

No.19/1/98-4V(1)/3900-4050

GOVERNMENT OF PUNJAB  
DEPARTMENT OF VIGILANCE  
(Vigilance 1 Branch)

To

All Heads of Departments,  
Commissioners of Divisions,  
Registrar, Punjab & Haryana High Court, and  
All Deputy Commissioners in the State.

Dated, Chandigarh, the 6<sup>th</sup> March, 2000

Sub: Streamlining of vigilance machinery in the State of Punjab.

Sir,

I am directed to address you on the subject and to say that the question of making the vigilance machinery in the State of Punjab more responsive, effective and to speed up the disposal of vigilance enquiries/cases has been engaging the attention of the State Government for quite some time. The matter has been debated at various fora, including the Council of Ministers, and the decisions mentioned in the succeeding paragraphs have been taken. Apparently, with these decisions coming into force, the existing instructions/guidelines stand modified to the extent so warranted.

2. JURISDICTION

The Vigilance Department will enquire into allegations against all Public Servants, as defined under the Prevention of Corruption Act, 1988, except:-

- i) Members of judicial services and employees of judicial courts under the administrative control of the High Court;
- ii) Staff of the Punjab Legislative Assembly;
- iii) Sarpanches, Panches, Municipal Councillors, except those holding any executive office in Panchayati Raj Institutions, Local Bodies including Improvement Trusts, Municipal Corporations etc.

### 3. SCOPE OF FUNCTIONING

The Vigilance Department would broadly confine its enquiries to the following categories of cases/complaints against public servants:-

- i) Acquisition of assets disproportionate to the known sources of income.
- ii) Allegations constituting offences under the Prevention of Corruption Act read with Indian Penal Code and any other Act.
- iii) Allegations of moral turpitude.

The Vigilance Department shall continue to enquire into complaints against non-gazetted employees but ordinarily the concerned Administrative Department will be responsible to look into complaints against non gazetted officials and take action thereon.

### 4. COGNIZANCE OF COMPLAINTS

(a) There shall be two committees to scrutinize the complaints and other material placed before them by the Secretary Vigilance and to take a view as to the action to be taken thereon:-

- i) For the gazetted officers and also in respect of Chairmen of Boards/Corporations and Members of their BODs, persons holding executive offices in Panchayati Raj Institutions, Local bodies including Municipal Corporations and Improvement Trusts, the committee shall consist of Chief Secretary, Secretary Vigilance, Chief Director, Vigilance Bureau, Legal Remembrancer and concerned Administrative Secretary.
- ii) For all other non gazetted officers, officials, including those holding any executive office in Panchayats, Local Bodies in comparable rank, the committee shall consist of Secretary Vigilance, concerned Administrative Secretary, Legal Remembrancer and Chief Director, Vigilance Bureau.

Provided that in respect of matters of grant of prosecution sanction and follow up action in courts the

Director, Prosecution & Litigation shall be associated during deliberations of the committees.

Provided further that in each such case where enquiry/investigation has been completed by Vigilance Bureau and it is to be presented before any of the two committees, the concerned committee will record its comments especially about the performance of the investigating officer / supervisory officer. If any of the committee is of the view that enquiry / investigation has not been done in an impartial, professional manner it will record its views regarding the same in its proceedings and Secretary Vigilance after giving reasonable opportunity to the concerned officer will get such comments recorded in his Annual Confidential Report.

