IA, the DA may specifically mention that all the listed documents are available with him or with the PO concerned.

5.22 HOLDING ORAL INQUIRY

5.22.1 **Stages of oral inquiry:** The main stages of an oral inquiry are as under:

(i) Pre Hearing Stage: From the appointment of IA and PO till the commencement of hearing. During this stage, the IA and PO examine the documents received by them and ensure their correctness. Besides, the PO prepares for the presentation of the case.

(ii) Preliminary Hearing Stage: From the time the parties start appearing before the IA, till the commencement of presentation of evidence. During this stage, CO is asked once again as to whether the charges are admitted, inspection of documents take place and CO presents the list of documents and oral witnesses required for the purpose of defence.

(iii) Regular Hearing Stage: During this stage, evidence is produced by the parties and examination-in-chief and cross examination of witness(es) is done.

(iv) Post Hearing Stage: During this stage, the PO and the CO submit their written briefs to the IA and the IA submits his report to the DA. Detailed procedure for conduct of oral inquiry is given in Chapter 17 of "Handbook for Inquiry Officers and Disciplinary Authorities" issued by DoPT on 26.12.2024[1].

5.22.2 **Disciplinary Proceedings through Video Conferencing:**

DoPT vide their OM dated 15.09.2017[2] had stated that the Inquiring Authority shall conduct the inquiry proceedings at a location taking into account the availability of records, station / place where the misconduct occurred, as well as the convenience of the witnesses / PO, etc. Video Conferencing should be utilized to the maximum

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[1] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.
[2]DoPT OM No. 142/40/2015- AVD.I dated 15.09.2017 on the subject 'Procedure for empanelment of retired officers as the Inquiry Officers for conducting Departmental Inquiries- reg.' refers, as may be amended from time to time.

extent possible to minimize travel undertaken by the IO / PO / CO. The cadre controlling authorities would facilitate necessary arrangements for the Video Conferencing. The same has been reiterated by DoPT vide their OM dated 05.08.2020[1] and 16.11.2022[2].

5.22.3 **Responsibilities of Inquiring Authority:** The basic purpose of appointment of IA is to inquire into the truth of the imputations of misconduct or misbehaviour against a CO. The departmental inquiry proceedings should be completed within six months from the date of appointment of IA. The IA should ensure that: –

(i) There should be no delay in commencement and conduct of inquiry after receipt of appointment orders of IA and PO. The preliminary hearing should be fixed within the prescribed time limit.

(ii) The date for preliminary hearing should be chosen in such a way so as to provide reasonable opportunity to the parties concerned. For example, if the parties are posted outstation, date of hearing must be so fixed that there is adequate time for the communication to reach the parties and adequate time for the parties for undertaking the travel and reaching the venue.

(iii) The CO should be asked in the notice of preliminary hearing itself to nominate his Defence Assistant and bring the Defence Assistant during preliminary hearing.

(iv) Daily Order Sheet should be prepared by the IA on each scheduled day of hearing. It is the record of the progress of the case being inquired into by the IA, during the day.

(v) Programme for conduct of inquiry should be prepared in consultation with the prosecution and defence.

(vi) Inspection of listed documents should be facilitated by the PO immediately after the receipt of appointment order or as ordered by the IA.

(vii) A day for brief hearing should be fixed for deciding relevance of defence documents and witnesses to avoid protracted correspondences.

(viii) The parties should not be allowed to dominate the proceedings by seeking frequent adjournments except in case of any unavoidable circumstance.

(ix) Statements of listed witnesses recorded during the inquiry should be made available to the CO well in time for cross- examination.

(x) The request from the CO for providing copies of statement of witnesses recorded during investigation but which are not part of listed documents, should not be entertained.

(xi) Summons to witnesses should be issued well in advance. The PO and the CO should be made personally responsible to ensure the presence of witnesses.

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[1]DoPT OM No. 11012/03/2020-Estt.A-III dated 05.08.2020 on the subject 'Completion of Disciplinary proceeding through Video Conferencing in the wake of COVID-19 pandemic)' refers, as may be amended from time to time.
[2]DoPT OM No. DOPT-1668597747466 dated 16.11.2022 on the subject 'Grant of Honorarium to Inquiry Officers / Presenting Officers in the departmental inquiries conducted by the Ministries / Departments - reg.' refers, as may be amended from time to time.

(xii) Hearing should be held and completed on day-to-day basis and no adjournment should be allowed on frivolous ground.

(xiii) Ex parte inquiry may not be held if the CO is under suspension and is unable to attend the inquiry proceedings due to non-receipt of the subsistence allowance.

(xiv) During main examination, leading questions should not be allowed.

(xv) Witness(es) should understand the question(s) asked to him during examination / cross-examination and it is to be ensured that the answers given in vernacular are properly translated and recorded.

(xvi) Witness(es) should be recalled for re-examination only if it is absolutely necessary in the interest of justice.

(xvii) Production of new evidence to fill up a gap in the evidence should not be allowed except when there is an inherent lacuna and defect in the evidence originally produced.

(xviii) No material from personal knowledge having bearing on the fact of the case or of extraneous nature which was not part of the charge-sheet or in the evidence submitted during the inquiry and against which the CO has no opportunity to defend himself should be imported to the case.

(xix) Inquiry findings should be confined to the essence of misconduct attributable to the CO or whether the charge of misconduct is made out against the CO or not.

(xx) Findings in the case should not merely be based on the written statements submitted by prosecution and defence, but on the analysis of evidence produced during the inquiry by the parties.

(xxi) The conclusion by the IA should be logical and it should not appear as if mind has already been made up.

(xxii) The principles of natural justice and reasonable opportunity should be followed during the conduct of departmental proceedings.

(xxiii) The charge-sheet should be perceived on the basis of the charge- fact-evidence correlation. This will help in analysing and appreciating evidence.

(xxiv) CO should be examined in general about the circumstances appearing against him before closing the inquiry.

(xxv) Submission of written brief by the PO and the CO should be as per prescribed time limit.

(xxvi) Inquiry Report should be written and submitted within 30 days from the receipt of written briefs.

(xxvii) The IA is required to submit a monthly report to the DA indicating the status of the inquiries being conducted by him. A copy of such report should also be endorsed to the CVO. In this regard Para 5.3 and 5.4 of the Master Circular No. 08/MC/2026[1] may also be referred to.

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[1]Master Circular No. 08/MC/2026 on Timely Initiation and Finalisation of Disciplinary Action, refers, as may be amended from time to time.

5.22.4 **Responsibilities of Presenting Officer :** The PO is appointed for the purpose of presenting the case of the DA and to help the IA to find truth in the charge(s). The PO is required to lead the evidence of the prosecution logically and forcefully before the IA and satisfactorily answer the contentions raised by the CO. Some of the broad responsibilities of the PO are to:-

(i) read the case in all its aspects and ramifications and evolve a strategy for presentation of the prosecution case;

(ii) ensure inspection of listed document as ordered by the IA;

(iii) produce accepted documents to the IA for marking the same as exhibits and for taking them on record;

(iv) evolve a strategy for presentation of listed prosecution documents and witnesses in a logical sequence to prove the charge(s);

(v) present the prosecution case;

(vi) ensure attendance of the prosecution witness;

(vii) lead oral evidence on behalf of the DA;

(viii) cross-examine and re-examine the defence witness(es);

(ix) seek permission of the IA to introduce new evidence if considered necessary, before conclusion of the prosecution case;

(x) prepare and submit written brief;

(xi) keep the DA posted with the progress of the inquiry by sending the brief of work done at the end of each hearing.

5.22.5 The responsibilities of the PO are mentioned in detail in Para 17 of Chapter 15 of the Handbook for Inquiry Officers and Disciplinary Authorities issued by DoPT on 26.12.2024[1].

5.22.6 It is noted that some of the POs take a stand / position contrary to the stand / position stated in the charge-sheet without the explicit consent of the DA. In some cases, the POs do not present some of the listed / relied upon documents. Further, in some cases, the POs do not even ensure that the listed witnesses are summoned and produced before the IA for examination and substantiating the position stated in the charge-sheet. There are also instances where the POs have not sought additional documents to be produced before the IA even though they were felt essential for sustaining the charges / imputations. The POs are required to avoid such serious mistakes.

5.22.7 **Stay of disciplinary proceedings:** The inquiry in disciplinary proceedings should be stayed only when a court of competent jurisdiction issues an injunction or clear order staying the same or when the CO has alleged bias against the IA. Details in this regard are given in Chapter 14 of the Handbook for Inquiry Officers and Disciplinary Authorities issued by DoPT on 26.12.2024[1].

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[1] DoPT Notification dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.

5.22.8 **Conducting Ex parte proceedings:** If the CO does not submit the written statement of defence on or before the date specified for the purpose or does not appear in person before the IA or otherwise fails or refuses to comply with the provisions of the applicable rules, the IA may hold the inquiry Ex parte. If the CO does not take advantage of the opportunity given to him to explain any facts or circumstances which appear against him, he has only himself to blame and the IA has no choice but to proceed Ex parte. But if a CO under suspension pleads his inability to attend the inquiry on account of financial stringency caused by the non payment of subsistence allowance to him, the proceedings conducted against him Ex parte would be violative of the provisions of the Article 311 (2) of the Constitution as the CO did not receive a reasonable opportunity of defending himself in the disciplinary proceedings. This view has been upheld by the Supreme Court in the case of Ghan Shyam Das Srivastava vs. State of Madhya Pradesh[1]. Therefore, in cases where recourse to Ex parte proceeding becomes necessary, it should be checked and confirmed that the CO's inability to attend the inquiry is not because of non-payment of subsistence allowance.

5.22.9 **Manner of Ex parte proceedings:** In Ex parte proceeding, the full inquiry has to be held i.e., the PO will produce documentary evidence and witnesses in the manner outlined in Para 5.22.1 above. Notice of each hearing should be sent to the CO also. However, if the CO joins the proceedings at a later stage, he can not be prevented from doing so.

5.23 ACTION ON INQUIRY REPORT

5.23.1 The report of the IA is intended to assist the DA in coming to a conclusion about the guilt of the CO. Its findings are not binding on the DA who can disagree with the same and come to its own conclusion on the basis of its own assessment of the evidence forming part of the record of inquiry.

5.23.2 On receipt of the report and the record of the inquiry, the DA, if it is different from the IA, is required to forward a copy of the inquiry report to the CO, giving him an opportunity to make any representation or submission.

5.23.3 If the DA disagrees with the findings of the IA on any article of charge, it will, while recording its own findings, also record reasons for its disagreement, which will be provided to the CO.

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[1]Supreme Court judgment dated 23.02.1973 in the matter of Ghan Shyam Das Srivastava vs. State of Madhya Pradesh, refers in this regard.

5.23.4 On receipt of the CO's reply, or if no reply is received within the time allowed, the DA is required to examine the report and record of the inquiry, including the points raised by the CO, carefully and dispassionately and after satisfying itself that the CO has been given a reasonable opportunity to defend himself, will record its findings in respect of each article of charge saying whether, in its opinion, it stands proved or not.

5.23.5 If after considering the report of the IA or after considering the reply of the CO to the IA's report, the DA arrives at a conclusion which is not in conformity with the FSA of the Commission, the case should be forwarded to the Commission along with tentative views, for Second Stage Advice (SSA).

5.24 FURTHER INQUIRY

5.24.1 If the DA considers that a clear finding is not possible or that there is any defect in the inquiry, e.g., the IA had taken into consideration certain factors without giving the CO an opportunity to defend himself in that regard, the DA may, for reasons to be recorded by it in writing, remit the case to the IA for further inquiry and report. The IA should, thereupon, proceed to hold further inquiry according to the provisions of Rule 14 of the CCS (CCA) Rules, 1965, or as per other applicable rule, as the case may be.

5.24.2 If the DA comes to the conclusion that the inquiry was not made in conformity with the principles of natural justice, it can also remit the case for further inquiry on all or some of the charges.

5.24.3 The case for further inquiry should not be remitted to a new IA as far as possible.

5.24.4 The discretion in this regard should be exercised by the DA for adequate reasons to be recorded in writing. A further inquiry may be ordered, for example, when there are grave lacunae or procedural defects vitiating the first inquiry and not because the first inquiry had gone in favour of the CO. In latter type of cases, the DA can, if it is satisfied on the basis of evidence on record, disagree with the findings of the IA.

5.25 ISSUE OF FINAL ORDER ON THE REPORT OF THE INQUIRING AUTHORITY

5.25.1 It is in the public interest as well as in the interest of the COs that disciplinary proceedings should be dealt with expeditiously. At the same time, the DA must apply its mind to all relevant facts which are brought out in the inquiry before

forming an opinion about the imposition of a penalty, if any, on the CO. In cases which do not require consultation with the Commission or the UPSC, it should normally be possible for the DA to take a final decision on the inquiry report within a period of 2 months at the most. In cases where the DA feels that it is not possible to adhere to this time limit, a report may be submitted by him to the next higher authority, indicating the additional period within which the case is likely to be brought to logical conclusion, and the reasons for the same. In cases where consultation with the UPSC or the Commission is required, every effort should be made to ensure that such cases are disposed off as quickly as possible.

5.25.2 After considering the advice of the UPSC, where the UPSC is consulted, a copy of advice of the UPSC is required to be shared with the CO. On consideration of the CO's reply, the DA should decide whether the CO should be exonerated or whether a penalty should be imposed upon him and should make an order accordingly.

5.25.3 In determining the quantum of penalty, the DA should take into account only that material which the CO had the opportunity to rebut. The objective is to ensure that no material of which the CO was not given prior notice and which he was not given adequate opportunity of rebutting or defending himself against, should be taken into account for deciding the extent of penalty to be awarded.

5.25.4 The order should be signed by the DA competent to impose the penalty. In a case in which the Competent Authority is the President, the order should be signed by an officer authorised to authenticate order issued in the name of the President, under Article 77(2) of the Constitution.

5.25.5 **Self-contained speaking and reasoned order to be issued by the disciplinary authority:** The view / advice of the Commission in disciplinary cases is advisory in nature and it is for the DA concerned to take a reasoned decision by applying its own mind. The DA while passing the final order, should state that the Commission has been consulted and after due application of mind, the final order has been passed. Further, in the speaking order of the DA, the advice of the Commission should not be quoted verbatim.

5.25.6 The disciplinary proceedings against the CO conducted under the provisions of CCS (CCA) Rules, 1965, or under any other corresponding rules, are quasi-judicial in nature and therefore, it is necessary that orders issued by such authorities should have the attributes of a judicial order. The recording of reasons in support of a decision by a quasi-judicial authority is obligatory as it ensures that the decision is reached according to law and is not a result of caprice, whim or fancy, or reached

on ground of policy or expediency. Such orders passed by the Competent Authority as do not contain the reasons on the basis whereof the decisions communicated by that order were reached, are liable to be held invalid if challenged in a court of law.

5.25.7 In all orders issued in disciplinary matters, the name and designation of the DA should also be clearly indicated.

5.26 COMMUNICATION OF PENALTY ORDER

5.26.1 The order made by the DA should be communicated to the CO together with: -

(i) a copy of the report of the IA, if not supplied already;
(ii) a statement of findings of the DA on the IA's report together with brief reasons for its disagreement, if any, with the findings of the IA, if not supplied already;
(iii) a copy of the advice, if any, given by the UPSC and where the DA has not accepted the advice of the UPSC, a brief statement of the reasons for such non-acceptance.

5.26.2 A copy of the order should also be sent to: -

(i) the Central Vigilance Commission in cases in which the Commission has given advice;
(ii) the UPSC in cases in which they have been consulted;
(iii) to the Head of Department or office where the CO is employed for the time being, unless the DA itself is the Head of Department or office; and
(iv) to the CBI in cases in which action was recommended by the agency.

5.26.3 **Scope of order of punishment:** While passing an order of penalty, the DA should define the scope of the penalty in clear terms.

5.27 DEFECT IN PROCEEDINGS AFTER THE INQUIRY WILL NOT INVALIDATE EARLIER PART OF THE PROCEEDINGS

Once an inquiry has been properly held, a defect in the subsequent proceedings will not necessarily affect the validity of the oral inquiry. Where the order of dismissal was set aside on the ground that it was made by an authority subordinate to the appointing authority i.e., for contravention of the Article 311(1) of the Constitution, fresh proceedings could be restarted from the stage after the oral inquiry.

