

No.3(v)/99/10
CENTRAL VIGILANCE COMMISSION

**Satarkta Bhawan, Block 'A',
GPO Complex, INA,
New Delhi- 110 023
Dated the 1st December 1999**

Subject: Effective punishment of the corrupt through traps

One of the main weaknesses in the present system of vigilance is that the corrupt public servants many a time escape punishment. Effective and prompt punishment of the corrupt is a *sin qua non* to change the present atmosphere of cynical apathy in the organisations under the purview of the CVC. There is a need to the issue of tackling corruption to create a healthy atmosphere that corruption will not be tolerated.

2. There are two courses of action possible against the corrupt public servant. The first is prosecution and the second is departmental action. So far as prosecution is concerned, once the papers go to the court, there is no way in which the action can be expedited. So far as departmental action is concerned, it is within the powers of the disciplinary authorities to ensure that the punishment is effectively meted out. The CVC has already issued instruction No. 8(1)(h)/98(1) dated 18.11.98 that the departmental proceedings should be completed within a period of six months. In order to achieve this goal, the engagement of retired honest persons as inquiry officers has also been suggested.

3. While systematic application of these instructions will help in bringing down the overall pendency of corruption cases and also ensure that the corrupt public servants are punished, still the problem of the current atmosphere of cynicism and apathy against corruption remains.

4. In order to ensure that effective punishment is quickly meted out to the corrupt, the following instructions are issued under the powers vested in the CVC in para 3(v) of DOPT Resolution No. 371/20/99-AVD III dated April 4, 1999.

- (i) In every organisation, those who are corrupt are well known. The Disciplinary Authorities and the CVOs as well as those who are hurt by such corrupt persons can arrange for traps against such public servants. The local Police or CBI can be contacted for arranging the traps.
- (ii) The CBI and the Police will complete the documentation after the traps within a period of two months. They will make available legible, authorised photocopies of all the documents to the disciplinary authority within two months from the date of trap for action at their end.
- (iii) Once the photocopies of the documents are received, the disciplinary authority should initiate action to launch departmental inquiry. There will be no danger of double jeopardy because the prosecution which will be launched by the CBI or the Police based on the trap documents would relate to the criminal

aspect of the case and the disciplinary proceedings will relate to the misconduct under the Conduct, Discipline and Appeal Rules.

- (iv) Retired, honest people may be appointed as special inquiry officers so that within a period of two months, the inquiry against the corrupt public servants involved in traps can be completed.
- (v) On completion of the departmental process, appropriate punishment must be awarded to the trapped charged officer or public servant, if the charge is held as proved.
- (vi) If and when the court judgement comes in the prosecution case, action to implement the court decision may be taken appropriately.

5. The intention of the above instruction is to ensure that there is a sharp focus on meting out effective punishment to the corrupt in every organisation. Once these instructions are implemented, the atmosphere in organisations is bound to improve because the corrupt will get the signal that they could not survive as in the past banking on the delays taking place both in the departmental inquiry process as well as in the prosecution process.

6. This order may be implemented by all departments effectively.

7. This order is also available on web site of the CVC at <http://cvc.nic.in>



1.12.99

(N. Vittal)

Central Vigilance Commissioner

To

- (i) The Secretaries of All Ministries/Departments of Government of India
- (ii) The Chief Secretaries of All Union Territories
- (iii) The Chief Executives of PSUs/Banks/Organisations
- (iv) The Comptroller & Auditor General of India
- (v) The Chairman, Union Public Service Commission
- (vi) The Director, CBI
- (vii) All Chief Vigilance Officers in the Ministries/Departments/PSEs/Public Sector Banks/Insurance Companies/Autonomous Organisations/Societies etc.
- (viii) President's Secretariat/Vice-President's Secretariat/Lok Sabha Secretariat/ Rajya Sabha Secretariat/PMO