

S. B. MISHRA, I.A.S.  
CHIEF SECRETARY AND  
HILF DEVELOPMENT COMMISSIONER  
ORISSA



SECRET  
CS-ORISSA@X400 NIC.GOV.NIC.IN  
Phone Office 402300 400300  
PABX-202  
FAX-400244  
Res 402253 410587  
36(26)

DMUBANESWAR  
Date 4-11-1997

To

- All Secretaries to Govt.
- All Heads of Departments.
- All District Officers.
- All Maanaging Directors of Public Sector Undertakings of Govt. of Orissa.

Sub: Preventive Vigilance - Steps to be taken by the Govt. servants/Heads of State P.S.U.s.

Sir,

Attention of Government has been drawn to the fact that methods of preventive vigilance have not been adopted or implemented by any organisation in the State, be it Govt. Deptt. or State P.S.U. Unless the concept of preventive vigilance is understood and effectively implemented, the task of Internal Vigilance Organisation will remain incomplete. You will appreciate that it is far more effective to prevent corruption than to take punitive measures which are both expensive and time consuming. Hence you are advised to adopt the following methods of preventive vigilance in active cooperation with State Vigilance (Police) Orgn.

1. PREPARATION OF LIST OF "AGREED LIST" OFFICERS

The idea behind the concept is to keep officers who are indulging in corrupt practices under constant surveillance and check their corrupt activities.

In the "Agreed List" only those officers are to be included against whose honesty or integrity there are suspicions or complaints but not booked in specific instances of corruption either by Department or by the Vigilance Department.

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The State Vigilance shall prepare a list of such officers of each organisation against whose honesty or integrity there are complaints or suspicion. The state vigilance will have a meeting with M.D./Head of Department/Department of Govt. once in a calendar year, preferably in the beginning of the calendar year, where they will decide about the officers who are to be kept in the Agreed List.

Another "Agreed List" for the department/section and places of the organisation where corrupt practices are prevalent will be prepared so that close scrutiny can be made of the functioning of those departments/sections by the I.V.Os./Head of the Department and the Vigilance.

After the Agreed List is prepared the State vigilance and the C.V.O. of the organisation will mount a close surveillance on those officers in the following manner :-

- (i) More frequent inspection and closer scrutiny of their work with special emphasis on the issues where the officer has scope to use his discretion to show favours.
- (ii) Confidential enquiry about their reputation, both by the State Vigilance and the C.V.O.
- (iii) Clandestine watch on their standard of living, expenditure pattern, contacts etc.
- (iv) Secret enquiry will be made by the State Vigilance about their assets and financial resources.

For this purpose the management will make their property Returns and relevant records available to the State Vigilance and the C.V.O.

- (v) Collection of information of specific instances of bribery and corrupt practices.
- (vi) The management/head of department will not post those officers whose name find place in the "Agreed List" to sensitive and corruption prone departments for a period of two years till his name is removed from the Agreed List.

If secret enquiry and unobtrusive watch reveal adequate information/material against such officer, immediately the State Vigilance will start open enquiry against him and take further action, like registration of criminal case/departmental proceedings etc.

The "Agreed List" will remain in force for 2 years from the date of preparation of such list. By the end of 2 years the names finding mentioned in this list will be reviewed and those names removed from the list against whom sufficient evidence could not be collected during the period.

However, this list will not be used against any officer to deny him promotion, selection for training, or for higher responsibilities. The head of the Organisation will keep this list and use it with discretion while considering such officers for posting to sensitive areas or units.

#### 4. LIST OF OFFICERS OF "DOUBTFUL INTEGRITY"

This list should include names of those who have been found to be lacking in integrity after due enquiry or during the course of enquiry. This list should include the names of officers of the following categories :-

- (i) One who has been convicted by a Court of Law on charge of corruption or lack of integrity or an offence involving moral turpitude, but on whom, a penalty other than dismissal, removal or compulsory retirement has been imposed.
- (ii) One who has been awarded a major punishment departmentally on charges of lack of integrity or on charges of gross dereliction of duty.
- (iii) Against whom proceeding for a major penalty or a trial in the Court is in progress for alleged acts involving lack of integrity or moral turpitude.
- (iv) Who have been prosecuted but acquitted on technical grounds but there remained a reasonable suspicion against their integrity, on the basis of evidences surfacing during the trial.

However, this list should not include the names of officers of the following categories :-

- (a) Those officers who have been honourably acquitted after a disciplinary proceeding or court trial.
- (b) Officers against whom sufficient evidence could not be collected during enquiry/investigation for recommending departmental/disciplinary action.

