

CHIEF VIGILANCE OFFICERS : ROLE AND FUNCTIONS

APPOINTMENT OF CHIEF VIGILANCE OFFICERS:

In the Government, Officers of Senior Class-I rank (Joint Secretary or Deputy Secretary) should be appointed as C.V.O. with prior verification about their integrity by the State Vigilance. Officers with unblemished reputation should be preferred for such posts, so that they can play a very useful role in prevention and detection of corruption.

Government in their Letter No.5113/Gen. dt.18.6.84, have decided that Vigilance Officers need not be whole time, but should be of adequate seniority.

The name of the Officer appointed as Vigilance officer may be intimated to Vigilance Department with copy to General Administration Department. Any change in the incumbency of the Vigilance Officer should also be reported accordingly.

ROLE AND FUNCTION OF CHIEF VIGILANCE OFFICERS:

Government in their letter No.8936/Vigilance, dated 4.11.97 advised all Heads of Departments/ P.S.U.s etc to adopt the following methods of "Preventive Vigilance" in active cooperation with the State Vigilance Organization for eradication of corruption and to keep it under check in their respective Departments/Public Sector Undertakings.

The Chief Vigilance Officers should arrange to prepare an appreciation report in respect of his Department/Organization indicating briefly the activities of the Organization/Department and the scope of corruption therein. This report should be given to the State Vigilance in order to educate their officers regarding working procedure and possible areas of corruption in the various Government Departments/ Undertakings.

Even though detection and punishment of corruption and other malpractices are certainly important, what is more important is taking preventive measures instead of hunting for the guilty in the post corruption stage. Therefore, the role and function of Chief Vigilance Officers has been broadly divided into two parts, which are (i) Preventive and (ii) Punitive.

Preventive Vigilance:

The C.V.O.s should undertake the following measures.

- (a) To examine in detail the existing Rules and Procedures of the Organization with a view to eliminate or minimize the scope for corruption or malpractices
- (b) He should try to simplify the rules and procedure as far as possible
- (c) He will take necessary steps to identify the loopholes in practice/procedure and suggest measures to the appropriate authority for action.
- (d) To identify the sensitive/corruption prone sections/ posts in the Organization and keep an eye on personnel posted in such areas.
- (e) He will prepare an Agreed list (Annual) of personnel suspected to be corrupt and dishonest in consultation with the Chief Executive and Vigilance Department and keep watch on their activities.
- (f) He will also maintain another list of officials of Doubtful Integrity which will be prepared in the consultation with the I.G., Vigilance in respect of those who have been punished departmentally or charge sheeted in criminal cases so that, they may be kept under constant watch.
- (g) To plan and enforce surprise inspections and regular inspections to detect the system failures and existence of corruption or malpractices.
- (h) To ensure prompt observance of Conduct Rules relating to integrity of the Officers like.
 - (i) The Annual Property Returns.
 - (ii) Gifts accepted by the officials.
 - (iii) Benami transaction.
 - (iv) Regarding relatives employed in private firms or doing private business etc.

Punitive Vigilance:

- (a) To ensure speedy processing of Vigilance cases at all stages.
- (b) To ensure that charge, statement of imputations, list of witnesses and documents etc. are carefully prepared and copies of all the documents relied upon and the statement of witnesses cited on behalf of the disciplinary authority are supplied, wherever possible, to the accused officer along with the charge.
- (c) To ensure that all documents required to be forwarded to the Inquiring Officer are carefully sorted out and sent promptly.
- (d) To ensure that there is no delay in the appointment of the Inquiring Officer and that no dilatory tactics are adopted by the accused officer or the Presenting Officer,
- (e) To ensure that the processing of the Inquiring Officer's Reports for final orders of the Disciplinary Authority is done properly and quickly.
- (f) To ensure that the competent disciplinary authorities do not adopt a dilatory or lenient attitude in processing Vigilance cases, thus knowingly or otherwise helping the delinquent public servants, particularly in cases of officers due for retirement.

