



GOVERNMENT OF KERALA

VIGILANCE DEPARTMENT

**HANDBOOK
OF
GOVERNMENT ORDERS AND
CIRCULARS IN VIGILANCE DEPARTMENT**

©
Government of Kerala
2017

VIGILANCE DEPARTMENT

**HANDBOOK
OF
GOVERNMENT ORDERS AND
CIRCULARS IN VIGILANCE DEPARTMENT**

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GOVERNMENT ORDERS

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GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—SET UP, WORKING AND PROCEDURE—
REVISED ORDERS—ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) 14/83/Vig.

Dated, Trivandrum, 7th October, 1983.

Read:—1. G. O. (P) 26/71/Vig. dated 28-12-1971.

2. Letter No. B6/27796/82-2 dated 18-5-1983 from the Director of Vigilance Investigation.

ORDER

In the G.O. read as 1st paper above Government have issued orders prescribing the procedure relating enquiries by the Vigilance Department. In his letter read as 2nd paper above the Director of Vigilance Investigation has proposed several modification to the above G.O. taking into account the subsequent changes in the organisational set up of the Vigilance Department. Government have examined the question and the following orders are issued on the organisation, working and procedure relating to the enquiries by the Vigilance Department.

Part I

1. Organisation, Control and Supervision of the Vigilance Department

(i) Organisation.—The Vigilance Department with the following Zonal areas and jurisdiction will function under the control and supervision of the Director of Vigilance Investigation who will be assisted by such number of Deputy Inspectors General of Police and Superintendents of Police as the Government may, from time to time, decide.

<i>Zonal area</i>	..	<i>Jurisdiction</i>
1. Trivandrum	..	Trivandrum Revenue District
2. Quilon	..	Quilon and Pathanamthitta Revenue Districts
3. Alleppey	..	Alleppey Revenue District
4. Kottayam	..	Kottayam Revenue District
5. Ernakulam	..	Ernakulam Revenue District
6. Trichur	..	Trichur Revenue District
7. Palghat	..	Palghat Revenue District
8. Kozhikode..		Kozhikode Revenue District
9. Malappuram	..	Malappuram Revenue District
10. Cannanore	..	Cannanore Revenue District
11. Idukki..		Idukki Revenue District
12. Wynad	..	Wynad Revenue District

The Director of Vigilance Investigation, the Deputy Inspectors General of Police, the Superintendents of Police, Headquarters and the officers of the Headquarters Vigilance Unit will exercise jurisdiction throughout the State in so far as the work of the Vigilance Department is concerned. The Range Superintendents of Police, Range Deputy Superintendents of Police and Range Inspectors will likewise exercise jurisdiction over their respective Ranges. The Deputy Superintendents of Police in charge of Zonal Units and the subordinates under them will exercise jurisdiction over their respective Zonal areas.

(ii) The strength of each of the Zonal Units will be as determined by Government on the recommendation of the Director of Vigilance Investigation from time to time.

(iii) The selection of the personnel to be drawn from the Police Department will be made by the Director of Vigilance Investigation after ascertaining from the Director General of Police and the Government the availability of the required officers for posting to the Vigilance Department.

(iv) The officers and men selected for the Vigilance Department will work in that Department normally for three years, unless before the expiry of the period they are found unsuitable by the Director of Vigilance Investigation for retention in that Department.

2. *Nature of duties.*—The object of the Vigilance Department is to combat effectively corruption and misconduct on the part of Government servants and public servants, particularly in the higher grades. The work of the Vigilance Department will be confined to:—

(i) Government servants of the State in respect of crime cases and allegations of misconduct; and

(ii) other public servants as defined in clause 12 of Section 21 of the I.P.C. and Criminal Law Amendment Act in respect of offences coming under the Prevention of Corruption Act and the I.P.C. The Vigilance Department can however bring to the notice of the appropriate authorities cases of corruption or misconduct among the servants of the Central Government. The Vigilance Department will not except on the specific request of the Departments concerned, enquire into the conduct of officers of the following Departments:—

- (1) The Judicial Department;
- (2) The Legislature Secretariat; and
- (3) The Kerala Public Service Commission.

Allegations of misconduct against the aforesaid three Departments/Institutions which do not amount to crimes will be brought to the notice of the concerned authorities of these Departments/Institutions at the discretion of the Government. These organisations will be free to request Government to cause the Vigilance Department to enquire into these charges; and Government will, except for special reasons, cause such enquiries to be made and will make available the result of the enquiries to the concerned Departments/Institutions.

3. *Addressing communications.*—All communications to the Vigilance Department should be addressed to the Director of Vigilance Investigation, Vigilance Department, Headquarters, Trivandrum.

4. Procedure for initiating Vigilance enquiries and related matters

(i) Investigation of cases coming under the Prevention of Corruption Act and the Indian Penal Code will be undertaken by the Vigilance Department under the provisions of the Criminal Procedure Code;

(ii) In regard to enquiries into cases other than crimes, the Vigilance Department should not initiate action *suomotu*, even when a complaint is made in person or in a signed petition. The Vigilance Department should report such cases to the Government in Vigilance Department which will issue necessary instructions in the matter;

(iii) The Director of Vigilance Investigation need initiate only a preliminary enquiry in cases referred to him for enquiry. He may himself order a detailed enquiry in such cases when it becomes evident that there is scope for a detailed enquiry;

(iv) Petitions for enquiry by Vigilance Department received by Heads of Departments and others should be forwarded to the Government in the Vigilance Department for further action, except in cases disclosing the Commission of any cognisable offence on which the Vigilance Department may have to register a case after the necessary preliminary enquiry;

(v) The Vigilance Department will keep under surveillance, Officer of doubtful integrity;

(vi) Vigilance enquiries in respect of Regional Officers and above will be conducted either personally by an officer not below the rank of the Superintendent of Police or under such officer's personal supervision through selected subordinate officers. In all such cases, however, the questioning of the accused officer will be done by the Superintendent of Police himself;

(vii) Vigilance Department reports regarding officers of and above the rank of Regional Officers should be drafted by an officer not below the rank of a Superintendent of Police.

5. Requisitioning of Records by the Vigilance Department

(i) If in any case, the records of the Secretariat are required the Director of Vigilance Investigation may address the Secretary to Government of the Department concerned requesting facility to peruse or to hand over the records to an officer of the Vigilance Department authorised for the purpose;

(ii) If the records in the offices of the Heads of Departments are required the Deputy Inspectors General of Police or the Superintendents of Police, Vigilance Department may address the Head of the Department concerned requesting facility to peruse or to hand over the records to any officer of the Vigilance Department authorised for the purpose;

(iii) If the records in the offices of the Regional or other subordinate offices are required the Deputy Superintendent of Police in charge of the Zonal Unit of Vigilance Department or the Headquarters Unit concerned will contact the Head of the Office concerned who will arrange to make them available at such place and in such manner as may be found most convenient;

(iv) The records should ordinarily be made available to the Vigilance Department within one week of requisitioning. In cases of delay, the Vigilance Department will be free to make personal visits to the offices where the records are kept for the purpose of securing them;

(v) If the records are not made available to the Vigilance Department even after 15 days of the initial request, action may be taken as indicated below:

(a) (i) In case the documents are required in a crime case, legal steps may be initiated after giving due warning in writing to the Head of Office concerned, with a copy to the Head of the Department;

(ii) In the case of Secretariat Departments, legal steps will be initiated only with the approval of Government in the Vigilance Department.

(b) In case the documents are required for an enquiry, the matter should be taken up with the Head of Department concerned who will issue specific and clear instructions to the officer concerned. Cases of causing deliberate hindrance or delay to the enquiry will be reported to Government for initiating Departmental action against the officer/officers concerned.

6. *Types of cases.*—The Vigilance Department shall take up investigation/enquiry of cases falling under the following categories:—

- (i) Illegal gratification in any form;
- (ii) Nepotism;
- (iii) Causing wrongful loss to Government property or revenue or claims or dues;
- (iv) Making false claims against Government such as false T.A., House rent etc.;
- (v) Any dishonest or intentionally improper conduct on the part of a Government servant or abuse of his powers as a Government servant;
- (vi) Causing avoidable delay in the disposal of Government business;
- (vii) Misappropriation or misuse of any Government property;
- (viii) Gross negligence or dereliction of duty;
- (ix) Any illegal or improper conduct; and
- (x) Abetment of the above offence.

7. *Enquiry Report*

(1) A time limit of three months is fixed for completing an investigation/enquiry. If the investigation/enquiry is not completed within this period, the Director of Vigilance Investigation will forward a special report to Government in the Vigilance Department showing the result of the investigation/enquiry so far made and indicating the probable time required for completing the investigation.

(2) After completion of an enquiry, the Deputy Superintendent of Police of the units concerned shall forward a detailed report showing the allegations, the evidence collected and the result of the enquiry on each item to the Superintendent of Police, Vigilance Department concerned who will scrutinise it and forward the same with his report to the Director of Vigilance Investigation through the Deputy Inspector General concerned for transmission to Government. Statements of witnesses questioned shall be recorded.

(3) All Investigation/enquiry reports of the Vigilance Department after examination and approval by the Director of Vigilance Investigation shall be forwarded by him to the Secretary to Government, Vigilance Department. On receipt of the Vigilance Report, the Government will decide what further action should be taken in the matter. The case shall be referred to the Tribunal for Disciplinary Proceedings or for departmental enquiry according to merits for further action as provided for in the relevant rules.

(i) Where the recommendation in a factual report is for prosecution, the Director of Vigilance Investigation will also forward along with the report;

(a) F.I.R.

(b) Statements of witnesses, Mahazars and all other connected documents relied upon for the proposed prosecution.

(ii) Where the recommendation in a report is for prosecution or for a Tribunal enquiry the opinion of the Legal Adviser to the Vigilance Department will also be attached.

(iii) Where the recommendation in a report is for Tribunal enquiry a draft charge with a statement of allegations will also be attached to the enquiry report besides forwarding all documents relied upon for the proposed Tribunal enquiry.

8. *Registration of cases*

(1) On complaints dealt with by the Vigilance Department, preliminary enquiries will be made. If at any stage during the preliminary enquiry there are reasonable grounds to believe that the accused Government servant has committed an offence under the Prevention of Corruption Act or under Sections 161, 165 and 165A of the Indian Penal Code, the preliminary enquiry will be stopped at that stage and a crime registered by the Deputy Superintendent of Police concerned. The investigation of such cases will ordinarily be taken by the Deputy Superintendent of Police himself.

(2) After completion of the investigation, a report giving the facts, evidence and circumstances in each case both for and against the prosecution shall be forwarded by the Deputy Superintendent of Police of the Zonal Unit concerned to the Superintendent of Police concerned who will submit the name to the Director of Vigilance Investigation through the Deputy Inspector General concerned for transmission to Government. In cases personally investigated by the Deputy Inspector General of Police, or Superintendent of Police the factual report will be prepared by them.

(3) In cases where it is decided to prosecute an Officer for the above offences, a charge sheet will be laid before the Special Judge after obtaining the necessary legal sanction.

9. *List of suspect officials*

In cases where there is information that an Officer is corrupt and it is felt that a watch maintained by the Vigilance Department may lead to the detection of his corrupt practices, the Deputy Inspector General of Police or the Superintendent of Police, Vigilance concerned shall direct a chosen officer of the Vigilance Department to make confidential enquiries about the conduct of the officer from time to time and record the results of such enquiries in a dossier to be maintained by and kept in the personal custody of the Deputy Inspector General of Police or the Superintendent of Police, Vigilance Department. Whenever such dossiers are opened, the fact should be reported to the Director of Vigilance Investigation. Enquiries made in this behalf should be very confidential and secret.

10. *Identity Cards*

Identity Cards under the hand and seal of the Director of Vigilance Investigation shall be issued to the Officers of the Vigilance Department.

11. *Anonymous petitions*

Anonymous petitions which are vague or general in nature should be ignored altogether. Such petitions containing specific allegations which are capable of verification will be followed up.

12. *Reference to Vigilance Department Officers*

The Department of Vigilance Officers shall not ordinarily depend upon the Vigilance Department for making any enquiry with regard to matters to be examined and dealt with by them. They should adopt the following procedure in such cases:—

(a) Where there is strong suspicion regarding the commission of an offence under the Prevention of Corruption Act the information should be furnished to the Officer-in-charge of the local unit of the Vigilance Department under intimation to the Director of Vigilance Investigation.

(b) Other cases in which the assistance of the Vigilance Department is considered necessary, will be referred to the Government in the Vigilance Department who will issue necessary instructions to the Director of Vigilance Investigation.

13. *Departmental action*

(1) When an investigation/enquiry against a Government servant is pending in the Directorate of Vigilance Investigation, the Head of the Department/Office concerned shall not initiate any parallel departmental enquiry on the same allegations but shall wait for the completion of the investigation/enquiry by the Director of Vigilance Investigation.

(2) When departmental action against an officer is taken up on a report from the Vigilance Department the Officer conducting the enquiry should intimate the Director of Vigilance Investigation the exact date of enquiry sufficiently in advance so that arrangements may be made by the Vigilance Department for the production of witnesses and for the Vigilance Department Officer who conducted the enquiry to be present at the time of the departmental enquiry to assist the enquiry officer. This procedure should be treated as a facility to be availed of if required rather than an obligation to be enforced.

(3) Government in the Vigilance Department will have the power review the punishment awarded by the Heads of Departments and subordinate offices in all cases of Departmental Enquiries, initiated on the basis of a report from the Director of Vigilance Investigation.

(4) Departmental action on the basis of Vigilance enquiry reports be taken at the level of the Administrative Department concerned of the Secretariat only and the matter should not be left to be dealt with by Head of Departments or officers below. Before the Administrative departmental orders in the disciplinary cases initiated on the basis of Vigilance report the file should be circulated to Vigilance Department also. When the view of the Vigilance Department differ from those of the Administrative Department the matter should be placed before the Council of Ministers for decision.

14. *Scrutiny of Records*

In most cases it may suffice for the purpose of investigation or enquiry to refer to records without taking them over. Certified copies of such records would alone be required in some cases. The safety of such records will also be of importance, if they are required to be produced during the or enquiry. The Administrative Authority having the custody of any record required in connection with an invetsigation or enquiry by the Vigilance Department and which are not taken over by the latter shall make satisfactory arrangements for their safe custody. If it is considered

desirable the records shall be transferred to the custody of a different or higher authority in the interest of the safety of the records, the Administrative Authority do so on his own initiative or the Director of Vigilance Investigation address the Administrative Authority concerned.

15. *Suspension or Transfer of Government servants against whom proceedings are taken*

Whenever a case of corruption is registered or an enquiry is initiated against any Government servant(s) by the Directorate of Vigilance Investigation and the Directorate feels it necessary that in the interests of a fair investigation or enquiry, the Government servant(s) concerned should be placed under suspension or transferred, the Director of Vigilance Investigation may forward a report to the Government in Vigilance Department recommending such a step. The Government after considering the recommendation will issue necessary orders on the matter. The Heads of Department/Government Undertaking concerned shall without fail and with the delay, comply with such directions, ordering the suspension/transfer official(s) concerned and report compliance to the Government in the Vigilance Department, under intimation to Director of Vigilance Investigation statement of the Government servant and/or his/her reposting in the same place from where he/she was suspended/transferred shall be ordered only by Government in Vigilance Department in consultation with the Director of Vigilance Investigation.

16. *Surprise Check*

(1) Where information is received by the Vigilance Department about a suspected case of corruption in which there is no individual to come forward and furnish details sufficient to register a case, but there may be scope to establish the truth by a surprise check, an officer of the Vigilance Department may meet an appropriate higher authority of the Department concerned and furnish him with the relevant details and the type of surprise check which is recommended in the case.

(2) In the absence of either the head of the office or the superior officer, the Vigilance Officer may avail the service of an officer of equal rank belonging to that Department and available locally, but who may not have administrative control over the office where surprise check has to be conducted. Failure to co-operate with the officials of Vigilance Department will be punishable under section 100(8) CPC and Section 187 IPC.

(3) Ordinarily if the request is made to the Head of a Department the officer of the Vigilance Department will deliver a letter from the Director of Vigilance Investigation containing the above mentioned facts. A similar letter from the Superintendent of Police will be delivered in the case of other departmental officers. Where in emergent cases action is required before the letter can be obtained from the Director or the Superintendent of Police the request will be made in person by an officer not below the rank of Deputy Superintendent of Police who will also hand over a letter containing all the particulars mentioned above.

(4) The authority who is approached thus shall either immediately conduct the surprise check as requested by the Vigilance Department or give a reply in writing to the Officer of the Vigilance Department who meets him stating the grounds why it is not conducted in the manner requested. The Officer of the Vigilance Department should also be present during the arrangements made for the surprise check and the actual check.

(5) On completion of the surprise check, the authority conducting the check should submit a report to the Head of the Department (with a copy to the Deputy Superintendent of Police Vigilance concerned) *within 10 days positively indicating inter alia* the following:—

- (i) Irregularities noticed, if any,
- (ii) Officer/Officers responsible,
- (iii) Action proposed to be taken.

(6) On completion of departmental action, the result should be intimated by the Head of the Department to Government in Vigilance Department and to the Director of Vigilance Investigation.

17. Collection of information about prevalence of corruption and malpractices

In the course of the general watch kept by the Vigilance Department information may also be received regarding malpractices of an individual or general misconduct on the part of category of Government servants or employees of Public Sector Undertakings and Government companies. The Director of Vigilance Investigation will communicate all such information confidentially to the Government the Vigilance Department for appropriate action.

18. Scrutiny of property statements

In G. O. (Ms) No. 36/public dated 16-1-1962 it has been ordered that the Heads of Departments and Officers should scrutinise the property statements immediately on their receipt and that suspicious cases should be referred to the Vigilance Department for investigation. Heads of Departments and Officers who on scrutinising the property statements received by them from their subordinates find suspicious grounds should refer such cases to the Vigilance Department for enquiry/investigation through Government in the Vigilance Department. The reports of investigation or enquiries conducted on such references may also be forwarded to Government by the Vigilance Department.

By order of the Governor,

N. KALEESWARAN,
Commissioner and Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—COMBATING CORRUPTION AT THE SERVICE POINTS
IN GOVERNMENT OFFICES AND PUBLIC SECTOR UNDERTAKINGS—MEASURES
TAKEN FOR PREVENTION OF CORRUPTION—DISPLAY OF NOTICE
BOARDS IN GOVERNMENT OFFICES AND PUBLIC SECTOR
UNDERTAKINGS—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 89/99/Vig.

Dated, Thiruvananthapuram, 6th October, 1999.

ORDER

Government order that all Government Offices, Institutions and Public Sector Undertakings will display at prominent places in the buildings, the following sign boards in English and Malayalam.

“Demand and acceptance of money or gifts are crime. Report any such instance to Vigilance and Anti-corruption Bureau”

Phone.....

Address.....

Local units of Vigilance and Anti-corruption Bureau will furnish the address and telephone numbers to the offices concerned. They will also ensure that the boards are displayed at suitable places. The Head of Office will be made responsible for displaying the sign board and failure to do so will make him liable for disciplinary action. Local units of Vigilance and Anti-corruption Bureau will conduct surprise checks to ensure compliance of the orders in this regard and recommend action where these instructions have not been implemented.

By order of the Governor,

V. KRISHNAMOORTHY,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Abstract

ANTI CORRUPTION—OFFICERS SUSPENDED FROM SERVICE IN CONNECTION WITH
 VIGILANCE ENQUIRY—REINSTATEMENT OF ACCUSED OFFICERS UNDER
 SUSPENSION—INTRODUCTION OR REGULAR AND PERIODICAL
 REVIEW OR SUSPENSION CASES—CONSTITUTION OF
 COMMITTEE—ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (Ms.) No. 21/90/Vig. Dated, Trivandrum, 23rd January, 1990.

*Read:—*1. Govt. Letter No. 3229/B2/87/Vig. dated 16-6-1988.

ORDER

There is no effective system at present for regular and periodical review of cases of Suspension of Accused Officers involved in Vigilance cases. Government are of the view that suspension cases should be reviewed regularly and periodically. For this purpose Government are pleased to constitute a committee consisting of the following Officers:—

- (1) Secretary (Home & Vigilance).
- (2) Director of Vigilance Investigation/Inspector General of Police, Vigilance.
- (3) Secretary, Personnel & Administrative Reforms Department.
- (4) Law Secretary or his representative.
- (5) Joint Secretary (Vigilance)-Member Convenor.

(2) The Committee will meet once in four months. All the cases of suspension made on the basis of enquiries/investigations by the Vigilance Department will be placed before the committee. The committee will examine individual cases with reference to the guidelines and recommend the cases for reinstatement of the officers or otherwise. The Committee

will also consider the cases in which Courts have made observations and make suitable recommendations to Government. Individual representations received in between the meetings of the Committee will be placed in the next meeting of the Committee.

By order of the Governor,

C. RAMACHANDRAN,
Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—SET UP, WORKING AND PROCEDURE—
MODIFIED—ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) No. 150/90/Vig.

Dated, Thiruvananthapuram, 6th October, 1990.

*Read:—*1. Circular No. 1896/C1/83/Vig. dated 17-8-1983.

