CHAPTER - 7
CHIEF VIGILANCE OFFICERS

7.1 ROLE OF CHIEF VIGILANCE OFFICERS
KEY VIGILANCE FUNCTIONARY

The Central Vigilance Commission is a lean and thin organisation and functions through the Chief Vigilance Officers (CVOs) within each Ministry/Department/Organisation and the vigilance units constitute an important feature of the scheme for ensuring probity and integrity in public administration. These vigilance units are headed by CVOs and the Commission considers them as an extension of its own set-up for the purpose of exercising check and supervision of vigilance and anti-corruption work. Their importance is particularly underlined by the fact that nearly 75% of the cases referred to the Commission for advice are those investigated by the CVOs. A CVO is, therefore, an important field functionary in the vigilance set-up. Though the responsibility for the maintenance of efficiency and integrity amongst public servants rests with the Head of the Department/Chief Executive of the organisation concerned, the CVO provides expert assistance in advising him in this important field. The CVO is required to handle all vigilance matters concerning his organisation.

7.2 SELECTION AND APPOINTMENT OF CHIEF VIGILANCE OFFICERS
CONSULTATION WITH CVC

7.2.1 All departments/organisations to which the advisory jurisdiction of the Commission extends are required to appoint an officer not below the rank of Deputy Secretary to the Government of India or equivalent as CVO after obtaining prior approval of the Commission. The only exception is that the administrative authorities can make short term arrangements on their own for a period not exceeding three months. For this ad-hoc arrangements, the organisations are, however, required to give an intimation to the effect to the Commission. However, no person whose appointment as a CVO is objected by the Commission can be so appointed. The CVO once appointed cannot be changed before the expiry of his tenure, except on administrative grounds like transfer, promotion etc., and under explicit approval of the Commission.

7.2.2 The CVO in an organisation discharges the onerous responsibility of maintaining probity and integrity in his organisation. The Commission, therefore, considers it important that the CVO should not only be objective and impartial in his dealings but should also be seen to be so. In this context, the Commission endeavours to select only those officers for this assignment who have an unblemished record of service.

7.2.3 The Commission during the year under report considered the suitability of 340 officers recommended by the administrative authorities for appointment to the post of CVO in different organisations.

7.3 GUIDELINES FOR APPOINTMENT OF CHIEF VIGILANCE OFFICERS
FULL-TIME AND PART-TIME CVOs
7.3.1 A sizeable number of organisations particularly in the public sector have created full-time posts of CVOs so that the person appointed is in a position to give his undivided attention to supervising the vigilance and anti-corruption work in the organisation. However, a large number of organisations including the Ministries and Departments of the Government of India have not created such full-time posts. The practice in their case is to assign the additional charge of the functions of a CVO to an officer holding another appointment. The Commission, however, in such cases ensures that the charge of CVO is assigned to an officer who is not, to the extent possible, handling matters sensitive from vigilance point of view and is senior enough in rank to be able to report directly to the Chief Executive of the organisation concerned. The Commission would prefer the CVO in an organisation not to be associated with decision making processes in respect of matters on which he may have himself to sit over in judgement at a later date. The Commission has been of the view that if any additional charge is to be assigned to a CVO, it should ideally relate to "Audit" and "Inspection" which constitute an important input to vigilance activity. On the other hand, the combining of "vigilance" and "security" functions, except in hotel industry, is not considered desirable. The "security" functions being equally demanding, it is not possible for the same officer to give his undiluted attention to the supervision of vigilance matters.

7.3.2 The Ministry of Power had entrusted the charge of the post of CVO of the Ministry to some other Joint Secretary from the existing incumbent (JS level officer) without obtaining prior approval of the Commission. The Commission advised the Ministry of Power that it is not appropriate to change the CVO without prior approval of the Commission. Thereafter, the Ministry forwarded a panel of five officers for appointment of a new CVO of the Ministry.

IMPORTANT CRITERIA

7.3.3 As indicated earlier the main objective is to ensure that an officer working as a CVO in an organisation is in a position to handle the matters objectively and impartially. The following main criteria have been evolved to ensure this:

(a) The CVO in an organisation should be, as far as possible, from outside the organisation in which he is to be appointed so as to inspire confidence in his impartiality without being encumbered on account of past association;

(b) Once an officer has worked as CVO in an organisation, he should not be allowed to go back as CVO to the same organisation again; and

(c) An officer appointed from outside as CVO shall not be absorbed in the same organisation on expiry or in continuation of his tenure as CVO in that organisation.

7.4 TENURE FOR APPOINTMENT OF CVO

TENURE GUIDELINES

- 7.4.1 The guidelines evolved by the Government for appointment of CVOs is as follows at present :-

(a) The full-time CVOs appointed from outside on deputation basis in public sector undertakings have been uniformly allowed a tenure of five years irrespective of the grade or the service to which the officers belongs;

(b) The tenure of the officers appointed as CVOs in public sector banks has been laid down to be three years extendable by another two years with the approval of the Commission; and
The normal tenure in respect of officers appointed as CVOs from within an organisation has also been prescribed to be three years extendable by another two years with the specific approval of the Commission.