These lists should be used to keep the concerned P.S.U./Govt. Department informed about the officers of doubtful integrity and to ensure that such officers are not posted to sensitive Departments/corruption Prone Departments, in deciding administrative matters affecting the service of such officers and to keep special watch on their work and subject their work to closer scrutiny.

The C.V.O. should prepare a list of Public Servants of gazetted rank against whom any disciplinary proceeding for a major penalty was in progress or who had been punished in a disciplinary proceeding for lack of integrity. The C.V.O. will send a list of such officers to the State Vigilance once every year in the last week of January.

The C.V.O. should also report against an officer in order to take a decision for inclusion of his name in the list as soon as an adverse report against the officer is received by him.

The State Vigilance should suggest addition and deletion of names on the basis of information available with them. In case there is any difference of opinion between the Department and the State Vigilance, the matter should be settled by mutual discussion.

Such list should be kept by the Head of the Organisation/Head of the Department and used for the purpose indicated above :-

Once the name of an officer is entered in the list of "Doubtful Integrity" it should not be removed for a period of 3 years and this period should count from the date on which the officer was punished in a departmental proceeding/convicted by a Court of Law. After completion of this period, this list will be reviewed by the Department in consultation with the Vigilance. If there has been no further complaint or information regarding integrity of the Officers, such names will be removed from the list. On the contrary if a name is to be retained in the list beyond 3 years cogent reasons should have to be recorded in writing.

If an officer of this list is transferred, the C.V.O. of the concerned organisation should intimate to his counterpart the fact of the officer's name being on the list and also intimate the State Vigilance about the same.

This list should be used to enable the Department to take such administrative action like transfer from sensitive posts, with-holding certificate of integrity, non-promotion, compulsory retirement, refusal of extension of service, non-sponsoring the name for deputation/foreign assignment/resusal of permission for re-employment after retirement etc.

As and when such officer comes in the promotion zone, his name should be held up in a sealed cover till enquiry is completed against him.

### 3. AGREED LIST OF CONTRACTORS/SUPPLIERS/FIRMS/CLEARING AGENTS

Every organisation, be it a Public Sector Undertakings or Govt. Department, deals with outsiders who perform sundry jobs

for the organisation. Some of these outsiders vitiate the atmosphere of the organisation by creating opportunities for the public servants to become corrupt or by acting as contact men between unscrupulous public servants and unscrupulous outsiders.

Based on complaints about adopting unfair practices, corrupting the public servant, adopting questionable means to beg contract, intelligence report of the Vigilance/C.V.O., and past performance, an 'agreed list' of such Contractors, Suppliers, Firms and Clearing Agents etc. should be prepared in a meeting between the Vigilance and the Head of the Organisation. This list should be circulated to the concerned officers with instruction to be careful and cautious in all dealings with such parties. Closer scrutiny should be made whenever such parties apply for contracts etc.

Unobstrusive watch should be maintained on the activities of such parties.

On getting specific materials/instances open enquiry should be started against those parties by the Vigilance.

4. PREPARATION OF APPRECIATION REPORT OF AN ORGANISATION

It is desirable to prepare an Appreciation Report about a Public Sector Undertaking by the State Vigilance (Police) in consultation with the concerned undertaking.

The purpose of preparation of Appreciation Report is to study different aspects of the Public Sector Undertaking exhaustively and have a first hand information about the organisation readily available. By making an exhaustive study of the organisation one can conclusively pin-point the vulnerable points where corruption is rampant or feasible and hence preventive measures can be effectively taken to avoid loss to the organisation.

It is recommended that this practice of preparation of Appreciation Report in respect of State PSUs and Govt. Deptts., be undertaken on the following lines :-

- (i) Objective of the organisation.
- (ii) Administrative set up of the organisation.
- (iii) Staff pattern.
- (iv) Different categories of private persons who provide opportunities for corruption.
- (v) Points and places of corruption.
- (vi) Categories of officers and staff working at the points and places of possible corruption.
- (vii) Internal Vigilance Organisation.
- (viii) Liaison with State Vigilance.
- (ix) Suggestion for checking corruption.

After such Appreciation Reports are prepared, the same should be updated from time to time incorporating therein upto date information about the Undertaking.

Joint surprise checks should be conducted by the State Vigilance and the C.V.O. staff at probable places and points of corruption.

5. The contents of this letter should be passed on to all Heads of Department/M.Ds. of State P.S.Us./C.V.Os. for necessary action.

6. You are requested to acknowledge the receipt of this letter.

Yours faithfully,

CHIEF SECRETARY,  
ORISSA

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