5.28 RECONSIDERATION OF A DECISION BY SUCCESSOR DISCIPLINARY AUTHORITY

5.28.1 When a decision is recorded by a DA (other than the President) at the conclusion of the departmental proceedings, the decision is final and cannot be varied by that

authority itself or by its successor-in-office before it is formally communicated to the CO concerned. The IA and the DA are quasi-judicial authorities but order / decision of the DA is judicial in nature and can be changed only by the Appellate Authority (AA).

5.28.2 When a decision is taken by or in the name of the President as a DA, it is open to DA to vary or alter the opinion or advice. Once, however, the decision is recorded in the name of the President, it cannot be varied or altered. This, of course, is subject to the exercise of powers of review or revision expressly conferred upon the President by rules. The decision once recorded by the DA can only be changed by the Appellate Authority / Revising Authority / Reviewing Authority.

5.29 ACTION FOR PAST MISCONDUCT IN PREVIOUS EMPLOYMENT

Action can be taken against an employee in respect of misconduct committed by him in his previous or earlier employment if the misconduct was of such a nature as has rational connection with his present employment and renders him unfit and unsuitable for continuing in service. When such action is taken, the charge should specifically state that the misconduct alleged is such that it renders him unfit and unsuitable for continuance in service.

5.30 APPEALS, REVISION AND REVIEWS

Orders against which appeal lies: Under Rule 23 of CCS (CCA) Rules, 1965[1] a CO including a person who has ceased to be in government service, may prefer an appeal against any order made by the DA or by any Appellate Authority or Revising Authority. The details of orders against which appeal can be filed are mentioned in Rule 23 of CCS (CCA) Rules, 1965[1].

5.31 APPELLATE AUTHORITY[2]

5.31.1 A government servant, including a person who is no longer in government service, may prefer an appeal against any order referred to in Rule 23 of CCS (CCA) Rules, 1965[1] to the authority specified in this behalf in the Schedule to the CCS (CCA) Rules, 1965[1] or by a general order or special order of the President. Where no such authority is specified, the appeal of Group A or Group B Officers shall lie to the Appointing Authority, where the order appealed against is made by an authority subordinate to it; and to the President where such order is made by any other authority. An appeal from a CO of Group C or Group D will lie to the authority to which the authority making the order appealed against is immediately subordinate.

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[1]Rule 23 of CCS (CCA) Rules, 1965 on the subject 'Orders against which appeal lies' refers in this regard, as may be amended from time to time.
[2]Rule 24 of CCS (CCA) Rules, 1965 on the subject 'Appellate Authority' refers, as may be amended from time to time.

5.31.2 Appeals against orders issued in common proceedings will lie to the authority to which the authority functioning as the DA for the purpose of such proceedings is immediately subordinate, provided that where such authority is subordinate to the President in respect of a CO for whom the President is the Appellate Authority, the appeal would lie to the President. In cases where the authority, after making an order becomes the Appellate Authority by virtue of his subsequent appointment or otherwise, appeal shall lie to the authority to which such an authority is immediately subordinate.

5.31.3 Where the President is the Appellate Authority and has on his motion reviewed and confirmed the penalty imposed by a subordinate authority, an appeal would still lie to the President under Rule (23) and (24) of CCS(CCA) Rules, 1965, against the punishment order passed by the subordinate authority.

5.31.4 A CO may prefer an appeal against an order imposing any penalty to the President, even if no such appeal lies to him, if such penalty is imposed by any authority other than the President on such CO in respect of his activities connected with his work as an office-bearer of an association, federation or union participating in the Joint Consultative Machinery and Compulsory Arbitration Scheme. All such appeals should be placed before the Minister-in-charge for final orders, irrespective of whether the general directions in various ministries, relating to disposal of appeals addressed to the President, require such submission or not. In respect of persons serving in Indian Audit and Accounts Department, such appeals would be disposed off by the Comptroller and Auditor General (C&AG) of India.

5.31.5 **Period of limitation for appeals:** No appeal shall be entertained unless it is preferred within a period of 45 days from the date on which a copy of the order appealed against is delivered to the appellant. However, the Appellate Authority may entertain the appeal even after the expiry of a period of 45 days, if it is satisfied that the appellant has sufficient cause for not preferring the appeal in time[1].

5.31.6 **Form and content of appeal[2]:** Every appeal should be preferred by the appellant in his own name and addressed to the authority to whom the appeal lies. It should contain all material statements and arguments on which the appellant relies, should not contain any disrespectful or improper language and should be complete in itself.

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[1]Rule 25 of CCS (CCA) Rules, 1965 on the subject 'Period of Limitation of appeals' refers in this regard, as may be amended from time to time.

[2]Rule 26 of CCS (CCA) Rules, 1965 on the subject 'Form and contents of appeal' refers in this regard, as may be amended from time to time.

5.31.7 Channel of submission of appeal[1]:

(i) The appeal should be presented to the authority to whom the appeal lies, a copy being forwarded by the appellant to the authority which made the order appealed against.

(ii) The authority which made the order appealed against should, on receipt of the copy of appeal, forward the same to the Appellate Authority, without any avoidable delay and without waiting for any direction from the Appellate Authority, with all the relevant records and its comments on all points raised by the appellant. Misstatement, if any, should be clearly pointed out.

(iii) The procedure to be followed by the Appellate Authority to consider the appeal and pass orders on appeal has been laid down under Rule 27 of the CCS (CCA) Rules, 1965[2]. Where the appeal is against an order imposing a major penalty and the appellant makes a specific request for a personal hearing, the Appellate Authority may, after considering all relevant circumstances of the case, allow the appellant, at its discretion, the personal hearing. Such personal hearing of the appellant by the Appellate Authority at times may afford the former an opportunity to present his case more effectively and thereby facilitate the Appellate Authority in deciding the appeal quickly and in a just and equitable manner.

5.32 REVISION[3]

5.32.1 The Revising Authorities specified in Rule 29 of CCS (CCA) Rules, 1965, may at any time, either on their own motion or otherwise, call for records of any inquiry and revise any order made under the CCS (CCA) Rules,1965.

5.32.2 The Appellate Authority may call for records of any inquiry and revise any order, within six months of the date of the order proposed to be revised.

5.32.3 A Revising Authority, after passing an order of revision becomes functus officio and cannot again revise its own order.

5.32.4 **Orders by the Revising Authority:** After considering all the facts and circumstances of the case and the evidence on record, the Revising Authority may pass any of the following orders: -

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[1]Rule 26 of CCS (CCA) Rules, 1965 on the subject 'Form and contents of appeal' refers in this regard, as may be amended from time to time.
[2]Rule 27 of CCS (CCA) Rules, 1965 on the subject 'Consideration of appeal' refers in this regard, as may be amended from time to time.
[3]Rule 29 of CCS (CCA) Rules, 1965 on the subject 'Form and contents of appeal' refers in this regard, as may be amended from time to time.

(i) confirm, modify or set aside the order; or

(ii) confirm, reduce, enhance or set aside the penalty imposed by the order, or impose any penalty where no penalty has been imposed; or

(iii) remit the case to the authority which made the order or to any other authority directing such authority to make such further inquiry as it may consider proper in the circumstances of the case; or

(iv) pass such other orders as it may deem fit.

5.32.5 No order imposing or enhancing any penalty should be made by the Revising Authority unless the CO has been given a reasonable opportunity of making a representation against the penalty proposed. If it is proposed to impose or enhance the penalty to one of the major penalties, and if an inquiry under Rule 14 has not been held, such an inquiry should be held before imposing penalty.

5.32.6 The UPSC should be consulted before orders are passed in all cases where such consultation is necessary.

5.32.7 The orders passed by the Revising Authority should be self-contained, speaking and reasoned.

5.32.8 **Procedure for Revision[1]:**

(i) An application for revision should be dealt with as if it were an appeal under the CCS (CCA) Rules, 1965.

(ii) No revision proceedings should commence until after the expiry of the period of limitation for an appeal, or if an appeal has been preferred already, until after the disposal of the appeal.

5.33 REVIEW BY THE PRESIDENT[1]

The President may, at any time, either on his own motion or otherwise, review any order passed under the CCS (CCA) Rules, 1965, including an order passed in revision under Rule 29, when any new material or evidence which could not be produced or was not available at the time of passing the order under review and which has the effect of changing the nature of the case, has come, or has been brought to his notice.

5.34 PETITIONS, MEMORIALS ADDRESSED TO THE PRESIDENT

The procedure to be followed in dealing with petitions and memorials addressed to the President is contained in the instructions published in the MHAs Notification dated 08.09.1954[2].

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[1]Rule 29 of CCS (CCA) Rules, 1965 on the subject 'Form and contents of appeal' refers in this regard, as may be amended from time to time.

[2]Home Affairs Notification No.40/5/50-Ests. (B), dated 08.09.1954 on the subject 'official procedure for civil servants to submit petitions, memorials, and appeals', refers, as may be amended from time to time.

5.35 ACTION AGAINST PENSIONERS

5.35.1 **Circumstances in which pension may be reduced, withheld or withdrawn: Action for misconduct after retirement:**

After pension has been granted, future good conduct is an implied condition of its continued payment. The Appointing Authority can withhold or withdraw a pension or any part of it if the pensioner is convicted of serious crime or is found guilty of grave misconduct. Rule 7 of the CCS (Pension) Rules dated 20.12.2021[1] refers in this regard.

Action for misconduct during service :

In accordance with the provisions contained Under Rule 8 of the CCS (Pension) Rules, 2021[2], as amended vide CCS (Pension) Amendment Rules, 2022, the "right of withhold or withdrawing a pension or any part of it, whether permanently or for a specified period, and of ordering recovery from the pension of whole or part of any pecuniary loss caused to government if the pensioner is found, in a departmental or judicial proceedings, to have been guilty of grave misconduct or negligence during the period of his service including his service under re- employment" is with:-

(a) the President, in the case of a pensioner who retired from a post for which the President is the Appointing Authority;

(b) the Secretary of the Administrative Ministry or Department, in the case of a pensioner who retired from a post for which an authority subordinate to the President is the Appointing Authority; and

(c) the Comptroller and Auditor-General of India, in the case of a pensioner who retired from the Indian Audit and Accounts Department, from a post for which an authority subordinate to the President is the Appointing Authority.

5.35.2 The action against a pensioner could be taken if the charge regarding grave misconduct during the period of service or in re-employment or after retirement, is established against him during departmental or judicial inquiry.

5.35.3 Minor penalty cannot be imposed after retirement. Therefore, the DA should ensure that minor penalty proceedings instituted against a government servant, who is due to retire in near future, are finalised quickly and preferably before his retirement so that the need for continuing such proceedings beyond the date of retirement does not arise.

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[1]Rule 7 of CCS (Pension) Rules, 2021 dated 20.12.2021 on the subject 'Pension and family pension subject to future good conduct' refers in this regard, as may be amended from time to time.
[2]Rule 8 of CCS (Pension) Rules, 2021 dated 20.12.2021 on the subject 'Power to withhold or withdraw pension' refers in this regard, as may be amended from time to time.

5.35.4 Even though there is no statutory requirement in Rule 8(1) of the CCS(Pension) Rules, 2021[1], as amended vide Amendment Rules 2022[2] for giving a show -cause notice, the principles of natural justice would have to be followed. It would, therefore, be necessary to issue a show-cause notice to the pensioner, giving him an opportunity to represent against the proposed penalty (if no inquiry has been held in the manner provided in Rule 14 of the CCS (CCA Rules)[3], and take his representation into consideration before obtaining the advice of the UPSC, if required, and passing the final order. However, there is no need to issue a show - cause notice where an oral inquiry in which the CO / pensioner has had a reasonable opportunity to defend his case, was held. In such cases, a copy of the inquiry report may be sent to him giving him an opportunity to make any representation or submission.

5.35.5 If common inquiry had been ordered when all the COs were in service and if one of them retires before the completion of the inquiry, the proceedings against the CO who has retired, can be continued under Rule 8 (2) of the CCS (Pension) Rules, 2021[1]. It is not necessary to split up the inquiries, the moment one of the COs retires. On receipt of the report of the IA, the DA can straightaway impose a penalty on the CO in service, but in respect of the CO who has retired, the findings are to be forwarded to the government in accordance with the provisions as contained in Rule 8 of the CCS (Pension) Rules -2021[1] as amended vide CCS (Pension) Amendment Rules 2022[2].

5.36 ACTION IN CASES IN WHICH DEPARTMENTAL PROCEEDINGS HAD BEEN INITIATED BEFORE RETIREMENT

5.36.1 If departmental proceedings had been initiated against a government servant under the CCS (CCA) Rules, 1965 while he was in service, including re-employment, the proceedings would be deemed to be proceedings under Rule 8 of the CCS (Pension) Rules, 2021[1] and would be continued and concluded by the authority by which the proceedings were commenced in the same manner as if the government servant had continued in service.

5.36.2 If the proceedings had been initiated by an authority subordinate to the President, action would be taken in accordance with the provisions contained under Rule 8 (2) of the CCS (Pension) Rules, 2021[1], as amended vide CCS (Pension) Amendment Rules, 2022.

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[1]Rule 8(1)&(2) of CCS (Pension) Rules, 2021 dated 20.12.2021 on the subject 'Power to withhold or withdraw pension' refers in this regard, as may be amended from time to time.

[2]CCS (Pension) Amendment Rules 2022 dated 07.10.2022 refers in this regard, as maybe amended from time to time.

[3]Rule 14 of CCS (CCA) Rules, 1965 on the subject 'Procedure for imposing major penalties' refers in this regard, as may be amended from time to time.

5.37 ACTION IN CASES IN WHICH A GOVERNMENT SERVANT HAD RETIRED FROM SERVICE

5.37.1 If departmental proceedings had not been instituted while the official was in service including the period of his re-employment, if any, proceedings under Rule 8 of the CCS (Pension) Rules, 2021[1] can be instituted only by : -

(a) the President, in the case of a pensioner who retired from a post for which the President is the Appointing Authority;

(b) the Secretary of the Administrative Ministry or Department, in the case of a pensioner who retired from a post for which an authority subordinate to the President is the Appointing Authority;

(c) the Comptroller and Auditor-General of India, in the case of a pensioner who retired from the Indian Audit and Accounts Department, from a post for which an authority subordinate to the President is the Appointing Authority ; and

(d) in respect of a cause of action which arose, or in respect of any event which took place not earlier than four years before the institution of the proceedings.

5.37.2 The proceedings will be conducted by such authority and at such place as the Competent Authority may direct and in accordance with the procedure applicable in departmental proceedings in which an order of dismissal from service could be made in relation to the government servant during his service.

5.37.3 A standard form of Memorandum of charges to be served on the pensioner is given in Chapter 33 of the 'Handbook for Inquiry officers and Disciplinary Authorities'.[2] On receipt of the reply, an inquiry will be held in accordance with the laid down procedure. On receipt of the report of the IA, if the Competent Authority decides to take action under Rule 8 of the CCS (Pension) Rules, 2021[1], further action will be taken as per laid down procedure.

5.37.4 On receipt of the reply of the pensioner, the UPSC should be consulted in those cases in which action is proposed to be taken in the name of the President. In such cases, after considering the reply of the pensioner and the advice of the UPSC, orders should be issued in the name of the President under the signature of an officer authorised to authenticate order on behalf of the President.

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[1]Rule 8 of CCS (Pension) Rules, 2021 dated 20.12.2021 on the subject 'Power to withhold or withdraw pension' refers in this regard, as may be amended from time to time.

[2]DoPT Notification (Rule 33 - Sample Forms) dated 26.12.2024 on the subject "Handbook for Inquiryofficers and Disciplinary Authorities, refers, as may be amended from time to time.

5.38 JUDICIAL PROCEEDINGS

If a government servant is found guilty of a grave misconduct or negligence as a result of judicial proceedings instituted against him before his retirement, including re-employment, action may be taken against him by government under Rule 8 of the CCS (Pension) Rules, 2021[1].

