

## Departmental Vigilance Officers

The concept of Departmental Vigilance Officers in the Govt. Department and PSU is not a new one. In the Central Govt. this institution is in existence since 1950. In our State the process of appointment of DVOs started in 1994, with the issuance of GAD Circular No. 12 of 1994 dated 22.2.1994. To make this institution more useful the idea finds reiteration in GAD Order No. 12 of 2002 dated 19.6.2002 and the GAD Circular No. 12 of 2003 dated 26.5.2003. Every year conference of DVOs are being held at Jammu and Srinagar to give impetus to the functioning of this institution.

Corruption is an all pervasive phenomenon, which knows no boundaries and barriers. There is a deluge of complaints being received by the Organization, alleging omission and commission by Corporation officers. In a number of complaints, allegations are mainly about violation of codal formalities in the auction of industrial units/vehicles etc, purchases, appointments, promotions and transfer, denial of services by the Corporation etc. Often these complaints are lacking in specifics, and unless more details become available they don't attract provisions of the Prevention of Corruption Act. The institution of Departmental Vigilance Officers is a step forward towards utilizing officers in the field within the concerned department to provide a helping hand to curb corrupt practices. Vigilance is to be recognized as a management function in every sector of governance. We have to build structure, process and systems in such a manner so as to prevent leakage which adversely effect productivity and profitability.

With regard to internal vigilance the institution of Departmental Vigilance Officers has attained great relevance in recent times.

Advantages of the institution of DVOs and what is expected of DVOs.

- DVOs due to their proximity, have better insight and appreciation into the working of a department. These Departmental Vigilance Officers by virtue of this knowledge can act as 'nodal agency' for strengthening of Internal Vigilance.
- DVOs are well informed about the integrity of their colleagues in the department. Therefore, they can help in ensuring that honest officials are not harassed by unscrupulous elements by lodging false and frivolous complaints.
- When complaints are referred to Departmental Vigilance Officers sometimes there is timely rectification of the alleged wrongs and redressal of grievances of a complainant. This 'therapeutic effect' acts as *safety valve* by reducing conflict within the system and also pre-empts imminent loss to the exchequer.
- Supervision is the key and the DVO's are better placed to follow up the action taken on Supervisory notes and Audit reports of their respective departments. This can bring in greater accountability and transparency.

## GUIDELINES

### GUIDELINES/CHECK LIST TO BE KEPT IN MIND BY DVO's WHILE VERIFYING COMPLAINTS.

#### COMPLAINTS PERTAINING TO DISPROPORTIONATE ASSETS POSSESSED BY THE PUBLIC SERVANT :

- (a) Check general reputation of the subject from his subordinates, colleagues, seniors, neighbours and other independent referees.
- (b) Details of service particulars of suspect including the posts held by him.
- (c) Standard of living of subject, which may include :-
  - (i) Membership of clubs.
  - (ii) Travel/Tours during holidays.
  - (iii) Expenditure on clothes.
  - (iv) Expenditure on social ceremonies like marriage of self and other family members.
- (d) details of assets possessed by the suspect which may include:-
  - (i) Landed property.
  - (ii) House property.
  - (iii) Vehicles.
  - (iv) Jewellery/ornaments.
  - (v) Bank accounts.
  - (vi) GPF/PPF deposit/deduction.
  - (vii) Insurance premium and other investments.

All these assets may also be compared with the annual property statements submitted by the suspect.

#### COMPLAINTS PERTAINING TO ILLEGAL APPOINTMENT :

- (a) Is it a fact that the beneficiary has been appointed on the aforesaid post ?
  - (i) If yes, how he has been appointed ?
  - (ii) Whether through a written examination or viva voce ?
  - (iii) Compassionate grounds ?
  - (iv) Or on quota basis ?
- (b) What was the required qualification of such post ?
  - (i) Whether the beneficiary fulfills all such requirements.
  - (ii) Whether the beneficiary has been appointed on a vacant post or a post has been created ?
- (c) Who has issued the appointment order in favour of the beneficiary ?
  - (i) Whether he is competent to issue such order ?

- (ii) Whether such appointment has been made after approval of the Competent Authority ?

**COMPLAINTS PERTAINING TO FAKE DATE OF BIRTH :**

- (a) Date of birth reflected on matriculation certificate/diploma issued by the Central/State Board of School Education.
- (b) Birth certificate issued by the municipality or like agencies.
- (c) Date of birth recorded in service records.
- (d) Whether any tampering in relation of date of birth of the subject is apparent in the service records.