2. G. O. (P) No. 14/83/Vig. dated 7-10-1993.

ORDER

In para 13(4) of the G. O. read as 2nd paper above it was stipulated that departmental action on the basis of Vigilance enquiry reports will be taken at the level of Administrative Departments concerned of the Secretariat and the matter should not be left to be dealt with by Heads of Departments or Officers below. Several Departments in the Secretariat

have pointed out the difficulties in adhering to the above stipulation effectively. Government have examined the matter in detail and are pleased to order that Para 13(4) of the G. O. (P)14/83/Vig. dated 7-10-1983, will be modified as follows:—

13(4) “Departmental action on the basis of Vigilance Enquiry reports against officers whose appointing authority is Government, will be taken by the concerned Administrative Department in the Secretariat. Final orders will be passed only in consultation with the Vigilance Department. The file should be circulated to the Minister concerned and Minister in charge of Vigilance before issuing orders.”

2. Government are also pleased to incorporate the following instructions as para 13(5) in G. O. (P) 14/83/Vig. dated 7-10-1983.

13(5) “In case of officers whose appointing authority is the Head of Department or the District Collector, the Administrative Department may send the Vigilance Enquiry reports to them for taking departmental action. However, if for any reason the Administrative Department considers that the case should be handled directly by them, it may be done. Departmental action on the basis of vigilance reports will not in any case be dealt with by a subordinate authority lower than the Head of Department/District Collector. The final decision taken will be intimated by the Head of Department/Collector to the concerned Administrative Department with copy to the Vigilance Department in the Secretariat. If the Administrative Department feels that the punishment imposed is not adequate, action to enhance the punishment imposed may be taken in consultation with Vigilance Department under Rules 31 and 37 of Kerala

Civil Services (Classification Control and Appeal) Rules. The Vigilance Department also may, if considered necessary, initiate suo moto proceedings to enhance the punishment, in consultation with the concerned Administrative Department.”

By order of the Governor,

C. RAMACHANDRAN,
Secretary to Government (Vigilance).

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—SET-UP, WORKING AND PROCEDURES—
REVISED—ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) No. 65/92/Vig.

Dated, Thiruvananthapuram, 12th May, 1992.

- Read:*—1. G. O. (P) No. 14/83/Vig. dated 7-10-1983.
2. G. O. (P) No. 150/90/Vig. dated 5-10-1990.
3. Letter No. TS (2) 21797/91 dated 17-9-1991 from the Director of Vigilance Investigation.

ORDER

In the Government Order read as 1st paper above Government have issued orders regarding the set-up, working and procedure relating to the investigation/enquiries by the Vigilance Department. Subsequently in the Government Order read as 2nd paper above, Government have brought

about certain modifications to para 13 (4) and (5) of the above Government Order. In the letter read as 3rd paper above the Director of Vigilance Investigation has proposed certain modifications to the above Government Orders. Government have examined the question and the following orders are issued on the organisation, working and procedure relating to the investigation and enquiries by the Vigilance Department, in supersession of the Government Orders read above.

PART I

1. *Organisation, Control and Supervision of the Vigilance Department:—*

(i) *Organisation.*—The Vigilance Department with the following zonal areas and Jurisdiction will function under the control and supervision of the Director of Vigilance Investigation who will be assisted by such number of Inspectors General of Police, Deputy Inspectors General of Police and Superintendents of Police as the Government may, from time to time, decide.

<i>Zonal areas</i>	<i>Jurisdiction</i>
1. Thiruvananthapuram	Thiruvananthapuram Revenue District
2. Kollam	Kollam Revenue District
3. Alappuzha	Alappuzha Revenue District
4. Pathanamthitta	Pathanamthitta Revenue District
5. Kottayam	Kottayam Revenue District
6. Idukki	Idukki Revenue District
7. Ernakulam	Ernakulam Revenue District
8. Thrissur	Thrissur Revenue District
9. Palakkad	Palakkad Revenue District
10. Malappuram	Malappuram Revenue District
11. Kozhikode	Kozhikode Revenue District
12. Wayanad	Wayanad Revenue District
13. Kannur	Kannur Revenue District
14. Kasaragod	Kasaragod Revenue District.

The Director of Vigilance Investigation, the Inspectors General of Police, the Deputy Inspectors General of Police, the Superintendent of Police (Intelligence), the Superintendent of Police, Headquarters, the Superintendents of Police, Special Cell at Thiruvananthapuram and Kozhikode and the Officers attached to their offices will have jurisdiction throughout the State in so far as the work of the Vigilance Department is concerned. The Range Superintendents of Police, Range Deputy Superintendents of Police and Range Inspectors will exercise jurisdiction over their respective Ranges. The Deputy Superintendents of Police in-charge of Zonal Units and the subordinates under them will exercise jurisdiction over their respective Zonal areas.

(ii) The strength of each of the Zonal Units will be as determined by Government on the recommendation of the Director of Vigilance Investigation from time to time.

(iii) The selection of the personnel to be drawn from the Police Department will be made by the Director of Vigilance Investigation in consultation with the Director General of Police.

(iv) The Officers and men selected for the Vigilance Department will work in that Department normally for three years.

2. *Nature of Duties.*—The object of the Vigilance Department is to combat effectively corruption and misconduct on the part of Government Servants and Public Servants, particularly at the higher levels. The work of the Vigilance Department will be confined to:—

(i) Government Servants of the State, in respect of crime cases and allegations of misconduct; and

(ii) Other public servants as defined in section 2 (c) of the Prevention of Corruption Act, 1988 (Act No. 49 of 1988) and the Kerala Criminal Law Amendment Act, 1962 in respect of offences coming under the Prevention of Corruption Act and Indian Penal Code. The Vigilance Department can, however, bring to the notice of the appropriate authorities

cases of corruption or misconduct among the servants of the Central Government. The Vigilance Department will *not*, except on the specific request of the Departments concerned, enquire into the conduct of officers of the following Departments:—

- (1) The Judicial Department;
- (2) The Legislature Secretariat; and
- (3) The Kerala Public Service Commission;

Allegations of misconduct against the aforesaid three Departments/Institutions which do not amount to crimes will be brought to the notice of the concerned authorities of these Departments/Institutions at the discretion of the Government. These Organisations will be free to request Government to cause the Vigilance Department to enquire into these charges; and Government may cause such enquiries to be made and make available the result of the enquiries to the concerned Departments/Institutions.

3. *Addressing communications.*—All communications to the Vigilance Department should be addressed to the Director of Vigilance Investigation, Thiruvananthapuram.

4. *Procedure for initiating Vigilance Enquiries and related matters.*—(i) Investigation of cases coming under the Prevention of Corruption Act and the Indian Penal Code will be undertaken by the Vigilance Department under the provisions of the Criminal Procedure Code;

(ii) The Vigilance Department should not initiate enquiries *suo-motu*, even when a complaint is made in person or in a signed petition. The Vigilance Department should invariably report such complaints promptly to Government in Vigilance Department which will issue necessary instructions in the matter;

(iii) The Director of Vigilance Investigation shall initiate a Preliminary enquiry in matters referred to him for enquiry. He may himself order a detailed enquiry when he is satisfied that there is scope for a detailed enquiry;

(iv) Petitions for enquiry by Vigilance Department received by Heads of Departments and others should invariably be forwarded to Government in the Vigilance Department for further action;

(v) Director of Vigilance Investigation on receipt of petitions containing allegations mentioned in para 12 (a) will send them to the Head of the Department concerned for taking appropriate action into the matter and the Head of Department will take necessary action after conducting a proper enquiry;

(vi) The Vigilance Department will keep under surveillance officers of doubtful integrity.

5. *Requisitioning of Records by the Vigilance Department.*—(i) If in the course of any enquiry, the records of the Secretariat are required the Director of Vigilance Investigation or the Inspectors General of Police concerned may address the Secretary to Government of the Department concerned requesting facility to peruse or to take over/hand over the records to any officer of the Vigilance Department authorised for the purpose;

(ii) if the records in the office of the Heads of Departments are required, the Deputy Inspector General of Police or the Superintendents of Police, Vigilance Department may address the Head of the Department concerned requesting facility to peruse or to hand over the records to any officer of the Vigilance Department authorised for the purpose;

(iii) If the records in any other subordinate offices are required, the Deputy Superintendent of Police of the Headquarters Units, Special Cells and Zonal Units concerned will request the Head of Office concerned who will arrange to make them available at such place and in such manner as may be found most convenient;

(iv) The records should ordinarily be made available to the Vigilance Department within *one week* of requisitioning. In cases of delay, the officers of Vigilance Department will be free to make personal visits to the offices where the records are kept for the purpose of securing them;

(v) If the records are not made available to the Vigilance Department even after 15 days of the initial request, action may be taken as indicated below:

In case the documents are required for an enquiry, the matter should be taken up with the Head of Department concerned who will issue specific and clear instructions to the subordinate officer concerned. Cases of causing deliberate hindrance or delay to the enquiry will be reported to Government in the Vigilance Department for initiating disciplinary action against the officer/officers concerned;

(vi) Before the original records are handed over to the officers of Vigilance Department, the Head of Offices shall take sufficient photocopies of the required documents in the presence of the Vigilance officers.

6. *Types of cases.*—The Vigilance Department shall take up investigation/enquiry of cases falling under the following categories:—

(i) Offences of criminal misconduct by public servants as defined in the Prevention of Corruption Act, 1988;

(ii) Any dishonest or intentionally improper conduct on the part of a public servant or abuse of powers as a public servant;

(iii) Gross negligence or dereliction of duty;

(iv) Misuse of any public money or property;

(v) Misappropriation involving Government or public servants in which the amount exceeds Rs. 25,000. All other cases of defalcation of public moneys and properties, including funds of co-operative societies, irrespective of the amount involved will be dealt with by the regular police;

(vi) Abetment of the above offences.

7. *Enquiry Report.*—(1) A time limit of three months is fixed for completing an investigation/enquiry. If the investigation/enquiry is not completed within this period, the Director of Vigilance Investigation will forward a special report to Government in the Vigilance Department showing the result of the investigation/enquiry so far made and indicating the probable time required for completing the investigation.

(2) After completion of an enquiry, the Deputy Superintendent of Police of the Units concerned shall forward a detailed report showing the allegations, the evidence collected and the result of the enquiry on each item to the Superintendent of Police, Vigilance Department concerned who will scrutinise it and forward the same with his report to the Director of Vigilance Investigation through the Inspector General of Police/Deputy Inspector General of Police concerned for transmission to Government. Statements of witnesses questioned shall be recorded.

(3) All investigation/enquiry reports of the Vigilance Department after examination and approval by the Director of Vigilance Investigation shall be forwarded by him to Government in the Vigilance Department. On receipt of the report the Government will decide what further action should be taken in the matter. The case shall be referred to the Vigilance Tribunal or for departmental enquiry according to merits for further action as provided for in the relevant rules,

(i) Where the recommendation in a factual report is for prosecution the Director of Vigilance Investigation will also forward along with the report;

(a) First Information Report,

(b) Statements of witnesses, Mahazars and all other connected documents relied upon for the proposed prosecution.

(ii) Where the recommendation in a report is for prosecution or for a Vigilance Tribunal enquiry, the opinion of the Legal Adviser to the Vigilance Department will also be attached. A draft charge with a statement of allegations will also be attached to the enquiry report besides forwarding all documents relied upon for the proposed Tribunal enquiry.

8. *Registration of cases.*—(1) If at any stage during the preliminary enquiry conducted by the Vigilance Department there are reasonable grounds to believe that the accused Government servant has committed an offence under the Prevention of Corruption Act, the preliminary enquiry will be stopped at that stage, and a crime case registered and investigated after obtaining sanction from the Director of Vigilance Investigation.

(2) After completion of the investigation, a report giving the facts, evidence, and circumstances in each case both for and against the prosecution shall be forwarded by the Deputy Superintendent of Police concerned to the Superintendent of Police concerned who will submit the same to the Director of Vigilance Investigation through the Inspector General of Police/Deputy Inspector General of Police concerned for transmission to Government. In cases personally investigated by the Superintendent of Police or other Senior Officers the factual report will be prepared by them.

(3) In cases where it is decided to prosecute an officer for the above offences, a charge sheet will be laid before the Special Judge after obtaining necessary legal sanction.

(4) When it is considered necessary to transfer a crime case from a local police station/unit to the Vigilance Department, the concerned Superintendent of Police of the District/Unit should forward the same to the Director of Vigilance Investigation, Thiruvananthapuram, who will decide whether it is a fit case to be investigated by the Vigilance Department and if so, take further action by re-registering the case in the Vigilance Department or otherwise return the case to the Local Police Units.

9. *List of Suspect Officials.*—In cases where there is information that an officer is corrupt and it is felt that a watch maintained by the Vigilance Department may lead to the detection of his corrupt practices, the Inspector General of Police, the Deputy Inspector General of Police or the Superintendent of Police, Vigilance concerned shall direct a chosen officer of the Vigilance Department to make confidential enquiries about the conduct of the officer from time to time and record the results of such enquiries in a dossier to be maintained by and kept in the personal

custody of the Deputy Inspector General of Police or the Superintendent of Police, Vigilance Department. Whenever such dossiers are opened the fact should be reported to the Director of Vigilance Investigation. Enquiries made in this behalf should be very confidential.

10. *Identity Cards*.—Identity cards under the hand and seal of the Director of Vigilance Investigation shall be issued to the officers of the Vigilance Department.

11. *Anonymous Petitions*.—Anonymous petitions which are vague or general in nature need not be enquired into. Decisions in this regard will be taken only by the Director of Vigilance Investigation. Petitions containing specific allegations which are capable of verification will be followed up.

12. *Reference to Vigilance Department*.—The Heads of Departments and Vigilance Officers of the various departments shall not ordinarily depend upon the Vigilance Department for making any enquiry with regard to matters to be examined and dealt with by them.

(a) They will themselves deal with the following matters without referring them to the Vigilance Department.

(i) Nepotism;

(ii) Causing avoidable delay in the disposal of Government business;

(iii) Violation of departmental standing orders.

(b) Where there is strong suspicion regarding the commission of an offence under the Prevention of Corruption Act the information should be furnished to Government for follow up action by the Vigilance Department.

(c) Other cases in which the assistance of the Vigilance Department is considered necessary, will also be referred to the Government in the Vigilance Department who will issue necessary instructions to the Director of Vigilance Investigation.

(d) When cases are referred to the Vigilance Department by other Departments of the Secretariat, the Secretaries of the Department concerned will record specific reasons in the file, why the particular case cannot be effectively and adequately investigated by the Head of Department/a senior officer of the Department, and why it is necessary for the case to be investigated by the Director of Vigilance Investigation. Proposals for Vigilance Investigation without the specific remarks of the Secretaries concerned will not be entertained by Vigilance Department.

13. *Departmental Action.*—(1) When an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance Investigation, the Head of Department/Office concerned shall not initiate a parallel departmental enquiry on the same allegations but shall wait for the completion of the investigation/enquiry by the Director of Vigilance Investigation.

(2) Government in the Vigilance Department will have the power to review the punishment awarded by the Heads of Departments and subordinate officers in all cases of departmental enquiries, initiated on the basis of a report from the Director of Vigilance investigation.

(3) Departmental action on the basis of Vigilance Enquiry reports against officers whose appointing authority is Government will invariably be taken by the concerned Administrative Department in the Secretariat. Final orders will be passed only in consultation with the Vigilance Department. The file should be circulated to the Minister concerned and Minister in-charge of Vigilance before issuing orders.

(4) In case of officers whose appointing authority is the Head of Department or District Collector, the Administrative Department shall immediately send the Vigilance Enquiry report to them for taking departmental action. However, if for any reason the Administrative Department considers that the case should be handled directly by them, it may be done. Departmental action on the basis of Vigilance reports will not in any case be dealt with by a subordinate authority lower than the Head of Department/District Collector. The final decision taken will be intimated by the Head of Department/Collector to the concerned

Administrative Department with Copy to the Vigilance Department in the Secretariat. If the Administrative Department feels that the punishment imposed is not adequate, action to enhance the punishment imposed may be taken in consultation with Vigilance Department under Rules 31 and 37 of Kerala Civil Services (Classification, Control and Appeal) Rules. The Vigilance Department also may if considered necessary, initiate *suo motu* proceedings to enhance the punishment in consultation with the concerned Administrative Department.

14. *Scrutiny of Records.*—In most cases it may suffice for the purpose of investigation or enquiry to refer to records without taking them over. Certified copies of such records would alone be required in some cases. The safety of such records would also be of importance, if they are required to be produced during the trial or enquiry. The Administrative Authority having the custody of any records required in connection with an investigation or enquiry by the Vigilance Department and which are not taken over by the latter shall make satisfactory arrangements for their safe custody. If it is considered desirable that the records shall be transferred to the custody of a different or higher authority in the interest of the safety of the records, the Administrative Authority may do so in his own initiative or the Director of Vigilance Investigation may address the Administrative Authority concerned.

15. *Suspension or transfer of Government Servants against whom proceedings are taken.*—Whenever a case alleging corruption is registered or an enquiry is initiated against any Government servant by the Directorate of Vigilance Investigation, and he feels it necessary that in the interests of a fair investigation or enquiry, the Government servant concerned should be either placed under suspension or transferred, the Director may forward a report to the Government in the Vigilance Department recommending such a step. Government after considering the recommendation will issue necessary orders in the matter. The Heads of Department/Office/Government undertakings concerned shall, without fail and *with the least delay*, comply with such directions, ordering the suspension/transfer of the official concerned, and report compliance to Government in the Vigilance Department, under intimation to Director of

Vigilance Investigation. The reinstatement of the Government servant and/or his reposting in the same place from where he was suspended/transferred shall be ordered only with the concurrence of Government in Vigilance Department. In cases where orders of suspension were issued by Government in the Vigilance Department, reinstatement will be ordered only by the Vigilance Department, in consultation with the Director of Vigilance Investigation.

16. *Surprise check.*—(1) Where information is received by the Vigilance Department about a suspected case of corruption in which there is no individual to come forward and furnish details sufficient to register a case, but there may be scope to establish the truth by a surprise check, an officer of the Vigilance Department may meet an appropriate higher authority of the Department concerned and furnish him with the relevant details and the type of surprise check which is recommended in the case.

(2) In the absence of either the Head of the office or the superior officer, the Vigilance Officer may avail the services of an officer of equal rank belonging to the concerned Department and available locally, but who does not have administrative control over the office where surprise check has to be conducted. Failure to co-operate with the officials of Vigilance Department on such requests will be punishable under section 100 (8) of the Criminal Procedure Code and Section 187 Indian Penal Code.

(3) Ordinarily if the request is made to the Head of a Department the officer of the Vigilance Department will deliver to him a letter from the Director of Vigilance Investigation/Inspector General of Police (Vigilance) concerned containing the above mentioned facts. A similar letter from the Superintendent of Police will be delivered in the case of other departmental officers. Where in emergent cases action is required before the letter can be obtained from the Director or the Superintendent of Police the request will be made in person by an officer not below the rank of Deputy Superintendent of Police who will also hand over a letter containing all the particulars mentioned above.

(4) The authority who is approached thus shall either immediately conduct the surprise check as requested by the officer of the Vigilance Department or give a replay in writing to the officer of the Vigilance Department who meets him stating the grounds why it is not feasible to conduct it in the manner requested. The officer of the Vigilance Department should also be present during the arrangements made for the surprise check and the actual check.

(5) On completion of the surprise check, the authority conducting the check should submit a report to the Head of the Department (with a copy to the Deputy Superintendent of Police, Vigilance concerned) within 10 days positively indicating *inter alia* the following:—

- (i) Irregularities noticed, if any;
- (ii) Officer/Officers responsible;
- (iii) Action proposed to be taken.

(6) On completion of departmental action, the result should be intimated by the Head of the Department to Government in Vigilance Department and to the Director of Vigilance Investigation.

17. *Collection of information about prevalence of corruption and malpractice.*—In the course of the general watch kept by the Vigilance Department information may also be received regarding malpractices of an individual or general misconduct on the part of a category of Government servants or employees of Public Sector Undertakings. The Director of Vigilance Investigation will communicate all such information confidentially to the Government in the Vigilance Department for appropriate action.

18. *Scrutiny of property statements.*—In G.O. (Ms.) No. 36/Public dated 16-1-1962 it has been ordered that the Heads of Departments and officers should scrutinise the property statements immediately on their receipt and that suspicious cases should be referred to the Vigilance Department for investigation. Heads of Departments and officers who, on

scrutinising the property statements received by them from their subordinates, find grounds for suspicion, should refer such cases to the Vigilance Department for enquiry/investigation through Government in the Vigilance Department. The reports of investigation or enquiries conducted on such references may also be forwarded to Government by the Vigilance Department.

19. *Assistance to the Vigilance Department.*—All Government servants and other public servants (except those in the Judicial Department) shall render all helps and co-operation whenever they are approached by the officers of the Vigilance Department for assisting or witnessing a trap or in the conduct of an enquiry/investigation in vigilance cases. Any reluctance, refusal or non co-operation noticed on the part of officers will be viewed seriously by Government, and appropriate penal action taken.

By order of the Governor,

C. P. NAIR,

*Commissioner and Secretary,
(Home and Vigilance Departments).*

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—INVESTIGATION OF CASES BY DIRECTORATE OF
VIGILANCE & ANTI-CORRUPTION BUREAU—GUIDELINE ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) No. 14/97/Vig.

Dated, Thiruvananthapuram, 25th March, 1997.

