

GOVERNMENT OF JAMMU & KASHMIR
GENERAL ADMINISTRATION DEPARTMENT

Subject:- Strengthening of internal vigilance in Government Departments and Public Undertakings Implementation of Program of Vigilance and Anti-Corruption work.

Circular No. 14-GAD of 2002

Dated: 19-06-2002

As per Circular No. 12-GAD of 1994 dated 22-02-1994 (copy enclosed), the Departmental Vigilance Officers which were to be nominated in each Department were required to take immediate cognizance of complaints and to work as Nodal Officers with the vigilance Organisation of the Government. They were to function in close coordination with the Vigilance Organisation in respect of case which could not prima facie attract provisions of Prevention of Corruption Act but required administrative action by Departments. It was also directed that Vigilance Organisation should be posted about the final decision being taken by the Departments on the complaints and cases referred by Vigilance Organisation to them.

It has however, been observed that there has been no feedback from the Departmental Vigilance Organisation. In fact it is not also clear whether any officer is now being nominated to function as Departmental Vigilance Officer. The issue came up for consideration in the COS meeting held on 15th of May 2002 when following decision was taken:-

“The departmental Vigilance Officers are basically performing the role of ‘Nodal Officers’ to monitor disposal of complaints received from the Vigilance Organisation, HODs or directly from the public. It was felt that the Institution needs to be made more purposeful. After thread bare discussion it was decided that the Departmental Vigilance Officers would be an extension of GAD (vigilance) and should report to the said Department. Detailed instructions will be issued by the GAD prescribing procedure for the disposal of complaints by the Departmental Vigilance Officers. A format for periodical reporting will also be prescribed and progress reviewed on quarterly basis in the Committee of Secretaries.”

As a follow up of action on the above decision, following instructions are issued for compliance by all concerned:-

1. Each Secretariat Department shall nominate an officer not below the rank of Additional Secretary to Government to function as the Departmental Vigilance Officer in addition to his own duties. Similarly an officer of appropriate level shall be nominated by each Head of the Department and the District Level Head of the Department to function as Departmental Vigilance Officer in respect of such Department/ Office.
2. The names of the Departmental Vigilance Officers so nominated by the Secretariat Departments, and Heads of Departments/ District Level Heads of offices to the

General Administrative Department (Vigilance) by or before 20th June 2002 along with the complete list of Vigilance cases and Departmental enquires pending in the Department giving their present status in detail.

3. At present cases received from the Vigilance Organisation for Departmental enquiry are referred by the General Administration Department (Vigilance) to the respective Administrative Secretaries. Henceforth a copy of reference from General Administration Department (Vigilance) shall also be sent to the Departmental Vigilance Officer of the concerned Department/ office who shall be responsible to take follow up action on the proposals of the Vigilance Organisation? General Administration Department (Vigilance)

On receipt of the communication from General Administration Department (Vigilance), the Departmental Vigilance Officer shall frame draft charge sheet to be served upon the delinquent officer and get the same issued with the approval of the competent authority. After obtaining reply to the charge sheet, the Department shall issue orders nominating the officer who shall hold the enquiry into the charges framed/ issued against the delinquent officials. The DVO shall function as Presenting Officer before the Enquiry Officer.

The Departmental Vigilance Officer shall submit action taken report on each case referred to him by the GAD (Vigilance) to the Commissioner/ Secretary, General Administration Department on the last working days of June, September, December and March of the year indicating the details as per enclosed proforma.

4. 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. In respect of Secretariat Departments, the complaint boxes shall be provided by the Director Estates and in respect of other offices these shall be got provided by concerned Heads of Departments/ Head of office.
5. The Departmental Vigilance Officer shall scrutinize complaints other than those received from GAD (Vigilance) and shall proceed to make a preliminary enquiry to determine whether prima facie there is some substance in them or not. If he is of the view that any complaint is baseless and needs no action, it shall be filed by him. Where any complaint contains specific allegations, the Departmental Vigilance officer shall hold a preliminary enquiry into the same at his own level by securing such records etc. for personal inspection. If any of the papers examined is found to contain evidence 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 Administrative Secretary/ Head of the Department proposing that the

preliminary enquiry may be entrusted to some other senior officer. Where the officer complained is the Head of any Secretariat Department and where the DVO is of the opinion that there is substance in the complaint, he shall refer the matter to the GAD (Vigilance) for appropriate action. Similarly, where the officer complaint is the Head of any Department/ Office, the DVO shall refer the matter to the Administrative Secretary under confidential cover for further action.

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, 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 Administrative Secretary/ Head of Department/Office as the case may be for initiating formal Departmental enquiry. 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 accordance with para 3 here-in-above. In such cases, the competent authority may nominate the DVO or any other officer to be the presenting officer.

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

The Departmental Vigilance Officers shall send a report in respect of the complaints also to the General Administration Department on the last working days of June, September, December and March as per proforma referred to above.

6. The progress of work of the Departmental Vigilance Officers shall be reviewed on quarterly basis by the Establishment Committee for which status notes shall be circulated by the General Administration Department (Vigilance) in advance.

The above instructions are brought to the notice of all concerned for strict compliance.

Sd/-

Commissioner/Secretary to Government
General Administration Department.

No. GAD(Adm)114/2002-V

Dated 19.06.2002

Copy to the:-

1. All Financial Commissioners to Government
2. All Principal Secretaries to Government
3. Principal Secretary to H.E the Governor