- (b) Secretary Vigilance shall examine all complaints, including all Fresh Complaints which shall be sent to Vigilance Department by the Vigilance Bureau and its field units, and decide whether:-
- i) the complaint should be filed; or
  - ii) the complaint should be sent to the concerned Administrative Department for such action as Secretary Vigilance considers necessary ; or
  - iii) the comments of the public servant complained against or/and of the concerned Administrative Secretary should be obtained; or
  - iv) the complaint should be straightway placed before the respective committee;
- (c) In case, Secretary Vigilance decides to obtain comments of the public servant complained against or/and of the concerned Administrative Secretary, it should reach him within one month from the date of reference sent by the Vigilance Department, failing which the matter shall be placed before the concerned committee to take a view;

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- (d) Secretary Vigilance shall place before the respective committee the complaint and the comments if any, received from the public servant complained against or/and the Administrative Secretary concerned, after which the committee may like to grant a personal hearing to the public servant complained against, and take a view whether :-
- i) the matter should be closed; or
  - ii) the matter should be referred to the concerned Administrative Department for departmental action where such action would suffice in view of the committee; or
  - iii) the matter should be referred to the Vigilance Department for a thorough probe by the Vigilance Bureau, or by a senior officer out of the panel of such officers to be maintained by Secretary Vigilance; or
  - iv) an FIR should be registered where prima-facie a criminal case is made out.
- (e) The Vigilance Department shall register an enquiry or an FIR on the recommendation of the respective committee, after approval of the competent authority on the basis of:-
- i) Complaints received directly by the Vigilance Department or through the Vigilance Bureau;
  - ii) Source Reports referred to by the Vigilance Bureau;
  - iii) references from the Administrative Departments; and
  - iv) cases entrusted to the Vigilance Department by the courts;
- (f) The respective committee, on the basis of any information available with it, can suo moto and without any formal complaint, propose a Vigilance Enquiry or an FIR to be registered by the Vigilance Department.
- (g) Unless it is scrutinized by the concerned Committee no notice shall be taken of any complaint including any Fresh Complaint,

received. Inferred to the Vigilance Department/Vigilance Bureau.

- (h) Normally no notice shall be taken of anonymous and pseudonymous complaints unless the allegations made therein are quite serious and verifiable, and in that eventuality such complaints shall be examined by the Secretary Vigilance in the manner outlined above.
- (i) The cases against gazetted officers shall be handled by an officer not below the rank of Deputy Superintendent of Police in the Vigilance Bureau.

## 5. ENQUIRIES

- (a) The enquiry ordered by the Vigilance Department shall be named as VIGILANCE ENQUIRY. The present nomenclature of Preliminary Enquiry and Regular Enquiry is done away with.
- (b) The VIGILANCE ENQUIRY shall be completed within a period of three months from the date of the reference sent by the Vigilance Department to the Vigilance Bureau. No extension, except in special circumstances, to be recorded in writing to the entire satisfaction of the respective committee and that too, well before the expiry of the 3 months time limit, shall be granted.
- (c) Investigation in the criminal cases shall be completed within three months from the date of registration of FIR, and intimation sent to government for further action.
- (d) In case of failure to adhere to the time limit, responsibility shall be fixed by the committee and suitable action taken.
- (e) No Administrative Department shall hold a parallel or field enquiry in the matter, facts and issues into which the Vigilance Department has already instituted a Vigilance Enquiry.

## 6. FOLLOW UP ACTION ON ENQUIRY REPORTS

- (a) The enquiry report received from the Vigilance Bureau shall be examined by the Vigilance Department and placed before the respective committee within two months of its receipt. In case the

committee is of the view that a criminal liability is made out against those named in the findings, the Vigilance Department, on the recommendation of the committee and with the approval of the competent authority, shall refer the matter to the Vigilance Bureau to have an FIR registered and to ensure further follow up action. The progress of such cases will be monitored by the Secretary Vigilance in order to avoid delay in finalizing the chargesheets, etc.

- (b) In case, the committee is of the view that departmental action would suffice against those named in the enquiry report, the Vigilance Department would, after approval of the competent authority, refer the matter to the concerned Administrative Secretary, for such action as decided by the committee and approved by the competent authority, in a time-bound manner. The progress of all such cases will be monitored by the Vigilance Department.