- (g) To ensure that cases against the public servants on the verge of retirement do not lapse due to time-limit for reason such as misplacement of files etc. and that the orders passed in the cases of retiring officers are implemented in time and
- (h) To ensure that the period from the date of serving a Charge Sheet in a disciplinary case to the date of submission of report of the Inquiring Officer should ordinarily not exceed six months.
- (i) To scrutinize final orders passed by the Disciplinary Authorities with a view to see whether a case for review is made out or not.
- (j) To see that proper assistance is given to the State Vigilance in the investigation of cases entrusted to them or started by them on their own source of information.
- (k) To ensure expeditious processing of Sanction for Prosecution of Public servants.
- (l) He will maintain constant liaison with the Vigilance Department in respect of Vigilance Enquiries/Investigations. In this regard he will take necessary steps to ensure that Investigating Officers of Vigilance get due cooperation from his Department/Organization.
- (m) To conduct monthly and quarterly review of progress of enquiries and disposal thereof.

Bi-monthly return by the CVOs:

For systematic review of the work of CVOs of different Departments/Heads of Departments/Public Sector Undertaking, each CVO shall submit a return indicating steps taken by him to combat corruption in their respective Organization once every two months. This bi-monthly return shall be submitted to the State Vigilance Directorate in the prescribed proforma. The return should be sent in the 1st week of March, May, July, September, November and January covering the preceding two months. (Ref: Government of Odisha, G.A (Vigilance) Department letter No.1026/Vig.,dt.17.2.2007).

"Agreed List" of Officers:

The idea behind the concept is to keep officers, who are indulging in corrupt practices, under constant surveillance and check their corrupt activities.

In the "Agreed List" only those officers are to be included against whose honesty there are suspicions or complaints, but not booked in specific instances of corruption either by Department or by the Vigilance Department.

The State Vigilance shall prepare a list of such officers of each Organization against whose honesty or integrity there are complaints or suspicion. The State Vigilance will have a meeting with M.D./Head of Department/Department of Government once in a calendar year, preferably in the beginning of the calendar year, where they will decide about the officers, who are to be kept in the Agreed List.

Another "Agreed List" for the Department/Section and places of the Organization where corrupt practices are prevalent will be prepared, so that close scrutiny can be made of the functioning of those Departments/Section by the Internal Vigilance Officers (I.V.O.)

After the Agreed List is prepared, the State Vigilance and the Chief Vigilance Officer of the Organization will conduct a close surveillance on those officers in the following manner.

- (b) More frequent inspection and closer scrutiny of their work with special emphasis on the issues where the officer has scope to use his discretion to show favours.
- (ii) Confidential enquiry about their reputation, both by the State Vigilance and the C.V.O.
- (iii) Clandestine watch on their standard of living, expenditure pattern contacts etc.
- (iv) Secret enquiry will be made by the State Vigilance about their assets and financial resources.
- (v) For this purpose the management will make their property returns and relevant records available to the State Vigilance and the C.V.O.
- (vi) Collection of information of specific instances of bribery and corrupt practices.
- (vii) The management/head of department will not post those officers whose name find place in the "Agreed List" to sensitive and corruption prone departments for a period of two years till his name is removed from the Agreed List.

If secret enquiry and unobtrusive watch reveal adequate information/material against such officer, immediately the State Vigilance will start Open Enquiry against him and take further follow up action, like registration of criminal case, initiation of departmental proceedings etc.

The "Agreed List" will remain in force for two years from the date of preparation of such list. By the end of two years the names finding mention in this list will be reviewed and those names will be removed from the list, against whom sufficient evidences are not collected during the period.

However, this list will not be used against any officer to deny him promotion, selection for training or for higher responsibilities. The Head of the Organization will keep this list and use it with discretion, while considering such officers for posting to sensitive areas or units.

List of Officers of "Doubtful Integrity":

The list should include names of those, who have been found to be lacking integrity after due enquiry or during the course of enquiry. This list should include the names of the officers of the following categories.

- (b) One who has been convicted by a Court of Law on charges of corruption or lack of integrity or an offence involving moral turpitude; but on whom, a penalty other than dismissal, removal or compulsory retirement has been imposed.
- (ii) One who has been awarded a major punishment departmentally on the charges of lack of integrity or on charges of gross dereliction of duty.
- (iii) Against whom proceeding for a major penalty or a trial in the Court is in progress for alleged acts involving lack of integrity or moral turpitude.
- (iv) Who have been prosecuted but acquitted on technical grounds and hence there remained a reasonable suspicion against their integrity, on the basis of evidences surfacing during the trial.
However, this list should not include the names of officers of the following categories.
 - (a) Those officers who have been honorably acquitted after a disciplinary proceeding or Court trial.
 - (b) Officers against whom sufficient evidence could not be collected during enquiry/investigation for recommending departmental/disciplinary action.