5.39 DISCIPLINARY ACTION AGAINST RETIRED OFFICIALS OF CENTRAL PUBLIC SECTOR ENTERPRISES

5.39.1 CPSEs are non-pensionable establishments. However, departmental proceedings against officials of CPSEs should continue after retirement and penalty should be imposed on the COs on conclusion of departmental proceedings that continued beyond the date of their superannuation, provided a provision to this effect has been incorporated in the CDA Rules on the following lines :

"The officer against whom disciplinary proceedings have been initiated will cease to be in service on the date of superannuation but the disciplinary proceedings will continue as if he was in service until the proceeding are concluded and final order is passed in respect thereof. He will also not be entitled for the payment or retirement benefits till the proceedings are completed and final order is passed thereon except his own contribution to CPF."

5.39.2 Hon'ble Supreme Court has upheld the punishment of dismissal on a retired official of a bank on conclusion of departmental proceedings after his retirement on the basis of above provision. In its judgment dated 18.05.2007[2] in the case of Ramesh Chandra Sharma Vs Punjab National Bank, the legality of the above provision has been upheld. The CVO concerned should take up the matter with the Chief Executive to ensure that the above provision is incorporated in the CDA Rules framed by the respective organisation.

5.40 CONSULTATION WITH UNION PUBLIC SERVICE COMMISSION IN DISCIPLINARY MATTERS

5.40.1 **Constitutional provisions:** Article 320(3)(c) of the Constitution provides that the UPSC should be consulted on all disciplinary matters affecting a person serving under the Government of India in a civil capacity, including memorials and petitions relating to such matters. The proviso to this Article provides that the President may make regulation specifying the matter in which either generally, or

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[1]Rule 8 of CCS (Pension) Rules, 2021 dated 20.12.2021 on the subject 'Power to withhold or withdraw pension' refers in this regard, as may be amended from time to time.
[2]Supreme Court judgment dated 18.05.2007 in the matter Ramesh Chandra Sharma Vs Punjab National Bank, refers in this regard.

in any particular class of case or in any particular circumstances, it shall not be necessary to consult the UPSC. The President has, under this proviso, made the Union Public Service Commission (Exemption from Consultation) Regulations, 1958 .

5.40.2 **Matters in which consultation with UPSC is necessary:** It is necessary to consult the UPSC in the following type of cases: -

(i) an original order by the President imposing any of the penalties;

(ii) an order by the President on an appeal against an order imposing any of the prescribed penalties made by a subordinate authority;

(iii) an order by the President over-ruling or modifying, after consideration of any petition or memorial or otherwise, an order imposing any of the prescribed penalties made by the President or by a subordinate authority;

(iv) an order by the President imposing any of the prescribed penalties in exercise of his powers of review and in modification of an order under which none of the prescribed penalties has been imposed[1].

5.40.3 All cases, where the DA decides to impose a penalty after conclusion of the proceedings and where consultation with the UPSC is required as per existing rules / instructions, should not be referred to the Commission for SSA.

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1 DoPT Notification (Chapter 26 - Consultation with the UPSC) dated 26.12.2024 on the subject "Handbook for Inquiry officers and Disciplinary Authorities, refers, as may be amended from time to time.

Notes

Chapter-VI

CHIEF TECHNICAL EXAMINERS' ORGANISATION

6.1 THE ORGANISATION

Chief Technical Examiners' Organisation is the technical wing of the Commission.

6.1.1 Evolution:

(i) The Chief Technical Examiner's Organisation (CTEO) was set up in 1957 under the Ministry of Works, Housing & Supply (presently Ministry of Housing and Urban Affairs) with a view to introduce a system of internal, concurrent and continuous administrative and technical audit of the works of Central Public Works Department (CPWD) and to secure economy in expenditure and better technical and financial control of the works.

(ii) The Committee on Prevention of Corruption (commonly known as Santhanam Committee), while making recommendations on the working of CPWD, observed that:- "The Chief Technical Examiner's Cell set up in the year 1957 has been doing extremely good work. We consider that this organisation should not only be continued but also should be suitably strengthened to discharge the functions that have been entrusted to it more effectively and intensively. The jurisdiction of the organisation should be extended to cover construction work which may be undertaken by any Ministry / Department / Central Corporate Undertaking through its own agencies. The Chief Technical Examiner's Cell should also have specialized staff like wood experts, accounts men, etc. This organisation should be attached to the Central Vigilance Commission so that its services may easily be available to the Central Bureau of Investigation or in inquiries which are caused to be made under the directions of the Central Vigilance Commission."

(iii) Thus, the CTEO became part of the Commission when it came into existence in 1964.

(iv) Considering the fact that a major portion of government expenditure was on public procurement and public procurement was one of the important means of delivery in day-to-day governance, other types of procurements were also brought within purview of scrutiny by CTEO.

6.1.2 **Set up:** The CTEO is headed by two Chief Technical Examiners (CTEs), one of them responsible for examination of civil / horticulture related procurement contracts and related matters and the other for all other types of procurement contracts, i.e. supply contracts, electrical / mechanical contracts, IT procurements, consultancy & non consultancy contracts etc. and related matters. The CTEs are assisted by a team of Technical Examiners (TEs), Assistant Technical Examiners (ATEs) and Junior Technical Examiners (JTEs). Technical personnel are drawn from various government organisations on deputation basis.

6.2 ROLE AND FUNCTIONS

(i) The primary responsibility of CTEO is to conduct technical and financial scrutiny of different procurement activities to ensure better economy and efficiency in procurement process and thereby achieve financially and qualitatively better output, in fair, equitable and transparent manner.

(ii) As the technical wing of the Commission, CTEO advises on specific references by the Commission, involving substantial technical issues and other related matters referred to it.

(iii) CTEO conducts Intensive Examinations (IEs), shortlisting procurement contracts, with the approval of the Commission, mainly from those reported by different organisations through their Quarterly Progress Reports (QPRs). The procurement contracts, so selected, are thoroughly examined right from the stage of their inception to the stage of fulfilment of all contractual obligations and beyond, in an objective manner.

(iv) On completion of Intensive Examination, issues involving vigilance angle, are converted into vigilance references, with the approval of the Commission. The same are followed up, by the vigilance branch concerned of the Commission, with the respective organisation for suitable disciplinary action as may be required, against the officials found responsible. Punitive actions and / or suitable administrative action, is also advised against the defaulting firms / contractor.

(v) During the course of IE, if systemic lacunae are observed, advice for systemic improvement(s) is also given as a measure of preventive vigilance and to ensure fairness and transparency.

(vi) CTEO offers its advice to the Commission, on policy matters / specific issues,

mainly related to public procurement, as referred to the Commission for its advice, by the organisations covered under the jurisdiction of the Commission.

(vii) As a measure of preventive vigilance and systemic improvement, CTEs / TEs participate in workshops, seminars as approved by the Commission, to share their experience and familiarise stakeholders with the issues related to public procurement.

6.3 JURISDICTION OF CHIEF TECHNICAL EXAMINER'S ORGANISATION

The jurisdiction of the CTEO is coterminous with the jurisdiction of the Commission.

6.4 INTENSIVE EXAMINATION

Section 18 of the Central Vigilance Commission Act, 2003 empowers the Commission to call for reports, returns and statements from all organisations covered under its advisory jurisdiction, so as to enable the Commission to exercise general check and supervision over the vigilance and anti corruption work in the respective organisations.

6.4.1 Quarterly Progress Report

(i) CVOs of various organisations covered under the jurisdiction of the Commission are required to submit QPRs in respect of contracts to CTEO, in the prescribed format, by 15th day of the succeeding month, after the quarter ending in March, June, September and December. Even though, CTEO may examine contracts of any magnitude, it generally undertakes examination of contracts of larger value only. The monetary threshold limit for reporting the Procurement Contracts in QPRs are prescribed in the Commission's Circular dated 16.03.2026[1], and are reproduced below:-

[1]CVC's Circular No. 02/03/26 dated 16.03.2026 titled "Revised threshold value for submission of Quarterly Progress Report-QPR", refers, as may be amended from time to time.

S. No.	Nature of Procurement	Value
1	**Works**	
(a)	Civil Works	Rs. 15 Crore & above
(b)	Electrical / Mechanical / Electronics / Instrumentation / Telecommunication Works, etc.	Rs. 5 Crore & above
(c)	Horticulture Works	Rs. 20 Lakh & above
2	**Goods**	
(a)	All Goods / Stores / Equipments except 2(b), 2(c) & 2(d)	Rs. 10 Crore & above
(b)	Medical Equipment	Rs. 2 Crore & above
(c)	Supply of Medicines, Vaccines, etc.	Rs. 50 Lakh & above
(d)	Sale of Goods / Scrap / Land, etc.	Rs. 5 Crore & above
3	**Consultancy Services**	Rs. 2 Crore & above
4	**Non-Consultancy Services**	Rs. 2 Crore & above

(ii) While submitting QPR to CTEO, the CVO is required to keep the following points in view:-

(a) The QPRs of different nature of procurement should be submitted on separate sheets of paper.

(b) The mechanism for online submission of QPR through the Commission's Portal is being developed and would be put in place shortly.

(c) The Manuals for Procurement[1] as issued by Department of Expenditure, Ministry of Finance, Government of India may be referred for clarification, if required.

(d) In case of composite 'Works' procurements, the larger component may decide the nature of procurement for sub-categorization.

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

(f) If one organisation of Central Government has entrusted the works to another organisation of Central Government for execution, the works should be reflected in QPRs of both the organisations.

(g) The location of the work must be indicated.

(h) Use of abbreviations that are not known ordinarily, should be avoided.

(i) Works include contracts in Turnkey / Engineering, Procurement and Construction (EPC) / Public-Private Partnership (PPP) and other forms of contracts.

(j) Civil Works also include marine, mining, and purchase of 'ready built properties'.

[1]Manuals for Procurement of Works, Goods, Consultancy Services and Non-Consultancy Services, issued by Department of Expenditure, refers, as may be amended from time to time.

(k) Electrical / Mechanical works also include air conditioning, firefighting, fire alarm and all other allied works.

(l) The procurement of integrated Information Technology (IT) Projects should normally be carried out as procurement of Consultancy Services.

(m) In case, there are no procurement contracts (including Works, Goods, Consultancy Services, Non-Consultancy Services) awarded above the threshold value mentioned under each category, two contracts with highest value in each of such categories should be reported. In case no contract in a particular category is awarded, "Nil" report may be sent in the QPR, in respect of that category.

(n) In case the contracts are placed in foreign currency, the threshold limit would be determined based on conversion of foreign currency with Indian Rupee at the exchange rate defined in the tender documents. However, the currency of payments may also be indicated as per the contract.

(o) Contracts awarded on Assignment / Nomination / Single Tender / Original Equipment Manufacturer (OEM) / Original Equipment Supplier (OES) / Proprietary Article Certificate (PAC) basis shall also be reported in QPR.

(p) For furnishing the QPR related to Sale of Goods / Scrap / Land, etc., the QPR may also indicate the reserve price besides the sale price.

(q) The organisations shall report all types of contracts irrespective of their role as Chief Owner or Engineer-in-Charge of the Contract or Project Management Supervision Consultant.

(r) All procurement contracts, in India or outside India, ongoing or completed during the quarter, shall be included in the QPR. In respect of contracts completed during the relevant quarter, the actual date of completion shall be indicated.

(s) While submitting the QPR, CVO should certify that all the contracts for procurement of Works / Goods / Consultancy Services / Non-Consultancy Services required to be reported have been included in the QPR.

(t) The format for submission of QPR is given in **Appendix- I** to this Chapter.

6.4.2 Purpose of Intensive Examination

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

(i) Systemic Improvements based on lessons learnt from the examined contracts.

(ii) Detection / Recoveries for over-payments.

(iii) Tax compliance and follow up action.

(iv) Quality deficiencies and the remedial action; and

(v) Disciplinary action in cases involving vigilance angle.

6.4.3 Selection of Procurement Contracts for Intensive Examination

Selection of contracts for Intensive Examination is made with the approval of the Commission. Selection of contracts for Intensive Examination is made either based upon inputs received directly in the Commission, e.g., complaints / source information or based upon QPRs. Various factors considered while selection of procurement contracts for Intensive Examination are as follows:-

(i) complaints regarding procurement contracts, such as irregularities in tendering process, poor quality of execution, undue benefit to the contractor(s), etc. as received from various sources;

(ii) contracts decided by the Commission for Intensive Examination, based upon certain inputs;

(iii) contracts specifically recommended by CVOs for Examination;

(iv) contracts of the organisations handling large number of high value contracts;

(v) contracts of the organisations not having their own Engineering Departments for supervision and quality control;

(vi) periodicity of Intensive Examination of procurement contracts of different organisations, so as to ensure that these organisations are covered at regular interval;

(vii) geographical spread of procurement activities, so as to ensure that Intensive Examinations are conducted across the country;

(viii) nature of procurement i.e. works, goods, consultancy, non-consultancy, etc., and criticality thereof;

(ix) procurement contracts having abnormal delays in completion and cost overrun;

(x) contracts of different nature, such as Hydro / Thermal / Nuclear Power Projects, Petro-chemical Projects, Renewable Energy Projects, Procurement of IT products and IT based solutions / Services, Mining, Highways, Ports, Railways, Buildings, Water Supply, Drainage / Sewerage Works etc. are given consideration;

(xi) contracts of unusual nature are also given due consideration for the purpose of selection for Intensive Examination;

(xii) Procurement contracts , short listed for Intensive Examination, on merits and after giving due weightage to the factors listed above are submitted to the Commission for approval.

6.4.4 Process of Intensive Examination

(i) Requisition of Records

After approval of the Commission for Intensive Examination of procurement contracts, intimation would be sent to the respective CVO requesting for

certified copies of the contract agreement, last bill paid to the contractor along with other details as per standard proforma, a copy of which is given in **Appendix-II** to this Chapter. A list of records / documents to be kept ready for scrutiny during IE is also enclosed along with **Appendix-II**.

(ii) **Intensive Examination of Contracts based on records requisitioned in the Commission**

Where the Commission decides that examination of the particular contracts be carried out without visiting the office of the organisation concerned or work-site / stores etc., all original documents may be requisitioned in the Commission. After going through the documents, specific queries would be sent to the organisation through the CVO for reply / clarification. These replies should be forwarded by the CVO to the Commission along with his comments.

(iii) **Intensive Examination of Contracts based on records, field / site visit**

IE of procurement contracts is generally conducted in two parts: -

(a) The first part covers the examination of records and documents at headquarters or the office / unit of the organisations. Issues arising out of examination of the records at this stage may be discussed with the officials concerned for clarity, if required.

(b) The second part covers the physical inspection of works / materials / services including checking of measurements and quality of materials, works and services, collection of samples of materials for testing wherever possible or required, etc.

(iv) The IEs are mostly undertaken with prior intimation so that the officials concerned may be present at site and are well prepared to offer clarification on issues arising during IE. However, in specific cases, surprise inspections can also be carried out. In case of planned inspections, officials concerned from the Planning, Design, Tender Processing, Acceptance of Tenders and Contract Management departments are required to be present. The representatives of the contractor / supplier / service provider, if required, and the consultant may also be present to clarify any issue arising out of their activities. The presence of CVO or his representative is essential to act as a nodal officer. While collecting samples, officials concerned, representatives of the contractor, project management consultant, if any, and CVO or his representative shall be associated and are required to sign the proforma containing details, such as nature of material, location of sample collection, date of collection etc. as token of their being witness to the same. Standard proforma in this regard is enclosed as **Appendix-III** to this Chapter. Sample(s) collected shall be handed over to

the representative of CVO for further sending the same to the laboratory, except for some special cases, where samples can be handed over to a responsible person of the organisation due to unavoidable absence of the CVO or his representative. In some cases, samples can be sent directly by CTEO to the laboratory for testing. Standard format for letter to be addressed to the Test House is enclosed as **Appendix-IV** to this Chapter.