## 7. SOURCE REPORTS

- (a) When an officer of the Vigilance Bureau receives certain information through reliable source/informer about wrong doings in any department/organization, he shall transmit the same information, as it is to the Secretary Vigilance and the Chief Director, Vigilance Bureau simultaneously. The Chief Director, Vigilance Bureau shall forward the same to Secretary Vigilance positively within a week of its receipt with specific recommendation, even though it needs to be filed.
- (b) The information as received from the officer directly and through the Chief Director, Vigilance Bureau, shall be placed before the committee for scrutiny and for suggesting whether it is to be further developed or any other line of action should be adopted.
- (c) The source report shall be prepared/developed with due caution. If it is found to have been prepared/developed with some ulterior motive or on flimsy grounds or proved to be false, action shall be taken, as recommended by the concerned committee, against the officer responsible for preparing/developing a misleading report.

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8. TRAPS

- (a) As already notified vide instructions dated 9-5-78, the Vigilance Bureau shall obtain prior permission of the Government before laying a trap for the arrest of officer(s) of Class I and above.
- (b) The officers planning and laying the trap shall satisfy themselves that there is an adequately clear motive on the part of the public servant for demanding and accepting bribe.
- (c) There shall not be less than two official witnesses at the time of executing the trap, one of them shall be a gazetted officer. If the officer being entrapped is a gazetted officer, both the witnesses shall be of gazetted status.
- (d) None of the witness shall be under the influence of the Vigilance Department/Vigilance Bureau i.e. no Vigilance Enquiry/Complaint, etc., should be pending against them.
- (e) The Vigilance Bureau shall complete investigation in trap cases within two months time, within which the case shall be referred to the Vigilance Department/concerned Administrative Department seeking grant of prosecution sanction.
- (f) In case of a failure of a trap case, the matter shall be placed before the concerned committee for scrutiny and strict disciplinary action shall invariably be initiated against the witnesses who are Government servants and the Investigating officer concerned on the recommendations of the Committee.
- (j) The progress will be monitored by Secretary Vigilance and Chief Director, Vigilance Bureau, as the case may be.

9. SURPRISE CHECKINGS

- (a) The Vigilance Bureau can have the checkings undertaken of ongoing works, stores, godowns etc., but not without the active association and participation of the concerned Deputy Commissioner or his representative, or without taking into confidence the concerned Head of Deptt./Administrative Secretary where the situation so demands.

- (b) The officer(s) of the Vigilance Bureau responsible for conducting surprise checkings shall ensure that ongoing developmental activities are not unnecessarily stalled on this count.
- (c) If any irregularity is detected, the Vigilance Bureau shall, within a week, refer the matter to Vigilance Department, with specific recommendation.
- (d) The recommendation so received from the Vigilance Bureau shall be placed before the concerned committee for a decision and further action shall be taken accordingly, with the approval of the competent authority.

#### 10. CASES OF DISPROPORTIONATE ASSETS

- (a) The Administrative Departments shall ensure that their employees submit their Property Returns regularly. If it is observed from the scrutiny of Property Returns that the assets acquired by the Public Servant seem to be disproportionate to his known sources of income, the matter shall be referred to the Vigilance Department for a probe.
- (b) The reference so received from the Administrative Department asking for a probe by the Vigilance Department, shall be placed before the respective committee and further action taken as per its decision.
- (c) The Administrative Departments shall also ensure that Public Servants do not channelise their ill-gotten money through loans and gifts. No ex-post facto sanction to gifts and loans shall be granted after an enquiry has been ordered.
- (d) The Vigilance Department can order suo moto and without a formal reference from the Administrative Department an enquiry, if considered necessary, of course, with the prior approval of the respective committee and the competent authority.

#### 11. SANCTION FOR PROSECUTION

- (a) The Vigilance Bureau / the Investigating Officer shall complete the investigation within THREE months time, within which a reference should go to the concerned Administrative Department seeking grant of sanction for prosecution.