Read:—G. O. (P) No. 65/92/Vig. dated 12-5-1992.

ORDER

In partial modification of para 12 of the G. O. read above, Government are pleased to order that the Departments should themselves ordinarily conduct enquiries into cases of corruption and malpractices in which only the departmental officers are involved. Only those cases which cannot be effectively and adequately investigated by the Departments will be referred to the Chief Minister for decision as to whether vigilance enquiry should be ordered or not.

By order of the Governor,

M. MOHANKUMAR,
Additional Chief Secretary.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—DIRECTORATE OF VIGILANCE INVESTIGATION—
CHANGE OF NAME AS “VIGILANCE AND ANTICORRUPTION
BUREAU”—ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) No. 15/97/Vig.

Dated, Thiruvananthapuram, 26th March, 1997.

ORDER

The name of Directorate of Vigilance Investigation is changed as
Vigilance and Anti-Corruption Bureau with immediate effect.

By order of the Governor,

M. MOHANKUMAR,
Additional Chief Secretary.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—VIGILANCE DIRECTORATE—RENAMED AS VIGILANCE AND ANTI-CORRUPTION BUREAU—CREATION OF ADDITIONAL POSTS AND PURCHASES OF VEHICLES—SANCTION OF—ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (Ms.) No. 16/97/Vig.

Dated, Thiruvananthapuram, 31st March, 1997.

- Read:*—1. G. O. (Rt.) No. 104/96/Vig. dated 18-7-1996.
2. Letter No. A1/33702/96 dated 10-12-1996 and 13-2-1997 from the Director of Vigilance Investigation.
3. G. O. (P) No. 15/97/Vig. dated 26-3-1997.

ORDER

In the Government Order read above, Government had constituted a Committee consisting of Additional Chief Secretary, Secretary (Law), Director of Vigilance investigation and Director General of Police to study the working of the Vigilance machinery and to suggest measure to strengthen the working of the Department. The committee which reviewed the working of the Vigilance Directorate came to the conclusion that without substantial strengthening of staff in the Directorate, it would not be possible to make any impact on the problem of corruption in public services. The Committee, therefore, recommended strengthening the vigilance Department by creation of additional posts and purchase of new vehicles. The Committee has also recommended several procedural changes in order to streamline the working of the Department. These are under examination.

2. The recommendation of the Committee to rename the Directorate as Vigilance and Anti-Corruption Bureau has been accepted by Government and orders have issued accordingly in the G.O. read as third paper above. The Committee has recommended to increase the number of investigation staff (Deputy Superintendent of Police and Circle Inspectors) to 93 from the present 69 and to constitute investigating teams consisting of one Assistant Sub Inspector, one Head Constable and 2 Police Constables in order to increase the efficiency of the Department. The Committee has also recommended setting up of a Fourth Range in the Vigilance Department with headquarters at Kottayam and the establishment of one more Special Cell with headquarters at Ernakulam, besides creation of adequate number of posts of Head Constables and Police Constables to attend to the increased workload in each of the units. One more post of Assistant Executive Engineer (Civil) with headquarters at Thiruvananthapuram has also been recommended.

Accordingly, in the letter read as 2nd paper above the Director of Vigilance investigation forwarded proposals for the creation of additional staff and purchase of vehicles. Government have examined the proposal in detail and are satisfied that creation of new units and new posts as proposed is absolutely necessary in order to achieve the avowed objective of putting down corruption in public services with a firm hand. It is also necessary to sanctioned purchase of additional vehicles in order to ensure adequate mobility of the investigation teams.

In the circumstances, Government are pleased to accord sanction for the creation of additional posts as mentioned below:

Superintendent of Police	(Rs. 3900-5075)	..	2 posts
Deputy Superintendent of Police	(Rs. 2500-4000)	..	11 posts
Circle Inspectors	(Rs. 2000-3200)	..	13 posts
A.S.I.	(Rs. 1350-2200)	..	73 posts
Head Constables	(Rs. 1200-2040)	..	91 posts
Police Constables	(Rs. 950-1500)	..	156 posts

P. C. Drivers Grade II	(Rs. 950-1500)	..	30 posts
Assistant Executive Engineer (Civil)	(Rs. 2375-3500)	..	1 posts
Confidential Assistants	(Rs. 1125-1720)	..	13 posts
Peons	(Rs. 775-1065)	..	2 posts

The above posts are created for a period of one year.

Orders regarding distribution of the posts mentioned above will be issued separately.

Sanction is also accorded for the purchase of 30 Jeeps in the Vigilance and Anti-Corruption Bureau, at a total cost of Rs. 91,02,450. (Rupees Ninety-one lakhs two thousand four hundred and fifty only).

The expenditure on the account will be met by following new service procedure.

By order of the Governor,

M. MOHANKUMAR,
Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—VIGILANCE AND ANTI CORRUPTION BUREAU—
WORKING OF THE DEPARTMENT—FURTHER ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) No. 18/97/Vig.

Dated, Thiruvananthapuram, 5th April, 1997.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
2. G. O. (Rt.) No. 104/96/Vig. dated 18-7-1996.
3. G. O. (P) No. 14/97/Vig. dated 26-3-1997.
4. G. O. (Ms.) 16/97/Vig. dated 31-3-1997.

ORDER

In the Government Order read as second paper above, Government constituted a committee to review the working of the Vigilance machine in the State and make recommendations for its improvement. The recommendations contained in the report of the Committee have been examined by Government in detail. Government are now pleased to issue the follow orders:

- (1) The existing practice of conducting preliminary enquiry and detailed enquiry will be dispensed with. There will be only form of formal enquiry viz., Vigilance Enquiry (VE).
- (2) The Director, Vigilance and Anti Corruption Bureau in conduct Confidential Verification for ascertaining whether a particular information or complaint calls for a formal enquiry. This will be done without recording the statement of witness in total confidentiality.

- (3) Anonymous petitions containing specific allegations, when received by Government, will be sent to the Director, Vigilance and Anti Corruption Bureau for necessary action and report. Those when are of a vague or general nature will be forwarded to him necessary action.
- (4) When a petition on the basis of which an enquiry ordered by Government is found to be pseudonymous Director, Vigilance and Anti Corruption Bureau will report the fact to the Government and such petition will be treated as anonymous.
- (5) Petitions containing allegations of departmental irregularities, which do not involve questioning of witness outside the Department will be sent to departmental vigilance officers. Those containing serious allegations and involving questioning of outside witness will be sent to the Director, Vigilance and Anti Corruption Bureau for enquiry.
- (6) The Vigilance and Anti Corruption Bureau should collect intelligence on corrupt officials and process the information with the utmost confidentiality. The Director of Vigilance and Anti Corruption Bureau will personally arrange to get the information confidentially verified.
- (7) A list of officers of doubtful integrity will be maintained by the Vigilance and Anti Corruption Bureau.
- (8) Petitions received in Vigilance units of the Vigilance and Anti Corruption Bureau which do not have a vigilance angle will be sent to the District Level Officers of the concerned Departments. Such petitions received at the Vigilance Bureau will be forwarded to the Heads of Departments concerned.
- (9) The Vigilance and Anti Corruption Bureau will pay better attention to trap cases.
- (10) The Vigilance and Anti Corruption Bureau will bestow greater attention on cases of disproportionate assets.

- (11) In future only cases of misappropriation involving an amount of not less than Rs. 50,000 will be investigated by the Vigilance and Anti Corruption Bureau.
- (12) The time-limit for enquiry/investigation will be fixed as follows:
- | | | |
|-----------------------------------|----|-----------|
| (a) Vigilance Enquiries | .. | 3 months |
| (b) Investigation of trap cases | .. | 3 months |
| (c) Investigation of assets cases | .. | 12 months |
| (d) Investigation of other cases | .. | 6 months |
| (e) Enquiry by Vigilance Tribunal | .. | 6 months |
- (13) The procedure for surprise check will be revised as follows:
The role of departmental officer conducting the surprise check will be limited to preparation of the joint mahazar (inventory) which will be signed by himself and the officer of the Vigilance and Anti Corruption Bureau. He need not prepare a surprise check report or submit a report to the Head of Department. The surprise check report will be prepared by the Officer of the Vigilance and Anti Corruption Bureau after conducting necessary verification. Officers of the Vigilance and Anti Corruption Bureau will be allowed to avail themselves of the services of technically qualified officials of any Government agency to assist them in the conduct of surprise checks.
- (14) Investigation of cases will be conducted by investigation teams headed by the Deputy Superintendent of Police/Circle Inspector in the Vigilance unit and assisted by other police personnel in the unit.
- (15) Regular training will be given to police officers working in the Vigilance and Anti Corruption Bureau in order to familiarise them with latest techniques or practices of investigation etc.

They will be deputed to the Central Bureau of Investigation Training Centre at Delhi for this purpose. Inservice training will also be organised by the Director, Vigilance and Anti Corruption Bureau.

- (16) The Vigilance set up in the various Departments of the Government will be adequately strengthened. Instructions will be issued separately.
- (17) Vigilance Department in the Secretariat will closely follow up the Vigilance enquiry cases referred to the departments for taking disciplinary action.
- (18) A comprehensive Vigilance Manual will be prepared by the Director, Vigilance and Anti Corruption Bureau and submitted to Government for approval.

The orders contained in the G. O. read as 1st paper above will stand modified to the above extent.

By order of the Governor.

M. MOHANKUMAR,

Additional Chief Secretary.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—STRENGTHENING OF VIGILANCE SET UP IN
GOVERNMENT DEPARTMENTS AND PUBLIC SECTOR
UNDERTAKINGS—ORDERS ISSUED

VIGILANCE (C) DEPARTMENT

G. O. (P) No. 34/97/Vig.
Dated, Thiruvananthapuram, 11th June, 1997.

- Read:—*1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
2. G. O. (P) No. 104/96/Vig. dated 18-7-1996.
3. G. O. (P) No. 18/97/Vig. dated 5-4-1997.

ORDER

The Committee constituted by the Government in the G. O. read as second paper above to suggest measures to improve the working of the Vigilance machinery in the State has, among other things made several recommendations for toning up the administrative vigilance set up in the various Departments.

Government have examined the recommendations of the Committee in this regard and are pleased to issue the following orders:

- (a) The administrative vigilance set-up in all departments including those of the Secretariat and all Public Sector Undertaking, will be known uniformly by the nomenclature 'Vigilance Cell.'
- (b) Officers of adequate seniority, preferably number two level in each organisation will be designated as Vigilance Officer to head the Vigilance Cell.
- (c) The Vigilance Cell will be provided with supporting staff, wherever necessary, for office work as well as resources field work.
- (d) The Vigilance Officer will be payable to the Head of Department or Chief Executive only.

- (e) Appointment of vigilance officers will be ordered by the Vigilance Department of Secretariat after obtaining vigilance clearance from the Director, Vigilance and Anti Corruption Bureau (VACB).
- (f) Complaints/Petitions relating to departmental irregularities which prima facie do not amount to criminal misconduct as defined in the PC Act, 1988 will be entrusted with the Vigilance Cell for enquiry and report. If the enquiry by Vigilance Cell discloses adequate grounds for action by the Vigilance and Anti Corruption Bureau, a request will be made to the Vigilance Department in the Secretariat.
- (g) Activities of the Vigilance Officers will be co-ordinated by the Vigilance Department of the Secretariat by prescribing periodical reports and returns, arranging training, conducting review meetings etc.
- (h) Training will be given to the Vigilance Officers at regular intervals. This could be done by the I.M.G. according to a well-devised training programme. Alternatively, the training could be undertaken by the Director of VACB himself with the faculty drawn from various disciplines.
- (i) There should be an annual conference of all Vigilance Officers, presided over by Minister in charge of Vigilance Department. At this conference, all important issues relating to the departmental vigilance will be discussed and appropriate decisions taken.
- (j) Government will consider providing some incentives to Vigilance Officers.

It is also ordered that the Subordinate Staff for office work as well as field work will be found by suitable deployment of the existing personnel in each Department/Institution without any additional financial commitment.

By order of the Governor,

M. MOHANKUMAR,
Additional Chief Secretary.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—DEPARTMENTAL ACTION ON THE BASIS OF VIGILANCE
ENQUIRY REPORTS—PROCEDURES—REVISED ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 46/97/Vig.

Dated, Thiruvananthapuram, 31st July, 1997.

Read:—G. O. (P) No. 65/92/Vig. dated 12-5-1992.

ORDER

On a review of the present arrangements for dealing with Vigilance Enquiry Reports at the departmental level, Government are pleased to issue the following orders:

- (i) In cases where Vigilance Enquiry Reports are forwarded to the concerned administrative departments, further action thereon will be taken by Administrative Departments themselves. Such reports will not be forwarded to Heads of Departments, the Administrative Departments themselves will initiate action and issue final orders in consultation with the Vigilance Department of the Secretariat.
- (ii) In respect of Vigilance Enquiry Reports on which further action is now being taken by the Heads of Departments, a periodical return will be sent to the Vigilance Department of the Secretariat by the concerned Heads of Department by the tenth of every month.

The G. O. read above, will stand modified to the above extent.

By order of the Governor.

M. MOHANKUMAR,
Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—PROSECUTION SANCTION AUTHORISATION OF
 ADDITIONAL SECRETARY TO GOVERNMENT AND DEPUTY SECRETARY TO
 GOVERNMENT, VIGILANCE DEPARTMENT TO ISSUE ORDERS
 ACCORDING SANCTION FOR PROSECUTION UNDER
 CODE OF CRIMINAL PROCEDURE AND PREVENTION
 OF CORRUPTION ACT, IN VIGILANCE CASES
 ON BEHALF OF GOVERNMENT—
 ORDERS ISSUED

 VIGILANCE (E) DEPARTMENT

G. O. (Ms.) No. 57/99/Vig.

Dated, Thiruvananthapuram, 28th June, 1999.

Read:—G. O. (Ms.) No. 169/94/GAD, dated 23-4-1994.

ORDER

Government order that sanction for Prosecution of Public Servants under the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) and the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) in regard to cases investigated by the Vigilance & Anti-corruption Bureau will hereafter be issued by the Additional Secretary to Government and Deputy Secretary to Government, concerned in the Vigilance Department.

By order of the Governor,

V. KRISHNAMOORTHY,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Abstract

PROPOSALS FOR SANCTION TO PROSECUTE ALL INDIA SERVICE OFFICERS AND
HEADS OF DEPARTMENTS—COMMITTEE TO EXAMINE CONSTITUTED

VIGILANCE (E) DEPARTMENT

G. O. (Ms.), No. 69/2004/Vig.

Dated, Thiruvananthapuram, 17th December, 2004.

Read:—1. G. O. (Ms.) No. 37/2001/Vig. dated 30-7-2001.

ORDER

In partial modification of the Order read above Government are pleased to order that all proposals for sanction of prosecution of members of All India Service borne on the State cadre and Heads of Departments will first be placed before a High Power Committee which should give its recommendations before Government takes a decision on the proposal/s. The Committee will peruse the case records in the matter and make such consultations as it may deem fit to make, before making its recommendation/s on the proposal for sanction of prosecution.

2. The Committee will comprise of the following members:

- | | | |
|---|----|----------|
| (1) Chief Secretary | .. | Chairman |
| (2) Additional Chief Secretary | .. | Member |
| (3) Principal Secretary
(Home and Vigilance) | .. | Member |
| (4) Law Secretary | .. | Member. |

3. Government may also to refer any other case/classes of cases concerning members of All India Services and Heads of Departments or other officers of Government to this Committee for its recommendation.

4. If any member of the Committee is under investigation or is liable to be associated with an issue under investigation in any manner, such member would be excluded from the meeting of the Committee in which such matter is brought up for consideration.

By order of the Governor.

N. RAMAKRISHNAN,
*Additional Chief Secretary and
 Principal Secretary to Government.*

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—ENQUIRY—CLASSIFICATION AS VIGILANCE ENQUIRY
 AND STANDARDIZATION OF THE TERM “SUSPECT OFFICER”—REVISED
 GUIDELINES—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 29/08/Vig.

Dated, Thiruvananthapuram, 16th August, 2008.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
 2. G. O. (P) No. 18/97/Vig. dated 5-4-1997.
 3. D. O. No. 15/DVACB/Camp/2008 dated 29-7-2008 from the Director, Vigilance and Anti-corruption Bureau.

ORDER

In the Government Orders read above Government had issued instructions/guidelines on the set up, working and procedures relating to the investigation and enquiries by the Vigilance and Anti-corruption Bureau. Director, Vigilance and Anti-corruption Bureau, vide reference 3rd cited has reported that at present when a vigilance enquiry or case is instituted

in any matter, an officer whose official actions are likely to be scrutinized during such enquiry or investigation, is classified as a "Suspect Officer". The enquiry may sometimes be based on nothing more than an anonymous petition or some petition in which the officer happens to be a counter petitioner. Being classified as a Suspect Officer is a demoralizing experience for an officer who is honest. It is only proper that no public servant is classified as a Suspect Officer unless there are prima facie grounds to believe that he is personally responsible for the commission of some crime or corrupt practice. The terminology used by the Vigilance and Anti-corruption Bureau gets reflected in several items of Governmental correspondence, newspaper reports, replies to Assembly interpellations and queries under the Right to Information Act etc. In order to ensure that such categorization does not cause unnecessary and unjust demoralization to any one, the Director, Vigilance and Anti-corruption Bureau vide his letter read as 3rd paper above proposed that the classification as Suspect Officer may be standardised by issuing some guidelines.

In the circumstances after examining in detail the proposal put forth by Director, Vigilance and Anti-corruption Bureau, Government issue the following guidelines regarding the specifications to be satisfied with respect to the usage of the terms "Suspect Officer" and "Vigilance Enquiry".

The term "Suspect Officer" shall be used to describe an officer only when both the following two conditions are prima facie satisfied with respect to the role played by an officer in the matter under enquiry:—

(i) There are some valid grounds, prima facie, to believe that either an irregularity or a crime has been committed; and

(ii) There are some valid grounds, prima facie, to believe that the officer being arrayed as Suspect Officer was personally responsible for an act or omission connected with the matter under enquiry, which act or omission facilitated the occurrence of such irregularity or commission of such crime.

Where any Government Authority or Statutory Agency or Judicial or Quasi Judicial Authority has already come to such a prima facie conclusion as specified above after due deliberation of the related facts, that conclusion will prima facie be accepted by Vigilance and Anti-corruption Bureau for considering such person as a Suspect Officer. Such persons may be treated as Suspect Officers from the beginning of the Vigilance Enquiry. But in all other cases where officers connected with the matter under enquiry are merely Counter-Petitioners in complaints or petitions forwarded for enquiry or investigation, there must be some prima facie decision by the Enquiry Officer preferably by his superior to classify the person as a Suspect Officer on the basis of valid material relating to the particular matter under enquiry.

If the public servant is merely a Counter-Petitioner and not a Suspect Officer as above said, then there shall be no prior assumption that the Vigilance Enquiry or case is one which is conducted against such public servant. There should not be any automatic assumption of guilt just because somebody had complained against an officer, which had led to an enquiry by the Vigilance and Anti-corruption Bureau. In such matters, persons against whom petitions exist should be treated, at the most, as Counter-Petitioners. Such a Counter-Petitioner will be treated as a Suspect Officer only when the conditions specified above are satisfied.

In the case of the term "Vigilance Enquiry" enquiries ordered by various authorities other than those Vigilance Enquiries specifically ordered as such by Government need not be classified or treated as Vigilance Enquiries.

By order of the Governor.

K. J. MATHEW,

Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—VIGILANCE AND ANTI-CORRUPTION BUREAU—
INVESTIGATION OF CASES—MISAPPROPRIATION OF FUNDS—ENHANCEMENT
OF THE LIMIT OF FINANCIAL MISAPPROPRIATION—FURTHER ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G O: (P) No. 21/2010/Vig. Dated, Thiruvananthapuram, 9th June, 2010.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
2. G. O. (P) No. 80/94/Vig. dated 6-10-1994.
3. G. O. (P) No. 18/97/Vig. dated 5-4-1997.
4. Letter No. T-1015/2009 dated 22-7-2009 from the Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram.

ORDER

In the letter read as fourth paper above the Director, Vigilance and Anti-Corruption Bureau has requested to raise the existing limit of financial misappropriation cases to be investigated by Vigilance and Anti-Corruption Bureau.

Government have examined the matter in detail and are pleased to raise the existing limits of financial misappropriation cases as follows:—

(1) Cases of misappropriation involving amount up to ₹ 2 lakhs will be investigated by the local police.

(2) Cases of misappropriation between 2 lakhs and 5 lakhs will be investigated by CBCID.

(3) Cases of misappropriation above ₹ 5 lakhs will be investigated by the Vigilance and Anti-Corruption Bureau.

The Government Order read as third paper above will stand modified to the above extent with immediate effect.

By order of the Governor.

K. JAYAKUMAR,
Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—SET UP, WORKING AND PROCEDURES—
REVISED—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 55/12/Vig. Dated, Thiruvananthapuram, 4th December, 2012.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
2. 76th Report of Public Accounts Committee 2006-2008.

ORDER

Government as per G. O. read first paper above issued orders regarding the set up, working and procedure to be adopted with regard to investigation/enquiries by the Vigilance and Anti-Corruption Bureau.

Para 13(1) of the Government Order read as follows:—

“When an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance Investigation, the Head of Department/Office concerned shall not initiate a parallel departmental enquiry on the same allegations but shall wait for the completion of the investigation/enquiry by the Director of Vigilance Investigation.”