(v) **Memo for seeking clarification / requisitioning additional records**

During IE, TE may issue Memo to the nodal officer for seeking clarification from the officials concerned on certain issues. The clarifications furnished should be duly signed by the officials concerned and may be considered while preparing the Intensive Examination (IE) Report. Memos may also be issued for requisitioning specific / additional records for examination. All possible efforts must be made by the officials concerned for furnishing clarification / records during IE itself to avoid infructuous effort in raising these issues in the IE Report. Such Memos may also form part of the draft IE Report to be submitted by the TE.

(vi) **Sample Collection**

Samples collected during IE would be handed over to the CVO of the organisation concerned or his representative for further sending it to the laboratory for testing. A letter addressed to the laboratory (National Test House, IITs or other reputed NABL accredited laboratories), having details of samples collected, tests to be conducted, codes to be referred, etc. along with the impression of Commission's seal used for sealing the samples shall be issued, by the Technical Examiner with a copy to the CVO of the organisation concerned.

(vii) CVO of the organisation concerned would ensure timely submission of the samples to the laboratory for testing and also for expeditious payment to the laboratory towards testing charges.

6.4.5 **Intensive Examination Report**

(i) After completion of the IE exercise, an IE Report containing various details and the observations is prepared.

(ii) **Preparation and processing of Intensive Examination Report**

(a) Within one month of the completion of the IE exercise, a draft report containing various para(s) / observation(s) is to be prepared. A format for preparation of IE Report is enclosed as **Appendix V** to this chapter.

(b) After approval of the IE Report by the CTE, a synopsis would be prepared. Synopsis along with IE Report is to be put up to the Commission through Secretary, CVC for perusal.

(c) Based on the gravity / complexity of the issues brought out in the IE Report, CTE may propose for a presentation on observations in the IE Report before the Commission. The Commission may also order for a presentation by the CTE.

(d) Comments of the Commission or Secretary, on perusal of the synopsis are to be incorporated in the IE Report and thereafter final IE Report is to be issued and forwarded to CVO of the organisation by the TE. Copy of the IE Report is also to be forwarded to the Chief Executive of the organisation concerned and to the Secretary of the administrative ministry / department for necessary action at their end. The report should be forwarded to the authorities concerned through post and a copy may also be sent through official e-mail.

(e) CVOs are required to submit the ATR in respect of observations made in the IE Report to CTEO within two months from the date of issue of the Report. CVO is required to send his categorical and comprehensive recommendations on each para(s) / observation(s) so as to avoid unnecessary correspondence on the observations.

(f) On examination of the ATR / clarification from the CVO, para(s) / observation(s) having, prima facie, vigilance angle are to be converted into vigilance para(s) / observation(s) with the approval of the Commission. In some cases, where lapses / irregularities are of serious nature and prima-facie have vigilance angle, the para(s) / observation(s) may be converted into vigilance para, at the time of finalization of the IE Report itself. On receipt of the approval of the Commission for converting the para(s) / observation(s) into vigilance observation(s) / para(s), the case would be sent to the Vigilance Branch in the Commission for making a reference to the CVO. For this purpose, a separate file would be opened in the Vigilance Branch of the Commission. Copy of the vigilance reference sent by the Branch Officer to the CVO shall also be endorsed to CTEO for record.

(g) Para(s) / observation(s) contained in the vigilance reference are required to be investigated by the CVO of the organisation and investigation report is to be submitted to the Secretary, Central Vigilance Commission within three months of the receipt of the reference from the Commission. Comments of CTEO would be taken by the Branch Officer through Additional Secretary while dealing with the investigation report received from CVO. Copy of First Stage Advice (FSA) of the Commission shall also be endorsed to CTEO by the Branch Officer for record of the CTEO.

6.4.6 Aspects to be covered in the IE Report

IE Report broadly covers the following aspects of the Procurement:-

(i) Availability of Procurement Manual(s) of the organisation updated in line with the Manuals for Procurement[1], as per applicability mentioned therein, as well as General Financial Rules 2017[2] issued by Department of Expenditure, Ministry of Finance, Government of India;
(ii) Feasibility Report, Preliminary Estimate, Administrative Approval and Expenditure Sanction, Vetting of Demands etc;
(iii) Detailed Project Report, Detailed Estimate, Analysis of Rates and Technical Sanction by the Competent Authority;
(iv) Appointment of Consultant and operation of Consultancy Contract;
(v) Tender document and adequacy of provisions therein as well as technical specifications;
(vi) Pre-bid meeting and clarifications on the issue raised by bidders;
(vii) Invitation of tenders and award of work;
(viii) In case of e-tenders / e-procurement, all the records, including audit trail;
(ix) Compliance of contract conditions;
(x) Appropriateness / Adequacy / Genuineness of Performance Bank Guarantee or any other type of guarantees or any other financial instrument to be submitted by the Contractor / Supplier / Service Provider;
(xi) Appropriateness / Adequacy / Genuineness of the Insurance Policies;
(xii) Enforcement of liabilities of contractors/suppliers/manufacturers within Warranty / Guarantee / Defect Liability Period;
(xiii) Reconciliation of departmentally issued materials;
(xiv) Compliance of provisions related to various type of taxes;
(xv) Inspection, dispatch and acceptance of materials or works;
(xvi) Compliance of conditions in service contracts;
(xvii) Scrutiny of bills;
(xviii) Scrutiny of site records;
(xix) Compliance of statutory obligations;
(xx) Site inspections;
(xxi) Any other issue, if necessary, to be examined.

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[1] Manuals for Procurement of Works, Goods, Consultancy Services and Non-Consultancy Services, issued by Department of Expenditure, refers, as may be amended from time to time.

[2] GFR- 2017, issued by Department of Expenditure, Ministry of Finance, refers, as may be amended from time to time.

6.4.7 The IE Report brings out irregularities in award of contracts, defective contract conditions, non-compliance of contract conditions, over-payments made to contractors, execution of sub-standard work, work not matching with specifications, time & cost overrun, infructuous and avoidable expenditure, tax compliance, lack of transparency and fairness, non-adherence to public procurement procedures, etc.

6.4.8 IE Report not to be used as document for evidence

It is clarified that IE Report of CTEO should not be used as relied upon document for evidence in departmental enquiry or evidence in a court of law. Since the allegation in a charge-sheet is based on conclusion drawn by competent authority after perusing documents / evidence independently, IE Report itself cannot be considered to be a factor for determination of the final decision.

6.4.9 Action Taken Report / Reply to IE Report

After receipt of IE Report, the CVO should forward the IE Report to the management / officials concerned in the organisation for comments. The comments should include the followings:-

(a) A statement regarding correctness of facts stated in the IE Report. If some of the facts are not correct, this should be clearly brought out and at the same time the correct facts, should also be indicated.

(b) A detailed reply for the acts of commission or omission brought out in the report.

(c) Comments on the explanations received from officials concerned.

6.4.10 Replies to the observations in the IE Report should be sent within two months from the date of despatch of report. Documentary evidence in support of reply should also be enclosed with reply. A sample proforma for sending reply is enclosed as **Appendix-VI** to this Chapter.

6.4.11 The CVO should arrange to have similar and complete examinations done in other cases at his end. He should, thereafter, act upon the findings of such examination and, wherever necessary, may consult CTEO.

6.4.12 Steps should be taken to get the defects as pointed out in IE Report rectified either by the contractor or otherwise, keeping in view the contract conditions.

6.4.13 Minor irregularities brought out in IE Report should be got regularized through the

competent authority after ascertaining the reasons and taking remedial measures. Appropriate preventive measures may also be taken for the future and the persons concerned be suitably warned so that such irregularities do not reoccur. In cases involving serious irregularities, appropriate action is to be proposed by CVO in consultation with the Competent Authority, besides correction of deficiency.

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

6.4.15 Some organisations while notifying / effecting recoveries from the contractors' bills indicate that the recoveries are consequent to the observations made by the CTEO. In this connection, it may be noted that the contracts are primarily between the executing agency and the contractor. Any endorsement that the recoveries are being made at the instance of a third party could weaken the organisations' case during arbitration or court proceedings. Further, the observations / advice of the Commission are required to be considered by the executing agency in terms of the contract and recoveries are to be enforced as admissible as per the conditions of the contract. The organisations may, therefore, record justification / reasons for recoveries in line with contract clauses, while notifying / effecting recoveries from the contractors.

6.4.16 In cases, where the contractor has gone for arbitration to contest recoveries, CVO should ensure that such recoveries are implemented immediately, unless there are orders from a competent court / tribunal etc. restraining recoveries.

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

6.4.18 In cases where the consultants or contractors or suppliers have put the organisation to a loss or have done grossly substandard work for which they have claimed full payment, the CTEO would point out the need to take action against such an agency. The CVO should take up the matter with the authorities concerned in the organisation and keep the CTEO informed about the action taken.

6.4.19 Rejoinder to the Action Taken Report / Reply

Where the replies to the observations are not considered satisfactory by the CTEO, clarifications from the CVO concerned may be called through rejoinders. The proforma for reply to the rejoinders is given in **Appendix-VII** to this Chapter. Taking into account the replies / clarifications received from CVO, decision regarding referring para(s) for detailed investigation by the CVO may be taken with the approval of the Commission. Such para(s) would be referred to the CVO by the vigilance branch concerned of the Commission for conducting detailed vigilance investigation.

6.4.20 Final Action on the IE Report

(i) Each non-vigilance para(s) / observation(s) would be concluded with the approval of CTEO.

(ii) Overall time limit for conclusion of the IE case shall be seven months from date of issue of IE Report. However, where it is not possible to conclude the IE case within seven months, additional time up to one month may be availed, beyond which, specific permission for relaxation should be sought from Secretary, Central Vigilance Commission. The IE case files having vigilance para(s) / reference(s) should be converted into Not To be Destroyed (NTD) category by the TE on closure of the non-vigilance para and on receipt of the copy of vigilance reference issued by the Branch Officer to the CVO. Approval of Secretary, CVC shall be obtained before converting the case file into NTD category. After issue of the communication conveying FSA of the Commission, the NTD file should be removed from NTD category and should be retained for five years.

(iii) In IE cases, where there is no vigilance para, the case file would be closed and retained for three years, with the approval of the Secretary, Central Vigilance Commission.

6.4.21 Vigilance Investigation Arising Out of Intensive Examination

All issues raised in the IE Report do not automatically become vigilance cases. On examination of the action taken report / clarification received from the CVO, para(s) / observation(s) with prima facie vigilance angle shall be converted into vigilance para(s). For the para having prima facie vigilance angle, TE would put up proposal to CTE for converting these para(s) into vigilance para(s). CTE would put up proposal for converting the para(s) / observation(s) in the IE Report into vigilance para(s) for approval of the Commission. In some cases, where irregularities are of serious nature and prima-facie have vigilance angle, such para(s) / observation(s) can also be converted into vigilance para(s), at the time of finalization of the IE

Report itself. On receipt of approval of the Commission for converting the observation into vigilance para, the case would be sent to the Vigilance Branch of the Commission for making a reference to the CVO. For this purpose, a separate file would be opened in the Vigilance Branch. Copy of the vigilance reference sent by the Branch Officer to the CVO should also be endorsed to CTEO for record. Standard format for vigilance reference to be made to CVO shall be as per **Appendix-VIII** to this Chapter.

6.4.22 Para(s) / observation(s) contained in the vigilance reference are required to be investigated by CVO of the organisation and investigation report should be submitted to the Commission within three months of the receipt of the vigilance reference from the Commission, treating the same as a complaint sent for I&R. The report to the Commission should be addressed to the Secretary, Central Vigilance Commission, by designation and should be sent under the signature of the CVO. The report should be submitted in the format as prescribed vide **Annexure-I** to Master Circular No. 06/MC/2026[1].

6.4.23 On receipt of reference from the Commission for investigation into vigilance para(s), the following steps are to be taken by CVO:-

(i) Appoint a reliable and independent Engineer to assist the CVO, if required;
(ii) Identify and seize the relevant records;
(iii) Scrutinize the records and prepare notes;
(iv) Identify the officials responsible for the lapse(s);
(v) Call for explanations from the official(s) identified;
(vi) Prepare the investigation report;
(vii) Submit the investigation report to the Commission by addressing the same to the Secretary, CVC by designation.

6.4.24 **Appointment of Independent Engineer**

Whenever no technical expert is available to the CVO, he has to appoint an independent engineer to assist him during investigation. Many CVOs get the investigation conducted by the independent engineer and forward the same to the Commission for advice without offering specific comments, which is not desirable. The independent engineer is to assist the CVO in conducting investigation and prepare the report.

[1]Master Circular No. 06/MC/2026 on 'Procedure for Obtaining and Implementing the advice of the Central Vigilance Commission', refers, as may be amended from time to time.

6.4.25 Advice of the Commission

After investigation, the investigation report should be sent to the Commission by the CVO for obtaining its FSA. Even if the CVO comes to the conclusion that no vigilance angle is involved, the matter is required to be referred to the Commission for advice. The comments of CTEO on investigation report would be obtained by the Branch Officer through Additional Secretary. Branch Officer will put up the case, duly incorporating the comments of CTEO, for consideration and advice of the Commission. Copy of communication conveying FSA of the Commission shall also be endorsed to CTEO by the Branch Officer for record of the CTEO.

6.4.26 Role of CVO in Intensive Examinations

CVO of the organisation plays a vital role in IE process. With the limited staff available, CTEO can undertake IE of only a few of the contracts of the organisations covered under the jurisdiction of the Commission. Therefore, it is felt necessary by the Commission that the CVOs should also undertake similar IE (CTE Type IE) of procurement contracts in their respective organisations. Other important functions of CVO in respect of the IE are listed below for timely action, to enable the organisation to effect immediate recovery from the contractors / suppliers as well as to ensure accountability of officials responsible for the lapses:-

(i) Timely submission of:-

(a) QPR
(b) Documents required for IE.
(c) Preliminary examination of contract and submission of report to CTEO before IE is carried out by TE.
(d) Replies to IE Reports / rejoinders.
(e) Investigation Report

(ii) Ensuring:
(a) Presence of engineers responsible for planning, design, tender scrutiny, award of work and construction during inspection.
(b) Presence of representatives of CVO during inspection.
(c) Rectification of defects in the project / supplies.
(d) Recoveries from contractors for over-payments.
(e) Implementation of necessary directions issued by the Commission.

(iii) Carrying out CTE Type IE of procurement contracts.

(iv) Recommend for preparation, updation and issuance of Procurement Manual in the respective organisation.

(v) Implementation of guidelines / circulars issued by the Commission.

6.4.27 Time schedule for Intensive Examination Process

Timely action on the observations raised in the IE Report is important. The vigilance functionaries as well as administrative authorities concerned should prioritise their actions in respect of official(s) due for retirement / superannuation in near future, so as to avoid late reference to the Commission for obtaining its advice in these cases. All such retirement cases should be forwarded to the Commission for obtaining its advice in such a manner that the cases are received in the Commission at least 30 days before the date of retirement of the official(s) concerned.

Following time schedule is required to be adhered to, in respect of CTEO's IE Reports:-

S. No.	Activity	Schedule
1.	Issue of IE Report by CTEO including submission of synopsis / presentation before the Commission	Two Months from the date of inspection.
2.	Action Taken Report / Reply by the CVO to the observations in the IE Report	Within Two Months from the date of issue of IE report
3.	Rejoinder to CVO's reply	One Month from the date of reply
4.	Final Action Taken Report / Reply to CTEO's rejoinder by CVO	One Month from the date of issue of rejoinder
5.	Final examination / scrutiny by CTEO	Within One Month from the date of receipt of Final Action Taken Report / Reply from the CVO
6.	Submission of Investigation Report in respect of vigilance para / Observation(s) by CVO	Three Months from the date of vigilance reference from the Commission

6.5 CTE TYPE INTENSIVE EXAMINATION BY THE CHIEF VIGILANCE OFFICERS

6.5.1 Introduction

It is the considered opinion of the Commission that CTE Type IEs carried out by the CVOs, while functioning as extended arms of the Commission in their respective organisations, would bring about qualitative and in-depth improvement, both in terms of content and scope, in the approach to vigilance administration. It is imperative that CVO of an organisation carries out IEs of some judiciously chosen contracts, broadly representing the spectrum of the core activities of the organisation.

The details of such CTE Type inspections are required to be reported in the online Quarterly Performance Report being submitted by CVOs.