- (b) The competent authority shall decide within two months from the date of the reference made to them by the Vigilance Department the issue regarding grant of sanction for prosecution. The competent authority shall normally rely upon the material/documents made available by the Investigating Officer(s).
- (c) The competent authority shall not hold any parallel or field enquiry for the purpose of granting prosecution.
- (d) In cases where the sanction for prosecution has been delayed/refused, the matter shall be placed before the respective committee for information.
- (e) The cases referred to respective competent authority for grant of sanction for prosecution will be monitored/followed up by the Secretary Vigilance directly with the concerned Administrative Department.
- (f) The Chief Vigilance Officer designated in each department, shall ensure that sanction for prosecution is granted within the time period specified. In this behalf, the Chief Vigilance Officer shall represent the Secretary Vigilance in respective departments.

## 12. CHIEF VIGILANCE OFFICER

There shall be a Chief Vigilance Officer in each department who shall be working under the direct control of Secretary Vigilance and shall be accountable and reporting to Secretary Vigilance directly insofar as his responsibilities as such officer are concerned. Secretary Vigilance shall make a suitable entry into the Annual Confidential Report of the Chief Vigilance Officer of each department with regard to his performance as such officer. The main functions of the Chief Vigilance Officer are outlined hereunder:-

- (i) Detection of corruption and corrupt officers in the Department, to prepare lists of corrupt officers who enjoyed bad reputation and to ensure effective supervision on them and to so regulate their posting that they do not have scope to indulge in corruption.
- (ii) To pass on information to the Secretary Vigilance regarding the officers mentioned in the foregoing clause so that they can also keep an eye over them.

- (iii) Ensuring prompt and effective departmental actions/prosecution in courts of corrupt officers when evidence is available, keeping watch over proceedings against the defaulters so that delay does not allow the defaulters to escape punishment.
- (iv) To check and review the procedures adopted in the department, if necessary, with the assistance of the Vigilance Department to plug loop-holes wherever existing which facilitate corruption.
- (v) To provide assistance regarding departmental rules and procedures to the Investigation Officers of the Vigilance Department.
- (vi) To refer difficult and complicated cases to the Vigilance Department for investigation.
- (vii) To scrutinize cases of compulsory retirement of corrupt officers at the age of 55 to check up cases of compulsory retirement of corrupt government servants even earlier if permitted by law and rules.
- (viii) To scrutinize property returns of government servants to detect corruption or unreasonable accumulation of property.
- (ix) To scrutinize reports and have the items included in them investigated which appear to involve an element of corruption.
- (x) To act as a Liaison Officer between their own department and the Vigilance Department, including Vigilance Bureau.
- (xi) To monitor progress with regard to grant of prosecution sanction in the cases referred to their department(s), under advice to Secretary Vigilance.
- (xii) To ensure that any information, data, advice, record etc., asked for by the Vigilance Department/Vigilance Bureau, is made available without any loss of time.

The Chief Vigilance Officer shall submit report on the 1<sup>st</sup> of every month to the Secretary Vigilance as to the work done by him as such officer. Secretary Vigilance may summon the Chief Vigilance

Officer, wherever and whenever necessary, to review their functioning and performance from time to time.

### 13. DEPUTATION OF OFFICERS / OFFICIALS

- (a) All gazetted officers from the Punjab Police will be taken on deputation with the Vigilance Bureau after their selection by Secretary Vigilance out of the panels invited for the purpose. The selection will be made by Secretary Vigilance in consultation with Chief Director Vigilance.
- (b) All non-gazetted officer/officials from the Punjab Police will be taken on deputation with the Vigilance Bureau after their selection by Chief Director, Vigilance Bureau out of panels invited for the purpose.

### 14. TECHNICAL OFFICERS

It has been decided to do away with the system of taking technical officers/officials from various departments on deputation with the Vigilance Bureau. Instead, the Vigilance Department at the government level shall have advice and technical examination made of cases from such officers of the concerned Administrative Departments as named by Secretary Vigilance. The officers so named shall render all technical assistance the Vigilance Department needs. Ordinarily only serving officers will be included in the panel of experts.