**SHORTER TENURE FOR EFFECTIVENESS**

7.4.2 The tenure of a CVO on a deputation to a public sector undertaking on full time basis has been engaging the attention of the Commission. The present arrangement is a fixed tenure of five years to attract suitable officers. A CVO appointed in an organisation is to be allowed a reasonable tenure particularly when he is appointed from outside the organisation to understand the peculiarities of the operations. The job of the CVO being very sensitive, it is also to be ensured that he functions in an independent and objective manner. At the same time, the tenure should neither be too long nor too short. The Commission has, therefore, proposed to the Government that a shortened tenure of three years extendable up to five years based on review of performance as presently existing in the Banking and Insurance Sector would be a better proposition.

7.5 **ASSESSMENT OF WORK OF CHIEF VIGILANCE OFFICERS**

**REVISED PROCEDURE OF RECORDING ASSESSMENT**

7.5.1 The Commission has been empowered to assess the work of CVOs working full time as well as CVOs working part time in various organisations and record such assessment in their confidential character rolls. The practice earlier followed was to record such assessment on a separate sheet which was later added to the confidential character roll of the officer concerned. A review of this practice indicated that it did not enable the Commission to assess the work of a CVO in its total perspective. In order to streamline the procedures it was decided by the Government that the annual confidential reports in respect of Chief Vigilance Officers in public sector banks as also of officers of All India Services/Central Services working as CVOs in public sector undertakings/organisations whether on full-time or part-time basis shall be initiated by the Chief Executive concerned, reviewed at an appropriate level in the administrative Ministry/Department and forwarded to the Central Vigilance Commissioner for his final observations as the Accepting Authority. The revised procedure has enabled the Commission to have a direct appreciation of the performance of a CVO and to record such assessment on the body of the annual confidential report itself. This also inspires confidence in the CVOs that their efforts to combat corrupt and improper practices are properly appreciated.

**DELAY IN FORWARDING ACRs**

7.5.2 The Commission also observes that the Annual Confidential Reports (ACRs) of the CVOs which are required to be recorded by the Central Vigilance Commissioner as Accepting Authority are not being furnished in time and are being delayed due to which the career prospects of these officers are hampered.

7.5.3 The Department of Personnel & Training vide its OM No.321/46/94-AVD.III dated 20.5.96 has laid down the time schedule by which the ACRs of officers are to be completed. This has been reiterated to the Reporting Officers for strict adherence to the time schedule so that there is no delay in the completion of ACRs of CVOs. The Commission has also evolved a computer based Reminder Generation System by which the concerned officers are regularly reminded to expedite completion of ACRs of the CVO.

**PERFORMANCE REPORT AND ACTION PLAN FOR QUALITATIVE ASSESSMENT**

To enable the Commission to have a proper appreciation of the performance over the year by the CVOs, the Commission obtains from each of the CVOs a detailed note highlighting their performance during the year with special reference to (a) measures taken to strengthen the preventive vigilance; (b) steps taken to activate the vigilance machinery; (c) conducting of periodic inspections of the corruption-prone areas; and (d)
expediting completion of preliminary investigations/oral inquiries. The CVOs were also required to forward along with the said note an Action Plan prepared by them for implementation in the ensuing year. The purpose of this exercise is not only to ensure that a correct assessment of the performance of the CVOs is made but also to give an opportunity to the Commission to suggest in time the areas requiring greater thrust so as to enhance the quality and effectiveness of the vigilance work in each organisation. The "performance" reports shall also serve as a supplement to data-based quarterly statistical reports and enable the CVOs to highlight more specifically the qualitative improvement that has been brought out in creating a corruption-free climate in the organisation concerned.

7.6 DELAY IN APPOINTMENT OF CHIEF VIGILANCE OFFICERS

LARGE NUMBER OF POSTS OF CVOs VACANT

7.6.1 The CVO is the functionary assigned the task of dealing with all vigilance matters in an organisation. The Commission, therefore, considers it necessary that these posts wherever vacant are filled up expeditiously so that vigilance work in the organisations does not suffer. As a result of the persistent efforts made by the Commission, 121 vacant posts were filled up during the year under report. These include Hindustan Copper Ltd., Hindustan Petroleum Corporation Ltd., National Aluminium Co. Ltd., Metallurgical Engineering Consultants (India) Ltd., Cochin Refineries Ltd., Hotel Corporation of India Ltd., MSTC Ltd., Bengal Immunity Ltd., Delhi Transport Corporation Ltd., UCO Bank where the post of CVO had been lying vacant for more than one year. However, in several organisations, the administrative authorities could not fill up these vacancies. These include organisations like Cement Corporation of India Ltd, Heavy Engineering Corporation Ltd., Cotton Corporation of India Ltd., Northern Coalfields Ltd., Jute Corporation of India Ltd., Kudremukh Iron Ore Co. Ltd., Steel Authority of India Ltd. etc. where the post of CVO has been lying vacant for more than one year.