The relevant standard proforma (Appendix-I to Appendix-VIII enclosed with this Chapter) of IE by CTEO may be used for CTE Type IE by CVOs.

6.5.2 Objective

The overall goal is to make the public procurement process transparent, fair, equitable, efficient, economic and conducive to achieving value for the money spent. To meet this end, objectives of the IEs, conducted by the CVO of the organisation, are as follows:-

(i) preventive vigilance is the first and foremost objective of such IE, conducted by the CVOs. In the course of an IE, if it appears that the extant guidelines / instructions, on any subject related with public procurement, procedures and practices are deficient in any manner and afford scope for malpractices or corruption, systemic improvement should be suggested to the Chief Executive to eliminate such loopholes. Further, systemic improvements may also be suggested to bring elements of transparency, fairness and equity in the public procurement process;

(ii) surveillance would be ensured by way of effective and in-depth IEs, which would bring out various irregularities and malpractices committed / prevailing in the procurement system. Officials responsible can be suitably taken up for their respective misconduct;

(iii) recoveries, if any to be made, on account of deficiencies in the execution of contractual obligations, on the part of the contractor(s), would be given effect to, as a result of IEs;

(iv) IEs by the CVOs would afford natural justice to the officials of the organisation, responsible for decision making and execution of the contracts, as they would be given adequate opportunity to explain their action / conduct, before fixing of the responsibility, as a logical conclusion of any IE. In this regard, domain knowledge, better appreciation of the circumstances and field conditions prevailing at the material time, by the CVO, would help realistic assessment of the systemic deficiencies and degree of culpability of involved officials;

(v) sharing of the experience and outcome of IEs with other organisations, especially from the same sector, on a regular basis, would help maximise benefits of vigilance administration; given the fact that most of the vigilance units work with limited resources. Information sharing may function as a multiplier in ensuring vigilance effectiveness; and

(vi) regularity in the submission of Quarterly Progress Reports (as per the laid down threshold monetary limits), compliance of laid down instructions and qualitative aspect, of at least prescribed number of IEs, would help the Commission annually assess the performance of the CVOs.

6.5.3 Strengthening of Chief Vigilance Officer's establishment:

It is imperative that adequate manpower is available with the CVOs, especially officials having experience and expertise in various procurement activities of the organisation. It is for the CVOs to make a realistic assessment of their requirement of the manpower and infrastructure. It would be incumbent upon the management to provide necessary support and co-operation to the CVO in this regard.

6.5.4 Selection of Procurement Contracts for CTE Type Intensive Examination by the Chief Vigilance Officer:

6.5.4.1 The selection of procurement contracts for CTE Type IE by the CVO should be done from the QPRs, submitted by the CVO to the CTEO. Each CVO should carry out CTE Type IE of not less than 6 procurement contracts of different nature (goods / works / consultancy / non-consultancy), contract values, activity centres and areas, in a year. Preferably, selection should be done in such a manner that, at least, 3 cases of large value, 2 cases of medium value and 1 case of small value are selected for CTE Type IE. Value of the procurement contracts may be judiciously categorized to decide the large, medium and small value cases keeping in view the scale and nature of procurement activities in the organisation.

6.5.4.2 CVO should inform CTEO about the details of contracts selected for CTE Type IE, so as to avoid duplicacy of examination by the CTEO and the CVO, if any.

6.5.4.3 In cases where no contract qualifies to be included in any QPR and a 'NIL' report is required to be submitted, the CVO should select prescribed number of contracts from the list of existing contracts, following the criteria laid down in Para 6.5.4.1 above.

6.5.5 Documents / Records for Examination to be called for by the CVO:

After selection of the procurement contracts for CTE Type IE, all relevant documents, samples pertaining to the said contract, should be collected and examined. Following is a list of documents which should normally be requisitioned for taking up CTE Type IE:

(i) (a) Press cuttings indicating publication of Notice Inviting Tender (NIT) / Expression of Interest (EOI) and subsequent corrigendum(s), if any.

(i) (b) Copy of print out in support of publicity of the tender on the website :-

i. for pre-qualification of Architects / Consultants;

ii. for pre-qualification of contractors;

iii. invitation of tenders.

(i) (c) Record of sale of tenders.

(i) (d) Record of tender opening.

(ii) Record of administrative approval and expenditure sanction.

(iii) Copy of Detailed Project Report (DPR) / Detailed Estimate (DE) and its Technical Sanction by the competent technical authority.

(iv) Approval of NIT in original & Draft Tender Document.

(v) Pre-tender documents.

(vi) Record of proceedings of Tender Scrutiny Committee (TSC) / Tender Evaluation Committee (TEC):

(vi) (a) for selection of architects / consultants;

(vi) (b) for contractors / suppliers / other service providers.

(vii) Record of current assessment of the cost to assess the reasonableness of the L1 / H1 offer.

(viii) Details regarding negotiations, if any, conducted with recording of reasons before acceptance of tenders.

(ix) Record of acceptance of tender by the Competent Authority.

(x) Original contract with consultant / contractor.

(xi) Guarantee bonds towards Performance Guarantee, Security Deposit, Specialized items, Machinery / Mobilization / Material Advances, etc., including extension of their validity, if any.

(xii) (a) Insurance Policies for work, materials, equipment, men, etc., including

extension of validity; (b) Letter of credit in original.

(xiii) Guarantee for water tightness / proofing, termite proofing, etc.

(xiv) Standard specifications, inspection documents.

(xv) Standard Schedule of Rates.

(xvi) Drawing – architectural and structural.

(xvii) All connected measurement books, level books, field books and lead charts.

(xviii) All bills paid in original / running account bills with all connected enclosures / statements / vouchers.

(xix) Statements showing details of check of measurements by superior officers, copies of orders laying down such requirements.

(xx) (a)Materials at site, accounts of cement, steel, bitumen, paints, waterproofing compound, pig head, anti-termite chemical, etc.; (b) Stock / issue register of stores.

(xxi) Site order book / test records / log books.

(xxii) Details of extra / substituted items and of deviated quantities being executed considered for execution in the work along with analysis of rates.

(xxiii) Hindrance Register.

(xxiv) Office correspondence files, inspection register & inspection notes issued by inspecting officer.

(xxv) Complaint records, if any.

(xxvi) Any other documents relevant to the procurement process.

It may be noted that the above list is not exhaustive. CVO may requisition any other documents, as considered necessary, for an effective and holistic examination of the procurement contract.

6.5.6 Inspections:

Inspections should be carried out with prior intimation to the Chief Executive, unless the situation demands otherwise. Officials connected with various activities of the contract i.e. planning, design, tender processing, acceptance of tenders and execution etc. should be duly informed. The representative(s) of the contractor(s) and consultant(s), if any, should be encouraged to be present during the inspection.

However, samples, if required, should be taken in the presence of representatives of contractor(s) and officials concerned and should be duly sealed. Signatures of the persons present during sampling should be taken as a token of their witness. Samples may be taken by inspecting team for independent testing in a laboratory of repute and reliability, preferably government ones.

6.5.7 Check points to carry out CTE Type Intensive Examination by Chief Vigilance Officers :

(i) No set of instructions can be adequate and all-inclusive to lay down the areas / points, to be covered during the course of a CTE Type IE across different organisations. It is only out of experience in an organisation that a CVO would get to know about the sensitive areas / activities / stages which are to be kept under watch.

(ii) A broad list of check points to guide the CVO in conduct of CTE Type IE is as follows: -

(a) Objective to be fulfilled by way of undertaking the procurement process, under examination.
(b) Feasibility study, if any, before formulating the project.
(c) Assessment of the requirement / quantity; any past trend, forecast etc.
(d) Preparation of a realistic cost estimate; administrative and technical approvals of proposal by the competent authorities; sanction of expenditure by a competent authority; budgetary provisions, etc.
(e) Various aspects related to tendering stage of procurement process.
(f) Various aspects related with post tender and execution stage of the procurement process.
(g) Compliance and regular updation of codes / manuals / instructions on procurement, in the light of extant policies / guidelines issued by DOE and other organisations concerned.
(h) Leveraging technology - status of implementation of e-Procurement, e-Auction, e-reverse auction etc.
(i) Training of the officials dealing with procurement process.
(j) Timely fulfilment of the objective, to be met by way of procurement process under examination.

Any other point / activity can be brought under scrutiny to make the examination effective and complete.

6.5.8 Preliminary Report and references to concerned unit heads:

6.5.8.1 Based on scrutiny of documents and field inspections carried out, CVO should summarise the findings in the form of a Preliminary Report. He should arrange to take over all original documents considered important, necessary and relevant pertaining to the case that are likely to be required to prove charges, if any, during disciplinary action / prosecution stage.

6.5.8.2 Wherever required, reference should be made to the unit heads concerned, seeking clarifications and / or advising immediate interim actions, if any. Such reference should be made to seek:-

(i) a statement regarding correctness of the facts stated in the Preliminary Report; if some of the facts are not correct, this should be clearly brought out and at the same time the correct facts should also be indicated;
(ii) suitable reply / clarification / explanation / supplementary information, from the officials immediately responsible, for the acts of commission or omission brought out in the Report;
(iii) comments of the Unit Heads on (ii) as above;
(iv) any other query / information / document / sample, as considered necessary, to bring the IE to its logical conclusion.

6.5.9 CTE Type Intensive Examination Report:

After receipt of the reply in respect of references, based on Preliminary Report, from the Unit Heads concerned, CTE Type IE Report is to be prepared covering the following points:-

(i) Preliminary estimate, administrative approval and expenditure sanction, vetting of demands, framing of specification, assessment of quantity, etc. in respect of the tender.
(ii) Detailed estimate, technical sanction.
(iii) Appointment of Consultant.
(iv) Pre-qualification of bidders.
(v) Invitation of tenders and award of work.
(vi) Contract agreement.
(vii) Inspection, dispatch and acceptance of performance.
(viii) Scrutiny of bills.
(ix) Scrutiny of site records.
(x) Site inspection.
(xi) Updation of codes / procurement manual / instructions.
(xii) Leveraging technology - status of implementation of e-procurement / e-auction / e-reverse auction, etc.
(xiii) Training of officials dealing with procurement.
(xiv) Suggested Systemic Improvements.
(xv) Recoveries effected, if any.

It may be noted that the above list is not exhaustive; other points relevant to the contract may also be incorporated, if required.

The report should bring out instances of irregularities in appointment of consultant,

prequalification of bidders, defective bidding conditions, award of contract, defective contract conditions and clauses, pre-dispatch inspection, post contract amendments, over payments made to contractors, substandard work, infructuous and avoidable expenditure, etc.

The report should also suggest preventive measures in certain areas, as safeguard against mal practices or corrupt practices and to plug loopholes in the procedure, rules, regulation etc. In such cases, the CVO should pursue the Chief Executive for issuance of appropriate systemic improvement measures.

6.5.10 Follow up action on the CTE Type Intensive Examination Report:

6.5.10.1 The CVO should submit the CTE Type IE Report to the Chief Executive for information and necessary action. The Chief Executive should take appropriate / corrective / punitive action with regard to the report within 90 days from the date of its receipt and ensure that cases are brought to logical conclusion, in due course. CTE Type IE Report need not be submitted to the Commission.

6.5.10.2 Where serious irregularities, grave misconduct, negligence, etc. are observed on the part of any official and advice of the Commission is required to be obtained, the case should be processed and the Commission may be approached for advice in accordance with the procedure as laid down in Master Circular No. 06/MC/2026[1]. A reference to the Commission for obtaining its advice should be made within 90 days from the date of report.

6.5.10.3 CVO should furnish information of CTE Type IE conducted in the online Quarterly Performance Report, being submitted to the Commission by him.

6.5.10.4 Each CVO may share relevant information e.g. facts of the case in brief, irregularities noticed, systemic improvements suggested, issues requiring policy decision, etc., from the examined cases as case study, on regular basis, with other organisations, especially from the same sector.

6.5.10.5 Regular submission of Quarterly Progress Reports, as per laid down instructions, and qualitative aspects of minimum prescribed number of CTE Type IEs by the CVO would be considered by the Commission while assessing the Annual Performance of the CVO.

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[1]Master Circular No. 06/MC/2026 on 'Procedure for Obtaining and Implementing the advice of the Central Vigilance Commission', refers, as may be amended from time to time.

6.6 PUBLIC PROCUREMENT

The Department of Expenditure (DoE), Ministry of Finance, Government of India has published (i) Manual for Procurement of Goods; (ii) Manual for Procurement of Works; (iii) Manual for Procurement of Consultancy Services; and (iv) Manual for Procurement of Non-Consultancy Services, wherein the guidelines earlier issued by the Commission, on public procurement have been subsumed.

The CVOs of organisations are required to take note of the above DoE Manuals, updated time to time, and bring the same to the notice of Chief Executive / Management of their organisations, along with other authorities concerned. The organisations are required to update / align their procurement guidelines / manuals in line with above DoE Manuals, as per the applicability mentioned therein, and upload the same on their websites at the earliest for easy access of their officials and other stakeholders.

6.7 INTENSIVE EXAMINATION OF PROJECTS FUNDED BY INTERNATIONAL FUNDING AGENCIES

It may be noted that IE by CTEO and CTE Type IE by CVOs, in respect of projects funded by World Bank and other international funding agencies, is to be conducted in accordance with the provisions as contained in the Manuals for Procurement[1] as issued by Department of Expenditure, Ministry of Finance, Government of India.

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[1]Manuals for Procurement of Works, Goods, Consultancy Services and Non-Consultancy Services, issued by Department of Expenditure, refers, as may be amended from time to time.

Appendix-I

Statement showing the Quarterly Progress of Procurement Contracts for Quarters ending March / June / September / December

S. No.	Name of work and location	Estimated Cost	Tendered Cost / Agreement Cost	% above/ below Estimated Cost	Agreement No.	Agency	Due Date of Start	Due Date of Completion	Physical Progress (in % age)	Name of Engineer in-charge with address	Remarks
1											
2											

Note: CVO is required to certify that all Works / Goods / Consultancy Services / Non-Consultancy Services required to be reported have been included in the QPR.

Appendix-II

No:
Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhawan,
Block 'A', GPO Complex,
INA, New Delhi-
110023.

To

Sub: Intensive Examination of Procurement of Works / Goods / Services.
Ref:

Sir,

1. It has been decided to carry out Intensive Examination of the following works / goods / consultancy services / non-consultancy services of your Organisation

S. No.	Name of work / good / consultancy services / non-consultancy services contract	Location	Agreement No.	Name of contractor / agency

2. To enable the inspection to be carried out properly, you are requested to please arrange to collect and make the following documents available to the undersigned / Assistant Technical Examiner / Junior Technical Examiner as explained below.

2.1 PROFORMA FOR GENERAL INFORMATION IN ANNEXURE-I: Item under paras 1 to 1.3 may be filled in and the proforma returned immediately duly signed. In case the administrative set up is different from that indicated in paras 1.2 and 1.3, the information may be furnished as per the set up available in your organisation.

2.2 PROFORMA FOR 'TECHNICAL INFORMATION' IN ANNEXURE -II: This may please be filled in, signed, and forwarded immediately.

2.3 DOCUMENTS FOR INSPECTION AT SITE OFFICE IN ANNEXURE -III: All these original documents will be examined at site / office / godown and may please be kept

ready during inspection. However, copy of following documents (Hard copy as well as soft copy) may please be send immediately.

(i) Copy of last R / A bill (duly paid) with its enclosures.
(ii) Copy of agreement with complete specifications of work.
(iii) Copy of extra / substituted / reduction items (approved / proposed) with corresponding analysis of rates of each item.
(iv) Copy of tender scrutiny / processing note.
(v) Copy of Administrative approval, technical sanction and detailed estimate i/c all concerned details.

3. After intimation of inspection program, arrangements may please be kept at site for the inspection of different work along with required tools, plants, and workmen. You may kindly ensure that all parts of the building / work are made available for inspection.
4. The information in proforma at Annexures I and II is to be furnished on factual basis as per records already available. As such it may please be ensured that the requisite information in these proforma including documents mentioned in Para 2.3 (i) to (v) above is forwarded immediately. If one or two items are not readily available, submission of the entire proforma should not be delayed on that account. The remaining information may follow shortly thereafter.
5. The tour program for Intensive Examination shall be intimated separately.
6. Kindly acknowledge receipt of this communication.