The Public Accounts Committee in its 76th Report (2006-08) in para 142 has recommended as follows:—

“142.....The Committee strongly recommends that whenever there is prima facie evidence of malpractice/corruption/misappropriation committed by department personnel, the department should initiate departmental enquiry and take appropriate action against the miscreants notwithstanding the fact that Vigilance Enquiry has been initiated against them.”

Government examined the recommendation of the Public Accounts Committee in detail. Consequent to the instruction contained in Para 13(1) of the G. O. read above, punishment under the disciplinary rules against the wrong doers in some cases could not be imposed before their retirement. Several officers could thus escape from punishment owing to the delay in the Vigilance enquiries/investigations before their retirement. In order to overcome this situation, para 13(1) of G. O. read above is modified as follows:

“*Departmental Action.*—(1) When an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance Investigation, the Head of Department/Office concerned shall initiate departmental enquiry on the same allegations.”

The Government Order read above stands modified to the above extend.

By order of the Governor,

SAJEN PETER,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE & ANTI-CORRUPTION BUREAU—INTRODUCTION OF FLYING SQUAD
 SYSTEM FOR CONDUCTING LIGHTNING CHECK—SANCTION ACCORDED—
 ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (Ms.) No. 57/2012/Vig.

Dated, Thiruvananthapuram, 15th December, 2012.

*Read:—*Letters No. 11-20661/2011 dated 3-8-2012 & 5-11-2012
 from Director, Vigilance & Anti-Corruption Bureau.

ORDER

At present the Vigilance & Anti-Corruption Bureau has no mechanism to attend to the grievances of the public on real time basis. Whenever a complaint is received at the Directorate, Vigilance & Anti-Corruption Bureau, it is to be sent to the concerned Field Unit/Range Superintendent of Police for taking such action as prescribed by the Directorate. The said complaint reaches the concerned Unit only after completion of all formalities at the Directorate. And more or less similar procedure is again to be repeated at the spot. For all the above formalities at least a fortnight is taken. By this time, the person who gave the information or complaint loses interest. In order to overcome such delays in responding to public grievances, the Director, Vigilance & Anti-Corruption Bureau as per letters read above has requested to accord sanction to form a Vigilance Flying Squad in Thiruvananthapuram City.

Government have examined the matter in detail and are pleased to accord sanction to form a Vigilance Flying Squad in Thiruvananthapuram City without any financial commitment and with existing staff. The procedures for conducting Lightning Check shall be as follows:

The Vigilance Flying Squad should first reach the office concerned and contact the Head or senior responsible officer, inform him about the nature of the complaint received by the Vigilance and Anti-Corruption

Bureau and request the assistance of the said officer for verifying the complaint by going through the relevant records. After that the Inspector of Police in the Flying Squad and the said officer of the Department should prepare a Joint Status Report. After preparation of the above status report, the Inspector of Police should hand over the said records and unaccounted cash etc.; found during the Lightning Check to the head of the Office, for proper custody under acknowledgement. The Inspector of Police can take the attested photocopy of the records. He should not take the original records.

If the Inspector of Police feels that it is a serious matter having vigilance angle of considerable magnitude, he should immediately contact the Scrutiny Officer concerned and request orders for a formal Surprise Check through Vigilance & Anti-Corruption Bureau Unit Offices. On receiving such requests from the Officer in charge of Vigilance Flying Squad, the Scrutiny Officer of Vigilance and Anti-Corruption Bureau Directorate should take necessary action for authorizing a Surprise Check by directing concerned Vigilance & Anti-Corruption Bureau Unit/Range Officials accordingly after informing the Director. Then the Unit Range Officials should organize Surprise Check at the above Office immediately by following the prescribed procedure. The Flying Squad officer should remain on the spot till the Surprise Check team reaches the spot. Based on the work done, the Inspector of Police, Vigilance Flying Squad should submit a report to the Director. The Flying Squad has no authority to check the records relating to scrutiny of record as mentioned in the investigation and enquiry.

The Flying Squad should contain a Vehicle, Driver with Inspector of Police, one Sub Inspector and three Senior Civil Police Officers.

By order of the Governor,

SAJEN PETER,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—VIGILANCE AND ANTI-CORRUPTION BUREAU—STUDY
ON WORKING PROCEDURE IN RESPECT OF GOVERNMENT DEPARTMENTS/
OFFICES/ PUBLIC SECTOR UNDERTAKINGS/BOARDS ETC.—
SANCTION ACCORDED—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 58/12/Vig.

Dated, Thiruvananthapuram, 17th December, 2012.

Read:—Letter No. G2-25447/2009 dated 14-10-2009 and 22-10-2010
from Director, Vigilance and Anti-Corruption Bureau,
Thiruvananthapuram.

ORDER

The Director, Vigilance and Anti-Corruption Bureau as per letters read above has informed that in order to have an indepth knowledge to the officers of Vigilance and Anti-Corruption Bureau about the working of offices and the procedures followed in various Government Departments and Public Sector Undertakings, it is proposed to conduct an indepth study of the working, procedures etc., in respect of certain Government Departments, Offices, Public Sector Undertakings and Boards. The information thus obtained through the study will be kept as 'Information Store House' which can be accessed by the officers of Vigilance and Anti-Corruption Bureau while conducting Vigilance Enquiry, Quick Verification, Confidential Verification, Surprise Check and Investigation of Vigilance Cases.

In the circumstances, Government are pleased to accord sanction to Director, Vigilance and Anti-Corruption Bureau to conduct the study as proposed above in the officers coming under the following Departments/ Institutions, appended to this order as Annexure without detrimental to the

normal functioning of the Vigilance and Anti-Corruption Bureau and without any financial commitments.

All the Departments/Public Sector Undertakings will co-operative with the study to be made by the Vigilance and Anti-Corruption Bureau and will nominate officers at middle level to be liaison officers, who can provide the information standing instructions, orders, line of control and administrative and financial set up of the office/institution concerned to the Vigilance and Anti-Corruption Bureau.

By order of the Governor,

P. A. ROY,

Additional Secretary to Government.

ANNEXURE

List of Departments

1. Civil Supplies Department.
2. Commercial Taxes Department.
3. Excise Department.
4. Education Department.
5. Forest Department.
6. Fire & Rescue Services Department.
7. Geology & Mining Department.
8. Health Services Department.
9. Legal Metrology Department.
10. Motor Vehicles Department.
11. Local Self Government Department.

12. Public Works Department.
13. Registration Department.
14. Revenue Department.
15. Rural Development Department.
16. SC/ST Department.
17. Town and Country Planning Department.

Corporations/Public Sector Undertakings/Boards/Authorities

1. Kerala Financial Corporation.
2. Kerala Forest Development Corporation.
3. Kerala Medical Services Corporation.
4. Kerala Minerals & Metals Limited, Chavara.
5. Kerala State Beverages Corporation.
6. Kerala State Civil Supplies Corporation.
7. Kerala State Transport Development Corporation.
8. Kerala State Co-operative Bank.
9. Kerala State Electricity Board.
10. Kerala State Housing Board.
11. Kerala Water Authority.
12. Malabar Cements Limited.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—ACTION ON ANONYMOUS PETITIONS—REVISED
ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 59/2012/Vig.

Dated, Thiruvananthapuram, 21st December, 2012.

*Read:—*1. G.O. (P) No. 18/97/Vig. dated 5-4-1997.

2. Letter No. T2-32739/2012 dated 3-11-2012 from the Director, Vigilance & Anti-Corruption Bureau, Thiruvananthapuram.

ORDER

At present, the petitions received in the Vigilance & Anti-Corruption Bureau are enquired into notwithstanding whether they are anonymous or pseudonymous. In CBI, no anonymous petition or petitions which on preliminary enquiry are found to be pseudonymous are enquired into as per the direction of the Central Vigilance Commission. The present practice followed in Vigilance & Anti-Corruption Bureau in initiating enquiries in such petitions results in loss of precious time and energy wasting the facilities of the Bureau. The opportunity cost to the Bureau in this regard is extremely high.

2. In the circumstances, the Director, Vigilance & Anti-Corruption Bureau has requested Government to issue necessary guidelines in the matter. Government have examined the matter in detail and are pleased to issue guidelines as follows:

- (i) All anonymous/pseudonymous complaints received directly at the Vigilance & Anti-Corruption Bureau shall be closed without any action;
- (ii) On anonymous/pseudonymous complaints relating to a particular officer and specific instances of corruption, the Intelligence Wing of Vigilance & Anti-Corruption Bureau, under Superintendent of Police (Intelligence) shall conduct discrete enquiries and if revealed to be of any substance, source information reports shall be generated on which further action as deemed fit shall be taken;
- (iii) The Director, Vigilance & Anti-Corruption Bureau shall take appropriate actions on all anonymous/pseudonymous complaints forwarded to Vigilance & Anti-Corruption Bureau by the Government.

By Order of the Governor,

SAJEN PETER,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—PREVENTION OF CORRUPTION AMONG GOVT./
PUBLIC SERVANTS AND REDRESSAL OF PUBLIC GRIEVANCES—
FORMATION OF DISTRICT VIGILANCE COMMITTEE—SANCTION
ACCORDED—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 11/2013/Vig.

Dated, Thiruvananthapuram, 25th March, 2013.

Read :—Letter No. G2-672/2012 dated 10-1-2013 from the Director,
Vigilance & Anti-Corruption Bureau, Thiruvananthapuram.

ORDER

1. The Director, Vigilance & Anti-Corruption Bureau, vide his letter read above has submitted a proposal to Government to set up District Vigilance Committees, with a view to create awareness among the general public against corruption of Govt./Public Servants. The Director has observed that effective functioning of such District Vigilance Committees would reduce corrupt practices in Govt. Services and the Grievances of the general public could be redressed effectively.

2. Government have examined the proposal in detail and are pleased to accord sanction for the formation of District Vigilance Committee in each District with the following structure and responsibilities as detailed below:—

- * There shall be a District Vigilance Committee in each District under the chairmanship of the District Collector.
- * The Unit Deputy Superintendent of Police of VACB shall act as the Convenor of the Committee.

- * The Range Superintendent of Police of VACB shall invariably attend the District Vigilance Committee meetings.
- * The District Vigilance Committee shall hold its meeting once in three months.
- * The District Vigilance Committee shall discuss complaints with the Officer concerned or with the District Officer and take immediate redressal measures on such complaints.
- * The District Vigilance Committee shall call for any Officer to attend the meeting and get clarification from him regarding the complaints.
- * The Convenor of the District Vigilance Committee shall maintain a register to record the discussions and decisions of the Committee.
- * Another register shall also be maintained for recording the receipt of the complaints, action taken on them, its results, laxity if any from Govt. officials etc.

3. The District Level Officers of the following Government, Departments shall be the members of the Committee.

- (1) Revenue
- (2) Police
- (3) Civil Supplies
- (4) Local Self Governing bodies such as Municipal Corporations/Municipalities/Panchayats.
- (5) Agriculture
- (6) PWD
- (7) Kerala Water Authority
- (8) KSEB
- (9) Excise
- (10) Motor Vehicles
- (11) Registration
- (12) Health

4. The Committee may include District Level Officers of other Departments and Public Sector Undertakings as and when needed.

5. In addition to the above, the office bearers of the following organisations shall also be included in the Committee.

- (1) Residents Associations
- (2) Human Rights Organisations
- (3) Consumer Protection Forum
- (4) Voluntary Organisations
- (5) Arts & Sports Clubs
- (6) Representatives of major Colleges
- (7) Representative of all political parties having members either in the Legislative Assembly or in the Parliament.

6. The General Public who have complaints against Govt./Public Servants will be given opportunity to attend the District Vigilance Committee and to present their complaints.

7. The Director, Vigilance & Anti-Corruption Bureau shall initiate immediate action for formation of District Vigilance Committee as mentioned above in each district. The Director, Vigilance & Anti-Corruption Bureau shall furnish quarterly reports on the functioning of District Vigilance Committee to Government.

By order of the Governor,

SAJEN PETER,
Additional Chief Secretary.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—MANUAL FOR DISCIPLINARY PROCEEDINGS—

PARA 53(4)—SPECIMEN NOTICE FOR PUBLICATION IN THE
DAILIES AND GOVERNMENT WEBSITE CONCERNED—

ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (Ms.) No. 07/2014/Vig.

Dated, Thiruvananthapuram, 22nd April, 2014.

*Read:—*1. G. O. (Rt.) No. 67/80/Vig. dated 9-4-1980.

2. Note No.103183/Rules.A2/127/Fin. dated 10-12-2012 from the Principal Secretary to Government, Finance Department.

ORDER

As per the Government Order read as 1st paper above, Government have approved the specimen notice to be used for the publication in the local dailies for inviting attention of the accused officers who failed to accept the notice as per Para 53(4) of Manual for Disciplinary Proceedings, so as to minimise the expenditure being incurred by Government in this connection.

2. As per the note read as 2nd paper above, the Finance Department has recommended that in order to further reduce the substantial financial commitment towards publication of the notice in dailies, show cause notice under Para 53(4) of Manual for Disciplinary Proceedings may also be published in the form of window advertisement with website address in the dailies and the full text of notice or memo of Charges may be uploaded in Government website.

3. Government have examined the matter in detail and are pleased to order that in future, for publication of notice in at least two leading dailies, window advertisement as shown below and since incorporated as Appendix H5 in the Manual for Disciplinary Proceedings shall be used and for publication in the Government website concerned, the model form in Appendix H4 shall be used.

.....Department
Window No. IPRD/.....
(Name and address of Disciplinary Authority)
Disciplinary action against Shri/Smt.
(Name and designation of Officer) for unauthorized absence w.e.f.
.....Explanation called for to be submitted on or before
.....
For detailed information, visit the Government website concerned i.e.,

4. Para 53 (4) of MDP stands modified to the above extent.

By order of the Governor,

SAILAJA DEVI, K.,
Additional Secretary.

APPENDIX H4

NOTICE

This is to inform Sri.....
(Name)
(designation)
(Place of appointment etc.) that memo of charges with statement of allegations/Show cause memo containing specific charges against you were issued on.....
 (Vide.....No.....dated.....) in your last known address directing you to submit your written statement of defence/explanation as to why disciplinary action as contemplated under Kerala Civil Services (Classification, Control and Appeal) Rules, 1960 should not be taken against you. But the cover containing the Charge Memo/Show Cause Memo was returned to the Government/Department undelivered by the postal authorities with endorsement.....
(reason for non delivery to be mentioned). So you may please take notice that if within 15 days from the date of publication of this notice, your written statement of defence or other explanation against the charges framed against you is not received, it will be presumed that you have no defence to put further and further action will be taken accordingly. You may obtain the full text of the memo of charges with the statement of allegations/show cause memo from.....
(Designation of the officer, Name of office) during office hours in his office on an application made by you, furnishing your addresses to which it is to be sent prior to the stipulated period.

Designation of the disciplinary authority.

Name of Office:

To

.....

APPENDIX H5

.....Department
Window No. IPRD/.....
(Name and address of Disciplinary Authority)
Disciplinary action against Shri/Smt.
(Name and designation of Officer) for unauthorized absence w. e. f.Explanation called for to be submitted on or before.....
For detailed information, visit the Government website concerned i.e.

കേരള സർക്കാർ

സംഗ്രഹം

വിജിലൻസ് വകുപ്പ് വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോയിൽ പ്രവർത്തനം ആരംഭിച്ച ട്രോൾഫ്രീ നമ്പർ പരസ്യപ്പെടുത്തുന്നതിന് ഭരണാനുമതി നൽകി ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു

വിജിലൻസ് (ഇ) വകുപ്പ്

സ. ഉ. (സാധാ.) നമ്പർ 134/14/വിജി. തീരുവനന്തപുരം, 2014 ആഗസ്റ്റ് 2.

പരാമർശം: വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ ഡയറക്ടറുടെ 15-1-2013, 6-2-2013, 8-2-2014, 2-5-2014 തീയതികളിലെ ജി. 2215/13 നമ്പർ കത്തുകൾ

ഉത്തരവ്

അഴിമതി സംബന്ധിച്ചുള്ള പരാതികൾ സ്വീകരിക്കുന്നതിനായി വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ ഡയറക്ടറേറ്റിൽ പ്രവർത്തനം ആരംഭിച്ച ട്രോൾഫ്രീ നമ്പരായ '8592900900' സംബന്ധിച്ച പരസ്യബോർഡുകൾ പൊതുജനശ്രദ്ധ

ആകർഷിക്കത്തക്കവിധം പ്രദർശിപ്പിക്കുന്നതിനായി വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോയുടെ എല്ലാ ഓഫീസുകളിലും നൽകിയിട്ടുള്ളതായും ആയത് എല്ലാ ജില്ലാകളിലെയും സർക്കാർ പൊതുമേഖലാ സ്ഥാപനങ്ങളിലും പ്രസ്തുത ബോർഡ് സ്ഥാപിക്കുന്നതിനുള്ള നടപടി സ്വീകരിക്കാൻ വിജിലൻസ് & ആന്റി കറപ്ഷൻ ബ്യൂറോ യൂണിറ്റ് ഓഫീസ് മേധാവികളോട് ആവശ്യപ്പെട്ടിട്ടുള്ളതായും മേൽ പരാമർശം 15-1-2013-ലെ കത്തിലൂടെ വിജിലൻസ് ഡയറക്ടർ അറിയിക്കുകയുണ്ടായി. ആയതിനോടൊപ്പം തന്നെ പ്രസ്തുത നടപടി സാധ്യകരിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കാനും അപേക്ഷിക്കുകയുണ്ടായി. കൂടാതെ മേൽ പരാമർശം കത്തുകളിലൂടെ ടോൾഫ്രീ നമ്പർ താഴെപ്പറയുന്ന മാർഗ്ഗങ്ങളിലൂടെ പ്രദർശിപ്പിക്കുന്നതിന് അനുമതി നൽകുന്നതിനും ആവശ്യപ്പെട്ടിരുന്നു.

1. സിനിമാ തിയേറ്ററുകളിൽ ഓരോ പ്രദർശനത്തിനും മുമ്പായി
2. ടി. വി. ചാനലുകളിൽ എല്ലാവർത്തകൾക്കും മുമ്പായി
3. പൊതുവാഹനങ്ങളിൽ 1 ലക്ഷം സ്റ്റിക്കർ പതിക്കുക
4. പത്രങ്ങളിലും ആനുകാലിക പ്രസിദ്ധീകരണങ്ങളിലും
5. എഫ്. എം. റോഡിയോ മുഖേന പരസ്യം നൽകുന്നതിന്
6. എസ്. എം. എസ്. ആയി സർവ്വീസ് പ്രൊവൈഡർമാരുടെ മൊബൈലിൽ ടോൾഫ്രീ നമ്പർ അയയ്ക്കുക.
7. ബസ്സ് സ്റ്റാന്റ്, സിറ്റി സെന്റർ, ജംഗ്ഷൻ തുടങ്ങിയ സ്ഥലങ്ങളിൽ വലിയ ഫ്ലക്സ് ബോർഡുകൾ സ്ഥാപിച്ച്
8. അഴിമതിക്കെതിരെ അവബോധം വളർത്തുക.

(2) ടോൾഫ്രീ നമ്പറിന്റെ പ്രചരണത്തിന് ആവശ്യമായ തുക "2070-OAS-104-VIG-99-VIG-05-4 other items" എന്ന ശീർഷകത്തിൽ ലഭ്യമാണെന്നും ആയത് ചെലവഴിക്കുന്നതിനുള്ള അനുമതി നൽകണമെന്നും കൂടി വിജിലൻസ് ഡയറക്ടർ അപേക്ഷിക്കുകയുണ്ടായി.

(3) സർക്കാർ ഇക്കാര്യം വിശദമായി പരിശോധിക്കുകയും ടോൾഫ്രീ നമ്പറിന്റെ പ്രചരണത്തിനായി പരസ്യബോർഡ് സ്ഥാപിക്കാൻ വിജിലൻസ് ഡയറക്ടർ നൽകിയ നിർദ്ദേശം സാധ്യകരിക്കുന്നതിനോടൊപ്പം പ്രസ്തുത നമ്പർ മേൽ പരാമർശിച്ച പ്രകാരം പരസ്യപ്പെടുത്തുന്നതിലേയ്ക്കായി ഡയറക്ടർ ശുപാർശ ചെയ്തപ്രകാരം മൊത്തം 5,93,867 രൂപ (അഞ്ച് ലക്ഷത്തി തൊണ്ണൂറ്റിമുവായിരത്തി എണ്ണൂറ്റി അറുപത്തിയേഴ് രൂപ മാത്രം) "2070-OAS-104-VIG-99-VIG-05-4 other items" എന്ന ശീർഷകത്തിൽനിന്ന് ചെലവഴിക്കുന്നതിന്

വിജിലൻസ് ഡയറക്ടർക്ക് അനുമതി നൽകുന്നതിനോടൊപ്പം പ്രസ്തുത നമ്പർ എല്ലാ സർക്കാർ പൊതുമേഖല സ്ഥാപനങ്ങളിലും പ്രദർശിപ്പിക്കുന്നതിനുള്ള നടപടി ബന്ധപ്പെട്ട വകുപ്പ് മേധാവികൾ സ്വീകരിക്കാനും ഇതിനാൽ ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം,

ശൈലജാദേവി, കെ.,
അഡീഷണൽ സെക്രട്ടറി.

