

RITES Ltd.
(A Govt. of India Enterprise)



**Copies of important circulars/System Improvement issued
by CVC and RITES Vigilance on day to day working of
PSUs, during the year – 2006.**



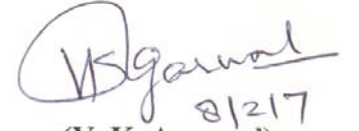
राइट्स लि०
(भारत सरकार का प्रतिष्ठान)
RITES LTD.
(A Govt. of India Enterprise)

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PREFACE

The Vigilance section of RITES Ltd. has compiled Vigilance related circulars/guidelines/system improvement issued during the year 2006. This kind of compilation is being done every year for the purpose of providing information on various subject to all concerned, in order to make them aware about recent instructions on Vigilance.

This compilation will keep employees updated on the vigilance aspect of their work.


8/2/17
(V. K. Agarwal)
Managing Director

Departmental Inquiries / Disciplinary Matters.

Chapter – I

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No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 13th March 2006

Circular No. 14/3/06

Subject:- Reference to the Commission for its advice – Documents including the draft charge sheet to be enclosed for seeking first stage advice and the documents to be enclosed for seeking second stage advice reg.

Reference:- (i) No. NZ/PRC/1 dated 9.5.2005
(ii) No. NZ/PRC/1 dated 26.2.2004

The Commission has been repeatedly emphasizing the need for sending complete information to the Commission along with the relevant documents while seeking its advice. In particular, it was emphasized that while seeking first stage advice, the draft charge sheet should be enclosed. It is a matter of serious concern that these instructions are not being strictly complied with.

2. In supersession of all earlier instructions it is reiterated that following material should be furnished to the Commission while seeking its advice:-

(a) A self contained note clearly bringing out the facts and the specific point(s) on which Commission's advice is sought. The self contained note is meant to supplement and not to substitute the sending of files and records.

(b) The bio-data of the officer concerned in the enclosed format (Annexure-I).

(c) Other documents required to be sent for first stage advice:

(i) A copy of the complaint/source information received and investigated by the CVOs;

(ii) A copy of the investigation report containing allegations in brief, the results of investigation on each allegation;

(iii) Version of the concerned public servant on the established allegations, the reasons why the version of the concerned public servant is not tenable / acceptable, and the conclusions of the investigating officer;

(iv) Statements of witnesses and copies of the documents seized by the investigating officer;

(v) Comments of the Chief Vigilance Officer and the disciplinary authority on the investigation report {including investigation done by the CBI and their recommendation }

(vi) A copy of the draft charge sheet against the SPS alongwith the list of documents and witnesses through which it is intended to prove the charges.

(d) Other documents required for second stage advice:

(i) A Copy of the charge sheet issued to the public servant;

(ii) A copy of the inquiry report submitted by the inquiring authority {along with a spare copy for the Commission's records};

(iii) The entire case records of the inquiry, viz copies of the depositions, daily order sheets, exhibits, written briefs of the Presenting Officer and the Charged Officer;

(iv) Comments of the CVO and the disciplinary authority on the assessment of evidence done by the inquiring authority and also on further course of action to be taken on the inquiry report.

This is brought to the notice of all CVOs for strict compliance.

(V. Kannan)
Director

Bio-Data of the officer against whom Commission's advice is sought

1. Name of the officer :
2. Designation
 - (a) At Present :
 - (b) When the alleged misconduct was committed :
3. Service to which belongs :
(Also please mention the cadre and year of allotment in case of officers of the organized/All India Services)
4. Date of Birth :
5. Date of Superannuation :
6. Level/Group of the present post and pay scale :
7. Date of suspension [If under suspension] :
8. Disciplinary Rules applicable to concerned public servant
9. Nature of misconduct, in brief [Like false TA claims, :
Exceeding delegated powers, supervisory lapses etc.]
10. Allegations/charges in details [which were investigated/
Inquired] and results thereof
11. Version of public servant on established allegations/
Charges [Separately for each allegation/charge]
12. Reasons why version of public servant is not acceptable
13. Misconduct imputed [Whether lack of integrity and/or:
devotion to duty] with relevant clauses of CDA Rules
14. Recommendation of CVO and disciplinary authority:
on the findings of investigating/inquiring authority
15. Involvement of officer in previous complaints, if any,
and results of investigations/inquiries authority
16. Brief particulars of similar cases, if any, in the organization
in which same or other officer might have been indulged; and
action taken in the matter

Signature of C.V.O. _____
Date _____
Tel. No. _____

F. No. 006/VGL/5
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023.
Dated, the 18/01/2006.

Circular No. 3/1/06

Subject:- Reducing delay in departmental proceedings- ensuring availability of documents-regarding.

The Commission has observed that non-availability of documents relevant to the departmental inquiry proceedings continues to be a major problem contributing to the delay in the finalisation of the inquiry. Commission would reiterate its instructions under circular no. NZ/PRC/1 dt. 26.2.2004 circulated vide Office Order No. 12/02/2004 in which the Disciplinary Authority is required to ensure that the P.O. is given custody of all the listed documents in original and certified copies thereof. It would also reiterate its instructions vide order No. 3(v)/99/7 dated the 6th September, 1999 wherein it has been decided that in respect of the CBI cases, the CBI should make available to the organization, legible certified photocopies of all documents seized by them. It is, therefore, reiterated that CBI/CVO of the concerned organization should ensure that legible certified copies of the documents taken over by CBI are made available to the organization to pursue the departmental proceedings. The above instructions may be noted for strict compliance.

(V. Kannan)
Director

No.006/VGL/ 098
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block –A,
GPO Complex,
INA, NEW DELHI-110 023.
New Delhi, the 10th October, 2006

Circular No.39/10/06

Subject: Difference of opinion with CVC's advice regarding quantum of penalty, etc.

Reference is invited to the Department of Personnel & Training O.M. No. 134/2/95-AVD-I dated 13.6.1995 and the earlier instructions contained in Department of Personnel & Administrative Reforms O.M. No.118/2/78-AVD-I dated 28.9.78 on the above subject. The Commission has observed that in a number of cases of disagreement with the Commission's advice, the Commission has not been informed about the reasons for disagreement or whether a reference to the DOPT, as required under the above instructions, was made. The CVOs are, therefore, directed to ensure that before it is finally decided to disagree with the Commission's advice on further action on a complaint or on an investigation report, or in a vigilance case, reference is made to the Department of Personnel in respect of all such cases, where the appointing authority is the President or the disagreement is due to UPSC's advice. The CVOs may please note these instructions for strict compliance. They should also ensure that wherever it has been finally decided to disagree with the Commission's advice, reasons for the same are communicated to the Commission along with a final order in the case, to enable the Commission to decide about inclusion of the case in its Annual Report.