Yours Sincerely,

( )
TECHNICAL EXAMINER

Enclosures: 1. Annexure I, II, III.
2. Proforma A, B, C, D

Annexure-I

1.0	Particulars of Contract	
1.1	Name of Work	
	Agreement No.	
	Name of Contractor	
	Estimated Cost	
	Tendered Cost / Agreement Cost	
	Due Date of Start	
	Due Date of Completion	
	Present Progress (in %age)	
1.2	Departmental Authorities	
	Zone	
	Circle	
	Division	
1.3	Officials In Charge of Work	
	Chief Engineer / ED	
	Superintending Engineer / GM	
	Executive Engineer / DGM	
	Assistant Engineer	
	Junior Engineer	
	Divisional Accountant	
	Complete Postal Address	
	Office Telephone No.	
	Office Mobile No.	
	e-mail ID	

Annexure-II

2.0	**Chronology of Events**		
2.1	Sanction and Estimation	:	
	Ref. & Date of Administrative Approval	:	
	Ref. & Date of Expenditure Sanction		
	(A) Ref. & Date of Technical Sanction (T.S.) (B) Basis of Preparation of Estimate for T.S.	:	
2.2	Tender Process	:	
	Date of Approval of PQ Criteria	:	
	Mode of Tender (A) Open / Limited / Nomination (B) Domestic / ICB	:	
	Type of Tender One Stage / Two Stage	:	
	Details about First Stage of Tender		
	Purpose		
	Date of Advertisement / Publishing on e-Procurement Portal		
	Date of Issue of RFP		
	Date of Receipt of Proposals		
	Total No. of Proposals		
	Number of Proposals Accepted		
	Name of Accepted Proposals		
	Mode of Tender A) One Envelop / Two Envelops / Three Envelops B) Details of Bids / Documents in these Envelops Envelop:1 Envelop:2 Envelop:3	:	
	Date of Approval of NIT by competent authority	:	
	Date of Issue of NIT In Press / Publishing on e-Procurement Portal		

	Date of Appearance of NIT on Website	:	
	Last Date of Sale of Bids	:	
	Dates of Pre-Bid Meetings	:	
	Corrigendum to NIT, if any		
	Date of Receipt of Bids & Extensions	:	
	Date & Time of Opening of Different Bids Envelop:1 Envelop:2 Envelop:3	:	
	No. of Tenders Sold / Downloaded	:	
	Total No. of Tenders Received	:	
	Name of Bidders who Submitted Bids	:	
	Dates of Tender Evaluation Committee (TEC) Meetings	:	
	Name & Designation of TEC Members	:	
	Tender Approving Authority & Date of Final Approval	:	
	Whether Work Awarded to Lowest Tenderer		
	Quoted Amount of Lowest Bidder	:	
	Whether Negotiations Conducted (Yes / No)	:	
	Accepted Amount of Lowest Bidder	:	
	Works Manual adopted		
2.3	Post Contract	:	
	Event	:	
	Deviation Item No.	:	
	Extra Item No.	:	
	Substituted Item No.	:	
	Last Running Account Bill Paid	:	
	Shifting of Milestone		

Annexure-III

DOCUMENTS FOR INSPECTION AT SITE OFFICE

1 (A) Press cutting / copy of tender notice on e-Procurement Portal including extended dates, if any.

i) For Pre-qualification of Architects / Consultants.

ii) For pre-qualification of Contractors.

iii) Call of Tenders.

(B) Register of sale and opening of tenders.

(C) Audit trail / Log of e-procurement

2. Preliminary estimate, administrative approval, and expenditure sanction i/c processing notes.
3. DPR, Detailed estimate and its Technical Sanction by competent technical authority.
4. Approved NIT (Notice inviting Tenders) in original i/c NIT processing note.
5. Rejected tenders, comparative statements, tender processing / scrutiny notes and acceptance of tender from competent authority for: -
   (a) Selection of Architects / Consultants.
   (b) Short-listing or prequalification of bidders.
   (c) Tender for main and other works.
6. Justification statement i/c analysis of rates and corresponding noting in support of reasonability of rates for acceptance of tender.
7. Details of negotiations if any made before acceptance of tenders.
8. Original Contract Agreement.
9. List of Technical staff deployed by the contractor on the work i/c their credentials.
10. Performance Guarantee Bond and other Bank Guarantee etc. towards security deposit, Mobilization advance, Tools plants / Machinery advance etc. including extension of validity.
11. Insurance policies for work materials equipment, men etc. including extension of validity.
12. Guarantee for water proofing, termite treatment etc.
13. Standard schedule of rates and specifications.
14. Proof of EPF and ESI contribution deposited by the contractor for the workers deployed on the work.
15. Drawings-Architectural and Structural.
16. All connected Measurement Book, Level Books, Field Books and Lead Charts.
17. All running Account Bills with all connected statements / vouchers.
18. Statements showing details of check of measurements by superior officers - copies of order laying down such requirements.
19. Accounts of Materials at Site, such as, cement, steel, bitumen, paints, water proofing compound, anti-termite chemical etc.

20. Site order Books / Test Records / Logbooks.
21. Details of extra / substituted items / deviated quantities approved by competent authority / being executed / considered for execution in the work along with analysis of rates.
22. Hindrance Register.
23. Office, correspondence files, and inspection notes, if any, issued by inspecting officers.
24. Complaint records, if any.
25. Any other documents relevant to the works.
26. Details of payments in Proforma 'A'.
27. Cement consumption statement in Proforma 'B'.
28. Steel consumption statement in Proforma 'C'.
29. Statement of test of materials in Proforma 'D'.
30. Copy of approved Design Mix of Concrete / Bituminous works and batch slips.
31. Test register / File maintained at site.
32. Copy of EOT granted along with note for processing EOT case.
33. Detail of Rescheduling / Shifting of Milestone if any.
34. Copy of Completion Certificate recorded if any.
35. Statement of Cost Variation / Escalation paid to the contractor.
36. Quality Assurance Reports, Audit Reports.
37. Detail of reimbursement of Taxes / Royalty etc.
38. Progress reports and Photographs / Video.
39. Brief History of the project containing chronological events.
40. EIA report, EMP and Environment clearance from competent authority if any.
41. Purchase vouchers of cement, steel, and other important materials.
42. List of T&P provided by the contractor at site.

Proforma 'A'

Details of Payment

S. No.	CR No. (CC Bill Nos.) and date	Account Payable					Gross Total	Details of Recoveries									Cheque Amount (Net Payment)
		As per execution of work	Payment of Mobilization Advance	Payment of T & P Advance	Price Variation paid	Secured Advance		Security Deposit	Income Tax	Work Contract Tax/GST	Labour Cess	Secured Advance	T & P Principal	Interest on T & P Advance	Mobilisation Advance	Principal Interest on Mobilisation Advance	

Name
Signature

Proforma 'B'

Cement Consumption Statement up to last bill (cumulative)

Last date of measurement	S. No.	Theoretical required in bags / MT			Actually consumed in bags / MT	Recovered/ received at site	Remarks
		Quantities of items using cement	Coefficient of cement	Quantity of cement			

Name
Signature

Proforma 'C'

Details of Steel Reinforcement consumption up to last (S. No.) RA Bill Paid

TMT Steel Diameter in mm	8	10	12	16	20	22	25	28	32	36	40	42
Qty issued By Deptt. / Quantity procured by the contractor (MT)												
Qty measured for payment (MT)												
Qty recovered from bill (MT)												
Balance Qty at site (MT)												

Notes:

1. If any other steel reinforcement is used, information may be furnished in same proforma as for TMT steel.
2. If structural steel is used, information may be furnished in similar proforma for various sections instead of various diameters.

Name

Signature

Proforma 'D'

Statement of Tests of Materials

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

Sd/-
Engineer-in Charge

Sd/-
CVO

Appendix-III

Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhawan,
Block 'A', GPO Complex,
INA, New Delhi-110023

Name of Work :
Agreement No.:
Name of Organisation:

Sub: Collection of Samples.

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

S. No.	Code No.	Description of Material	Location	Details of tests to be conducted	Ref. of I.S. Code / Specifications as per contract agreement

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

1.	2.	3.	4.
Sd/-	Sd/-	Sd/-	Sd/-
Name (Representative of Contractor)	Name (Engineer-in-Charge)	Name (Representative of CVO)	Name (TE/CVC)

Received above sealed samples for delivery to laboratory for testing.

Name and Signature
(Representative of CVO)

Appendix-IV

Government of India
Central Vigilance Commission
(CTE's Organisation)

Satarkata Bhawan,
Block 'A', GPO Complex,
INA, New Delhi-23.
No.:
Date

To,
(Name of Test House)

Sub: Testing of samples of various materials
Sir,

Samples collected during Intensive Examination have been sealed for testing and marked with Emblem of Government of India, Central Vigilance Commission, New Delhi.

The details of …Nos. samples and tests to be conducted thereupon are as per the table given below. These samples were handed over to Sh. ……..., representative of CVO, (organisation name).

S. No.	Code No.	Description of Samples of Material	Test to be conducted

It is requested to test the samples on priority basis and send the test reports and bills of testing charges for payment to the following:

The Chief Vigilance Officer
(Organisation Name & address)

Copies of the test reports may also be sent to the undersigned. For any clarification regarding testing of materials, correspondence / contact may be made with the undersigned.

(.....)
TECHNICAL EXAMINER

Copy to:
The Chief Vigilance Officer, ……. (organisation & address). It is requested to make necessary arrangement for handing over the above-mentioned samples and payment towards testing charges to the laboratory under intimation to this office.

(.....)
TECHNICAL EXAMINER

Appendix-V

INTENSIVE EXAMINATION REPORT

ON

THE WORK ".....".

BY

(----------)

TECHNICAL EXAMINER
CHIEF TECHNICAL EXAMINER's ORGANISATION
CENTRAL VIGILANCE COMMISSION

	Period of Inspection	:	
A	Particulars of Contract	:	
A.1	Name of Work	:	
	Agreement No.	:	
	Name of the Contractor	:	
	Estimated Cost	:	
	Tendered Cost / Agreement Cost	:	
	Due Date of Start	:	
	Due Date of Completion	:	
	Present Physical Progress (in %age)	:	
A.2	Departmental Authorities	:	
	Zone	:	
	Circle	:	
	Division	:	
A.3	Officials-In-Charge of Work	:	
	Chief Engineer / ED	:	
	Superintending Engineer / GM	:	
	Executive Engineer / DGM	:	

	Assistant Engineer	:	
	Junior Engineer	:	
	Divisional Accountant	:	
	Others (Specify)		
A.4	Details of Office of Chief Engineer / Director (Projects) / Project Head of This Work		
	Complete Postal Address	:	
	Office Telephone No.	:	
	Office Mobile No.	:	
	E-Mail ID	:	
A.5	Details of Office of Chief Vigilance Officer		
	Complete Postal Address	:	
	Office Telephone No.	:	
	Office Mobile No.	:	
	E-Mail ID	:	
B	Chronology of Events	:	
B.1	Sanction And Estimation	:	
	Ref. & Date of A/A	:	
	Ref. & Date of E/S		
	(A) Ref.& Date of Technical Sanction (T.S.) (B) Basis of Preparation of Estimate for T.S.	:	
B.2	Tender Process	:	
	Date of Approval of PQ Criteria	:	
	Mode of Tender (A) Open / Limited / Nomination (B) Domestic / ICB	:	 (a) (b)
	Type of Tender One Stage / Two Stage	:	

	Details About First Stage of Tender		
	Purpose		
	Date of Advertisement / Publishing on e-Portal		
	Date of Issue of RFP		
	Date of Receipt of Proposals		
	Total No. of Proposals		
	Number of Proposals Accepted		
	Name of Accepted Proposals		
	Mode of Tender One Envelop / Two Envelops / Three Envelops Details of Bids / Documents in these Envelops Envelop:1 Envelop:2 Envelop:3	:	
	Date of Approval of NIT By competent authority	:	
	Date of Issue of NIT in Press / Publishing on e-portal		
	Date Of Appearance of NIT On Website	:	
	Last Date of Sale of Bids	:	
	Dates of Pre-Bid Meetings	:	
	Corrigendum to NIT, if any	:	
	Date of Issue	:	
	Date of Receipt of Bids & Extensions	:	
	Date & Time of Opening of Different Bids Envelop:1 Envelop:2 Envelop:3	:	
	No. of Tenders Sold / Downloaded	:	
	Total No. of Tenders Received	:	
	Name of Bidders Who Submitted Bids	:	

	Dates of Tender Evaluation Committee (TEC) Meetings	:	
	Name & Designation of TEC Members	:	
	Tender Approving Authority & Date of Final Approval	:	
	Quoted Amount of Lowest Bidder	:	
	Whether Negotiations Conducted (Yes / No)	:	
	Accepted Amount of Lowest Bidder	:	
B.3	POST CONTRACT	:	
	Event	:	Date of Sanction
	Deviation Item No.	:	
	Deviation Item No.	:	
	Extra Item No.	:	
	Extra Item No.	:	
	Substituted Item No.	:	
	Substituted Item No.	:	

C	Factual Details
D	Observations
1.0	
2.0	
3.0	

SAMPLE COLLECTION

S. No.	Code No.	Description of Material	Location	Details of Tests to be conducted	Ref. Of I.S. Code / Specifications as per contract agreement
1	2	3	4	5	6

E Miscellaneous Remarks (If Any)

F Annexures

(Name)
Technical Examiner

Appendix-VI

First Reply to Paras of Intensive Examination Report

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

Sd/-
Name and Designation of
Technical Authority

Sd/-
CVO

Appendix-VII

Reply to Rejoinders in respect of Intensive Examination Report

Para No.	CTEO's Observation	Reply of Technical Authority	CVO's Comments	CTEO's Comments	Reply of Technical Authority		CVO's Comments
					Reply	Cost Adjustment proposal	

Sd/-
Name and Designation of Technical Authority

Sd/-
CVO

Appendix-VIII

No.
Government of India
Central Vigilance Commission

Satarkata Bhawan,
Block 'A', GPO Complex,
INA, New Delhi-110023.

To
The Chief Vigilance Officer,
.....
.....

Sub:

Sir,

Intensive examination of above work was carried out from _____ to _____ by a team of this Commission and a Report was sent to the Chief Vigilance Officer, vide letter No. _____ dated ____. Para as enclosed is being referred to you for a detailed vigilance investigation. It is requested that the detailed investigation report may be submitted directly to the Secretary, Central Vigilance Commission within a period of 3 months.

If required, you may get an independent and reliable Engineer appointed to assist you in identifying and seizing the relevant records, preparing scrutiny notes thereon, fixing responsibilities, calling for the explanations of the indicted officials and preparing scrutiny notes on the validity of the explanations received. The report may conclude with your considered comments and recommendations in respect of each lapse referred to you for investigation. All the above notes and explanations may be included in the investigation report. In brief, the lapses are given in Appendix enclosed [Appendix to indicate the lapses in brief].

Kindly acknowledge receipt of this reference.

Yours faithfully,

(.....)
Director / Dy. Secretary

Chapter-VII

PREVENTIVE & PARTICIPATIVE VIGILANCE

7.1 RECOMMENDATIONS OF SANTHANAM COMMITTEE

(i) "Corruption cannot be eliminated or even significantly reduced unless preventive measures are planned and implemented in a sustained and effective manner. Preventive action must include administrative, legal, social, economic and educative measures" (Report of Committee on Prevention of Corruption, 1964).

(ii) During a debate in Parliament in June, 1962, Members of Parliament expressed concern over corruption in public administration and sought remedial measures. In response, a Committee on 'Prevention of Corruption' was set up under Shri K. Santhanam, Member of Parliament which identified four major causes of corruption, namely:-

(a) administrative delays,
(b) government taking upon itself more than what it could manage by way of regulatory functions,
(c) scope for personal discretion in the exercise of powers vested in different categories of Govt. servants and
(d) cumbersome procedures in dealing with various matters which were of importance to citizens in their day-to-day affairs.