കേരള സർക്കാർ

സംഗ്രഹം

വിജിലൻസ് വകുപ്പ്—മുഖ്യമന്ത്രിയുടെ 24x7 കോൾസെന്റർ മുഖാന്തിരം ലഭിക്കുന്ന പരാതികൾ വേഗത്തിൽ തീർപ്പാക്കുന്നതിനായി നോഡൽ ഓഫീസറെ നിയമിച്ച് ഉത്തരവ് പുറപ്പെടുവിക്കുന്നു

വിജിലൻസ് (ഇ) വകുപ്പ്

സ. ഉ. (സാധാ.) നമ്പർ 06/2015/വിജി. തിരുവനന്തപുരം. 2015 ജനുവരി 19.

പരാമർശം—17-11-2014-ന് നടന്ന മുഖ്യമന്ത്രിയുടെ 24x7 കോൾസെന്റർ പ്രവർത്തനാവലോകനയോഗത്തിലെ തീരുമാനം.

ഉത്തരവ്

മേൽ പരാമർശിത യോഗതീരുമാനപ്രകാരം മുഖ്യമന്ത്രിയുടെ 24x7 കോൾസെന്റർ മുഖാന്തിരം ലഭിക്കുന്ന പരാതികൾ വേഗത്തിൽ തീർപ്പാക്കുന്നതിലേയ്ക്കായി വിജിലൻസ് വകുപ്പിന്റെ നോഡൽ ഓഫീസറായി വിജിലൻസ് (ഇ) വകുപ്പിന്റെ ചുമതലയുള്ള അണ്ടർ സെക്രട്ടറിയെ (നിലവിൽ ശ്രീ. ആർ. എൻ. ഗോപകുമാർ) നിയോഗിച്ചുകൊണ്ട് ഉത്തരവാകുന്നു.

ഗവർണ്ണറുടെ ഉത്തരവിൻ പ്രകാരം,

ശൈലജാദേവി, കെ.,
അഡീഷണൽ സെക്രട്ടറി.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—PERIODICAL REVIEW OF SUSPENSION CASES IN CONNECTION WITH VIGILANCE ENQUIRY/INVESTIGATION, BY THE SUSPENSION REVIEW COMMITTEE—GUIDELINES REVISED—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT
G. O. (P) No. 27/2015/Vig.**Dated, Thiruvananthapuram, 25th June, 2015.**

*Read:—*1. G. O. (Ms.) No. 21/1990/Vig., dated 23-1-1990.

2. Circular No. 11375/E3/2004/Vig., dated 15-11-2004.

ORDER

The Suspension Review Committee, in its meeting held on 27-5-2015, has made the following recommendations in respect of the periodical review of suspension cases in connection with Vigilance Enquiry/Investigation:

- (i) *The frequency of periodical meeting of the committee may be refixed as "once in three months", reviewing the present frequency of 'once in four months' fixed vide Government Order read above.*
- (ii) *All suspension cases relating to Vigilance Enquiry/Vigilance Case etc., including Trap cases should be placed before the committee after six months of suspension or on the completion of Enquiry/Investigation whichever is earlier, reviewing the present time frame fixed as per the circular read above.*

2. The committee also discussed the "tenure of posting" of incumbents in non-sensitive post on their reinstatement into service consequent on the recommendation of the committee. The committee recommended that such incumbent shall be posted in non-sensitive post till the completion of Vigilance Enquiry/Investigation. However the restriction shall continue in the case of habitual offenders, based on the discretion of the authority concerned.

3. Government in Vigilance Department have examined the recommendations in detail and approved the same as such. Accordingly the Government Order and the circular read above stand modify to the above respective extents.

By order of the Governor.

NALINI NETTO,

Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—STRENGTHENING OF VIGILANCE MACHINERY—PREPARATION, SCRUTINY AS WELL AS IMPLEMENTATION OF RECOMMENDATIONS OF VIGILANCE AND ANTI-CORRUPTION BUREAU IN VARIOUS ENQUIRY REPORTS AND CONDUCTING REVIEW MEETINGS—PROJECT PROPOSAL APPROVED IN PRINCIPLE—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 47/2015/Vig. Dated, Thiruvananthapuram, 29th December, 2015.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992
 2. G. O. (P) No. 18/97/Vig. dated 5-4-1997
 3. G. O. (P) No. 46/97/Vig. dated 31-7-1997
 4. Circular No. 11855/E3/08/Vig. dated 7-1-2010
 5. Circular No. 6621/E3/15/Vig. dated 14-10-2014
 6. Letter No. G2-21433/2014 dated 17-9-2014 from the Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram.

ORDER

The Vigilance and Anti-Corruption Bureau, the premier Anti-Corruption agency of the State to fight against corruption, is functioning as a separate department to deal with cases involving corruption i.e., criminal misconduct of public servants as defined in the Prevention of Corruption Act, 1988. The Bureau conducts enquiries and prepares the Enquiry Reports and Government Vigilance Department examines, approves and distributes the same and the administrative departments concerned take followup action and finalise them in consultation with Vigilance department. On analysis of the cyclic process of the present system, the rate of preparation of Enquiry

Reports as well as the rate of disposal of Vigilance Enquiry Recommendations will have to be in accordance with a specific ratio for the effective functioning of the Vigilance Machinery in the State in the achievement of 'prevention of corruption'. There are measures yet to be taken to obtain and process such details. Hence it requires a Project 'Strengthening of Vigilance Machinery' for the proper management of all relevant data pertaining to the Vigilance Enquiry Reports, including cases pending before Enquiry Commissioner and Special Judges and Vigilance Tribunals.

2. As reported by the Director, Vigilance and Anti-Corruption Bureau in the letter read as 6th paper above, there is a large number of pending enquiries in VACB yet to be completed and also a large number of recommendations yet to be finalized through the administrative departments. There are standing instructions as per the Government Orders and Circulars read as 1st to 5th papers above in this regard. But on verification of the implementation level, there is no adequate system to trace out the case of pending enquiries as well as pending recommendations. Therefore remedial measures are to be taken to find out a solution, otherwise it will nullify the efforts of 'VACB' in the 'Prevention of Corruption'. Therefore a project proposal is designed and developed in Vigilance Department to fulfill the requirements. The basic aspects of the project are as follows:

3. There are four entities viz., Directorate of Vigilance and Anti-Corruption Bureau, Vigilance Department, Administrative Departments and Vigilance Cell according to the data/details stored and processed as per the requirements of these entities and according to their functioning. The strengthening of Vigilance Machinery is the strengthening of each Entity/Units in a phased manner operation. It emphasizes on the effective measures to be taken and implemented for the timely preparation of Enquiry Reports and disposal of the recommendations of Director, Vigilance and Anti-Corruption Bureau in Vigilance Enquiry/Surprise Check/Quick Verification/Confidential Verification etc., in accordance with the instructions issued in this regard, within the stipulated time frame.

4. Currently, there is no adequate system to trace out the case of pending enquiries as well as pending recommendations. An effective method is that such details of pending cases will have to be collected and to conduct Periodical Review Meeting. There are no updated Registers for the collections of such data for the discussion. Also such details will have to be collected from Vigilance and Anti-Corruption Bureau, Vigilance Department and Administrative Departments and Vigilance Cell and gathered together in a Register manually to conduct the meeting. The timely collection of such precise details manually from each entity is a time consuming process and is not at all a practical solution ever. Exact details of error free data will be required and such data needs to be updated on a regular basis. Therefore a Relational Database Management System (RDBMS) has to be generated and implemented for the time-bound finalization of enquiry recommendations and conducting periodical Review Meetings. The status of pending Enquiries in Vigilance and Anti-Corruption Bureau, cases before Enquiry Commissioner and Special Judges, Vigilance Tribunals etc., have also to be verified and updated.

5. For the effective implementation of the project 'Strengthening of Vigilance Machinery' with the 'Relational Database Management System', it needs to establish co-ordination among the Entities such as Vigilance and Anti-Corruption Bureau, Vigilance Department, Administrative Departments and Vigilance Cell. As the Vigilance Machinery has four Entities and three phases, it is essential to designate/nominate a Nodal Officer/Co-ordinator in each entity who is responsible for the verification and transaction of data/details concerned to that entity. Then only the transaction of data related to Vigilance Enquiry Recommendations can be made effective so as to prepare the status of Recommendations spread over different departments and are at different stages. The prime responsibility of the officer is the delivery of precise data items and the updation of respective entries in the Database.

6. Thus in brief, a well equipped 'Online system' for the collection, scrutiny and updation of the various enquiry reports in a 'Database' is essential in the phased manner operation of the Project "Strengthening of Vigilance Machinery" so as to fulfill the objectives of 'Prevention of Corruption' in a fruitful manner.

7. As stated above, for the implementation of the Project '**Strengthening of Vigilance Machinery**', sanction is accorded in principle to develop an '**Online Software**' for the management of various enquiry reports and conduct of periodical review on the pending enquiries in VACB as well as pending recommendations yet to be finalised by the administrative departments.

8. The finer aspects of the project will be worked out and implemented in due course after discussions with all concerned.

By order of the Governor,

SAILAJA DEVI, K.,
Special Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—INVESTIGATION/ENQUIRIES BY VIGILANCE &
ANTI-CORRUPTION BUREAU AND DEPARTMENTAL ENQUIRY—PROCEDURE—
REVISED—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G O. (P) No. 8/2017/Vig. Dated, Thiruvananthapuram, 29th March, 2017.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
2. 76th Report of Public Accounts Committee (2006-2008).
3. G. O. (P) No. 55/12/Vig. dated 4-12-2012.

ORDER

Government, as per G. O. read as 1st paper above, had issued orders regarding the working and procedure to be adopted with regard to the investigation/enquiries by the Vigilance and Anti-Corruption Bureau (V&ACB) and had stated therein not to conduct departmental enquiry wherein a parallel Vigilance Investigation is going on. In the 76th report of Public Accounts Committee (2006-2008), the Committee observed that though numerous cases of malpractice/corruption/misappropriation of funds are unearthed in various departments, no effective measures of any kind have been taken to curb the corruption malice in Government Departments as a permanent solution and recommended to modify para 13(1) of the G. O. read as 1st paper above so as to initiate departmental enquiry and take appropriate action against the miscreants notwithstanding the fact that Vigilance enquiry has been initiated against them.

2. Accordingly, Government read as 3rd paper above modified para 13(1) of the said G. O. as follows:

“Departmental Action.—(1) When an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance Investigation, the Head of Department/Office concerned shall initiate departmental enquiry on the same allegations.”

3. In this context, clarifications have been sought from various Administrative Departments as to whether

(i) a departmental proceedings is mandatory in a case where a Vigilance Enquiry is initiated by the Vigilance & Anti-Corruption Bureau.

(ii) consultation of Vigilance Department is necessary for finalization of departmental proceedings if Vigilance Enquiry/Vigilance Case is going.

4. The Government have examined various aspects of this matter and made out the following points:

(i) The word shall casts a mandatory liability on the part of the department to initiate departmental enquiry in all cases where Vigilance enquiry/investigation is going on/pending

(ii) The purpose of Departmental action and Vigilance Investigation are different. Departmental proceedings are not necessary in many cases where Vigilance Investigation is being conducted eg. trap case, amassment of wealth, acceptance of bribe etc.

(iii) The Head of Department/Disciplinary Authority has to analyse the material facts and circumstances in each case to arrive at a finding whether the departmental action is necessary where a vigilance enquiry/investigation is conducted on the same set of facts.

5. In the circumstances, Government have decided to make further modifications to Para 13(1) of the G. O. read as 1st above as follows:

“Departmental Action.—(1) when an investigation/enquiry against a Government Servant is pending in the Directorate of Vigilance and Anti-Corruption Bureau, the Head of office/the Head of Department/Disciplinary authority may, if they consider necessary, initiate departmental enquiry in the same allegations on appreciation of the merit of each case. If the departmental enquiry/disciplinary proceedings is conducted/initiated on the recommendations of Director, Vigilance and Anti-Corruption Bureau in a case, or otherwise the Administrative Department/the Head of Department/Disciplinary Authority concerned will take a final decision in the matter only after ascertaining the position of the Vigilance case/enquiry with the Director, Vigilance and Anti Corruption Bureau through the Vigilance Department in Government.”

6. The Government Order read as 3rd above stands modified to the above extent.

By order of the Governor,

NALINI NETTO,

Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Abstract

VIGILANCE DEPARTMENT—ORGANISATION, CONTROL AND SUPERVISION OF VIGILANCE AND ANTI-CORRUPTION BUREAU—PREPARATION OF VARIOUS ENQUIRY REPORTS BY VIGILANCE AND ANTI-CORRUPTION BUREAU WITH REGARD TO EXISTING NORMS/INSTRUCTIONS—GUIDELINES SPECIFIED— FURTHER INSTRUCTIONS—ORDERS ISSUED

VIGILANCE (E) DEPARTMENT

G. O. (P) No. 9/2017/Vig. Dated, Thiruvananthapuram, 29th March, 2017.

- Read:*—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992
2. G. O. (P) No. 18/97/Vig. dated 5-4-1997
3. G. O. (P) No. 34/97/Vig. dated 11-6-1997
4. G. O. (P) No. 46/97/Vig. dated 31-7-1997
5. Circular No. 2266/E2/08/Vig. dated 23-5-2008
6. Circular No. 6621/E3/14/Vig. dated 14-10-2014
7. G. O. (P) No. 47/15/Vig. dated 29-12-2015

ORDER

The Vigilance and Anti-Corruption Bureau is functioning as a separate department since 1964 to deal with cases coming under the Prevention of Corruption Act, 1988. All the twenty three Vigilance units of Vigilance and Anti-Corruption Bureau are notified Police Stations, having the power to conduct preliminary enquiries and register FIRs. Since the Vigilance and Anti-Corruption Bureau Directorate is no longer a Police Station as notified with effect from 8-5-2015, all petitions are enquired into and acted upon in the District Units and Special Units of the Bureau.

2. Time limits for the completion of enquiries, verification related matters and checks have been stipulated in the Government Order read as 1st cited. As per Government Order read as 7th paper above, it has been instructed to conduct periodical review of pending enquiries with recommendations utilising a centralised storage system.

3. It has come to the notice of Government that owing to a large number of petitions/complaints being received in the Directorate of Vigilance and Anti-Corruption Bureau and its Unit offices, the Director, Vigilance and Anti-Corruption Bureau had permitted the unit officers to take action at unit level on the petitions received directly by conducting Quick Verifications, Confidential Verifications and Surprise Checks and also registration of Vigilance Cases based on enquiries underway and such other verifications and checks. In this context, it is felt that streamlining of enquiry and verification procedures is essential for eliminating contradictions in orders and circulars issued from time to time and duplication of work in this regard. After examining this matter in detail, Government have decided to issue the following directions for strict compliance.

- (i) All petitions/complaints directly received in the various offices under Directorate of Vigilance & Anti-Corruption Bureau, viz. fourteen District Units, four Range Offices, two Special Investigation Units (SIUs) and three Special Cells will be scanned and then mailed to the Director, Vigilance and Anti-Corruption Bureau without delay.
- (ii) All such petitions/complaints received in the Directorate including those directly received in the Directorate, will be examined in the Petition Section which if disbanded will be re-established as

before and put up to the Superintendent of Police (Intelligence). Supdt. of Police (Intelligence) will suggest to the Director on each petition/complaint, an appropriate course of action on any one of the lines as given below:

- (a) Preliminary Enquiry (PE)
 - (b) Quick Verification (QV)
 - (c) Confidential Verification (CV)
 - (d) Surprise Check (SC)
 - (e) Recommendation to Vigilance Department in Government for sanction to conduct a formal Vigilance Enquiry (VE).
- (iii) Orders from the Director for conduct of Quick Verification/Confidential Verification/Surprise Check and for follow up action will be promptly communicated to the respective unit office/office concerned.
- (iv) Petitions, which have no Vigilance angle or those which do not disclose offences under the Prevention of Corruption Act, 1988 which need to be dealt with by the department concerned, will be forwarded to Vigilance Department in Government for appropriate action. In the event of the same petition being received at different units and forwarded to the Vigilance & Anti-Corruption Bureau Directorate, the unit which will enquire into or verify the matter will be decided by the Director.
- (v) As regards petitions/complaints received by Heads of Departments (HODs) having Vigilance angle, the same will be forwarded to the Administrative department in Government and after due examination, the same will be transmitted to the Vigilance Department in Government with appropriate

recommendations. Such recommendations should be in accordance with Para 36 (I)(II)(III) of chapter VI of the Vigilance Manual and also as stipulated in Para 12(d) of G.O. read as 1st paper above.

- (vi) If departmental action is recommended by an enquiry officer in a Confidential Verification, Surprise Check or Quick Verification such report should be sent to the Director, Vigilance and Anti-Corruption Bureau, who after evaluating the same on the basis of scrutiny Reports/Legal advice will communicate the same to Vigilance Department in Government for further action.
- (vii) If during the course of any Enquiry or at its conclusion, it is felt that there is sufficient material for registration of a Vigilance Case (VC) the Enquiry Officer will seek the sanction of the Director, Vigilance and Anti-Corruption Bureau following instructions given in para 56 of chapter VII of the Vigilance Manual and Para (8) of G.O. read as 1st paper above. In other words, the procedure of submitting enquiry reports, writing of scrutiny notes and speaking sanction orders will be observed scrupulously as per the provisions contained in the Vigilance Manual. The Director, Vigilance & Anti-Corruption Bureau before granting or turning down such requests may seek legal advice if so desired. These directions are, however, not applicable in launching of Trap Cases or in the matter of enquiries or verification ordered by any competent court of law.
- (viii) The practice of conducting preliminary enquiries prior to the registration of cases under the Prevention of Corruption Act, 1988 has been upheld in various judgments of the Hon'ble Supreme Court. In the landmark judgment in Lalithakumari Vs State of UP (AIR 2014 SC 187), the Apex Court has categorised corruption case as one of the five types of cases where preliminary enquiry may be made. The scope of the

preliminary enquiry is not to verify the veracity or otherwise of the information received, but only to ascertain whether the information reveals any cognisable offence. While ensuring and protecting the rights of the accused and the complainant, a preliminary enquiry should be timebound and shall not exceed 42 days. The facts of such delay and causes of it must be reflected in the General Diary maintained in the office concerned.

- (ix) In the case of enquiries verifications ordered by Vigilance Special Courts no sanctions is required from the Vigilance Department in Government for conducting such enquiries or verifications. However the Vigilance Department in Government should be intimated of the fact promptly for record.
- (x) Before filing of Final Reports in the Vigilance Courts the findings of the Investigating Officer shall be scrutinised through proper channel and put up to the Director, Vigilance & Anti-Corruption Bureau for final orders as envisaged in Para 72(1) of the Vigilance Manual.
- (xi) Once an FIR is registered and copy sent to the Court concerned, the entire matter comes under the purview of the court. In this circumstance, if an accused (figuring in the FIR) has any grievance, he/she should approach the court concerned for redress. No such grievance will be entertained in Government.
- (xii) All post FIR registration formalities will be strictly-observed as laid down in the Vigilance Manual and as stipulated in Para (8) of G.O. read as 1st paper above.
- (xiii) Cases should be closed only after obtaining sanction from the Director, Vigilance & Anti-Corruption Bureau who will satisfy himself that there is sufficient grounds for doing so.

(xiv) Examining and passing value judgments at various levels of Government on the merits or demerits of a case, which is before a competent court and under investigation, is plain and simple unwarranted interference in the criminal-judicial process underway. Such exercise which is administratively prejudicial and legally unethical should be eschewed at all costs.

4. These directions which already exist in the Vigilance Manual duly authorised by Government and other Government Orders in force are being reiterated in the wake of large number of petitions/complaints being received/entertained at multi-levels in administration resulting in duplication of orders, contradictions and decisions being taken at inappropriate levels, the net result being colossal waste of time and resources, apart from administrative confusion and erosion of centralised command and responsibility.

5. The duly authorised Vigilance Manual and Government Orders (GOs) issued by the Vigilance Department in Government thereafter will prevail over any Circular or Directive in the Vigilance & Anti-Corruption Bureau.

By order of the Governor,

NALINI NETTO,

Additional Chief Secretary to Government.

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GOVERNMENT OF KERALA

Vigilance (C) Department

CIRCULAR

No. 5681/C2/98/Vig. Dated, Thiruvananthapuram, 31st December, 2001.

Sub:—Vigilance Department—Disciplinary/Enquiry cases—Reference to Vigilance Tribunal by Heads of Department—Reg.