(V. Kannan)
Director

No.006/PRC/1
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 21st September, 2006

Circular No. 34 /09/06

Subject:- Delay in completion of departmental proceedings - reg.
Reference: Circular No.14/3/06 - F. No. 006/PRC/001 dt. 13.3.06

The Commission has been emphasising the need for completing the departmental inquiry proceedings expeditiously so that errant officials are punished at the earliest. It has been observed that one of the major causes for delay lies in making the listed documents available for the inquiry. Sometimes, poor drafting of the charge sheet also creates confusion about the documents relied upon. The Commission has also noted with serious concern, that while advice of the Commission is sought on the basis of indicated lapses/irregularities and the suspected public servants' role, the charge-sheets are not drafted properly to reflect the seriousness of the lapses. The lapses are not covered precisely in the articles of charge and certain lapses, on the basis of which advice is obtained, are not included in the charge-sheets, thereby limiting the areas of operation/effectiveness of the Inquiry Officer. There are also cases where there was no credible evidence to back the charge, as a result of which, the said charge could not be proved during the inquiry. This not only results in errant officials escaping punishment, but also causes avoidable embarrassment to the Vigilance Administration and the Commission.

2. It is with a view to checking such occurrences that the Commission has been emphasising that while seeking Commission's advice, wherever disciplinary proceedings are proposed, references, complete in all respects, including the draft charge-sheets with supporting evidence, should be made to the Commission. While this was not to be construed as vetting of the charge-sheets by the Commission, it was intended to ensure that the specific lapses were duly reflected in the chargesheet before it was decided to proceed against an officer. It may be pointed out that in Para 2.14.1(v) of Chapter II of the Vigilance Manual (Vol. I), it has been clearly stipulated that the CVO is required "to ensure that the charge-sheets to the concerned employees are drafted properly". It is needless to say that this includes the different aspects of the charge-sheet mentioned in the aforesaid para. Accordingly, the CVOs are directed to carefully scrutinise the draft charge-sheets before sending their proposals, suggesting departmental proceedings and seeking Commission's advice on the same. The Commission may take an adverse view on a CVO, who sends incomplete references, besides being constrained to return such proposals.

3. Another cause for concern is the transfer of officials appointed as P.Os., while the inquiry is in progress, and appointment of new P.Os. in their place. In certain cases, it has been observed that the P.Os. were changed a number of times, leading to avoidable delay. Appointment of very junior official as P.O. also defeats the purpose of the inquiry against a senior officer, as such a P.O. is not able to present the case confidently.

4. After due consideration, the Commission has directed that the Disciplinary Authority should consider all relevant aspects about the official to be appointed as I.O./P.O. in a particular case, with particular reference to his/her continued availability to complete the inquiry proceedings. It should be ensured that only such officials, who are not likely to be transferred during the pendency of the inquiry proceedings, are appointed as P.Os./I.Os. In extreme cases where the transfers are unavoidable, it should be ensured that the I.Os./P.Os. complete the inquiry proceedings as expeditiously as possible, before they are relieved or at the earliest after their relief. It should also be kept in view, that to the extent possible, an official of appropriate seniority, with reference to the status of the charged official, is appointed as the P.O.

5. The CVOs may also apprise the competent authority of these instructions in their respective organisations.

(V. Kannan)
Director

No.006/VGL/025
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023.
Dated the 21st July, 2006

Circular No. 28/7/06

Subject:- Adherence to time limit in processing of disciplinary cases.

Attention is invited to the Commission's Office Order No. 50/05/04 issued vide No. 000/VGL/18 dated 9/8/04 on the above mentioned subject.

2. The Commission has noted with concern that the observance of time schedule in conducting investigations and departmental inquiries, as laid down in its letter no. 000/VGL/18 dated 23/5/2000, is often lax and there are similar delays noticed on part of the decision making authorities, leading to the disciplinary proceedings getting indefinitely prolonged.

3. The Commission has also noticed that sometimes the disciplinary authorities misinterpret the Supreme Court judgment in the case of K. V. Jankiraman etc. vs Union of India, regarding adopting sealed cover procedure on the recommendations of departmental promotion committee for certain categories of officials. In this regard, DOPT has already issued instructions/clarifications vide letter no. 22011/4/91-Estt(A) dated 14/9/92 clearly stating that in accordance with the Supreme Court ruling in the K.V. Jankiraman etc. vs Union of India case, the findings of the departmental promotion committee in respect of the following categories of officials would be kept in a sealed cover:-

(i) Government servants under suspension;

(ii) Government servants in respect of whom a charge-sheet has been issued and disciplinary proceedings are pending; and

(iii) Government servants in respect of whom prosecution for a criminal charge is pending.

4. The above instructions also provide that a Government servant who is recommended for promotion by the DPC but in whose case any of the above circumstances arise after the date of receipt of recommendation of the DPC but before he is actually promoted, would be considered as if his case had been placed in a sealed cover by the DPC. He shall not be promoted until he is completely exonerated of the charges against him.

5. All administrative authorities may be suitably advised to take note of, and strictly adhere to the prescribed time schedule in dealing with the disciplinary cases. Further, it is also necessary to correctly interpret/apply the Supreme Court judgment in Jankiraman case on 'sealed cover' in the light of instructions issued by the DOPT.

6. Undue delays on part of administrative authorities, in dealing with disciplinary cases, will be viewed seriously by the Commission and it would be constrained to advise penal action against those found responsible.

(V. Kannan)
Director

Tender and Contracts

Chapter – II

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1.1	Posting of details on award of tenders/contracts on websites/bulletins.	No.005/VGL/4 Dated 01.09.2006
1.2	Tendering process – negotiation with L1.	No.005/CRD/12 Dated 03.10.2006
1.3	Examination of Public Procurement (Works/ Purchases/ Services) Contracts by CVOs.	F.No.006/VGL/29 Dated 01.05.2006
1.4	Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.	No.005/CRD/19 Dated 09.05.2006

No.005/VGL/4
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 1st September 2006

Circular No. 31/9/06

Subject: Posting of details on award of tenders/contracts on websites/bulletins.

The Commission, vide its orders of even number dated 16.3.2005, 28.7.2005 and 20.9.2005, had directed all organisations to post every month a summary of all contracts/purchases made above a certain threshold value on the websites of the concerned organisations, and it was specified that the proposed threshold limits would be acceptable to the Commission as long as they covered more than 60% of the value of the transactions every month in the first instance, to be revised subsequently after the system stabilized. The threshold values as decided by the organisations, were also to be communicated to the Commission separately for its perusal and record. CVOs were required to monitor the progress in this regard and ensure that the requisite details were posted regularly on respective websites. They were also required to incorporate the compliance reports in this regard in their monthly reports.

2. The Commission has taken serious note that the aforementioned instructions are not being adhered to by the organisations. CVOs are, therefore, once again advised to ensure that details of the tenders awarded above the threshold value by the organizations are uploaded in time on the organisation's official website and are updated every month. The position in this regard should be compulsorily reflected in the CVOs monthly reports to the Commission. CVOs should also specifically bring to the notice of the Commission, any violation of this order.

3. Please acknowledge receipt and ensure due compliance.

(V. Kannan)
Director

No.005/CRD/12
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 3rd October, 2006

Circular No. 37/10/06

Subject: Tendering process – negotiation with L1.

Reference is invited to Commission's instructions of even number dated 25.10.2005 on the above subject. A number of references have been received in the Commission, asking for clarification on issues pertaining to specific situations.