These lists should be used to keep the concerned P.S.U./Government Department informed about the officers of Doubtful integrity and to ensure that such officers are not posted to sensitive/Corruption Prone Departments, in deciding administrative matters affecting the service of such officers and to keep special watch on their work and subject their work to closer scrutiny.

The CVO should prepare a list of Public Servants of 5azette rank against whom any disciplinary proceeding for a major penalty was in progress or who had been punished in a disciplinary proceeding for lack of integrity. The CVO will send a list of such officers to the State Vigilance once every year in the last week of January.

The State Vigilance should suggest addition and deletion of names on the basis of information available with them. In case there is any difference of opinion between the Department and the State Vigilance, the matter should be settled by mutual discussion.

Once the name of an officer is entered in the list of "Doubtful Integrity", it should not be removed for a period of 3 years and this period should be counted from the date on which the officer was punished in a departmental proceeding/convicted by a Court of Law. After completion of this period, this list will be reviewed by the Department in consultation with the Vigilance for removal of such names from the list. On the contrary if a name is to be retained in the list beyond 3 years, cogent reasons should have to be recorded in writing.

If an officer of this list is transferred, the Chief Vigilance Officer of the concerned organization should intimate to his counterpart the fact of the officer's name being on the list and also intimate the State Vigilance about the name.

This list should be used to enable the Department to take such administrative action like transfer from sensitive posts, with-hold certificate of integrity, non-promotion, compulsory retirement, refusal of extension of service, non-sponsoring the name for deputation/foreign assignment/refusal of permission for re-employment after retirement etc. As and when such officer comes in the promotion zone, his name should be held up in a sealed cover till enquiry is completed against him.

Agreed list of Contractors/Suppliers/Firms/Clearing agents:

Every organization, be it a Public Sector Undertaking or Government Department, deals with outsiders, who perform sundry jobs for the Organization. Some of these outsiders vitiate the atmosphere of the organization by creating opportunities for the public servants to become corrupt or by acting as contact men between unscrupulous public servants and unscrupulous outsiders.

Based on complaints about adopting unfair practices, corrupting the public servant, adopting questionable means to beg contract basing on intelligence report of Vigilance/CVO, and past performance, an 'Agreed list' of such Contactors, Suppliers, Firms and Clearing Agents etc. should be prepared in a meeting between Vigilance and the Head of the Organization. This list should be circulated to the concerned officers with instruction to be careful and cautious in all dealings with such parties. Closer scrutiny should be made whenever such parties apply for contracts etc.

Unobtrusive watch should be maintained on the activities of such parties.

On getting specific materials/instances, Open Enquiry should be started against those parties by the Vigilance.

Preparation of Appreciation Report of an Organization:

It is desirable to prepare an Appreciation Report about a Public Sector Undertaking by the State Vigilance (Police) in consultation with the concerned undertaking.

The purpose of preparation of Appreciation Report is to study different aspects of the Public Sector Undertaking exclusively and have firsthand information about the Organization. One can identify the vulnerable points, where corruption is rampant or feasible and hence preventive measures can be effectively taken to avoid loss to the Organization.

It is recommended that this practice of preparation of Appreciation Report in respect of State PSUs and Government Departments be undertaken on the following lines.

- (i) Objective of the organization
- (ii) Administrative set up of the organization
- (iii) Staff pattern
- (iv) Different categories of private persons who provide opportunities for corruption.
- (v) Points and places of corruption.
- (vi) Categories of officers and staff working at the points and places of possible corruption.
- (vii) Internal Vigilance Organization
- (viii) Liaison with State Vigilance.
- (ix) Suggestion for checking corruption.

After such Appreciation Reports are prepared, the same should be updated from time to time incorporating therein up to date information about the Undertaking.

Joint surprise checks should be conducted by the State Vigilance and the CVO staff at probable places and points of corruption.