On a review of the disciplinary cases tried by Vigilance Tribunals of the State, it has come to the notice of Government that the Vigilance Tribunals are only making enquiries in disciplinary cases arising out of enquiries/investigations conducted by the Vigilance and Anti-Corruption Bureau. The Departmental officers are not utilizing the service of Vigilance Tribunals for the conduct of disciplinary enquiries which are necessary to finalise the disciplinary proceedings initiated against Government servants. The Vigilance Tribunals under Kerala Civil Services (Vigilance Tribunal) Rules are generally appointed for making enquiries into the conduct of Government servants. As per Rule 4(1) of Kerala Civil Services (Vigilance Tribunal) Rules, Government may refer to the Vigilance Tribunal any case or class of cases, which they consider, should be dealt with by the Vigilance Tribunal, provided that all cases relating to gazetted officers in respect of matters inviting corruption on the part of such officers in the discharge of their duties shall be referred to the Vigilance Tribunal. Thus clear provisions are made in the said Rule that disciplinary enquiry against gazetted officers in respect of allegations of corruption shall only be made by the Vigilance Tribunal. There should be no difficulty therefore, in adhering to the mandate of the said Rule. According to Rule 5(b) of Kerala Civil Services (Vigilance Tribunal) Rules, the departmental authorities can also send to the Government the records of cases other than corruption which they think fit to be tried by the Vigilance Tribunal and Government shall decide whether they shall be tried by the Vigilance Tribunal or not. The discretion, however, cannot be exercised in cases relating to gazetted officers in respect of matters involving corruption and Government shall forward such cases to Vigilance

Tribunal for making enquiries in accordance with the procedure laid down in the Rules. The object of the Rule is to impose penalties on the basis of findings and recommendation of Vigilance Tribunal who is a legally qualified authority in the conduct of disciplinary enquiries. Several instances have come to notice that non-observance of the said Rules by the department officers often results in the escape of many officers involved in corrupt activities without receiving adequate penalties provided by the disciplinary rules. This happens because the appreciation of evidence against delinquent officers is not done properly in Departmental Enquiries on the basis of the principle of "Preponderance of Probabilities" (as against proof beyond reasonable doubt in Criminal Proceedings).

Government therefore consider that officers who have committed misconduct while in service should be awarded with penalty proportionate to gravity of their misconduct. This can be achieved where the departmental officers take such decision to send disciplinary enquiry cases especially allegations of corruption against gazetted officers to Government in accordance with procedure laid down by Rule 5(b) and 5(c) of the Kerala Civil Services (Vigilance Tribunal) Rules.

Government wish to reiterate that the directions contained in Rule 5 (b) and (c) of Kerala Civil Services (Vigilance Tribunal) Rules should be followed scrupulously by all Department Officers and they shall forward all disciplinary cases relating to gazetted officers in respect of matters involving corruption on the part of such officers, to Government in the Vigilance Department for the purpose of ordering disciplinary enquiry by the Vigilance Tribunals. This will also save the precious time of the Department Officers who have to monitor plan/non-plan schemes and developmental activities and at the same time help unearth evidence against delinquent officers in a thorough and systematic procedure adopted by the Vigilance Tribunals which can stand scrutiny in the Court of Law, if challenged subsequently.

Before forwarding such cases to Government the departmental officers shall frame charges against such officers and obtain their written statement of defence.

DR. SATYANARAYANA DASH,
Principal Secretary (Home & Vigilance).

GOVERNMENT OF KERALA

Vigilance (C) Department

CIRCULAR

No. 6174/C2/2000/Vig. Dated, Thiruvananthapuram, 12th October, 2000.

Sub:—Enquiries regarding the present stage of Vigilance Cases—
Instructions issued.

It has come to the notice of Government that the Trial Courts are quite often in receipt of letters enquiring about the present stage of various FIRs and Vigilance cases filed before the courts. This practice of addressing the Courts directly is not advisable as it is likely to invite contempt of court on the ground that it may amount to interference with administration of justice. It is also against the procedure issued in G.O.(P) No. 65/92/Vig. dated 12-5-1992 relating to the investigation and enquiries by the Vigilance Department. Therefore, Government hereby instruct that whenever the Departmental officers are in need of any information regarding the FIR/Vigilance cases or enquiries or matters related to them, they may address the Administrative Departments concerned and they, in turn, will refer the matter to the Vigilance Department in Government.

All Heads of Departments shall issue necessary instructions to their subordinates accordingly, in order to avoid recurrence of such correspondence in future.

V. KRISHNAMURTHY,
Additional Chief Secretary.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 10280/E3/01/Vig. Dated, Thiruvananthapuram. 25th January, 2005.

Sub:—Vigilance Department—Parallel Departmental Enquiry and Enquiry by the Vigilance Tribunal on the same allegations—Instructions issued.

Ref:—G. O. (P) No. 65/92/Vig. dated 12-5-1992.

In the Government Order cited, it has inter alia been ordered that when an investigation/enquiry against a Government servant is pending in the Directorate of Vigilance Investigation, the Head of Department/Office concerned shall not initiate a parallel departmental enquiry on the same allegation but shall wait for the completion of the investigation/enquiry by the Directorate of Vigilance Investigation.

However, in spite of this, it has come to the notice of Government that in a particular case, departmental proceedings and Vigilance Tribunal Enquiry were conducted simultaneously on the same allegations.

In the circumstances, Government are pleased to clarify that when an investigation/enquiry against a Government servant is pending with the Director of Vigilance and Anti-Corruption Bureau/Vigilance Tribunal, the Head of Department/Office concerned shall not initiate a parallel departmental enquiry on the same allegation. But shall wait for the completion of investigation/enquiry by the Director, Vigilance and Anti-Corruption Bureau/Vigilance Tribunal. However if criminal prosecution is required to be launched with regard to the same conduct which leads to the disciplinary proceedings, such prosecutions may be initiated and continued.

N. RAMAKRISHNAN,
*Additional Chief Secretary and
Principal Secretary to Government.*

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 10609/C1/02/Vig. Dated, Thiruvananthapuram, 9th January, 2003.

Sub:—Vigilance Department—Strengthening of Vigilance set up in Government Departments of Public Sector Undertaking—Appointment of Vigilance Officers—Instruction issued.

Ref:—G. O. (P) No. 34/97/Vig. dated 11-6-1997.

Government in the G.O. referred to above had issued order to set up a 'Vigilance Cell' in all departments and Public Sector Undertakings and to designate a senior officer preferably number two level in each organization as the Vigilance Officer to head the Vigilance Cell. It was aimed at strengthening the Vigilance set up in each organization so as to initiate the battle against corruption from within the organization. Now it has come to the notice of Government that several departments/Public Sector Undertakings have not designated 'Vigilance Officer' as directed by Government. Government therefore reiterate the necessity of the matter and direct all Heads of Departments/Chief Executives of Public Sector Undertakings to designate a senior officer in their organization as the 'Vigilance Officer' to head the Vigilance cell as per the order in the Government order cited. The details of the Officers should be reported to the Vigilance Department and the Director of Vigilance of Anti-corruption Bureau, Thiruvananthapuram. Departments under which Public Sector Undertakings are functioning may forward the list of Vigilance Officers in a consolidated form.

AGNUS ANTONY,
Joint Secretary.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 1373/E3/04/Vig. Dated, Thiruvananthapuram. 22nd March, 2005.

Sub:—Vigilance Department—Review of cases of officers who are placed under suspension—Further instructions—Issued.

Ref:—Circular No. 9713/C1/91/Vig. dated 21-5-1992.

It has been noticed that cases of suspension which are not taken up with Vigilance Department either by the persons themselves or by the Departments concerned are not reviewed by the SRC and also that there are some inconsistencies in the recommendation of cases to be placed before the SRC. So in order to formulate a uniform yardstick for the reinstatement of employees, who are under suspension in connection with vigilance cases, the following instructions are issued:

1. All heads of Departments and Disciplinary Authorities in addition to the Administrative Department in the Secretariat will furnish the details of officers under suspension in connection with Vigilance cases/enquiries direct to Director, Vigilance & Anti-corruption Bureau with copy to Vigilance Departments in Government for placing it before the Suspension Review Committee.
2. The Director, Vigilance & Anti-corruption Bureau will place the details of all officers who have completed six months under suspension irrespective of the authority who placed them under suspension in the next Suspension Review Committee.

N. RAMAKRISHNAN,
Principal Secretary,
Home & Vigilance.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 5478/E3/04/Vig. Dated, Thiruvananthapuram, 18th February, 2005.

Sub:—Vigilance Department—Finalisation of disciplinary proceedings initiated against Government servants in connection with Vigilance Cases—Avoidance of delay—Instructions issued—Reg.

Ref:—Letter No. A1(3) 28658/03/GW dated 17-3-2004 from the Secretary, Kerala Public Service Commission, Thiruvananthapuram.

It has been noticed that there is considerable delay at various levels in the finalisation of the disciplinary proceedings initiated against Government servants arising out of the Vigilance cases. The Secretary, Kerala Public Service Commission in his letter read above has reported that certain cases are being referred to the Commission for advice only at the fag end of the service of the Accused Officers. According to the Commission, delay in various stages of disciplinary proceedings helps the delinquent officers go unpunished.

2. Hence all Heads of Departments/Officers concerned are directed to initiate appropriate steps to get the disciplinary proceedings finalised with minimum possible delay and to complete the disciplinary proceedings preferably before the date on which the delinquent officer ceases to be a Government servant.

N. RAMAKRISHNAN,

*Additional Chief Secretary and
Principal Secretary to Government.*

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 7194/E3/04/Vig. Dated, Thiruvananthapuram, 25th August, 2004.

Sub:—Sanctions for Prosecution of Government servants and Public servants—Avoiding of delay fixing of time limit—Instructions issued.

Ref:—(1) Circular No. 6098/A1/76/Vig., dated 2-9-1976.

(2) Letter No. E 20-3076/98 dated 4-11-1995 from Director, Vigilance and Anti-Corruption Bureau.

The question of delay in the issue of sanction for prosecution of public servants in cases investigated by the State Vigilance and Anti-corruption Branch came up for discussion at the joint conference of the Central Bureau of Investigation and State Anti-corruption Officers held in July 1975. The Officers recommended that there should be administrative instruction to the effect that the sanction should be given or refused within a period of two months, as otherwise there is avoidable delay in putting the case in court and consequent injury to its proper presentation. Therefore, as per the circular cited all the Heads of Department and the Department of the Secretariat were requested to take necessary action in accordance with the above recommendation of the officers of CBI and State Vigilance and Anti-corruption Bureau.

(2) The Supreme Court of India in its judgment dated 18-12-1997, in Writ Petitions Crl. No. 340 to 343/93 filed by one Vineth Narayanan and others Vs Union of India and others imposed a time limit of three months for granting prosecution sanction and an additional time limit of one month in case where consultation with Attorney General's office is necessary.

(3) Therefore, the Director, Vigilance & Anti-Corruption Bureau as per his letter 2nd cited has requested Government to issue certain guidelines for fixing a time limit of 3 months for according prosecution sanction since inordinate delay is noticed in issuing prosecution sanction against Government servants involved in C Act and IPC offences by the sanctioning authority.

(4) Therefore, in partial modification of circular cited all Heads of Departments and all Departments in the Secretariat are requested to adhere to the time limit of 3 months in the issuance of prosecution sanction order so as to avoid delay in putting the cases to court and consequent injury to its proper presentation.

AGNUS ANTONY,
Additional Secretary.

GOVERNMENT OF KERALA
Vigilance (E) Department
CIRCULAR

No. 8842/E3/04/Vig.

Dated, Thiruvananthapuram, 15th September, 2004.

Sub:—Vigilance Department—Review of Suspension of officers involved in Vigilance, trap cases—Revised guidelines—Issued.

Ref:—1. Circular No. 9713/C1/91/Vig. dated 21-5-1992.

2. Circular No. 1373/E3/04/Vig. dated 22-3-2004.

As per the existing guidelines issued in circular 1st and 2nd cited suspension shall be revoked without prejudice to the pending proceedings in all Vigilance cases including trap cases if the officers had been under suspension for more than 2 years even if the cases have not been charge

sheeted except in cases where the Director, Vigilance & Anti-Corruption Bureau, furnished sufficient reasons to prolong the period of suspension beyond 2 years.

2. It has been come to the notice of the Government that while forwarding proposals for review by Director, Vigilance & Anti-Corruption Bureau to Government in such cases the Director, Vigilance & Anti-Corruption Bureau, seems to have not adopted a uniform procedure in recommending, revocation of suspension. So in order to formulate a uniform yardstick for the reinstatement of employees, who are under suspension in connection with Vigilance cases/Vigilance trap cases the following revised guidelines are issued for review of suspension of officers involved in Vigilance trap cases.

(A) In respect of successful trap cases the accused Officers who are under suspension for more than two years and whose cases have been charge sheeted before the courts alone will be reviewed by the Suspension Review Committee and recommendations made to Government.

(B) In cases where the orders of suspension were issued by other Departments of the Secretariat/Heads of Departments etc., in successful trap cases the cases may be referred to the Vigilance Department by the concerned for review by the Suspension Review Committee only after two years of completion of suspension. Orders may be issued by the concerned only after getting the views of the Vigilance Department.

(C) In cases of successful trap cases in which the charge sheets have not been filed before the courts after completion of 2 years of suspension, the Suspension Review Committee will review the cases with the recommendation of Director, Vigilance & Anti-Corruption Bureau on the point whether the AOs can be reinstated and if so the specific reasons justifying the reinstatement. If the Director, Vigilance & Anti-Corruption Bureau, is not recommending the reinstatement even after completion of two years of suspension in such cases the Director, Vigilance & Anti-Corruption Bureau, will have to report specific reasons justifying the prolonged suspension.

(D) In cases of the unsuccessful trap cases and other Vigilance cases which cannot be charge sheeted before the court, but only departmental action Vigilance Tribunal Enquiry is possible, the existing practice of review by the Vigilance after six months of completion of suspension will continue.

(E) In all trap cases the recommendation of Director, Vigilance & Anti-Corruption Bureau, for suspension of AOs may specifically state whether the trap is a successful or unsuccessful one.

N. RAMAKRISHNAN,

Principal Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 11375/E3/2004/Vig.

Dated, Thiruvananthapuram, 15th November, 2004.

*Sub:—Vigilance Department—Strengthening of Vigilance Machinery—
Instructions issued.*

The Chief Minister in the meeting of Vigilance Officers held on 7-10-2004 directed to issue the following instructions regarding the working of Vigilance Department:

1. In cases where there is only procedural irregularities, only departmental action should be initiated. Vigilance cases need not be taken.
2. Investigation/Enquiry in cases pending for more than 5 years should be completed within a time frame.
3. In all cases of suspension except trap cases, the cases should be placed before Suspension Review Committee after six months of suspension and the person re-instated, if there is not specific

- reason to keep him under suspension. In trap cases, the case should be placed before the Suspension Review Committee after one year and the person re-instated if there is no specific reason to keep him under suspension.
4. Due action should be taken under the P. C. Act against employees who are collecting money for political parties.
 5. A list of corrupt officials of all Departments should be prepared handed over to the office of the Chief Minister in connection possible appointment to sensitive posts.
 6. Vigilance clearance should be made mandatory for appointment to all these posts in Government.

N. RAMAKRISHNAN,
*Additional Chief Secretary and
 Principal Secretary to Government.
 (Home and Vigilance).*

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 5807/E3/2005/Vig.

Dated, Thiruvananthapuram, 2nd August, 2005.

*Sub:—*Vigilance Department Petitions forwarded by the Heads of Departments for Vigilance Enquiry—Instructions issued.

*Ref:—*1. G O. (P) No. 65/92/Vig. dated 12-5-1992.

2. Letter No. E8-18456/05 dated 4-6-2005 from the Director, Vigilance and Anti-Corruption Bureau.

In the Government Order read above Government have inter alia ordered that the petitions for enquiry by Vigilance Department received by Heads of Departments and others should invariably be forwarded to

Government in the Vigilance Department for further action. But, it has come to the notice of Government that some Heads of Departments send petitions containing allegations of corruption, direct to Director, Vigilance and Anti-Corruption Bureau.

In the circumstances, all Heads of Departments are directed to strictly adhere to the instructions contained in the Government Order cited and not to forward petitions containing allegation of corruption direct to the Director, Vigilance and Anti-Corruption Bureau.

K. K. VJAYAKUMAR,
*Principal Secretary to Government,
Home and Vigilance Department.*

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 9328/E3/06/Vig.

Dated, Thiruvananthapuram, 1st December, 2006.

Sub:—Vigilance Department—Petitions forwarded by the Heads of Departments for Vigilance Enquiry—Review of cases of Officers who are placed under suspension—Further instructions—Issued—Reg.

- Ref:—*1. Circular No. 5807/E3/05/Vig. dated 2-8-2005.
2. Circular No. 1373/E3/04/Vig. dated 22-3-2004.
3. Letter No. E20-23632/2006 dated 28-9-2006 from the Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram.

As per Circular 1st cited all Heads of Departments have been directed not to forward petitions containing allegation of corruption direct to the Director, Vigilance and Anti-corruption Bureau, but should invariably be forwarded to Government, in Vigilance Department. As per Circular second cited direction has been given to all Heads of Departments and Disciplinary authorities, in addition to the Administrative Departments in the Secretariat to furnish the details of Officers under suspension in connection with Vigilance Cases/Vigilance Enquiries direct to Director, Vigilance and Anti-Corruption Bureau with copy to Vigilance Department in Government for placing it before the Suspension Review Committee.

However, the Director, Vigilance and Anti-Corruption Bureau has reported that instances have come to his notice that certain District Collectors and Heads of Departments are forwarding petitions containing allegations of corruption, direct to him. So also the Heads of Departments and District Collectors are not forwarding details of cases of suspension to him which cause much difficulty in consolidating the details to be placed before the Suspension Review Committee.

In the circumstances it is reiterated that all Heads of Departments and District Collectors shall strictly adhere to the instructions contained in the Circulars 1st and 2nd cited.

V. I. MOHANAN,
Additional Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 7516/E3/07/Vig.

Dated, Thiruvananthapuram, 10th September, 2007.

Sub:—Vigilance Department—Details of officers required for furnishing Vigilance Clearance—Instructions issued—Reg.

Ref:—Letter No. E 20-20732/2007 dated 17-7-2007 from the Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram.

It has come to the notice that most of the requests received from various Departments/Secretariat Departments requesting Vigilance clearance for DPC/Issuance of Passport etc. contains only name/name and designation of the officers concerned. The Director, Vigilance and Anti-Corruption Bureau has reported that such requests create much difficulty in furnishing their correct information.

In the above circumstances all Heads of Departments and Administrative Departments in the Secretariat are requested to furnish the following details also while sending request for Vigilance clearance.

1. Name of the Officer/Staff.
2. Present Post (Designation) and Department.
3. Father's Name or Mother's Name.
4. Date of retirement.

K. I. MATHEW,

Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 2266/E2/08/Vig. Dated, Thiruvananthapuram, 23rd May, 2008.

Sub :—Vigilance Department—Working and Procedures—Further Instructions issued.

Ref :—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.

2. G. O. (P) No. 18/97/Vig. dated 5-4-1997.

The objective of the Vigilance Department is to combat effectively corruption and misconduct on the part of Government servants and public servants particularly at the higher levels. Government have issued revised orders regarding the set up, working and procedures relating to the investigation and enquiries by Vigilance Department vide Government Orders read above.

In the Government Order read as 1st above, vide para 6 it is specifically ordered that Vigilance Department shall take up cases of the following categories for enquiry/investigation:

- (i) Offences of criminal misconduct by public servants as defined in the Prevention of Corruption Act, 1988;
- (ii) Any dishonest or intentionally improper conduct on the part of a public servant or abuse of powers as a public servant;
- (iii) Gross negligence or dereliction of duty;
- (iv) Misuse of any public money or property;
- (v) Misappropriation involving Government or public servants in which the amount exceeds ₹ 50,000. All other cases of defalcation of public money and properties including funds of co-operative societies, irrespective of the amount involved will be dealt with by the regular police;
- (vi) Abetment of the above offences.

It is also specified that the Heads of Departments and Vigilance Officers of the Various Departments shall not ordinarily depend upon the Vigilance Department for making any enquiry with regard to matters to be examined and dealt with by them.

- (a) They will themselves deal with the following matters without referring them to the Vigilance Department:
 - (i) Nepotism;
 - (ii) Causing avoidable delay in the disposal of Government business;
 - (iii) Violation of departmental standing orders.
- (b) Where there is strong suspicion regarding the Commission of an offence under the Prevention of Corruption Act, the information should be furnished to Government for follow up action by the Vigilance Department.
- (c) Other cases in which the assistance of the Vigilance Department is considered necessary, will also be referred to the Government in the Vigilance Department which will issue necessary instructions to the Director of Vigilance and Anti-Corruption Bureau.
- (d) When cases are referred to the Vigilance Department by other Departments of the Secretariat, the Secretaries of the Department concerned will record specific reasons in the file, why the particular case cannot be effectively and adequately investigated by the Head of Departmental senior officer of the Department, and why it is necessary for the case to be investigated by the Director of Vigilance and Anti-Corruption Bureau. Proposals for Vigilance Investigation without the specific remarks of the Secretaries concerned will not be entertained by Vigilance Department.

However it has come to the notice of this Department innumerable instances where the cases referred by the Administrative Departments to Vigilance Department for enquiry by Director, Vigilance and Anti-Corruption Bureau prima facie do not conform to the guidelines

issued vide Government Orders read above/as cited in the above paras. It is sometimes seen petitions, even anonymous and pseudonymous petitions are endorsed to Vigilance Department for taking up enquiry. Enquiry of such cases by Director, Vigilance and Anti-Corruption Bureau will divert the attention of this department from concentrating on more serious cases of corruption.

In the circumstances, all Administrative Departments are requested to strictly adhere to the above guidelines while referring the cases for vigilance investigation/enquiry.

TOM JOSE,
Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 7503/E1/08/Vig. Dated, Thiruvananthapuram, 28th February, 2011.