2. The Commission's guidelines were framed with a view to ensuring fair and transparent purchase procedure in the organizations. The guidelines are quite clear and it is for the organizations to take appropriate decision, keeping these guidelines in view. In case they want to take action in deviation or modification of the guidelines, to suit their requirements, it is for them to do so by recording the reasons and obtaining the approval of the competent authority for the same. However, in no case, should there be any compromise to transparency, equity or fair treatment to all the participants in a tender.

3. The above instructions may be noted for strict compliance.

(V. Kannan)
Director

F.No.006/VGL/29
Government of India
Central Vigilance Commission

Satarkata Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated, the 1st May, 2006

Circular No.21/05/06

Subject: Examination of Public Procurement (Works/Purchases/Services) Contracts by CVOs.

The Commission has been emphasising the need for close scrutiny by the CVO, of the Public Procurement (Works / Purchases / Services) Contracts of his department/organisation concerned, to ensure that the laid down systems and procedures are followed, there is total transparency in the award of contracts, and there is no misuse of power in decision making.

2. A number of booklets have been issued by the Chief Technical Examiner Organisation of the Commission, bringing out the common irregularities/ lapses noticed in different contracts. A Manual for Intensive Examination of Works/ Purchase Contracts and guidelines on tendering have also been issued. These are available in the Commission's website.

3. The need for CTE type examinations by the CVOs has been emphasised in the Zonal meetings. The CVOs are required to reflect their examinations in the monthly reports. The Commission reiterates the importance of such examinations by the CVOs, as an effective preventive vigilance measure.

4. For this purpose, the CVOs are required to be well conversant with their organisation's works/purchase manual. Wherever works/purchase manuals are non-existent, they should be got prepared, particularly, in those organisations which have substantial procurement activities. CVOs should also ensure that the manuals are updated from time to time. They should check and ensure that the field staff is well conversant with the extant provisions of the manuals, and the guidelines issued by the Commission/CVOs from time to time. CVOs should have a full and active participation during the CTE inspections to know about the problem areas in the organisation's procurement process.

5. CVOs must also familiarise themselves with the earlier CTE examination reports and ensure that the lapses previously noticed are not repeated. If lessons are not learnt from the past, there would be need to take a serious view of the repetition of lapses and initiate disciplinary proceedings against the officials found responsible for repetition of the lapses committed previously.

6. On the basis of the lapses noticed by the Chief Technical Examiner's organisation over the years, a checklist has been prepared which could be used by the CVO while examining procurements contracts. The checklist may be seen in Annexure -1. If certain procurement contracts require an intensive examination by the CTEO, a reference may be made to them with adequate justification.

7. This may please be noted for strict compliance.

(V. Kannan)
Director

Check list for examination of Procurement (Works/ Purchases/ Services) Contracts by CVOs

A. Pre-Award Stage

1. Financial and Technical sanction of competent authority is available.
2. Adequate and wide publicity is given. Advertisement is posted on website and tender documents are available for downloading.
3. Convenient tender receiving/opening time and address of the tender receiving officials/tender box are properly notified.
4. In the case of limited tender, panel is prepared in a transparent manner clearly publishing the eligibility criteria. The panel is updated regularly.
5. Pre-qualification criteria are properly defined/ notified.
6. Short listed firms/consultants are fulfilling the eligibility criteria. There is no deviation from notified criteria during evaluation.
7. Experience certificates submitted have been duly verified.
8. Tenders/bids are opened in the presence of bidders.
9. Corrections/omissions/additions etc., in price bid are properly numbered and attested and accounted page –wise. Tender summary note/ Tender opening register is scrupulously maintained.
10. Conditions having financial implications are not altered after opening of the price bids.
11. In case of consultancy contracts (a)Upper ceiling limit is fixed for consultancy fee and (b) Separate rates for repetitive works are fixed.

B. Post-award stage

(a) General

1. Agreement is complete with all relevant papers such as pre-bid conference minutes, etc.
2. Agreement is page-numbered, signed and sealed properly.
3. Bank Guarantee is verified from issuing bank.
4. Insurance policies, labour licence, performance guarantee are taken as per contract.
5. Technical personnel are deployed as per contract.

6. Plant and equipment are deployed as per contract.
7. Action for levy of liquidated damages is taken in case of delay/default.

(b) Payments to contractors

1. Price escalation is paid only as per contract.
2. Retention Money/Security Deposit is deducted as per contract.
3. Recovery of Mobilisation & Equipment advance is made as per the provisions in the contract.
4. Recovery of I. Tax & Works Contract tax is made as per provisions in the contract.
5. Glaring deviations are supported with adequate justification and are not advantageous to the contractor.

(c) Site Records

1. Proper system of recording and compliance of the instructions issued to the contractors is maintained.
2. Proper record of hindrances is maintained for the purpose of timely removal of the hindrance and action for levy of liquidated damages.
3. Mandatory tests are carried out as per the frequency prescribed in the Agreement.

No.005/CRD/19
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 9th May 2006

CIRCULAR No.15/5/06

Subject:- Transparency in Works/Purchase/Consultancy contracts awarded on nomination basis.

The Commission had, in its OM No. 06-03-02-CTE-34 dated 20.10.2003 on back to back tie up by PSUs, desired that the practice of award of works to PSUs on nomination basis by Govt. of India/PSUs needed to be reviewed forthwith. It is observed that in a number of cases, Works / Purchase / Consultancy contracts are awarded on nomination basis. There is a need to bring greater transparency and accountability in award of such contracts. While open tendering is the most preferred mode of tendering, even in the case of limited tendering, the Commission has been insisting upon transparency in the preparation of panel.

2. In the circumstances, if sometimes award of contract on nomination basis by the PSUs become inevitable, the Commission strongly feels that the following points should be strictly observed.

(i) All works awarded on nomination basis should be brought to the notice of the Board of the respective PSUs for scrutiny and vetting post facto.

(ii) The reports relating to such awards will be submitted to the Board every quarter.

(iii) The audit committee may be required to check at least 10% of such cases.

3. This may be noted for strict compliance.

(V. Kannan)
Director

Vigilance Administration

Chapter – III

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S. No.	Subject	Letter No. and Date
1.1	Vigilance Administration – Role of CVO- regarding.	No.006/VGL/ 065 Dated 06.07.2006
1.2	Improving vigilance administration by leveraging technology:	No.006/VGL/117 Dated 22.11.2006
1.3	Protection against victimisation of officials of the Vigilance Units of various Ministries/ Departments/ organisations.	No.006/VGL/022 Dated 28.03.2006

No.006/VGL/ 065
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi-110 023
Dated the 6th July, 2006

Circular No.25/7/06

Sub: Vigilance Administration – Role of CVO- regarding.

The Commission has issued a number of instructions on different aspects of vigilance administration and the CVO's role in the same. During the Annual Zonal Meetings and interactive sessions with the CVOs, a number of issues were raised on most subjects, on which, though already instructions exist, the Commission has felt the need to reiterate/clarify and focus on some of the select issues raised in these meetings. Accordingly, the following guidelines are laid down:-

i) Complaints.

Meaningful and prompt investigation of complaints with desired follow up action is an important aspect of effective vigilance administration.