INCENTIVES FOR CVOs

7.6.2 The vigilance set up in most of the Public Sector Undertakings are skeletal and out of the sanctioned posts, approximately 25% remain vacant at any given point of time and takes considerable long time to fill them up. One of the important factors due to which the posts of CVOs and lower vigilance functionaries in PSUs are not filled up is the onerous nature of the job. The posts need to be made more attractive and less risk-prone by granting monetary and non-monetary incentives to the officers. In order to address this problem, the Commission has made the following suggestions to the Government for consideration.

(a) The officers selected as CVOs in PSUs may be given a grade higher than in their parent grade as in the case of Banks and Insurance Companies.

(b) Protecting the perquisites available in the parent organisations, since these vary widely inter se organisations.

(c) Protect the promotional prospects of the vigilance staff by ensuring that they cannot be superseded in the normal course, making a stint in vigilance work at some point in their career essential or preferred qualifications to carry a suitable weightage in promotions to posts above certain levels.

(d) On reversion to the parent cadre, plan for postings so as to avoid chances of victimisation.

(e) Ensuring free flow of vigilance sensitive information to the CVOs duly streamlining the reporting channels.
7. 7 TRAINING

BETTER TRAINING FACILITIES REQUIRED

7.7.1 The Commission attaches considerable importance for imparting proper training to the CVOs of the organisations. The Commission itself organises training courses for CVOs. These training courses are normally conducted on quarterly basis for the newly appointed CVOs in order to acquaint them with the procedures, practices and techniques in the field of vigilance administration. One such training course during 1997 was conducted in which 24 CVOs participated.

7.7.2 The training for other vigilance personnel like Investigating officers, Presenting officers and Inquiry officers is normally arranged by the concerned organisations. However, the Commission provides guidance for the proper organisation of these courses by suggesting suitable curriculum, names of speakers and provision of faculty from the Commission. The officers of the Commission also delivered 83 talks during this period at vigilance courses conducted by different organisations.

7.8 STATISTICAL RETURNS

- NEED FOR TIMELY SUBMISSION OF RETURNS

7.8.1 In order to exercise general check and supervision over the vigilance work in the departments, the Commission calls for Quarterly Statistical Returns (QSRs) from all departments. The QSRs form an integral part of the vigilance and provide first hand information about the progress of the vigilance agency of an organisation, are required to be furnished by the CVOs in the prescribed format so as to reach the Commission by the 15th day of the month following the relevant quarter. The Commission, however, observed that a large number of departments either furnished these returns after considerable delay or in respect of some quarters only or in some extreme cases the reports were not furnished at all. The statement at ANNEXURE-XII contains an illustrative list of organisations from which no QSR was received during the year under report.

INCISIVE INFORMATION

7.8.2 The nature of information contained in these QSRs indicate the scale of vigilance activities in the organisation and the nature of functioning of the CVOs in the matter of investigation of allegations and advising the further course of action to the Government. These QSRs, being of statistical nature, often lack the incisiveness of information required for vigilance and anti-corruption matters. The Commission, therefore, also calls for additional information from all public sector undertakings by way of relevant data to supplement qualitatively the information on complaints received, cases under investigation, pending departmental proceedings and final orders issued on the outcome of departmental proceedings in respect of officials of E-6 grade and above. The Commission is confident that it should be possible to establish the vigilance profile of senior level officials of PSUs. This is a valuable input to the Commission in processing proposals for scrutiny of antecedents of candidates considered for different board-level/higher board-level appointments in PSUs.
7.9 PERFORMANCE OF CVOs

CONSIDERABLE PENDENCY

7.9.1 The performance of the CVOs as reported by them is given in ANNEXURE-XIII. The following table indicates the number of those cases dealt with by the CVOs in which the Commission's advice was not necessary and which ended in formal punishments during the last ten years.

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<tr>
<th>SL.NO.</th>
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<th>MAJOR PENALTY</th>
<th>MINOR PENALTY</th>
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<td>7397</td>
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NOTE: This information is based on the quarterly returns submitted by the organisations and, therefore, does not include the information pertaining to those organisations whose returns were not received or contained discrepancies which were not reconciled.

7.9.2 The pendency with the CVOs as on 31.12.1997 has been analysed in ANNEXURE-XIV. The Commission observes that:

(a) In the Banking Sector, the number of cases involving category "A" officers pending completion of oral inquiry has slightly increased from 518 at the end of 1996 to 557 in 1997.

(b) In the Banking Sector, the number of cases pending for more than three months, in respect of category "A" officers, for action after proceedings in the year under report has increased to 178 from 133 at the end of 1996.

(c) There is a significant improvement in the pendency for completion of oral inquiry/decision on inquiry report in respect of category "B" officials in the Ministry of Railways. The total number of pending cases was 4251 during 1996 and the same had come down to 3755 during 1997.

7.9.3 In the Regional Review Meeting CVC has emphasised the need for speedy clearance of departmental inquiries. The CVC stated that the units must set for themselves an outer limit of six months for completion of departmental inquiries. The investigations must be swift while at the same time conforming to the principles of natural justice.