Sub:—Vigilance Department—Strengthening of Vigilance machinery—Instructions issued—Reg.

It is brought to the notice of this department that officers under enquiry are retiring safely without initiation of the proposed disciplinary action against them. All department of Administrative Secretariat are therefore requested to inform this department the present status of the Vigilance Enquiry Reports immediately.

K. JAYAKUMAR,
Additional Chief Secretary.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 11855/E3/08/Vig. Dated, Thiruvananthapuram, 7th January, 2010.

Sub:—Vigilance Department—Follow up action on reports relating to Vigilance Enquiries/Investigations—Disposal of files in a time bound manner—Instructions issued.

Ref:—1. G. O. (P) No: 65/92/Vig. dated 12-5-1992.

2. G. O. (P) No: 46/97/Vig. dated 31-7-1997.

Government have issued orders regarding the follow up action on the reports of Vigilance and Anti-corruption Bureau vide Government Order first cited. Subsequently in partial modification to para 13 (4) of the G. O. the following change was made as per Government Order referred to as second paper above:

“In cases where Vigilance Enquiry Reports are forwarded to the concerned administrative departments, further action thereon will be taken by Administrative Departments themselves. Such reports will not be forwarded to Heads of Departments. the Administrative Departments themselves will initiate action and issue final orders in consultation with the Vigilance Department of the Secretariat.”

Instances of inordinate delay in finalizing disciplinary action on Vigilance Proceedings by Administrative Department have come to the notice of Government. Such delays render the very purpose of the

enquiries conducted by Vigilance and Anti-corruption Bureau, meaningless. With a view to ensuring time bound follow up action Government issue the following instructions for strict compliance, with immediate effect :

(i) When Reports on Vigilance Proceedings such as Vigilance Enquiry, Surprise Check, Quick Verification, Confidential Verification Trap etc., are forwarded to concerned Administrative Departments with recommendation of Vigilance Department, further action thereon will be taken by Administrative Departments themselves. Such reports will not be forwarded to Heads of Department. Administrative Departments themselves shall initiate action and issue final orders after consulting and obtaining concurrence of Vigilance Department in the Secretariat;

(ii) All Principal Secretaries/Secretaries of Administrative Department concerned should ensure that speedy disposals on files relating to the disciplinary action on Vigilance Proceedings are initiated immediately and finalized against the officers at the earliest possible. At any rate the said period shall not exceed one year;

(iii) An officer not below the rank of Deputy Secretary to Government shall be authorized in each Department to monitor whether the Memo of Charges are framed and issued within a reasonable time, whether written statement of Defence is received within the time frame prescribed and file processed so that a tentative decision shall be arrived at for consultation with Vigilance Department in Secretariat. A tendency to call for draft Memo of Charges from the Head of Department is noticed, which has been the principal cause of delay. As the Vigilance report contains all facts, the practice of calling for draft Memo of Charges from Heads of Departments is meaningless and should not be done;

(iv) A periodical return will be sent to the Vigilance Department in the Secretariat by the Principal Secretaries/Secretaries of the concerned Administrative Department every month detailing information in the pro forma appended;

(v) A meeting to review/monitor all such cases shall be convened by the Principal Secretaries/Secretaries with Heads of Departments and other officers concerned in Secretariat on a quarterly basis. The Secretaries of Administrative Departments may also review such cases in their monthly staff meetings;

(vi) It may be ensured that no file is left unattended and that prompt action is taken to finalise disciplinary proceedings initiated against the officers;

(vii) The Principal Secretaries/Secretaries will ensure that clearance of Vigilance Department is invariably obtained before issuing final orders on such files.

K. JAYAKUMAR,

Additional Chief Secretary to Government.

APPENDIX

PRO FORMA IN RESPECT OF DETAILS PERTAINING TO FOLLOW UP ACTION ON
VIGILANCE PROCEEDINGS

<i>Sl. No.</i>	<i>Description of cases</i>	<i>Vigilance Department File No. and Report No.</i>	<i>Name of suspect Officers and Department</i>	<i>File No. and Date of Communication</i>	<i>Whether the case Disposed of or not</i>	<i>Remarks (if not disposed of specify reasons thereof)</i>
(1)	(2)	(3)	(4)	(5)	(6)	(7)

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 9610/E3/09/Vig. Dated, Thiruvananthapuram, 9th February, 2010.

Sub:—Vigilance Department—Officers suspended from service in connection with Vigilance Enquiry—Reinstatement—Regular and periodical review of suspension cases by Suspension Review Committee—Further instructions—Reg.

Ref.—G. O. (Ms.) No. 21/90/Vig. dated 23-1-1990.

A Committee to review cases of suspension of officers involved in Vigilance Cases/Vigilance Enquiry was constituted as per Government Order referred to above with the following members:

1. Secretary (Home and Vigilance).
2. Director of Vigilance and Anti-Corruption Bureau.
3. Secretary, Personnel and Administrative Reforms Department.
4. Law Secretary or his representative.
5. Joint Secretary (Vigilance) Member Convener.

The Committee meets periodically and reviews all cases of such suspension above 6 months and proposes recommendations of cases of officers eligible for reinstatement. But an instance was come to the notice of Government that order of reinstatement was issued by Administrative Department without referring the matter to the Suspension Review Committee on the presumption that the case need not be referred to the committee as the suspect officer was placed under suspension by the Administrative Department before the recommendation of Vigilance Department suggesting suspension was received.

The Committee view such laxity seriously and is hereby clarified that all cases of reinstatement in connection with Vigilance Cases, Vigilance Enquiry etc. shall invariably be referred to the Suspension Review Committee for its consideration. Here the point for consideration shall be whether the suspension has any connection with a Vigilance Case/Vigilance Enquiry or such other irregularity having a Vigilance angle.

In cases where there are any court direction or so the committee will convene at short notice and review the case on an ad hoc basis. All Appellate and Disciplinary Authorities are directed to follow these instructions scrupulously.

K. JAYAKUMAR,
Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 11889/E3/11/Vig. Dated, Thiruvananthapuram, 16th December, 2011.

- Ref:—1. G.O. (P) No. 65/92/Vig. dated 12-5-1992.
2. G.O. (P) No. 46/97/Vig. dated 31-7-1997.
3. Circular No. 11855/E3/08/Vig. dated 7-1-2010.
4. D.O. Letter No. DP Cell (Civil) 2011-12/AR 2011 Thematic (Vigilance)/74 dated 17-6-2011 from the Deputy Accountant General, Thrissur.

As per circular referred as third paper above different instructions were issued regarding the monitoring mechanism to be evolved for the effective follow up action on Vigilance Enquiry reports. Even though it is stipulated in item No. (iv) of the circular that the Administrative Departments will sent a periodical report every month in the pro forma to the Vigilance Department, no such reports are seen furnished by majority of the Administrative Departments.

After the Test check of records of Vigilance and Anti-Corruption Bureau conducted during May 2011, the Accountant General in the Statement of Facts fourth cited has pointed out that, as there is failure on the part of Administrative Departments in furnishing Action Taken Reports, there is no assurance that upper time limit fixed by Government vide circular read as 3rd paper above will be scrupulously followed. In the circumstances the instructions issued as per Circular cited in the matter is again brought to the notice of all concerned for strict compliance. All Departments in the Secretariat shall strictly follow the instructions contained in the circular dated 17-1-2010 and furnish monthly reports detailing information as per the pro forma to Vigilance Department without fail.

K. JAYAKUMAR,

Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 4910/E3/2012/Vig. Dated, Thiruvananthapuram, 4th September, 2010.

Sub:—Guidelines for checking delay in grant of sanction for prosecution.

Ref:—1. Circular No. 71 94/E3/04/Vig. dated 25-8-2004.

2. Government of India Office Memorandum No. 372/19/12-AVD-III dated 3-5-2012.

It has come to the notice of Government that there is inordinate delay either in granting or refusing prosecution sanction by competent authorities in respect of Public Servants/Government Servants under Section 19 of PC Act in cases which are investigated by the State Vigilance and Anti-Corruption Bureau. Hence, as per Circular first cited Government directed all concerned to adhere to the time limit of three months in the issuance of prosecution sanction.

As per Office Memorandum cited, Government of India have ordered that cases of sanction for prosecution should be decided expeditiously and within the time frame of 3 months and accordingly issued certain guidelines. In consonance with this, Government are pleased to issue the following guidelines for compliance of all competent authorities who grant prosecution sanction under the prevention of Corruption Act.

- (a) In all cases where the Investigating Agency has requested sanction for prosecution and also submitted related documents along with the request, it will be mandatory for the competent authority to take a decision within a period of 3 months from receipt of request and pass a Speaking Order, giving reasons for the decision.
- (b) In the event of the competent authority other than Government refusing permission for sanction to prosecute, it will have to submit its decision including reasons for refusal, to Government for information within 7 days. Wherever the Home and Vigilance Department in Government decides to deny the permission to prosecute, the decision thereon would be taken under circulation of the file to the Chief Minister for information.
- (c) It will be the responsibility of the Secretary of each Department to monitor all cases where a request has been made for permission to prosecute in Departments/Public Sector Undertakings under his/her administrative control. Secretaries may also submit a certificate every month to the Chief Secretary to the effect that no such case is pending for more than 3 months, stating the reasons for such pendency and the level at which it is pending.

SAJEN PETER,
Principal Secretary,
(Home and Vigilance).

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 5213/E3/12/Vig.

Dated, Thiruvananthapuram, 3rd May, 2012.

Sub:—Vigilance Department—Vigilance Cell in Government Departments and Public Sector Undertakings—Enquiry reports of Department Vigilance Cell to Government and Vigilance and Anti-Corruption Bureau—Furnishing of—Instructions issued.

Ref.— 1. G.O. (P) No. 34/97/Vig. dated 11-6-1997.

2. Circular No. 10609/C1/02/Vig. dated 9-1-2003.

In order to strengthen the Vigilance Set up of Government Departments and Public Sector Undertakings, Government as per Government Order referred above have issued directions for setting up 'Vigilance Cell' in all departments and Public Sector Undertakings with a Vigilance Officer as its head. As per the Government Order, the Vigilance Officer shall enquire and report on complaints/petitions relating to departmental irregularities which prima-facie do not amount to criminal misconduct as defined in the PC Act, 1988. A provision has also been made to make a request to Vigilance Department in the Secretariat if such enquiries by Vigilance Cell discloses adequate grounds for action by the Vigilance and Anti-Corruption Bureau. As per the Government Circular read above, Government have reiterated the directions contained in the above Government Order and directed all concerned to designate a senior officer in their organization as the 'Vigilance Officer' to head the 'Vigilance Cell' and to report compliance.

In the meeting held by Hon'ble Minister (Revenue and Vigilance) with the officers of Vigilance and Anti-Corruption Bureau on 29-2-2012, it has been noted that reports on cases enquired into by the Department Vigilance are not seen furnished to the Director, Vigilance and Anti-Corruption Bureau. Therefore all Heads of Departments are directed to ensure that the enquiry reports of the Department Vigilance Cell on complaints/petitions relating to departmental irregularities are invariably furnished to Government with a copy to Director, Vigilance and Anti-Corruption Bureau.

SAJEN PETER,

Principal Secretary (Home and Vigilance).

GOVERNMENT OF KERALA

Vigilance (C) Department

CIRCULAR

No. 9795/C2/2012/Vig. Dated, Thiruvananthapuram, 22nd August, 2012.

Sub:—Vigilance Department—Vigilance Cell in Government Departments and Public Sector Undertakings—Verification of property statements of employees—Instructions issued.

Ref.—1. G. O. (P) No. 34/97/Vig. dated 11-6-1997.

2. G. O. (Rt.) No. 167/2011/Vig. dated 6-9-2011.

In order to strengthen the Vigilance set up of Government Departments and Public Sector Undertakings. Government have issued orders for setting up of Vigilance Cell in all departments and Public Sector Undertakings with a Vigilance Officer as it's head, vide order referred as first paper above. The Advisory Committee constituted by Government as

per the order referred as second above to revise the existing laws to strengthen the Vigilance/Lok Ayukta institutions has interalia recommended to further strengthen the Vigilance Cells and to properly verify the property statements filed by employees. The cases of employees who effect several purchases of immovable property should attract the attention of Vigilance Cell and the same shall be referred for enquiry by the Vigilance and Anti-Corruption Bureau. The committee has also recommended that non-compliance of these instructions by the Vigilance Cells should visit with departmental action.

Government have examined the above recommendation and accordingly the following instructions are issued:

(a) The Vigilance Cells in all departments and Public Sector Undertakings should be strengthened and they shall closely monitor the filing of property statements by the employees.

(b) The Vigilance Cells should for appropriate cases of property statements effecting several purchases, especially of immovable property, for enquiry by the Vigilance and Anti-Corruption Bureau.

(c) Non observance of the above instructions by the Vigilance Cells shall be viewed seriously and the officers responsible in the Vigilance Cells shall be proceeded against departmentally for dereliction of duty.

SAJEN PETER,
Principal Secretary,
(Home and Vigilance).

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 15608/E4/2012/Vig. Dated, Thiruvananthapuram, 26th March, 2013.

Sub:—Vigilance Department—Enquiry reports of Vigilance and Anti-Corruption Bureau—Follow-up action in cases where further action is dropped—Instructions Issued.

Ref:—Letter No. D20-37591/2012 dated 6-3-2012 of the Director, Vigilance and Anti-Corruption Bureau.

It has come to the notice of Government that even after enquiry reports of Vigilance Department with recommendations that 'further actions dropped' are forwarded to the concerned Administrative Departments/Competent Authorities, in certain cases they are not taking appropriate administrative actions thereon. Consequently the officers involved in such cases continue to be suspected officers/accused officers, which adversely affect their career prospects. The Director, Vigilance and Anti-Corruption Bureau has requested Government to initiate steps to ensure that necessary follow-up action is taken by the competent authorities on such recommendations made by the Vigilance and Anti-Corruption Bureau, which are accepted by the Government/Courts.

In the circumstances all competent authorities are requested to ensure that, after investigation, if the decision is to drop further action against an officer, the competent authorities should delete the name of such officer from the array of 'suspect officers/accused officers' from their records unless they are involved in any other enquiries/cases conducted by the Vigilance and Anti-Corruption Bureau.

All the Administrative Departments are requested to comply with the above instructions strictly.

SAJEN PETER,

Additional Chief Secretary.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 4548/E3/2014/Vig. Dated, Thiruvananthapuram, 3rd April, 2014.

Sub:—Vigilance Department—Follow up action on reports relating to Vigilance Enquiries/Investigation—maintenance of Enquiry Register—Instructions issued—Reg.

Ref:—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.

2. G. O. (P) No. 46/97/Vig. dated 31-7-1997.

3. Circular No. 11855/E3/2008/Vig. dated 7-1-2010.

Government have issued circular directions regarding the follow up action on the reports of Vigilance and Anti-Corruption Bureau as per Circular cited. Eventhough there are standing instructions to ensure time bound follow up actions, there are still delay in finalising disciplinary actions on the recommendations. Hence it needs to maintain an Enquiry Register to monitor the progress/status of actions ongoing with the concerned administrative departments with regard to the recommendations. In the circumstances, it is directed to maintain a Vigilance Enquiry Register containing the details of Surprise Check/Quick Verification/Vigilance Enquiries and cases etc. in all sections of Vigilance Department scrupulously as in the form appended. The Register should be submitted to the Officers alongwith PR Inspection as per schedule.

SAILAJA DEVI, K.,

Additional Secretary to Government

For Additional Chief Secretary to Government.

V E/Q V/C V/S C REGISTER 2014

Sl. No.	Government Reference	Source of Recommendation	Outside No. & Date	Subject	Type of enquiry & Date of order	Details of forwarding recommendation	Reference No. of Admn. Department	Action taken by Administrative Dept.	Remarks/ Final decision
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 5057/E3/2014/Vig. Dated, Thiruvananthapuram, 28th May, 2014.

Sub:—Vigilance Department—Retaining files/disposals bearing
Vigilance Enquiry Reports—Instructions issued—Reg.

Ref:— 1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.

2. G. O. (P) No. 46/97/Vig. dated 31-7-1997.

3. Circular No. 11855/E3/2008/Vig. dated 7-1-2010.

Government have issued circular directions regarding follow up action on the reports of Vigilance and Anti-Corruption Bureau as per the Circular 3rd cited. In order to ensure time bound follow up action on the Vigilance Enquiry Reports with regard to the standing instructions, it also needs to keep the disposals containing the various Enquiry Reports for a longer period of time. On examination of the matter in various occasions with regard to the instructions in the circular cited. It has come to the notice of Government that there are lot of such important cases in which department officers fail to take timely action on the basis of Vigilance Enquiry Reports. Also while examining the recommendations in the VE Reports from the Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram as well as from other departments, it is found that Vigilance Department file containing original records/recommendations are seen 'destroyed' or reported as 'not available'. This makes taking of timely further action in Vigilance Report very difficult and it causes to wind up the case without taking any action against the Accused Officers/Suspected Officers and fails to recover the loss caused to Government.

In order to prevent recurrence of such lapses, all departments in the Administrative Secretariat and other officers concerned are directed to take urgent necessary steps to ensure proper follow up action in Vigilance Enquiries/Cases with no room for missing of lapsing of files/disposals. Similarly files containing original records of Vigilance Enquiry Reports from the Director, Vigilance and Anti-Corruption Bureau, Thiruvananthapuram are to be retained for longer periods in the Records section. All such disposal will be marked as "Not to be destroyed/Enquiry Reports (VE/QV/CV/SC/VC)" in the docket sheet. They should not be allowed to be destroyed as in the case of other routine records.

The administrative departments should acknowledge the receipts of VE Reports with their Reference Number in order to maintain a Vigilance Enquiry Register in the Vigilance department for the effective follow up actions in these Reports. While observing the above, the administrative departments should ensure the follow up action as envisaged in the Circular cited in a time-bound manner.

SAILAJA DEVI, K.,

Additional Secretary to Government

For Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 5977/E3/2014/Vig. Dated, Thiruvananthapuram, 14th August, 2014.

Sub:—Vigilance Department—Orders of suspension issued by Administrative Departments/Head of Departments—Communicating a copy to the Director, Vigilance and Anti-Corruption Bureau—Instruction issued—Reg.

Ref:—Circular No. 9610/E3/09/Vig. dated 9-2-2010.

As per the circular cited it has already been clarified that all cases of reinstatement of suspected officers under suspension in connection with Vigilance Case/Vigilance Enquiry etc. shall invariably be referred to the Suspension Review Committee for its consideration where the point of consideration shall be whether the suspension has any connection with the Vigilance Case/Vigilance Enquiry or such other irregularity having a Vigilance angle.

2. But it has come to the notice of Government in Vigilance Department that orders of suspension issued by the Administrative Departments/Head of Departments in connection with the disciplinary action against the officers are not seen marked to Director, Vigilance and Anti-Corruption Bureau at present. If any Vigilance Enquiry is ordered subsequently in the same matter, the Director is not able to know about the suspension of the incumbent and cannot take up the matter with the Suspension Review Committee.

3. In the circumstance, instruction is hereby issued directing all Administrative Departments and Heads of Departments to communicate copy of orders of suspension invariably to the Director, Vigilance and Anti-Corruption Bureau also without fail.

E. K. BHARAI BHUSHAN,

Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (C) Department

CIRCULAR

No. 6395/C2/2014/Vig. Dated, Thiruvananthapuram, 30th June, 2014.

Sub:—Vigilance Department—Disciplinary/Enquiry cases—Reference to Vigilance Tribunal by Heads of Department—Reg.

Ref:—Circular No. 5681/C2/98/Vig. dated 31-12-2001.

As per circular under reference Government have issued directions regarding the significance of Vigilance Tribunals of the State that have been set up with a view to make enquiries into the conduct of Government servants. Rule 4(1) of KCS (VT) Rules provides that Government may refer to Vigilance Tribunal any case or class of cases, which they consider, should be dealt with by the Vigilance Tribunal, provided that all cases relating to gazetted officers in respect of matters inviting corruption on the part of such officers in the discharge of their duties shall be referred to the Vigilance Tribunal. According to Rule 5(b) of the Kerala Civil Services (VT) Rules, the departmental authorities can send to the Government the records of cases other than corruption cases which they think fit to be tried by the Vigilance Tribunal and Government shall decide whether they shall be tried by the Vigilance Tribunal or not. The discretion, however, cannot be exercised in cases relating to gazetted officers in respect of matters involving corruption and Government shall forward such cases to Vigilance Tribunal for making enquiries in accordance with the procedure laid down in the Rules. The object of the Rule is to impose penalties on the basis of findings and recommendations of Vigilance Tribunal who is legally qualified authority in the conduct of disciplinary enquiries. Several instances have come to notice that non-observance of the said Rules by the department officers often results in many officers involved in corrupt activities going scot free without receiving adequate/any penalties provided by the disciplinary rules.

This happens because the appreciation of evidence against delinquent officers is not done properly in Departmental enquiries on the basis of the principle of "Preponderance of Probabilities" (as against proof beyond reasonable doubt Criminal Proceedings).

2. Government therefore considered that officers who have committed misconduct while in service should be awarded with penalty proportionate to gravity or their misconduct and that can be achieved when the Department/officers take such decisions to send disciplinary enquiry cases especially allegation of corruption against gazetted officers to Government in accordance with the procedure laid down by Rule 5(b) and 5(c) of the KCS (VT) Rules. The circular read above was issued to achieve the above object.