Inordinate delay in investigation of the complaint sent by the Commission for investigation and report, reflects poorly on the performance of the CVO. Therefore, complaints need to be attended to promptly. Any anonymous complaint sent by the Commission for investigation, needs to be treated as source information and duly investigated, and report sent to the Commission. It is also seen that in many a case, the complainant is not able to clearly articulate his allegations. In such cases, the CVO should contact the complainant for such additional information/clarification that the complainant could provide so that investigation, if need be, could be undertaken on serious allegations, in a focused manner. Further, wherever the complainant is addressed either for verification or for additional information, in order to avoid delay, the CVO should simultaneously call for the records of the case, scrutinize the same in the light of the allegations made, and take necessary action. The Commission's prior approval is necessary to take up any anonymous/ pseudonymous complaint for investigation. Even though such complaints apparently contain verifiable information, the CVO is expected to conduct a preliminary enquiry and if it is considered that a detailed investigation is called for, then the Commission should be approached for seeking its approval. While complaints against Board level officials are within the purview of the administrative Ministry's CVO, if it is referred to the CVO of the organisation under the Ministry, he should gather all factual information and submit the same to the Ministry's CVO. He is not required to make analysis or draw conclusions. A copy of his report, whenever called by the Ministry CVO should be sent to the Commission for information. It is also reiterated that no vigilance complaint against any official under the Commission's jurisdiction should be closed without the prior approval of the Commission. On receipt of any complaint containing allegations against any tender in process, the tender process need not be stopped. However, the allegations should be brought to the notice of the competent authority, including the purchase committee, tender committee, negotiation committee, etc, and the complaint should be taken up for investigation independently. It

should be borne in mind that if a CVO fails to notice a serious irregularity or to take necessary follow up action, and if such an irregularity is unearthed on investigation of a complaint received by the Commission, it would reflect poorly on the performance of the CVO, and he would need to explain in this regard.

ii) Consultation with CVOs.

The CVO has an important role in effective vigilance administration and functions as an extension of the Commission. While the Commission's jurisdiction is confined to Group 'A' officers and other officials of and above the level notified, and the Commission's advice is only to the Disciplinary Authority, there is no such restriction on the CVOs. They are required to be consulted by the Disciplinary Authority/Appellate Authority, irrespective of the level of officers involved. Wherever the Appellate Authority has disagreed with the Commission's advice, which was accepted by the Disciplinary Authority, the CVOs should scrutinise the matter carefully to take up the matter with the reviewing authority and also report such cases to the Commission. In respect of officials not under the jurisdiction of the Commission, where the Disciplinary Authority has disagreed with the CVO's advice, such cases should be specifically brought to the notice of the Board. While CVOs may be consulted by the management in formulating a policy, to provide for necessary checks and balances as a preventive vigilance measure, they should not get involved in decisions in individual cases like works/procurement, etc, having financial implications. The Commission further directs that the CVOs should not be given any operational duties. If any such duty with financial implications is assigned to him, the CVO should promptly bring it to the notice of the Commission for its intervention.

iii) Review of Vigilance work by Board

The Commission's instructions vide No.98/VGL/51 dated 9/12/2003 requires that the Board of Directors review the Vigilance Work in the organisation and the CVO should send a copy of such review to the Commission. It has been observed that in a number of organisations, the CVOs are not invited to the Board Meeting. In the absence of the CVO, the review of the vigilance work by the Board would not be meaningful. The Commission has, therefore, decided that the CMDs/CEOs should ensure that the CVO of the organisation is invited and remains present at the time of the review of vigilance work by the Board.

iv) Monthly/Quarterly/Annual Report of the CVOs

The CVOs should take utmost care in sending the monthly report, which enables the Commission to assess their performance. They can attach additional sheets if they want to bring any special vigilance related issue to the notice of the Commission. A statement should also be enclosed along with the monthly report giving details of complaints/vigilance cases relating to officials falling under the Commission's jurisdiction, which are pending for more than a year, giving reasons for delay. The QPR should contain details of all projects and progress relating thereto and the CVO would be responsible for its accuracy. As the annual reports of CVOs form the basis for certain incorporations in the Commission's Annual Report, the CVOs should ensure that their Annual Reports are sent positively by 31st January of the year following the completed calendar year.

v) Reference to the Commission

The Commission has issued detailed instructions regarding the manner of seeking the advice of the Commission. The CVOs should invariably ensure that the reference to the Commission for seeking first stage/second stage advice is made along with the views of the Disciplinary Authority, etc. However, in respect of such officials where the President is the Disciplinary Authority, the case could be referred to the Commission for seeking first stage advice with the views of the Secretary of the concerned administrative department.

vi) Disciplinary Cases

The CVOs should ensure that charge-sheets are carefully drafted covering all lapses. It is seen that in some CBI cases, there is delay in obtaining the documents. It should be ensured that the listed documents are obtained from the CBI before issuing the chargesheet and, where parallel proceedings are to be initiated, a set of listed documents, duly certified, is obtained from the CBI.

vii) Irregularities in Recruitment:

The Commission has been seriously concerned with certain instances of irregularities in recruitment. Every organisation is expected to have a recruitment policy and proper recruitment rules in keeping with the guidelines of the GOI. The CVOs should monitor and take up for necessary action, any case of recruitment in violation of the laid down rules and procedures, and wherever necessary, report the matter to the Commission.

(V. Kannan)
Director

No.006/VGL/117
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block-A,
GPO Complex, INA,
New Delhi-110023
Dated the 22nd November, 2006

Circular no.40/11/06

Sub: Improving vigilance administration by leveraging technology:

Increasing transparency through effective use of websites in discharge of regulatory, enforcement and other functions of Govt. organisations. The Commission has been receiving a large number of complaints about inordinate delays and arbitrariness in the processing and issue of licenses, permissions, recognitions, various types of clearances, no objection certificates, etc., by various Govt. organisations. Majority of these complaints pertain to delays and non-adherence to the 'first-come-first-served' principle. In a number of cases, there are complaints of ambiguities regarding the documents and information sought for the grant of such licenses, permissions, clearances, etc. There is also a tendency in some organisations to raise piece-meal/questionable queries on applications, often leading to the allegations of corruption. In order to reduce the scope for corruption, there is a need to bring about greater transparency and accountability in the discharge of regulatory, enforcement and other public dealings of the Govt. organisations.

2. Improvement in vigilance administration can be possible only when systems improvements are made to prevent the possibilities of corruption. In order to achieve the desired transparency and curb the malpractices mentioned above, the Central Vigilance Commission, in exercise of the powers conferred on it under Section 8(1)(h) of the CVC Act, 2003, issues the following instructions for compliance by all Govt. departments/organisations/agencies over which the Commission has jurisdiction:-

i) All Govt. organisations discharging regulatory/enforcement functions or service delivery of any kind, which cause interface with the general public / private businesses, etc., shall provide complete information on their websites regarding the laws, rules and procedures governing the issue of licenses, permissions, clearances, etc. An illustrative list is given in the annexure. Each Ministry should prepare an exhaustive list of such applications/matters and submit a copy of same to the Commission for record and web-monitoring.

ii) All application forms / proformas should be made available on the websites in a downloadable form. If the organisation concerned wishes to charge for the application form downloaded from the computer, the same may be done at the time of the submission of the application forms.

iii) All documents to be enclosed or information to be provided by the applicant should be clearly explained on the websites and should also form part of the application forms.

iv) As far as possible, arrangements should be put in place so that immediately after the receipt of the application, the applicant is informed about the deficiencies, if any, in the documents/information submitted.

v) Repeated queries in a piece-meal manner should be viewed as a misconduct having vigilance angle.

vi) All organisations concerned should give adequate publicity about these facilities in the newspapers and such advertisements must give the website addresses of the organisations concerned.