(iii) The committee on 'Prevention of Corruption' (commonly known as Santhanam Committee) in its report observed that the main effort for checking corruption must come from within the ministry / department and that it is important to be continuously on the watch for sensitive spots rather than merely taking action when some case comes to notice. It was suggested that ministries undertake a systematic and thorough review of the laws, rules, procedures and practices for the purpose of listing discretionary powers, levels at which these are exercised, manner in which they are exercised, control over exercise of such powers and the points at which citizens come into contact with the organisations and why. It was also recommended that a study should be made by the ministries of the extent, possible scope and modes of corruption, remedial measures prescribed and their effectiveness.

(iv) The report deals in detail with the major causes of corruption and steps to deal with such causes. The committee observed that:-

(a) Administrative delays must be reduced to the extent possible and firm action should be taken to eliminate causes of delay.

(b) Each ministry should undertake a review of the existing procedures and practices to find out causes of delay, points at which delay occurs and devise steps to minimize the same.

(c) Time limits should be prescribed and should be strictly adhered to; those responsible for delays should be called to account.

(d) Levels at which files are to be processed and manner of decision making is also to be prescribed.

(v) The committee recommended that:

(a) Ministries review their regulatory functions and whether the manner of discharge of those functions can be improved.

(b) While recognising that it may not be possible to completely eliminate discretion, it should be possible to devise a system of administration which would reduce the need for personal discretion, to a minimum.

(c) A serious attempt be made to educate citizens about their rights and responsibilities and make arrangements to enable citizens' access to the administration without having to go through intermediaries.

(vi) Other preventive measures listed in the report include: -

(a) recruitment of officials with high integrity,

(b) informal codes of conduct for different categories of government servants,

(c) having agencies where a genuine complainant can seek redressal and protection from harassment,

(d) easy availability of forms required by public for obtaining licenses, etc.,

(e) ban on government servants accepting private employment after retirement, among others.

7.1.1 Significant developments have taken place since the recommendations were made by the Santhanam Committee. In 2003, statutory status was conferred upon the Commission, and it also became a multi-member body. In 2004, the Commission was made the 'Designated Agency' to receive complaints from whistle blowers and to protect such complainants. The institutional framework for addressing corruption has been progressively strengthened with the establishment of the CBI, the Directorate of Enforcement, the Directorate General of Income Tax Investigation, State Anti-Corruption agencies, Lokpal and Lokayuktas. The legal framework has also expanded. In addition, there are elaborate conduct rules, policies and guidelines which aim to promote integrity in public services, transparency in recruitments and promotions.

7.2 THE CONCEPT OF PREVENTIVE VIGILANCE

(i) **Concept:**

It is adoption of a package of measures to improve systems and procedures to eliminate / significantly reduce corruption, promote transparency and ensure ease of doing business.

(ii) **Who is required to implement preventive vigilance measures?**

Preventive vigilance involves systemic improvements which, besides reducing corruption also leads to better operational results. It is a tool of management for good governance and therefore, it is the duty of the management as a whole, and not of the CVO alone. Indeed, it can be said that it is the duty of every official.

7.2.1 **Causes of corruption:** Corruption is not merely failure of an individual, it is often a failure of the system, controls and organisation culture. Preventive vigilance is aimed at identifying and addressing the root cause of corruption within the organisation. The common causes of corruption, inter alia, could be:-

(i) Excessive regulations & licensing;
(ii) Complicated rules and procedures;
(iii) Monopoly over delivery of goods, services etc.;
(iv) Lack of transparency;
(v) Lack of accountability;
(vi) Excessive discretionary powers;
(vii) Poor regulatory framework;
(viii) Poor grievance redressal mechanism;
(ix) Very low rate of detection of corruption;
(x) Lack of condemnation of corrupt practices by the public;
(xi) Absence of a formal system of inculcating values, ethics and integrity;
(xii) Inadequacy of regular / periodic / surprise checks;
(xiii) Rigid bureaucratic framework / processes;
(xiv) Lack of awareness about rules, laws, rights, duties, procedure to lodge complaints etc.

7.3 POTENTIAL AREAS OF CORRUPTION

Preventive vigilance is aimed at tackling the areas vulnerable to corruption within the organisation. Although potential areas of corruption are specific to organisations / sectors, there are some broad areas common to all organisations, which need special attention while putting in place a system of preventive vigilance. These relate to: -

(i) **Procurement:** Procurement is a vast area ranging from procurement of store

materials, services, to execution of infrastructure projects. It is one of the major corruption prone areas in all organisations.

(ii) **Sale of goods and services:** The disposal of goods and services (reverse of procurement) is also a major area of corruption in some organisations. Similarly, allocation of scarce and / or precious natural resources is another area of corruption.

(iii) **Human resource management:** Human resource management is common to all organisations and the processes relating to recruitment, promotion, transfer and posting are prone to manipulation and corruption.

(iv) **Delivery of services to public:** Although not common to all organisations, major government organisations are involved in delivery of services which are a potential area of corruption.

(v) **Enforcement:** The enforcement of acts, rules and regulations is also an area vulnerable to corruption mainly due to lack of awareness among citizens and ineffective grievance redressal mechanisn.

(vi) Public Sector Banks (PSBs) deal with management of huge public funds and risk taking is an integral part of their business activities. However, recklessness in decisions or decisions taken with motivated, malafide intentions may cause unwarranted loss to the organisation. The Commission had in the past, undertaken a study of proven instances of frauds in PSBs and had identified areas / sectors of lending, which were more prone to corruption. The organisations may also conduct study of known cases of corruption at regular intervals, to identify areas prone to corruption and to establish sector specific systemic improvement measures.

7.4 PREVENTIVE VIGILANCE MEASURES

Preventive vigilance measures can broadly be categorized as: -

(i) **Simplification and standardisation of rules and procedures:** Simplification and standardisation of rules and procedures results in elimination of discretion and arbitrariness in decision making process, which in turn reduces corruption. Identifying areas involving exercise of discretion which are not governed by guidelines, together with a complete review of existing rules and regulations needs to be undertaken to introduce clarity and accountability. Similarly, simplification and standardisation of forms / applications also reduces scope for corruption.

(ii) **Leveraging technology:**

(a) Technology as an enabler for fighting corruption has been effectively demonstrated across sectors. Leveraging technology for preventive vigilance helps to identify the

risks, proactively minimize human intervention and promote good governance. E-procurements, E-payments, use of websites for dissemination of information and creating awareness, use of Closed-Circuit Television (CCTV) in places of public dealing, use of Global Positioning System (GPS) enabled devices / Radio Frequency Identifications (RFIDs), Global Information System (GIS), use of appropriate analytical tools, computer assisted audit techniques for detecting frauds are examples of technology strengthening the preventive vigilance framework.

(b) Use of technology for automation of processes reduces interface / interaction between officials and common citizen. It also removes monopoly and personal discretion in delivery of services which further reduces the opportunities for discretion, thus leading to reduction in corruption. Therefore, organisations should strive to reduce interface of officials with citizens / service seekers by way of automation / online services. However, it may be noted that IT systems are not an end in themselves; they are the means to an end. It follows therefore, that there is need to develop a system of alerts as also a response mechanism in online processes.

(iii) **Business Process Re-engineering :** Business process reengineering (BPR) is very important as it helps the organisations rethink how they do their work and, in the process, encourages a full-scale recreation of processes in order to meet the objectives of the organisation. Such re-engineering may also be helpful in stopping the leakage of revenue.

(iv) **Transparency:** Transparency removes the information gap between the citizens and officials which, in turn, reduces corruption. The website of the organisation should contain contact details of officials and all other information useful for common citizens.

(v) **Accountability:** A system with clear accountability and assigned responsibility at each level is necessary not only for smooth functioning but increased transparency, efficiency and for ensuring effective punitive action in case of misconduct.

(vi) **Control and Supervision:**Regular and routine inspections, surprise inspections, audit and reviews keep a check on aberrant and corrupt behaviour. A list of points and areas prone to corruption would facilitate the purpose of organising checks and streamlining procedures. A structured interaction between vigilance functionaries and internal audit team would enable better monitoring and also help to identify potential problem areas.

(vii) **Early detection of misconduct:** Early detection of misconduct, apart from

bringing to light the damages to the system, would enable recouping the loss wherever possible and facilitate control of further damage.

(viii) **Time-bound and effective punitive action:** Punitive (disciplinary or criminal) action within short period of occurrence of misconduct and finalisation of such cases in a time-bound manner resulting in award of exemplary and adequate penalty, wherever required, deters others from committing such misconduct. Delays and inefficiencies in such proceedings encourages and emboldens others to take the risk of committing misconduct under the belief that nothing would happen to them.

(ix) **Providing necessary infrastructural facilities:** Non-availability of adequate infrastructural facilities such as accommodation, conveyance, utilities, etc. also induces corruption.

(x) **Capacity Building and Sensitization**:

(a) Capacity building and sensitization at all levels and across all functional areas is essential. Officials should be made aware of their duties and responsibilities, code of conduct, rules and regulations, through regular training and awareness programmes. A list of 'do's & don'ts' for officials is a simple yet effective tool. Likewise, familiarization with Standard Operating Procedures (SOP) in different spheres of activities would enhance awareness and reduce inadvertent irregularities arising out of a lack of awareness. Knowledge sharing initiatives such as publishing / circulating information relating to areas where fraud / misconduct has been detected and sharing information on best practices are other awareness generation methods for more effective preventive vigilance. There should also be an effort to create awareness among all stakeholders.

(b) The Commission strongly believes that successful organisations are those whose training system is robust. Therefore, the Commission has propagated the idea of strong induction and mid-career training programmes across all organisations. The Commission has also emphasised the need for institutionalization of a preventive vigilance module and exposure visits to bring in attitudinal change in officials, in all the training programmes conducted by organisations.

(c) The preventive vigilance modules is shared with training institutions of repute, who conduct induction training programmes for the newly inducted officials and mid-career training programme for in-service officials in organisations. Many major organisations have commenced training on Preventive Vigilance Module.

(d) The Commission also observed the absence of a uniform system of training for officials of banking sector at the entry level which leads to a situation where the

officials make mistakes and get involved in vigilance case. After detailed deliberation with Indian Banks Association and active support of State Bank of India, a uniform one-year Induction Training Programme for the Probationary Officers was developed with a strong preventive vigilance and attitudinal change component. The same has been adopted by the boards of all the PSBs.

(xi) **Training programmes for effective functioning:** Focused training programmes have been designed by the Commission and are conducted with the help of premier training institutes. Some of the focused programmes are indicated below:-

(a) **Training on Public Procurement:** The Commission designed a training module on Public Procurement in consultation with Arun Jaitley National Institute of Financial Management (AJNIFM). Based on this module, training is being conducted as per requirement.

(b) **Induction Training Programme for newly appointed Chief Vigilance Officers:** As the newly appointed CVOs come from varied backgrounds and services with limited exposure to vigilance administration, there is a constant requirement to impart in-depth training in important aspects of vigilance administration. The Commission conducts training programmes for newly appointed CVOs (including part time CVOs) at regular intervals.

(c) **Training Programme for Inquiry Officers / Presenting Officers**: The Commission observed delays in finalization /conclusion of departmental inquiries, which could be due to lack of knowledge of conducting inquiries, preparation of article(s) of charge-sheet, lack of clarity about documents supporting statement of imputation and witnesses. Hence, a comprehensive training of Inquiry Officers and Presenting Officers has been conceived by the Commission with a vision to train potential Inquiry Officers and Presenting Officers across geography to ensure that a trained pool is available with the organisations. Such trained officials would be able to conclude departmental inquiries, expeditiously. The Commission formulated a training programme for Inquiry Officers / Presenting Officers of organisations covered under its jurisdiction. The training programme is conducted through different organisations / institutes, identified for the purpose.

(d) **Training Programme in Preventive Forensics :** The Commission considered the utility of Forensic Science in investigation of vigilance cases and designed a training programme for the CVOs and other vigilance functionaries across all organisations for orienting them on preventive side of Forensic Science. The Commission is regularly organizing a training programme on "Preventive Forensics" at National Forensic Sciences University (NFSU), Gandhinagar.

(e) **Training on Vigilance Administration:** Recognizing the importance of

vigilance functionaries other than CVOs, a comprehensive training programmes on vigilance administration has been formulated by the Commission for such officials, which is being conducted through CBI Academy, Ghaziabad.

7.5 PUBLIC PARTICIPATION IN PROMOTING INTEGRITY AND ERADICATING CORRUPTION

7.5.1 "In the long run, the fight against corruption will succeed only to the extent of which a favourable social climate is created. When such a climate is created and corruption becomes abhorrent to the minds of the public and the public servants and social controls become effective, other administrative, disciplinary and punitive measures may become unimportant and may be relaxed and reduced to a minimum". The Santhanam Committee, set up in the year 1962 to study important aspects on the evils of corruption in Indian society made the above observations about the role of society at large in the fight against corruption, which holds true to the day.

7.5.2 Promoting integrity and eradication of corruption cannot be achieved only by the efforts of agencies, without the active support and participation of the citizens and social institutions. Public participation plays a vital role in the fight against corruption in:-

(i) Encouraging ethical conduct of the individual official and the organisation;
(ii) Educating and creating awareness about the rights and duties of the citizens; rules, regulations, duties and responsibilities of the officials and public institutions; especially in implementing various government welfare schemes;
(iii) Acting as a 'watchdog' through public scrutiny of the actions of public servants by exposing the wrongdoers and standing by the upright and honest officials;
(iv) Acting as a feedback channel to the public authority about grievance redressal mechanism meant for the common man;
(v) Institutional and moral support to those who are fighting the corrupt officials;
(vi) Exhorting the citizens and the organisations to perform their lawful duties.

7.5.3 **Encouraging ethical conduct:**

(i) Corruption mainly includes abuse of authority and selfish exercise of power by those who hold special position in public life. Hence, corruption can be linked to lack of ethical values. Combating corruption is, therefore, not just a matter of making laws and creating institutions, but is deeply rooted in human values, ethics and morality of the individuals, organisations and the society at large. Inculcating ethical and moral values in the citizens i.e. truthfulness, honesty, integrity, probity, courage, uprightness, respect for and obedience to law, etc. is the foundation stone of any society's fight against corruption. Stigmatising the culture of corruption,

favouritism, nepotism and promoting meritocracy creates a conducive social climate. Avarice and craving for easy money is to be avoided. If the citizen is taught to say 'no to bribe', the supply side of corruption automatically gets stifled.

(ii) Parents, family, peer group, teachers, educational institutions, social intellectual and spiritual leaders, civil society, press, mass media including social media, governmental and Non-Governmental Organisations (NGOs), etc. have a major role to play in the inculcation and dissemination of high ethical and moral values in individuals, organisations and the society at large.

7.6 Participation of Institutions:

(i) **Media:** The press and electronic media can do a lot to educate and create awareness among the citizens about their constitutional and legal rights, various government schemes for the benefit of common citizens, etc. They can do their bit to expose corrupt / inappropriate activities by public servants, systemic failures. Media can do so by highlighting such instances prominently, after conducting an appropriate and thorough enquiry and draw the attention of the citizens and government agencies to such activities. They can at the same time also highlight the special efforts of honest and upright public officials.

(ii) **Social media:** The use of electronic social media has become very popular. The citizens can liberally resort to its use for spreading awareness against corruption, highlighting the wrongdoings of public servants and documenting evidence of corruption. Similarly, they can also highlight cases of exceptional honesty, probity and uprightness.

(iii) **Educational institutions:** Schools, colleges, universities, etc. may inculcate ethical values among their students, educate them about areas of corruption and how to bring the culprits to book, apprise them about the anti-corruption agencies, rules and laws and transform them into responsible citizens.

(iv) **Leaders:** The intellectual, social and spiritual leaders can also play their part in eradicating corruption. Through their teachings and work, they can instil virtuosity, noble values, high moral and ethical standards among their followers.

(v) **Civil society:** Civil society can contribute to a nation's fight against corruption in various ways i.e. by raising awareness, conducting educational programmes, etc. Civil society can also advocate reforms that are perceived to be most crucially needed.

7.7 Integrity Pledge:

(i) To foster probity and integrity in public life, the Commission has launched an 'Integrity Pledge' which can be taken by the citizen as well as by the organisation.