### 15. MISUSE OF GOVERNMENT VEHICLES

In order to check their misuse, the Vigilance Bureau shall continue to carry out surprise checking on government vehicles and those belonging to the state owned Boards/Corporations as heretofore. The departments/organizations should themselves check the misuse of vehicles and ensure:-

- (a) that government vehicles should be used solely for official duty.
- (b) that there should be proper sanction of the competent authority if the government vehicle is used for non-official purpose, which is permissible to a limited extent on payment basis where it does not hamper normal government functioning.

- (c) that proper entries should be made in the log-book of the vehicle before the commencement of journey.
- (d) that the number plate of the government vehicle should be designed as per the provisions of the Motor Vehicle Act/Rules.

It, may also be pointed out that both the user-officer and the driver shall be equally responsible and accountable for the use/misuse of government vehicle. In case, any irregularity is found it will invite major penalty as in cases of false claim of traveling allowance.

#### 16. PROMOTIONS / PENSION

The Vigilance Enquiry shall not affect promotion, pension etc., unless the officer/official involved is charge-sheeted or challan has been put up in the court of law.

#### 17. CLEARANCE CERTIFICATES

As already notified vide instructions dated 10-1-1990 certificate in respect of integrity would be a pre-requisite in all cases of :-

- (i) Promotions of Class I officers (including promotion of Class II officer to Class I officer);
- (ii) empanelment, deputation on foreign training etc. of Class I State Service officers and All India Service Officers; and
- (iii) before retirement in respect of all gazetted officers. For the remaining employees the necessary clearance certificate may be taken by the department concerned from their own Chief Vigilance Officer who will keep necessary liaison with the Vigilance Department.

#### 18. SUMMONING OF RECORDS/INFORMATION

- (a) The Vigilance Department, Vigilance Bureau and any of its officers/officials working in the field shall not summon any records/information from any department or organization unless a Vigilance Enquiry has been registered wherein it is necessary to examine such record/information.
- (b) The Chief Vigilance Officer of the respective departments shall ensure that records/information called for by the Vigilance

Department, Vigilance Bureau or the Investigation Officer is supplied expeditiously in a case where a Vigilance Enquiry has been registered or criminal proceedings launched, whenever a reference to this effect is received in the department.

- (c) In case any record is seized during surprise checkings/traps or procured for examination in connection with a Vigilance Enquiry, by the Vigilance Bureau, it should be returned to the concerned department within fifteen days, after its photocopies are retained; the cost of which shall be borne by the Vigilance Bureau, so that government work, especially in developmental projects, does not get hampered.

19. These instructions will come into force with immediate effect.
20. It is requested that these may be brought to the notice of all the public servants working under your control, for meticulous compliance,

Yours faithfully,

  
Special Secretary Vigilance

1. A copy is forwarded to all the Financial Commissioners, Principal Secretaries and Administrative Secretaries to Government, Punjab, for information and necessary action.
2. It is also requested that these instructions may also be brought to the notice of Heads of Public Sector Undertakings i.e. Corporations, Boards, Universities etc, under their Administrative control.

  
Special Secretary Vigilance

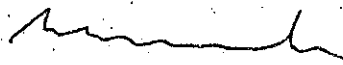
To

All the Financial Commissioners,  
Principal Secretaries and  
Administrative Secretaries to Govt., Punjab

I.D. No. 19/1/98-4V(1)/4051-4104 Dated, Chandigarh, the 6<sup>th</sup> March, 2000

Encst. No. 19/1/98-4V(1)/4105 Dated, Chandigarh, the 6<sup>th</sup> March, 2000

Copy is forwarded to the Chief Director-cum-Director General Police, Vigilance Bureau, Punjab, Chandigarh, for information and meticulous compliance.

  
Special Secretary Vigilance