3. In the second stage, the status of individual applications/matters should be made available on the organisation's website and should be updated from time-to-time so that the applicants remain duly informed about the status of their applications.

4. In addition to the manual receipt of applications, all organizations should examine the feasibility of online receipt of applications and, wherever feasible, a timeframe for introducing the facility should be worked out. As a large number of Govt. organisations are opting for e-governance, they may consider integrating the above mentioned measures into their business processes so that duplication is avoided.

5. Instructions at para-2 above shall take effect from 1st January, 2007, and instructions at para-3 shall become effective from 1st April, 2007. All Heads of Organisations/Deptts. are advised to get personally involved in the implementation of these important preventive vigilance measures. They should arrange close monitoring of the progress in order to ensure that the required information is placed on the website in a user-friendly manner before the expiry of the abovementioned deadlines. They should later ensure that the information is updated regularly.

6. This issues with the approval of the Commission.

(Balwinder Singh)
Addl. Secretary

Illustrative list

1. Land & Building Related Issues

(i) Applications for mutation; conversion from leasehold to freehold of lands & buildings; approval of building plans by municipal authorities and landowning/ regulating agencies like MCD; DDA; NDMC; L&DO and similar agencies in other UTs.

(ii) Application for registration deeds by Sub-Registrars/Registrars and other applications connected with land record management.

(iii) Application for allotment of land/flats, etc., by urban development agencies like Delhi Development Authority.

2. Contracts & Procurement.

(i) Applications for registration of contractors/suppliers/ consultants/ vendors, etc.

(ii) Status of all bill payments to contractors/suppliers, etc.

3. Transport Sector

Issue of driving licenses, registration of vehicles, fitness certificates, release of impounded vehicles etc. by RTAs.

4. Environment & Pollution Related Matters

Issue of environment and pollution clearances for setting up industries and other projects by Min. of Environment & Forests; Pollution Control Organisations, etc.

5. Food & Hotel Industry

Applications connected with clearances, licenses for food industry/hotels/ restaurants, etc.

6. Ministry of Labour/Ministry of Overseas Indian Affairs.

(i) Applications by beneficiaries and employers in connection with EPFO; ESI etc.

(ii) Applications by recruiting/placement agencies and individuals submitted to Protectorate General of Emigrants and the concerned Ministry.

(iii) Other applications connected with regulatory/enforcement systems of Labour Ministry.

7. CBDT & Income Tax Deptt.

(i) Application for PAN.

(ii) Applications submitted by NGOs for exemption from Income Tax.

(iii) Applications submitted for issue of certificates/income tax clearance for immigration/public contracts or any other purposes.

(iv) Application for appointment of legal counsels/any other professionals.

8. Customs & Central Excise & DGFT

Applications/cases of Duty Drawback & other export incentives.

9. Telecom (BSNL & MTNL)

Applications for establishing STD booths, etc.

10. Petroleum Sector

Applications for allotment of petrol pumps/gas stations.

11. Ministry of External Affairs

(i) Applications for issue of passports.

(ii) Applications for issue of visas by Indian Embassies abroad.

12. Ministry of Home Affairs

(i) Applications submitted to FRRO.

(ii) Applications connected with FCRA.

13. Ministry of Health

Applications for recognition by Medical Council of India and similar other regulatory bodies.

14. Education

(i) Applications for accreditation handled by bodies like AICTE & others.

(ii) Applications for recognition of schools by Director of Education etc.

(iii) Grant of E.C. by Director of Education.

15. Agriculture, Dairying & Fisheries

(i) Various clearances/licenses, eg. clearance for operating fishing vessels.

(ii) Quarantine related applications.

16. Ministry of Social Justice/Tribal Affairs.

Applications for sanction of funds to NGOs.

Items for which Application forms/Proformas and laws, rules and procedures governing them should be posted on the website.

1. Registration of contractors/suppliers/vendors for expenditure contracts for which registered/approved list is maintained.
2. Registration of contractors for earning contracts for which registered/approval list is maintained.
3. Registration of firms Trade group wise and category wise in respect of procurement to be done by Stores Department.
4. Registration of firms/Hospitals for medical supplies/Health care.
5. Renewal of registration/re-registration in respect of items 1,2,3 & 4 above.
6. Approval of vendors by RDSO (both as Part I or Part II source) along with Directorate Operating Procedure (DOP) and Schedule of Technical Requirement (STR). Similar action should be taken by CORE, DLW, CLW, ICF, RCF for approving sources for the items allotted to them.
7. Renewal of approval of vendors by RDSO (both Part I & Part II sources) by RDSO, CORE, DLW, CLW, ICF, RCF.
8. Upgradation of a vendor from Part II list to Part I list.
9. Licenses of RTSAs & CBAs.
10. PCO booth licenses.
11. Commercial plots.
12. Stacking permission.
13. Leasing for Food Plazas.
14. 'Pay and use' toilet licenses.
15. Parcel handling & transshipment licenses.
16. Registration of indents and allotment of rakes.
17. Tourist car, coach and train booking.
18. Application forms for claim compensation.
19. Application forms for Refund for freight & fare.
20. Waival of Demurrage and wharfage.

21. Appointments as consultant Doctors on contract & its renewal.
22. Appointments against Cultural quota, Sports quota, Handicap quota and Scouts & Guides quota. Vacancies/examination dates for these should also be on the websites.
23. Cases requiring appointments on compassionate grounds.
24. Status of all bill payments to contractors/suppliers etc.
25. Recruitment by Railway Recruitment Boards and RPF/RPSF.
 - (i) Employment notices indicating vacancy position, category, state (in case of RPF/RPSF only), community wise, eligibility criteria etc.
 - (ii) Clear position of receipt of applications with necessary information.
 - (iii) Details of rejection of applications.
 - (iv) Details of issue of call letters.
 - (v) Date, time and venues of examinations.
 - (vi) Publication results and panels.
 - (vii) Information regarding withholding of result or cancellation of examination.

No.006/VGL/022
Government of India
Central Vigilance Commission

Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 28th March 2006

Circular No.16/3/06

Sub: Protection against victimisation of officials of the Vigilance Units of various Ministries/Departments/organisations.

The Commission has viewed seriously certain instances of harassment and attempts at victimisation of vigilance officials of certain organisations. The need to allow the vigilance officials to work independently and freely without any fear, which is the foundation for effective vigilance administration in any organisation, has been recognized since long. In fact, the Committee on Prevention of Corruption (Santhanam Committee) had recommended that "those posted to the Vigilance Organisations should not have the fear of returning to their parent cadre with the possibility of facing the anger and displeasure of those against whom they made inquiries". The Committee had also recommended that "those working in Vigilance Organisations should have an assurance that good and efficient work in the Vigilance Organisation will enhance their opportunities for promotion and not become a sort of disqualification".