It can be accessed on the Commission's website at https://pledge.mygov.in/cvc .

(ii) By taking the Integrity Pledge, citizens commit to uphold highest standards of honesty & integrity by following probity and rule of law in all walks of life, to neither take nor offer bribe, to perform all tasks with honesty and transparency, act in public interest and report any incident of corruption to appropriate authority.

(iii) Similarly, by taking the Integrity Pledge, organisations i.e. corporate / entities / firms, etc., would affirm their commitment to eradicate corruption and to uphold highest standards of integrity and good governance by promoting a culture of honesty and integrity in the conduct of their activities. Organisations would pledge to neither offer nor accept bribe, commit to good corporate governance based on transparency, accountability and fairness, adhere to relevant laws, rules and compliance mechanisms in the conduct of business, adopt a code of ethics for all its employees, sensitise their employees of laws, regulations, etc., relevant to their work for honest discharge of their duties, provide grievance redressal and 'Whistle Blower' mechanisms for reporting grievances and fraudulent activities and protect the rights and interests of stake holders and the society at large.

The Commission acknowledges citizens and organisation taking the Integrity Pledge.

7.8 Fundamental Duties:

Article 51A of the Constitution casts certain duties on every citizen including cherishing and following noble ideals.

It shall be the duty of every citizen of India:-

(i) to abide by the Constitution and respect its ideals and institutions, the National Flag and the National Anthem;
(ii) to cherish and follow the noble ideals which inspired our national struggle for freedom;
(iii) to uphold and protect the sovereignty, unity and integrity of India;
(iv) to defend the country and render national service when called upon to do so;
(v) to promote harmony and the spirit of common brotherhood amongst all the people of India transcending religious, linguistic and regional or sectional diversities; to renounce practices derogatory to the dignity of women;
(vi) to value and preserve the rich heritage of our composite culture;
(vii) to protect and improve the natural environment including forests, lakes, rivers and wild life, and to have compassion for living creatures;

(viii) to develop the scientific temper, humanism and the spirit of inquiry and reform;

(ix) to safeguard public property and to abjure violence;

(x) to strive towards excellence in all spheres of individual and collective activity so that the nation constantly rises to higher levels of endeavour and achievement;

(xi) who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

(xii) It can be said that a natural corollary of these duties explicitly mandated, is a duty to be honest and to oppose corruption.

7.9 Outreach Programmes for Promoting Public Participation:

To foster public participation in promoting integrity and eradicating corruption, some of the initiatives of the Commission are as under:-

(i) **Observance of Vigilance Awareness Week:** All the ministries, departments and other governmental organisations observe Vigilance Awareness Week (VAW) every year under the direction and guidance of the Commission, with a specific theme, to create awareness among officials as well as citizens about the menace of corruption and need for its eradication.

(ii) **Public outreach programmes**: Extensive exercise is undertaken by the Commission through field offices of various organisations , educational institutions, etc. under a plan of action prepared by the Commission to spread awareness amongst the citizens, particularly the youth and students through various activities.

(iii) **Grassroot level Grievance redressal programmes:** Various activities like meetings for creation of awareness on corruption and its ill effects, educating citizens about grievance redressal options available and also organising competitions, melas, choupals, cultural programmes are part of the "Awareness Gram Sabhas" at village panchayat levels.

(iv) **Activities in educational institutions:** Competitions through debates, slogan writing, essay writing elocution, etc. are organised in schools, colleges across the country to exhort young minds to inculcate in them moral values of honesty, integrity and probity.

(v) **Seminars / Workshops / Presentations:** These are also organised during the VAW on anti-corruption theme, in various institutions and organisations.

(vi) **Use of Press / Electronic media:** Articles, talks, panel discussions, etc. in Hindi, English and regional languages are conducted with anti-corruption as a basic theme.

7.10 MANAGEMENT AUDIT OF VIGILANCE UNIT

(i) With the objective of having a proper assessment and deeper insight into the functioning of the vigilance units of the government organisations, the Commission, started conducting Management Audit of Vigilance Units (MAVU) of major organisations under its jurisdiction. MAVU is aimed at understanding the prevalent vigilance mechanism and suggesting measures to make the vigilance machinery more effective. MAVU is conducted by a team of officials from the Commission.

(ii) Detailed guidelines for effective conduct of MAVU are issued by the Commission separately, from time to time, which are available on the Commission's website i.e. www.cvc.gov.in.

7.11 E - HYGIENE: AN ESSENTIAL PILLAR OF PREVENTIVE VIGILANCE

(i) **Background:** The rapid expansion of digital technologies has fundamentally transformed the way individuals, organisations and governments function. Digital platforms now underpin communication, financial transactions, governance processes, education, healthcare delivery, and commercial operations. While this transformation has enhanced efficiency and accessibility, it has simultaneously introduced significant risks related to data security, privacy, and system integrity. In this context, the concept of e-hygiene has emerged as preventive vigilance tool for sustaining a safe and reliable digital eco system in the organisations.

(ii) **Suggestive Measures to enhance E-Hygience:** Following are some indicative measures to ensure preventive vigilance by way of maintaining the e-hygiene: -

(a) **Password Security and System Authentication:** Information Technology(IT) systems must use digital signature system, e-sign, One Time Password (OTP), Multi Factor Authentication or biometric based user authentication rather than just relying on user ID and password. Passwords should be changed after a certain period. Organisations should strictly follow the practice of non-sharing of passwords and advisories in this regard should be issued from time to time.

(b) **Screen Lock:** The system of screen log out after an appropriate time lapse as may be decided by the organisation may also be introduced to ensure safeguard against any unauthorised person's access to the system.

(c) **Device Hygiene:** Organisation must ensure updated antivirus and security patches

from time to time on each system in the organisation or connected to organisation. Only office-issued and encrypted Universal Serial Bus (USB) drives should be permitted. Installation of unauthorized software, pirated content, or third party browser or its extensions should be prohibited.

(d) **Data Hygiene:** Organisations may adopt data protection strategies such as encryption and reliable backup systems. Backups should be stored securely and tested regularly to ensure successful restoration.

(e) **Official Email:** Use only organisation's email IDs (such as @gov.in or @nic.in or .bank.in etc.) for all official correspondence. The official e-mails sent must contain the details of the sender along with contact numbers. The Who's Who details should also be made available on the official websites so that the same can be verified by the receiver of e-mail.

(f) **Virtual Meetings:** Sensitive meetings must be conducted preferably on authorized collaboration platforms such as 'NIC Bharat VC' or other secure Networks.

(g) **Awareness:** A role-based information security awareness program including concepts of external and internal threats needs to be devised for key staff members. The awareness program may also include vendors and suppliers of the e-services.

(h) **Capacity Building:** Regular training programs encapsulating the major areas of vulnerability, system and security audit, robustness of IT infrastructure, etc. should be organized for the key managerial and IT personnel of the public organisation concerned.

(i) **Periodic Security Audit:** All the infrastructure and applications should undergo the security audit periodically to identify the potential risks and take corrective measures.

(j) **Audit trails:** All the IT systems (Hardware & Software) should maintain audit trails which can establish the digital footprints of the user login, access duration, time stamping etc.

(k) **Maker Checker Concept:** A maker-checker system should be mandatorily adopted in critical and sensitive processes to minimize the risk of errors, fraud, and misuse of authority, thereby enhancing preventive vigilance.

(iii) Organisations should ensure strict implementation of the guidelines issued by Ministry of Electronics and Information Technology (MeitY), Ministry of Home Affairs (MHA), National Informatics Centre (NIC), and other governing bodies as

applicable from time to time. Good e-hygiene helps prevent many digital problems before they become serious. When basic safety habits are followed, cyber-attacks happen less often, systems work smoothly, and the cost of fixing problems is much lower. Organisations that maintain good e-hygiene are better prepared to handle digital risks and recover quickly if something goes wrong. Most importantly, good e-hygiene empowers users.

7.12 INTEGRITY PACT

(i) Integrity Pact (IP) is an important tool of preventive vigilance which is aimed at preventing corruption and ensuring integrity in public procurement. The Commission is the nodal authority for implementation of IP in India. It addresses not only bribery, but also other corrupt practices such as collusion and bid rigging. IP is a written agreement between the government organisation and all the bidders agreeing to refrain themselves from bribery, collusion, etc. If the written agreement is violated, IP describes the sanctions that shall apply.

(ii) IP has a monitoring system which provides for independent oversight. The Commission nominates Independent External Monitors (IEMs) to monitor implementation of IP. Detailed guidelines for effective implementation of IP are issued by the Commission separately and are available on the Commission's website i.e. www.cvc.gov.in.

7.13 MANAGING CONFLICT OF INTEREST

(i) Conflict of interest flows from the principle of natural justice that 'No one should be the judge in his / her own case (Nemo judex in causa sua)'. It leads to bias. Bias means an act which leads to unfair activity whether in a conscious or unconscious manner in relation to the party or a cause or case. A conflict of interest occurs when an official's personal interests – family, friendships, financial, or social– could compromise his judgment, decisions or actions in the workplace. It arises when an official is involved in a particular matter as part of his official duties with an outside organisation with which he also has a financial interest, i.e., the officials (a) spouse, (b) children & other relations, (c) general partner, (d) an organisation in which the official serves as its chief, officer, director, trustee, partner, or employee, etc. or (e) a person or organisation with which the official is negotiating for prospective or has an arrangement for prospective employment.

(ii) In such a situation, an official's private interests could improperly influence the performance of official duties. Conflict of interest reduces public trust and confidence in the integrity and impartiality of public functionaries.

(iii) Conduct rules, other statutes or guidelines governing the service conditions of public servants appropriately address the conflict-of-interest issue. Prompt action

should be taken for violation of such rules, statutes or guidelines.

(iv) Conflicts can be real or apparent. A real conflict exists when an official participates personally and substantially in particular matters that have a direct and predictable effect on a financial interest of the official or one of the five 'others' listed in sub-para (i) above. On the other hand, an appearance of a conflict exists when an official is involved in a particular matter involving specific outside parties (including individual, corporate entities, etc.) and the circumstances are such that a reasonable person with knowledge of the relevant facts would question the official's impartiality in the matter. Such circumstances include the involvement of a relative, employer of spouse, or former employer in the matter.

(v) Conflict of interest for officials have been elaborately addressed in the conduct rules e.g. AIS (Conduct) Rules, 1968, CCS (Conduct) Rules, 1964, The Railway Services (Conduct) Rules, 1966, CDA Rules of other government organisations and also other statutory provisions etc.

(vi) Apart from the provisions in the service rules, some other measures for addressing issue of conflict of interest are enlisted below:-

(a) CVOs who head the Vigilance Unit of an organisation are normally appointed from outside that organisation.

(b) CVOs are not assigned any operational duties, which involve financial implications like procurement, etc. or have a vigilance sensitivity.

(c) CEOs of CPSEs / PSBs / PSICs / PSFIs are not entrusted with additional charge of vigilance units as they deal with administrative / financial matters.

(d) On ceasing to hold office, a Chairperson or a Member of Central Vigilance Commission, Human Rights Commission, Lokpal, Telecom Regulatory Authority of India and other such oversight or regulatory bodies are ineligible for further employment under the Government of India or under the Government of any State (i.e., to any office of profit).

(e) e-governance has been implemented to a large extent in order to reduce discretion and conflict of interest.

(f) Officials holding sensitive posts in Central Government organisations are rotated at regular intervals.

(g) In Departmental Promotion Committees, every member is required to furnish a certificate to the Chairperson of the committee before commencement of the meeting, stating that none of his close relatives are being considered by the committee and he otherwise also is not interested in any candidate.

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Notes

ABBREVIATION / ACRONYM

ACRONYM / ABBREVIATION	
AA	Appellate Authority
ACB	Anti-Corruption Bureau
ACC	Appointments Committee of the Cabinet
AIS (D&A) Rules	All India Services (Discipline & Appeal) Rules
AJNIFM	Arun Jaitley National Institute of Financial Management
APAR	Annual Performance Appraisal Report
ATE	Assistant Technical Examiner
ATR	Action Taken Report
AVD	Administrative Vigilance Division
BNSS	Bharatiya Nagarik Suraksha Sanhita
C&AG	Comptroller and Auditor General
CAT	Central Administrative Tribunal
CBDT	Central Board of Direct Taxes
CBI	Central Bureau of Investigation
CBIC	Central Board of Indirect Taxes and Customs
CCS (CCA) Rules	Central Civil Services (Classification, Control and Appeal) Rules
CCTV	Closed-Circuit Television
CDA Rules	Conduct, Discipline & Appeal Rules
CDI	Commissioners for Departmental Inquiries
CFSL	Central Forensic Science Laboratory
CGMs	Chief General Managers
CO	Charged Officer
CPC	Code of Civil Procedure
CPF	Central Provident Fund
CPSE	Central Public Sector Enterprises
CPWD	Central Public Works Department
CrPC	Code of Criminal Procedure
CSB	Civil Services Board
CSS	Central Staffing Scheme
CTEO	Chief Technical Examiner's Organisation
CTEs'	Chief Technical Examiners'

CVC Act	Central Vigilance Commission Act
CVO	Chief Vigilance Officer
DA	Disciplinary Authority
DE	Detailed Estimate
DFS	Department of Financial Services
DoE	Department of Expenditure
DoPT	Department of Personnel & Training
DPE	Department of Public Enterprise
DPR	Detailed Project Report
DSPE	Delhi Special Police Establishment
EDs	Executive Directors
EO	Establishment Officer
EOI	Expression of Interest
EOW	Economic Offences Wing
EPC	Engineering, Procurement and Construction
FIR	First Information Report
FIU	Financial Intelligence Unit
FSA	First Stage Advice
GEQD	Government Examiner of Questioned Documents
GIS	Global Information System
GMs	General Managers
GoI	Government of India
GPS	Global Positioning System
HoD	Head of the Department
IAs	Inquiring Authorities
IAS	Indian Administrative Service
IE	Intensive Examinations
IEMs	Independent External Monitors
IO	Inquiry Officer
IP	Integrity Pact
IT	Information Technology
JS	Joint Secretary
JTE	Junior Technical Examiner
LEA	Law Enforcement Agency
LIC	Life Insurance Corporation
LTC	Leave Travel Concession
MAVU	Management Audit of Vigilance Unit

MeitY	Ministry of Electronics and Information Technology
MHA	Ministry of Home Affairs
MOS (PP)	Minister of State (Personnel, Public Grievances and Pensions)
NABL	National Accreditation Board for Testing and Calibration Laboratories
NFSU	National Forensic Sciences University
NGO	Non-Governmental Organisations
NIC	National Informatics Centre
NIT	Notice Inviting Tender
NTD	Not to be Destroyed
OEM	Original Equipment Manufacturer
OES	Original Equipment Supplier
OM	Office Memorandum
OTP	One Time Password
PAC	Proprietary Article Certificate
PC Act	Prevention of Corruption Act
PE	Preliminary Enquiry
PESB	Public Enterprises Selection Board
PIDPI Resolution	Public Interest Disclosure and Protection of Informers Resolution
PMLA	Prevention of Money Laundering Act
PO	Presenting Officer
PPP	Public-Private Partnership
PSB	Public Sector Bank
PSFI	Public Sector Financial Institution
PSIC	Public Sector Insurance Company
QPR	Quarterly Progress Report
RBI	Reserve Bank of India
RC	Regular Case
RFIDs	Radio Frequency Identifications
RTI Act	Right to Information Act
SCN	Self-Contained Note
SOP	Standard Operating Procedure
SP	Superintendent of Police
SPARROW	Smart Performance Appraisal Report Recording Online Window
SPE	Special Police Establishment
SPS	Suspected Public Servant
SSA	Second Stage Advice
SWS	Single Window System

TA	Travel/Travelling Allowance
TE	Technical Examiner
TRAI	Telecom Regulatory Authority of India
TSC	Tender Scrutiny Committee
TEC	Tender Evaluation Committee
UPSC	Union Public Service Commission
USB	Universal Serial Bus
UT	Union Territory
VAW	Vigilance Awareness Week
VIP	Very Important Person
VO	Vigilance Officer

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