**COMPLAINTS PERTAINING TO FAKE CATEGORY CERTIFICATE :**

- (a) Where was the subject residing for the last 15 years immediately before his appointment ?
- (b) Whether he belonged to the category as alleged in the complaint ?
- (c) Who has issued the category certificate? And when he has issued it ?
- (d) When was the same produced before the appointing/selecting authorities, by the suspect ?
- (e) Whether he has received any benefit, by producing such certificate to which he was not otherwise entitled ?

**COMPLAINTS PERTAINING TO FAKE QUALIFICATION DEGREE/CERTIFICATE :**

- (a) Which University/Board has issued the degree/certificates in question ?
- (b) Genuineness of these certificates is checked by writing to the University/Board concerned.

**COMPLAINTS PERTAINING TO FAKE PRC :**

- (a) Where was the subject residing for the last 15 years before obtaining the PRC ?
- (b) Whether the suspect's father also possessed the PRC ?
- (c) Whether any immovable property is owned by the suspect or stands in the name of his father ?
- (d) From which date any immovable property is existing in the name of suspect/his father or grandfather ?
- (e) Who has issued the PRC ? It's genuineness to be ascertained through the issuing authority.

**COMPLAINTS PERTAINING TO DEMAND AND ACCEPTANCE OF ILLEGAL GRATIFICATION :**

- (a) General reputation of suspect, which may be ascertained through his subordinates, colleagues, superiors and independent referees.
- (b) Statement of the complainant, witnesses and the suspect.

(c) Whether the suspect is connected in any manner with the official act in relation of which the bribe was demanded.

(d) Are sufficient grounds available to proceed against the suspect departmentally?

### Precautions

When conducting enquiries always remember :

We are looking for corrupt officers & corrupt practices. Bonafide /honest mistakes can be ignored.

Ensure that an honest officer does not become a victim of false & malicious complaint/propaganda.

Criminal intent is an important ingredient of offences under the Prevention of Corruption Act. Before passing a final judgment make sure that such intent exists.

It is always desirable to hear the officer complained against. He may have an explanation.

In order to ensure safe custody of documents, having evidential value in support of the allegations, the DVO is authorized to take such records into his personal custody, in order to avoid the possibility of it (record) being tampered with.

The Departmental Vigilance Officer shall also receive complaints from any interested person. For this purpose, a complaint box shall be installed outside the office room of the Officer. The complaints shall either be handed over to Departmental Vigilance Officer personally or shall be put in the complaint box which shall be opened by him personally in the evening of every working day.

The Departmental Vigilance Officers which are to be nominated in the Corporation are required to take immediate cognizance of complaints and to work as Nodal Officers with the Vigilance Organization of the Government. They are to function in close coordination with the Vigilance Organization in respect of case which could not prima facie attract provisions of Prevention of Corruption Act but required administrative action by Organization. Supporting the allegations, such papers should be taken over by him for retention in his personal custody to guard against the possibility of available evidence being tampered with. If the papers in question are required for any current action, the DVO may provide authenticated copies of the same to the concerned section and retain original papers with him. He shall be competent to call for any paper from the any section of his department.

Where the officer complained is senior to the DVO, the DVO shall submit the case to the Managing Director proposing that the preliminary enquiry may be entrusted to some other senior officer.

The DVO shall question the delinquent official / officials and any other employee of the department who is likely to know the alleged facts and record written statements. The person concerned should be asked to sign the written statement in token of confirmation.

In case, it is found necessary to make enquiries from employees of any other Government Department/office, the DVO will seek the assistance of the department concerned for providing facility for finalizing the preliminary enquiry and /or taking their written statements.

If the complaint is prima facie established by DVO in the preliminary enquiry, he shall recommend the case to the Head of Organisation for initiating further action. In such cases also it shall be the responsibility of the Departmental Vigilance Officer to draw up the draft charge sheet for approval of the competent authority and pursue the case till its disposal. In such cases, the competent authority may nominate the DVO or any other officer to be the Presenting Officer.

If the DVO holds that a criminal case is made out, he may recommend the case to the Head of the Organisation for reference of the case to the Vigilance Organisation for investigation under the Prevention of Corruption Act.