2. The Commission has considered the problem of possible victimisation of Vigilance officials after they finish their tenure in the Vigilance Department and revert to their normal duties. In the case of CVOs, already, the Commission, as Accepting Authority, is in a position to moderate, if necessary, any biased reporting against the CVO in his ACR. Similarly, the Commission has always been extremely careful and cautious while taking cognizance of complaints against the CVOs and as a matter of principle always obtains the CVOs' response before coming to any conclusion on the need to investigate such complaints.

3. In order that the required degree of protection is conferred on the Vigilance officials supporting the CVO and keeping in view the spirit of the Santhanam Committee which with commendable foresight had anticipated very clearly some of these issues, the Commission issues the following consolidated instructions in exercise of its powers under Section 8 (1) (h) of the CVC Act:

(i) All personnel in Vigilance Units will be posted only in consultation with and the concurrence of the CVOs. They will be for an initial tenure of three years extendable up to five years. Any premature reversion before the expiry of such tenure will only be with the concurrence of the CVO. The CVO shall bring to the notice of the Commission any deviation from the above.

(ii) The ACR of personnel working in the Vigilance Department will be written by the CVO and reviewed by appropriate authority prescribed under the relevant conduct rules. The remarks in review shall be perused by the CVO and in case he has reservations about the comments made under the review, he shall take it up with the Chief Executive/HOD

to resolve the issue. In case he is unable to do this, he shall report the matter to the Commission who will intercede in the matter suitably.

(iii) Since the problem of victimisation occurs, if at all, after the reversion of the personnel to their normal line departments, the Commission would reiterate the following:

(a) On such reversion the vigilance personnel shall not be posted to work under an officer against whom, while working in the vigilance department, he had undertaken verification of complaints or detailed investigation thereafter. Needless to say his ACR shall not be written by such officer/s.

(b) All such Vigilance personnel will be deemed to be under the Commission's purview for purposes of consultation in disciplinary matters. This is irrespective of their grade. This cover will be extended to a period of not less than five years from the date of reversion from the vigilance department.

(c) All Vigilance personnel on reversion shall be entitled to represent through the CVO and chief executive of the organisation to the Commission if they perceive any victimisation as a consequence of their working in the Vigilance department. This would include transfers, denial of promotion or any administrative action not considered routine or normal. This protection will be extended for a period not less than five years after the reversion of such personnel from the vigilance department.

4. The above instructions may be noted for strict compliance. The CVO should report promptly to the Commission, the details of any real or perceived victimization of any official who is working in the Vigilance Unit. Similarly, he should also report such instances pertaining to the former officials of the Vigilance Unit, up to a period of five years after they had completed their tenure in the Vigilance Unit. He should also report where such deserving officials are ignored / superseded in matters of promotion.

(V. Kannan)
Director

System Improvement

Chapter – IV

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1.1	System Improvement in tendering through preparation of Standard Document (SD) for Notice of Inviting Tender (NIT) and Expression of Interest (EOI)	No. V/R/CO/ Policy/G-10 Dated: 31.01.2006
1.2	System Improvement in tendering Receipt of tender.	No. V/R/CO/Policy/G-10 Dated: 15.05.2006
1.3	Consultation with CVC.	No. V/R/CO/Policy/G-10 Dated : 09.08. 2006
1.4	System improvement for issuing Inspection Certificate in respect of Metallic Machines.	No: V/R/CO/2006/G-10 Dated 27.12.2006
1.5	Implementation of Transfer Orders	No. V/R/CO/JOB ROTATION / G-81 dated 10.11.2006
1.6	Security of Annual Property Returns of Officers / Executive of PSUs by the vigilance branch.	No: V/R/CO/2006/Policy /G-10 Dated October 17, 2006
1.7	Guidelines for Vigilance Clearance and Management decision.	No. V/R/CO/CVC/G-1 Dated: 18-10-2006
1.8	Sensitive Posts in RITES	No.V/R/CO/Job Rotation/ G-81 Dated: September 6, 2006
1.9	Verification of documents in respect of L-1 bidder.	No. V/R/CO/Policy/G-10 Dated : August 7, 2006
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1.11	Disciplinary Action under RITES (Conduct, Discipline and Appeal Rule)	No. V/R/CO/Policy/G-10 Dated 13 th October, 2006
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RITES LTD
Vigilance Section
CO, Gurgaon

No. V/R/CO/Policy/G-10

Dated: January 31, 2006

Sub: System Improvement in tendering through preparation of Standard Document (SD) for Notice of Inviting Tender (NIT) and Expression of Interest (EOI)

It is a usual practice that approval for contract conditions for various tenders are being taken from competent authority on case by case basis. These contract conditions vary, like pre-qualification criteria special condition etc., even for the similar type of contract.

In order to provide standardization and transparency, it would be appropriate to prepare standard document for various similar NITs / EOIs. While preparing this standard document the instruction and guidelines of CVC/RITES/Govt. must be taken into account.

The following items (the list is indicative and not exhaustive) and similar other items should be kept in mind:

- 1) All kinds of financial limits in the NITs / EOIs, certain percentage should be fixed in the SD, on the basis of the estimated cost of work / project and accordingly actual value can be put at the time of issuing a particular NIT / EIO.
- 2) Requirement should be in form of specific items and not vague words like financial soundness and work expertise. Basically what items are considered to prove the financial soundness and work expertise should be declared in the NITs / EOIs itself.
- 3) Requirements should be similar in similar kind of work / projects. For example, if requirement is audited balance sheet in an earlier tender, then requirement should not be diluted to CA certified copy in a subsequent NIT / EOI.
- 4) Indicators for comparison and its weightage during assessment be declared
- 5) Specification / conditions for best quality work / services be declared while inviting NITs / EOIs.

Therefore, it has been considered to prepare SD in the following manner:

- A. Standard Document for each area of activity be prepared with the approval of concerned EDs, taking into account the experience in earlier tendering.
- B. The variations in Standard Document, if required, can only be done with the approval of the Director, on the basis of justification given, depending upon the specific demand of the project /Work.

The Standard Document for each area of activity can be prepared by 30th April, 2006. A copy of every SD should be sent to Vigilance section of RITES for information.

(Snehlata Shrivastava)
Chief Vigilance Officer

RITES LTD
Vigilance Section
CO, Gurgaon

No. V/R/CO/Policy/G-10

Dated: 15.05.2006

Sub: System Improvement in tendering Receipt of tender.

A case has come to notice that the tender received through courier / post was not considered. During the course of examination it was noticed that the condition was put in NIT was "Bid document will not be sent / received by post / courier". This condition is stringent and infringing to clause 8.1.2 of guideline to construction project management 2005 of RITES. As per clause 8.1.2 "any tender offers are received by post, the official nominated for receiving the same should sent by post the acknowledgement after checking if the seal of envelope is intact, indicating the date and time of receipt. He will also record on the envelope the time and date of receipt and affix his signature thereon. If the envelope can be accommodated in the Tender Box, he shall drop it in the box. If the envelope is bulky, he shall keep it in safe custody".

Therefore, it must be ensured by all concerned that the guidelines issued by CVC and our organisation on the subject are strictly adhered to.

Jt. GM (Vigilance)

RITES Ltd.
VIGILANCE SECTION
C.O. / GURGAON

No. V/R/CO/Policy/G-10
Dated : 09.08. 2006

Sub: consultation with CVC.