3. But a few number of cases are being referred to Vigilance Tribunal for enquiry. The number of cases referred to the two Tribunals during the last three years are as follows:

Vigilance Tribunal	2010	2011	2012	2013	(up to 31-10-2013)
Thiruvananthapuram	2	5	6	3	
Kozhikode	4	2	3	2	

(As reported by Director, Vigilance and Anti-Corruption Bureau).

The total number of cases disposed by the two Tribunals during the last 3 years are as follows:

Vigilance Tribunal	2010	2011	2012	2013	(up to 31-10-2013)
Thiruvananthapuram	7	6	8	7	
Kozhikode	7	2	9	4	

(As reported by Director, Vigilance and Anti-Corruption Bureau).

Hence Government wish to reiterate that the direction contained in the circular read above should be scrupulously followed by all Department officers. As per this circular if it is proved in preliminary enquiry by the concerned Administrative Department that there is element of corruption or other irregularities, the Administrative Department themselves can frame definite charges for major penalty against accused officers. If the explanation is not found satisfactory and if it is found that a Vigilance Tribunal enquiry is required, recommendation for the same with necessary documents can be given to the Vigilance Department for ordering Tribunal enquiry. This will also save the precious time of the Department officers who have to monitor plan/non-plan schemes and developmental activities and at the same time help unearth evidence against delinquent officers in a thorough and systematic procedure adopted by the Vigilance Tribunals which can stand scrutiny in the Court of Law, if challenged subsequently.

4. Before forwarding such cases to Government the departmental officers shall frame charges against such officers and obtain their written statement of defence.

SAILAJA DEVI, K.,

Additional Secretary

For Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 6621/E3/2014/Vig. Dated, Thiruvananthapuram, 14th October, 2014.

Sub:—Vigilance Department—Strengthening of Vigilance Machinery—
Instructions issued from time to time—Reiterated for strict
compliance—Reg.

- Ref:*— 1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.
2. G. O. (P) No. 18/97/Vig. dated 5-4-1997.
3. G. O. (P) No. 34/97/Vig. dated 11-6-1997.
4. G. O. (P) No. 46/97/Vig. dated 31-7-1997.
5. Circular No. 11855/E3/08/Vig. dated 7-1-2010.
6. Circular No. 5057/E3/14/Vig. dated 28-5-2014.

Government have issued circular instructions/orders from time to time regarding timely completion of Various enquiries/investigation by the Vigilance and Anti-Corruption Bureau and the follow-up action on the consequent reports by the Administrative Departments concerned as per the references cited. In spite of these standing instructions, inordinate delay is still being noticed in completing various enquiries and finalizing disciplinary action on the recommendations. There seems also ignorance on the part of the Administrative Departments concerned regarding these instructions which cause the delinquent officers to escape from the punishment they deserve. Government view this situation seriously. Hence to make the Vigilance action to be more effective and fruitful, the following instructions are issued/reiterated for strict compliance by the Director, Vigilance and Anti-Corruption Bureau and all administrative departments concerned respectively.

(i) In para 7 (i) of the G. O. first cited, it has been stipulated that if the investigation/enquiry is not completed within the time limit fixed, the Director, Vigilance and Anti-Corruption Bureau will forward a special report to Government in Vigilance Department showing the result of investigation/enquiry so far made and indicating the probable time required for completing the investigation.

Later in the G. O. 2nd cited the time limit for enquiry/investigation has been fixed as follows:

- | | | |
|-----------------------------------|----|-----------|
| (a) Vigilance Enquiries | .. | 3 months |
| (b) Investigation of trap cases | .. | 3 months |
| (c) Investigation of assets cases | .. | 12 months |
| (d) Investigation of other cases | .. | 6 months |
| (e) Enquiry by Vigilance Tribunal | .. | 6 months |

Instruction is hereby issued reiterating the above guidelines for strict compliance of Director, Vigilance and Anti-Corruption Bureau as well as all as all concerned.

(ii) It has come to the notice of Government that Administrative Departments often take a routinised approach in finalizing the disciplinary/departmental action against the erring officers initiated on the basis of recommendations by Vigilance Department. Even in cases grave in nature, finalization of action even in cases of major allegation is often limited to issue of 'memo', 'warning' or 'censure', taking a lenient view.

It is to be ensured that the disciplinary action is commensurate with the gravity of the offence committed by the accused officer, for the effective prevention of corruption as the system of disciplining should act as a deterrent too. Further, the disciplinary cases are often delayed for years leading to the accused officers retirement. As retirement from service does not absolve an accused officer from the charges, when the charges are established, suitable penalty is justified. All administrative

departments are, therefore, directed to ensure that adequate and commensurate punishment is imposed on the erring officials based on the findings of Enquiry reports. Also, every disciplinary case is required to be finalised within a maximum period of one year.

In case of delay, as instructed in the circular 5th cited, the disciplinary authority shall be held responsible and disciplinary action shall be initiated against him/her.

(iii) In cases of financial loss to the Government and where recovery is ordered, the recovery will be made with interest, at any rate not lower than 15% as stipulated vide G. O. (P) No. 282/13/Fin., dated 12-6-2013.

(iv) In disciplinary cases where minor penalty of 'censure' is imposed, the same should invariably be placed in the PAR/ACR of the officer concerned. Orders pertaining to any disciplinary case shall also invariably be placed in the PAR/ACR of the officer concerned.

(v) All administrative departments are directed to convene periodical review meeting on finalisation of action on the Recommendations in Vigilance Enquiry Reports, on a regular schedule, at Secretary level all major/serious cases shall be sorted out for early disposal of the recommendations and the periodical review statement thus emerging shall be forwarded to Vigilance Department, as stipulated in the circular 5th cited. The details are required for placing the same before the Monthly Conference of Chief Secretary with Secretaries.

DR. NIVEDITA P. HARAN,

Additional Chief Secretary to Government.

GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 8727/E3/14/Vig. Dated, Thiruvananthapuram, 23rd July, 2014.

Sub:—Vigilance Department—Ordering enquiries through Vigilance & Anti-Corruption Bureau—Ensuring ‘Vigilance Angle’—Instructions issued—Reg.

Ref:— 1. Prevention of Corruption Act, 1988.

2. G. O. (P) No. 18/97/Vig. dated 5-4-1997.

3. Officer Orders No. 23-4-2004 dated 13-4-2004 and 74/12/2005 dated 21-12-2005 of the Central Vigilance Commission.

As per the Government Order 2nd cited it has been stipulated that the allegations pertaining to departmental irregularities will be sent to Departmental Vigilance Officers for enquiry and Vigilance & Anti-Corruption Bureau will focus more attention on trap cases and disproportionate asset cases. Focusing more on departmental irregularities without assessing its ‘Vigilance Angle’ appears to be a reason for accumulation of enquiry cases in Vigilance & Anti-Corruption Bureau. Eventhough the ‘Vigilance Angle’ and the ‘Departmental Angle’ are yet to be specifically defined and distinguished, the office orders 3rd cited as well as section 7 to 13 of PC Act, 1988 is an effective guiding factor in deciding the scope for the Vigilance Enquiry.

2. In the above circumstances, a copy of the Central Vigilance Commission orders cited may be forwarded to all sections in Vigilance Department and it may be instructed that while examining a proposal for Vigilance Enquiry in future, the Central Vigilance Commission orders as well as sections 7 to 13 of PC Act 1998 should invariably be taken into account and the enquiry should be ordered based on the same.

DR. NIVEDITA P. HARAN.

Additional Chief Secretary.

GOVERNMENT OF INDIA
Central Vigilance Commission
CIRCULAR
Office Order No. 23/04/2004

No. 004/VGL/14. *Dated, Thiruvananthapuram, 13th April, 2004.*

Sub:—Vigilance angle—Definition of.

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term "vigilance angle" has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

"Vigilance angle is obvious in the following acts:—

- (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.

2. There are, however, other irregularities where circumstances will have to be weighed carefully to take a view whether the officer's integrity is in doubt. Gross or willful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in time—these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.

3. The *raison detre* of Vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, either in pecuniary or non pecuniary terms, need not necessarily become the subject matter of a vigilance inquiry. Thus whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial/operational interests of the organisation is one possible criterion for determining the *bona fides* of the case. A positive response to this question may indicate the existence of *bona fides*. A negative reply, on the other hand, might indicate their absence.

4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. All such, lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules”.

5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

(Sd.)

ANJANA DUBE,

Deputy Secretary.

കൈക്കൊള്ളാവൂ എന്ന് നിർദ്ദേശിക്കുന്നു. റിവ്യൂ ഹർജിയുടെ അടിസ്ഥാനത്തിൽ പുനഃപരിശോധിക്കുമ്പോൾ മുൻ തീരുമാനത്തിൽനിന്നും വ്യതിചലിക്കാത്തപക്ഷം ഈ വകുപ്പിന്റെ അഭിപ്രായം വീണ്ടും ആരായേണ്ടതില്ല.

നളിനി നെറ്റോ,
അഡീഷണൽ ചീഫ് സെക്രട്ടറി.

കേരള സർക്കാർ
വിജിലൻസ് (ഇ) വകുപ്പ്
സർക്കുലർ

നമ്പർ 5097/ഇ3/2015/വിജി. തിരുവനന്തപുരം, 2015 ജൂലൈ 8.

വിഷയം:—വിജിലൻസ് വകുപ്പ്—വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോയിൽ പ്രവർത്തനം ആരംഭിച്ച ടോൾഫ്രീ നമ്പർ പരസ്യപ്പെടുത്തുന്നത്—നിർദ്ദേശങ്ങൾ വീണ്ടും പുറപ്പെടുവിക്കുന്നു—സംബന്ധിച്ച്.

സൂചന:—2-8-2014-ാം തീയതിയിലെ സ.ഉ. (സാധാ.) നമ്പർ 134/14/വിജി., 101226/സി.ഡി.എൻ.2/പൊഭവ നമ്പർ കത്ത്.

സൂചന സർക്കാർ ഉത്തരവ് പ്രകാരം അഴിമതി സംബന്ധിച്ചുള്ള പരാതി സ്വീകരിക്കുന്നതിനായി വിജിലൻസ് ആന്റ് ആന്റി കറപ്ഷൻ ബ്യൂറോ ഡയറക്ടറേറ്റിൽ പ്രവർത്തനം ആരംഭിച്ച ടോൾഫ്രീ നമ്പരായ '8592900900' എല്ലാ സർക്കാർ പൊതുമേഖലാ സ്ഥാപനങ്ങളിലും പ്രദർശിപ്പിക്കുന്നതിനുള്ള നടപടി സ്വീകരിക്കാൻ ബന്ധപ്പെട്ട വകുപ്പുമേധാവികൾക്ക് നിർദ്ദേശം നൽകിയിരുന്നു. എന്നാൽ പ്രസ്തുത നമ്പർ പല സർക്കാർ/പൊതുമേഖലാ സ്ഥാപനങ്ങളിലും നിലവിൽ പ്രദർശിപ്പിച്ചിട്ടില്ല. എന്നതിനാൽ വിവിധ സർക്കാർ ഓഫീസുകളെ സമീപിക്കുന്ന പൊതുജനങ്ങൾക്ക് ഈ നമ്പർ വേണ്ടവിധം ഉപയോഗിക്കാൻ കഴിയുന്നില്ല എന്ന വിവരം സർക്കാരിന്റെ ശ്രദ്ധയിൽപ്പെട്ടിട്ടുണ്ട്. ഈ സാഹചര്യം സർക്കാർ ഗൗരവമായി കാണുകയും എല്ലാ വകുപ്പ് മേധാവികളും അവരുടെ നിയന്ത്രണത്തിലുള്ള സർക്കാർ/പൊതുമേഖലാ സ്ഥാപനങ്ങളിൽ വിജിലൻസിന്റെ ടോൾഫ്രീ നമ്പർ അടിയന്തിരമായി പരസ്യപ്പെടുത്തുന്നതിനുള്ള നടപടികൾ സ്വീകരിക്കേണ്ടതാണെന്ന് വീണ്ടും നിർദ്ദേശിക്കുകയും ചെയ്യുന്നു.

നളിനി നെറ്റോ,
അഡീഷണൽ ചീഫ് സെക്രട്ടറി.

GOVERNMENT OF KERALA

Vigilance (C) Department

CIRCULAR

No. 5532/C3/2015/Vig. Dated. Thiruvananthapuram, 20th May, 2015.

Sub:—Vigilance Department—Enquiry of cases—Reference to Vigilance Tribunal—Instructions reiterated—Reg.

Ref:— 1. Circular No. 5681/C2/98/Vig. dated 31-12-2001.

2. Circular No. 6395/C2/14/Vig. dated 30-6-2014.

3. G. O. (P) No. 1/2015/Vig. dated 23-1-2015.

As per the Circulars and Government Order read above, instructions were already issued by pointing out the significance of Vigilance Tribunal Enquiry. As per proviso to Rule 4 (1) of KCS (VT) Rules all cases relating Gazetted Officers in respect of matters involving corruption in the discharge of their official duties shall be referred to the Vigilance Tribunal.

Even after the issuance of repeated instructions it has come to the notice of the Government that Administrative Departments/Heads of Departments are not adhering to the above instructions and also not utilizing the service of the Vigilance Tribunals in the conduct of disciplinary enquiries pertaining to corruption of Gazetted Officers by referring cases to them.

In the above circumstances Government wish to reiterate the instructions in the circulars and Government Order read above and direct all Administrative Departments/Heads of Departments to adhere to the instructions contained in the circulars and Government Order read above scrupulously.

SAILAJA DEVI, K.,

Additional Secretary,

For Additional Chief Secretary to Government.

(P)

കേരള സർക്കാർ

വിജിലൻസ് (ഇ) വകുപ്പ്

പരിപത്രം

നമ്പർ 4/ഇ4/2016/വിജി.

തിരുവനന്തപുരം, 2017 മാർച്ച് 9.

വിഷയം:—വിജിലൻസ് വകുപ്പ്—പ്രതിമാസ പ്രവർത്തന പത്രിക തയ്യാറാക്കൽ, തൻപതിവേടിന്റെ പരിശോധന, ഫയലുകളുടെ അവലോകനം—അടിസ്ഥാന മാർഗ്ഗനിർദ്ദേശങ്ങൾ പുറപ്പെടുവിച്ചത്—കൂടുതൽ കാര്യക്ഷമമായി നടപ്പിലാക്കുന്നത്—നിർദ്ദേശങ്ങൾ—സംബന്ധിച്ച്.

സൂചന:—(1) ഉദ്യോഗസ്ഥ ഭരണ പരിഷ്കാര വകുപ്പിന്റെ 4-8-2015-ലെ 12960/എ.ആർ. 14(2)/15/ഉപേവ. നമ്പർ സർക്കുലർ.

(2) 19-10-2015 തീയതിയിലെ 1506/ഇ4/2015/വിജി നമ്പർ പരിപത്രം.

വിജിലൻസ് വകുപ്പിലെ പ്രതിമാസ പ്രവർത്തന പത്രിക തയ്യാറാക്കൽ, തൻപതിവേടിന്റെ പരിശോധന, ഫയലുകളുടെ അവലോകനം എന്നിവയിൽ ഉദ്യോഗസ്ഥ ഭരണ പരിഷ്കാര വകുപ്പിന്റെ സൂചന (1) ലെ നിർദ്ദേശങ്ങളുടെ അടിസ്ഥാനത്തിൽ പരിശോധിക്കുകയും വളരെ സൂക്ഷ്മ നിരീക്ഷണം നടത്തി പരിശോധിക്കേണ്ടവ ഉൾപ്പെടുന്ന വിഷയങ്ങൾ ഈ വകുപ്പിൽ ഉള്ളതിനാൽ വകുപ്പിലെ പ്രതിമാസ, പ്രവർത്തന പത്രിക തയ്യാറാക്കൽ, തൻപതിവേടിന്റെ പരിശോധന, ഫയലുകളുടെ അവലോകനം എന്നിവയിൽ സൂചന (2) പ്രകാരം വിശദമായ മാർഗ്ഗനിർദ്ദേശങ്ങൾ ഉൾപ്പെടുത്തി പരിപത്ര നിർദ്ദേശങ്ങൾ പുറപ്പെടുവിക്കുകയുണ്ടായി.

ഉദ്യോഗസ്ഥ ഭരണ പരിഷ്കാര വകുപ്പിന്റെ അവലോകന റിപ്പോർട്ടുകളിൽനിന്നും വിജിലൻസ് വകുപ്പിലെ പ്രതിമാസ പ്രവർത്തന പത്രികകളുടെ അവലോകനം നടത്തിയതിൽ സൂചന (2)-ലെ പരിപത്ര നിർദ്ദേശങ്ങളിൽ നിന്നും വ്യതിചലിച്ചുകൊണ്ട് തൻപതിവേടിന്റെ പരിശോധന നിശ്ചിത സമയ ക്രമീകരണ പട്ടിക പ്രകാരം വിജിലൻസ് വകുപ്പിലെ പല സെക്ഷനുകളിലും നടത്തുന്നില്ല എന്നതും ഇനിയും സമർപ്പിക്കേണ്ടതായിട്ടുള്ള തപാലുകളുടെ ഗണ്യമായ വർദ്ധനവും ശ്രദ്ധയിൽപ്പെട്ടിരിക്കുന്നു. ഇക്കാര്യങ്ങൾ വകുപ്പിന്റെ കാര്യക്ഷമതയെ സാരമായി ബാധിക്കുന്നതാണ്.

ആയതിനാൽ പ്രതിമാസ പ്രവർത്തന പത്രിക തയ്യാറാക്കൽ, തൻപതിവേടിന്റെ പരിശോധന, ഫയലുകളുടെ അവലോകനം എന്നിവയിൽ സൂചന (2) പ്രകാരമുള്ള പരിപത്ര നിർദ്ദേശങ്ങൾ അടിയന്തിര പ്രാധാന്യം നൽകി തന്നെ പാലിക്കേണ്ടതാണെന്ന് നിർദ്ദേശിക്കുന്നു. അതോടൊപ്പം താഴെ പറയുന്നവ കൂടി അടിയന്തിര പ്രാധാന്യം നൽകി നടപ്പിലാക്കേണ്ടതാണ്.

- (1) തൻപതിവേടിന്റെ പരിശോധന നിശ്ചിത സമയക്രമീകരണ പട്ടിക പ്രകാരം സമയബന്ധിതമായിതന്നെ നടത്തേണ്ടതും പരിശോധന കുറിപ്പിലെ നിരീക്ഷണങ്ങളുടെ അടിസ്ഥാനത്തിൽ തുടർനടപടികൾ സ്വീകരിക്കേണ്ടതുമാണ്.
- (2) കാലപഴക്കം ചെന്ന ഫയലുകൾ തീർപ്പാക്കുന്നതിന് പ്രാധാന്യം നൽകേണ്ടതും രണ്ട് വർഷമോ അതിൽ കൂടുതലോ പഴക്കമുള്ള ഫയലുകൾ തീർപ്പാക്കുന്നതിന് ഏറ്റവും കൂടുതൽ മുൻഗണന നൽകി അവ തീർപ്പാക്കുന്നതിനുള്ള നടപടികൾ സ്വീകരിക്കേണ്ടതുമാണ്.
- (3) തീർപ്പ് ഫയലുകൾ സമയബന്ധിതമായി തന്നെ ഓഫീസ് സെക്ഷനിലേക്കും തുടർന്ന് പൊതുഭരണ (റിക്കോർഡ്സ്) വകുപ്പിലേക്കും അയയ്ക്കേണ്ടതാണ്.
- (4) ഓരോ മാസവും മലയാളത്തിൽ കൈകാര്യം ചെയ്യുന്ന ഫയലുകളുടെ എണ്ണം നൂറ് ശതമാനം എത്തിക്കുന്നതിന് പരിശ്രമിക്കേണ്ടതാണ്.
- (5) വിജിലൻസ് വകുപ്പിലെ ജീവനക്കാരുടെ ഹാജർ നിലവാരം അതത് ഉദ്യോഗസ്ഥ തലത്തിൽ പരിശോധിക്കേണ്ടതും വിലയിരുത്തേണ്ടതുമാണ്.

വിജിലൻസ് വകുപ്പിന്റെ പ്രവർത്തനങ്ങൾ കൂടുതൽ കാര്യക്ഷമമാക്കുന്നതിലേക്കായി മേൽ നിർദ്ദേശങ്ങൾ കൂടി കർശനമായി പാലിക്കുന്നുണ്ടെന്ന് അതത് തലങ്ങളിൽ ഉറപ്പ് വരുത്തേണ്ടതും ഇക്കാര്യങ്ങൾ പ്രാവർത്തികമാക്കുന്നതിന് വേണ്ടുന്ന കർശന നിർദ്ദേശങ്ങൾ ഉയർന്ന ഉദ്യോഗസ്ഥർ ബന്ധപ്പെട്ടവർക്ക് നൽകേണ്ടതുമാണ്.

മേൽ നിർദ്ദേശങ്ങളിൽ വീഴ്ച വരുത്തുന്നത് ഗൗരവപൂർവ്വം വീക്ഷിക്കുന്നതാണ്.

എം. സി. വൽസലകുമാരൻ,
അഡീഷണൽ സെക്രട്ടറി.

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