

CVO's Desk:

Prevention of corruption act has been subject of discussion recently due to amendments done in July 2018. We must be aware of this act and amendments as it concerns public servants and conduct matters. The act was originally passed in 1988 with consolidation of PAC 1947, some sections of IPC, CPC and Criminal law act with idea to bring all relevant provisions in a single act and fight corruption.

By approving the amendment, Government has taken measures so that any bona-fide decisions taken would not be misused at later date at disadvantage of officers. This is very important for officials involved in allocation of natural resources, investments works etc. Amongst other amendments, sections 13 and 19 are important to understand.

Section 13 contains definition of criminal misconduct as "while holding office as a public servant, obtains for any person any valuable thing or pecuniary advantage without any public interest. "

Sometimes it has been misused to establish bona-fide decisions and public interest. Now the section is amended as "if he dishonestly or fraudulently misappropriates or otherwise converts for his own use any property entrusted to him or under his control as a public servant or allows any other person to do so;" or " if he intentionally enriches himself illicitly during the period of his office and, he or any person on his behalf, is in possession or has, at any time during the period of his office, been in possession for which the public servant cannot satisfactorily account, of pecuniary resources or property disproportionate to his known sources of income"

Now these provisions are more specific and shall enable officers to take decisions without any apprehension and fear of getting troubled in future even after retirement.

Section 19 widens the scope of prior sanction from appropriate authority for prosecution for retired officers also so that retired officers could be prevented from becoming soft targets.

The amendments have been effected to bring confidence in decision making, restore morale and improve functioning. We should be aware of such developments and updates which makes the job easier and use it to advantage of the organization.

Sharat

Sharat Chandra Tiwari, ITS

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सं./No. 312693
दिनांक / Dated 28.08.2018

Circular No.10/08/18

Sub: Applicability of Commission's guidelines on post tender negotiations with regard to projects funded by World Bank and other International Funding Agencies like, IMF, ADB, etc.

Ref: Commission's Circulars Nos.8(1)(h)/98(1) dated 18.11.1998, 3(V)/99/8 dated 01.10.1999 and 56/ORD/001 dated 28.10.2011.

The Commission on receiving references seeking clarifications on the applicability of Commission's guidelines to projects funded by the World Bank and other International Funding Agencies like IMF, ADB, etc., had last issued a Circular No.01/04/18 dated 06.04.2018. On a review of the said instruction and all previous circulars on the subject, the Commission would clarify as under:

The Commission's instructions dated 18.11.1998 (on post tender negotiations) and other guidelines relating to procurement / sales, etc., would not be applicable to projects funded by World Bank and other International Funding Agencies, as such external aid / loans, etc., received are covered under the applicable policies / legal agreement executed, as permitted under Rule 264 of General Financial Rules, 2017 (GFR), Manual for Procurement of Goods of 2017, Manual for Procurement of Consultancy and other Services, 2017 issued by the Dto Expenditure, Mo Finance, etc.

2. All Ministries / Departments / Organisations may note for information / guidance.

(J. Vinod Kumar)
Director

To

- (i) The Secretaries of all Ministries / Departments of Govt
- (ii) All Chief Executives of CPSUs / Public Sector Banks / Public Sector Insurance Companies / Autonomous Bodies, etc.
- (iii) All Chief Vigilance Officers

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सं./No. 18/Misc./02-39217
दिनांक / Dated 23-08-2018

OFFICE MEMORANDUM

Sub: Rotation of officers working in sensitive posts - regarding.

Ref: CVC's circular No. 03/09/13 dated 11-9-2013 (copy enclosed).

In reiteration of the instructions issued vide circular referred above and other related circulars issued, the Commission vide letter No. 18/Misc/02/378043 dated 1-5-2018 had issued an OM advising all Public Sector Banks, and vide letter No. 18/Misc/02/378044 dated 1-5-2018 advising all Public Sector Insurance Companies to effect rotational transfers in respect of those officers in sensitive posts who are continuing beyond 3 years and also to report compliance within 3 months.

2. Analysis of frauds that have taken place in Public Sector Banks as well as other organizations show that one of the reasons for such frauds was non-implementation of the rotational policy.

3. It is once again reiterated that rotational transfers of officers continuing beyond 3 years may be strictly carried out from the sensitive seats/posts. It is clarified that the Commission's advice is for change from the sensitive seat/post, and not necessarily from the station, which is to be governed by the policy of the respective organizations.

4. Heads/CVOs of all departments/organizations are requested to strictly ensure that the rotational policy is implemented in their respective organizations. CVOs may report on the compliance in this regard in their quarterly reports.

Stages of achieving freedom through vigilance in a company



Routine Inspection Schedule September - 2018

S.N.	Date	Day	Place	VO	Major Area
1	17/09/2018	Friday	Dongri Buzurg	Sh.P.R. Sawai	Checking of Bills
2	10/09/2018	Monday	Balaghat	Sh.B.S.Karpe	Electrical
3	14/09/2018	Friday	Gumgaon	Sh.M.Tewari	Mechanical
4	15/09/2018	Saturday	Chikla	Sh.U.M.Charpe	Electrical
5	17/09/2018	Monday	Ukwa	Sh.B.S.Karpe	Mechanical
6	19/09/2018	Wednesday	Munsar	Sh.M.Patil Sh. Shivam Dutt Rishi	Mechanical/ Medical
7	22/09/2018	Saturday	Chikla	Sh.U.M.Charpe	Mechanical
8	24/09/2018	Monday	Kandri	Sh.N.M.Shesh	O/C Development
9	26/09/2018	Wednesday	Beldongri	Sh.G.R.Kumar	Civil/CSR

Illustrative Check Points For Various Stages Of Public Procurement-Part 1

1.0 Works/Purchase Manual

1.1 Cardinal principle of public procurement is to procure the material/services/works of the specified quality, at the most competitive prices and, in a fair, just and transparent manner. To achieve this end, it is essential to have uniform and well documented policy guidelines in the organization, so that this vital activity is executed in a well-coordinated manner with least time and cost overruns. In some organizations, Procurement Manual is either not in place or has not been updated for years together, which renders the system of procurement ad-hoc and arbitrary.

A codified Procurement Manual containing the detailed procurement procedures and guidelines needs to be prepared by the organizations so that there is systematic and uniform approach in the decision-making. Delegation of power and commensurate accountability at various levels of decision-making should be essential feature of the Procurement Manual. An integrated procurement policy in the form of Procurement Manual helps the Organizations in circumventing the possibility of corruption and would also ensure smoother and faster decision-making.

1.2 **Following check-points are suggested:**

- i. Whether procurement (work/purchase/services) manual are in place. If yes, whether updated regularly or not! When were these updated last time?
- ii. Whether the provision in the work/purchase/services manual are consistent with CVC guidelines, General Financial Rule (GFR) and Cannons of public procurement?
- iii. Whether the provisions in work/purchase/services manual cover the entire gamut of procurement activities of the organization?
- iv. Whether the procurement/contract/works manuals are uploaded on intranet/internet?
- v. Whether officials concerned are conversant with procurement manual or not?

2.0 Scope of Work

2.1 It is important for any scheme that the scope of work is properly defined. A well defined scope of work giving an overview of the proposed procurement needs to be put up to the Competent Authority at the time of seeking approval/sanction. The objective of the procurement needs to be clearly brought out in the scope.

- As Per CTE's Organization



VO-CVO Meeting



Discussions with EMD Plant In charge regarding
Vigilance issues/System Improvement



Site Inspection at mines.



Suspicious Activity

- Prevent
- Detect
- Report
- Assist



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