Please find here under Railway Board letter No. 2006/V-1/CVC/1/8 dated 31.07.2006, issued by Director Vigilance (M) for information and necessary action please.

Jt. G M (Vigilance)

A case has come to notice of the Board, in which a major penalty, in accordance with first stage advice of CVC, was imposed on the delinquent without obtaining CVC's second stage advice, resulting in an acutely embarrassing situtaion.

It is reiterated that on receipt of Inquiry Report, the Disciplinary Authority should record its provisional views along with disagreement memo, if DA disagrees with some of the findings of IO, for seeking second stage advice of CVC, before passing any speaking order.

The above may be given wide publicity in your Railway / Unit and brought to the notice of all the DRMs/CWMs/Heads of other Railway Units so that Disciplinary Authority at various levels are made aware of these instructions.

RITES LTD.
VIGILANCE SECTION
C. O. / GURGAON

No: V/R/CO/2006/G-10

Dt. 27.12.2006

Sub: System improvement for issuing Inspection Certificate in respect of Metallic Machines.

Instances have come to notice to vigilance that sometime after the inspection consignee rejects the material but advice is received after a gap of one or two years. It has happened in one case that during the Joint Inspection after a gap of two years the hologram fixed by the Inspecting Engineer (as identification mark) could not be traced on the machine. Based on this observation, the inspection agency (NR / RITES) informed that the machine is not the same which was inspected by them. However, the firm insisted that the machine is the same as inspected by RITES. The machine is not conforming to required specification.

As per the stipulations of inspection clauses the inspection certificates are being issued by Inspecting Engineers. It is found that Inspecting Engineer is simply fixing a Hologram on metallic machines. At the consignee end if the material is rejected, for rejection a Joint Inspection (JI) is required. During the JI the rejection of machine is decided by consignee. Normally the JIs are being done after the machine is transported and stored / installed at consignee end. Due to a long gap in between there is a possibility that hologram is missing. If there is no hologram the inspecting engineer may simply deny of inspecting that machine.

To avoid such situations it is directed that inspecting engineers while issuing IC for metallic machines should mention the make, serial no, year of manufacturing in addition to holograms in IC, so that there is no dispute at later stage. Vigilance finds that the provision for the above is already there in RITES Quality Manual. Therefore, in order to maintain quality of inspection and supply of quality machines it is necessary to insist on make, serial no, year of manufacturing of machine.

The above instructions may please be circulated widely for strict compliance by all concerned.

Chief Vigilance Officer

RITES LTD.
VIGILANCE SECTION
CO / GURGAON

No. V/R/CO/JOB ROTATION/G-81

Dated: 10.11.2006

Sub: Implementation of transfer orders.

Instances have come to notice that transfer orders in the case of some officials are not being implemented.

The Vigilance will take an adverse view on the Controlling Officers / Division Heads / Concerned Official for not effecting / complying with the transfer orders unless it has been stayed / cancelled by the Competent Authority. Kindly send the details of such transfer order with name of the officials who have not been relieved and for how long they have been retained without the stay and cancellation of the orders.

JGM (Vigilance)

RITES LTD.
VIGILANCE SECTION
CO/GURGAON

No: V/R/CO/2006/Policy/G-10
Dt. October 17, 2006

Sub: Security of Annual Property Returns of Officers / Executive of PSUs by the vigilance branch

In September 2006 MD has instructed to go through the compendium of DPE guideline on the web site. In this connection, after going through the web site, it is found that as per DPE Vide DPE OM No. 15(6)/ 98(GL-008)/GM dated 1st September 1998, CVC and DOPT has decided that in view of the emphasis on probity in public life and need for contemporaneous reporting of assets by the official concerned, the vigilance set up in the PSUs would scrutinize, on a random basis and on specific information, about 20% Annual Property Returns of the regular permanent employees of their respective organizations so the scrutiny cycle is completed in every five years. However, the general practice of receiving and filing property returns and their safe custody with Personnel Department of PSUs will continue. This arrangement should be put into effect immediately.

We find that the above instructions have not been complied with. Therefore, personnel branch to ensure to send about 20% property returns every year that means about 2% of the property returns every month so that all the property returns get scrutinized in a cycle of five years in the organization.

(M. D. Joshi)
Joint General Manager (Vigilance)

RITES LTD.
VIGILANCE SECTION
CORPORATE OFFICE / GURGAON

No. V/R/CO/CVC/G-1

Dated: 18.10.2006

Sub: Guidelines for Vigilance Clearance and Management decision.

Ref: Rly Board letter no 95/V/C/00/1 dated 22.02.2002.

- A. With reference to Board's letter under reference on the subject it has been laid down that the Controlling Officer's/SBU heads should obtain Vigilance Clearance through the Personnel branch while taking decision in respect of :
- i. Deputation of officials including foreign assignment
 - ii. Extension of deputation
 - iii. Training of officials abroad
 - iv. No-objection certificate for issue of passport
 - v. Award etc.
 - vi. Re-employment / extension of service / commercial employment after retirement.
 - vii. Promotions / Special assignments / Confirmations / Normal retirements / Voluntary retirements/ Resignations etc
 - viii. Premature retirement through review
 - ix. Engagement of consultants, employment / re-employment of retired Officers etc.
 - x. While recommending the names for Appointment of Serving / Retired Officers as Arbitrators.
- B. Any employee who has worked more than three months in RITES, the vigilance clearance shall be obtained in respect of the above purposes listed in 'A'.
- C. In case of deputationists / retired employees, vigilance clearance are to be taken from the parent organization, therefore the request should be processed well in advance.

(Snehlata Shrivastava)
Chief Vigilance officer

RITES LTD.
VIGILANCE SECTION
CO/ GURGAON

No. V/R/CO/Job Rotation/G-81
Dated: September 6, 2006

Sub: Sensitive Posts in RITES

As a preventive measure, posts have been identified as sensitive posts in RITES so that the job rotation / periodic transfer as per CVC directive and company policy can be regulated. The list is as follows:

Non-Executive Cluster – III (Posts: Sr. Asstt and SOs)

Purchase Department
Recruitment section
Accounts/Finance
Tender / Inspection other than Bhilai Steel Plant

Executive Cadre, Cluster-I (Posts: Engineer/Jr. Manager, AM, Manager)

Purchase Department
Recruitment section
Accounts/Finance
Construction Supervision
Inspection, other than Bhilai Steel Plant
CR Cell
Vigilance Section
Staff dealing with tender in all divisions
Staff supervising Contracts including maintenance

Executive Cadre, Cluster-II (Posts: DGM and JGM)

Purchase Department
Personnel Division
Accounts/Finance
Construction Supervision
Inspection
CR Cell
Vigilance Section
Staff dealing with tender in all divisions
Staff supervising Contracts including maintenance

Executive Cadre, Cluster – II (Post: AGM) and Cluster-III (Posts: GM, GGM, ED)

All Posts*

* Excluding those dealing with arbitration, legal cases, feasibility studies, project formulation, surveys, Design, office Documentation, Project monitoring, Preparation of progress reports, office management and any other area identified later on.

The above list may be circulated widely for strict compliance by all concerned.

(Snehlata Shrivastava)
Chief Vigilance Officer

RITES Ltd.
VIGILANCE SECTION
C.O. / GURGAON

No. V/R/CO/Policy/G-10

Dated : August 7, 2006

Sub: Verification of documents in respect of L-1 bidder.

Instances have come to notice that the Pre qualification documents submitted by the bidder were found fake during finalization / execution of work. This is a very embarrassing position as in one of the works the documents were found fake later on while the work was already in progress.

In case of L-1 bidder, the documents submitted for pre qualification, in addition to other documents, should be verified properly before award of the work to avoid such situation.

In case the documents are proved fake, any further business with the firm should be banned as per the procedure.

The above instructions may please be circulated widely for strict compliance by all the concerned.

Jt. GM (Vigilance)

RITES Ltd.
VIGILANCE SECTION
C.O. / GURGAON

No. V/R/CO/Policy/G-10
Dated : 09.10.2006

Sub: Publishing of details of contract / award of tender on website.

Ref: Vigilance circular No. V/R/CO/Policy/G-10 dated 07.07.2005.

Please refer the above circular (copy enclosed). It is observed that complete required information of tenders are not being published on website in a prescribed format.

It has come to the notice of vigilance that Project Offices have awarded some tenders which are of more than 2 crores. Despite CVC instructions these have not been put on website. An appropriate action against the responsible officers are being initiated for not adhering to the directions in this regard.

Simultaneously, it has been decided that the information required as per the circular No. V/R/CO/Policy/G-10 dated 07.07.2005 must be sent to vigilance section of RITES without fail every month. The vigilance would take adverse view on the divisional heads / In-charge of project offices who send incomplete information and no information as desired.

(Snehlata Shrivastava)
Chief Vigilance Officer

RITES Ltd.
Vigilance Cell,
Corporate Office, Gurgaon

No. V/R/CO/Policy/G-10
Dated 13th October, 2006

Subject: Disciplinary Action under RITES (Conduct, Discipline and Appeal Rule).

Cases have come to the notice of vigilance that the departmental inquiry having vigilance angle are being finalized without referring to vigilance section. As per vigilance manual Para 1.6 (2005 Edition) the following acts have vigilance angle:

- i. Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- ii. Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- iii. Obtaining for himself or for any other person any valuable thing or pecuniary advantage by corrupt or illegal means or by abusing his position as a public servant.
- iv. Possession of assets disproportionate to his known sources of income.
- v. Cases of misappropriation, forgery or cheating or other similar criminal offences.
- vi. Gross or willful negligence; recklessness in decision making or Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors,

The DA cases having vigilance angle, may please be sent to vigilance before final decision is taken by the Disciplinary Authority. Kindly direct all the Disciplinary Authority also to ensure that all such cases which have vigilance angle are routed through vigilance before taking any decision in the manner.

(Snehlata Shrivastava)
Chief Vigilance Officer

No. RITES/ER/GMI/LAB

Dated 12th May 2006

Sub: Steps Taken to Improve the Functioning of the Laboratory.

To improve the reliability and efficiency of lab following steps have been taken during the last one year.

1. Responsibilities have been defined.
 - Manager lab will look after the administrative work and will work as a facilitator for smooth functioning of the laboratory.
 - Sectional in-charges / Technical Managers have been made responsible and accountable for the testing being done in their sections. This is to avoid dilution of accountability.
 - In order to prevent dilution of accountability, NABL procedure has been modified for incorporating only one signatory for the test certificates instead of two signatories at present. However, Manager lab will have to do scrutiny of 10% of the Test Certificates and relevant papers and sign the office copy on daily basis. Those Technical Managers who are not authorised signatories as per NABL or Consultants who are doing the testing, sign the internal records and the test report is signed by the authorised technical managers.
2. Codification of samples was earlier being done inside the lab. though the codification system was good but for some reasons it was not effective. Practically every one in the lab knew the firm whose samples were being tested. Now a controlling manager nominated by GMI is doing codification. Generally it is done by AGM, in his absence by JGM (I) or DGM (I), and in case of absence of these people, by GM (I). Papers relating to the codification remain with GM (I).
3. Checking of facsimile was earlier done only at the receiving stage. In case of any manipulation of the sample after receipt was not detectable as technical managers doing the testing were unaware of the facsimile. The procedure has now been changed and in addition to the sample-receiving assistant, the technical managers are also required to check the facsimile with that on the test memo, before testing.
4. In order to isolate the lab from the vendors/outside, testing charges have been given to all controlling managers and IEs who calculate the rates and put it on the test memo itself. These charges have also been displayed on the notice board for greater transparency. All Lab personnel including Manager Lab have been instructed not to interact with any outsider. Vendors have also been advised through notice board, not to approach the lab personnel for any reason including clarification of doubts. They should contact the concerned IE or Controlling Manager.
5. Retesting of any material that has failed in RITES Lab, does not go to the lab at all. The controlling managers arrange retesting by sending the counter samples

available with the lab and the firm to two different Rites approved labs. This was done to avoid the allegation that the lab personnel influence the results of the outside labs.

6. Remnant samples are now kept in the custody of the technical manager conducting the last test. The counter samples remain in the custody of the sample receiving incharge and QM (Lab).
7. Any changes in the test reports such as supersession or issue of supplementary TC now require approval of the GMI and the reasons for such changes are recorded on the office copy. On such Test reports it is clearly mentioned. "This test report supersedes Test report of even no. dated....." or "This test report is supplementary to test report of even no. dated.....".
8. The system of witnessing of the tests by the IEs has also been introduced. IEs have been instructed to witness the tests in the lab, whenever they have any doubt about the quality of the product and they are doing it.
9. In order to stop manipulation of data of spectrograph, The software Dia Light has been password protected. Each user using the spectro has been given individual password. They have not been given the authority to make any modification to the data once recorded. The Supervisor authority has, for the time being, kept with GMIs and GGMI. Audit trail has also been set so that records of all changes can be seen during audits.
10. To cater for mishaps like disk crash etc., Back up is being taken by GMI on weekly basis.

Steps planned for future Improvements

1. Type calibration of Spark Analyzer software with individual user password, so that authority given to different personnel is made need based. Authority for program adjustments will be given to lab incharge with proper audit trail.
2. Automatic transmission of Test results on the server in text format. This will create an additional copy of the results on the server database, which can be read without the spectro software. This will also facilitate more automation in Test Report Printing.
3. Protecting of the server through proper authentication, backup and other security and system administration procedures.

(D. K. Gayen)
GMI

RITES Ltd.,
QA DIVISION / GURGAON

No. 11/RITES/QA/AZ

Dated 06.01.2006

Sub: Verification of testing done at outside lab.

RITES approved laboratory has reported a case of fraudulent lab test report. As remedial measure following may be implemented with immediate effect:

1. Controlling Managers should verify the authenticity of lab report, from the lab concerned, enclosed with the inspection cases being scrutinized by them every month.
2. GMI should nominated an officer to verify 5-10% of samples cases (including JI lab testing cases) once a month for confirming receipt of sample(s) sent in previous month & for authenticity of the report issued against the requisition(s). All the labs to be covered every month.

Report of the above is to be complied on samples verified on monthly basis.

(V. K. Jain)

Gr. General Manager (QA)