

**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. 12-GAD of 2003

Dated: 26-05-2003

Government have identified corruption as one of the major issues to be tackled strongly. For this purpose, a programme of Vigilance and Anti-Corruption work has been prepared for immediate implementation by various Departments and public Undertakings in co-ordination with the State Vigilance Organisation.

SELECTED DEPARTMENTS

The following Departments have been identified for focused attention in this programme.

- Revenue
- R&B/PHE/Flood Control
- Police
- Excise
- Sales Tax
- Forest
- PDD
- Rural Development
- Food & Supplies
- JDA/SDA
- Transport
- Education
- Social Welfare

Other departments of the Government would also be covered to the extent possible

COLLECTION OF INFORMATION

Collection of information is the most important part of this programme of work. This has to be organized in a systematic and well planned manner. In this work the State Vigilance Organisation should take assistance of the Departments and Public Undertakings concerned.

AGREED LIST OF SUSPECTED OFFICERS.

Agreed lists will be prepared of officers of gazetted status against whose honesty or integrity there are complaints, doubts or suspicion, after consultation between the officers of

the departments concerned and the State Vigilance Organisation. To achieve the best result it is important there should be free and frank exchange of information during these discussions.

The following action will be taken in respect of officers on these agreed lists by the Departments or the Undertakings concerned and by the State Vigilance Organisation:-

- Closer and more frequent scrutiny and inspection of their work and performance by the Department concerned, particularly in spheres where is scope for discretion or for showing favours.
- Discreet checks their reputation both by the Department and the State Vigilance Organisation.
- Unobtrusive watch of their contracts by the State Vigilance Organisation.
- Secret inquiry by the State Vigilance Organisation about their assets and financial resources.
- Collection of information by the State Vigilance Organisation or specific instances of bribery and corrupt practices.

If these secret checks and enquiries reveal positive material, then open enquiries will be started by the State Vigilance Organisation and further action taken in the light of the result of that inquiry. It may be emphasized that no adverse or punitive action should be contemplated against any officer on these lists unless these checks, verifications or enquiries bring forth adequate material to reasonably conclude that he is lacking in integrity. These agreed lists will remain in force for a period the list will be reviewed and the names of those officers against whom sufficient evidence is not available to proceed against will be deleted from the list.

The State Vigilance Organisations Branches may prepared their own lists of officers of non-gazetted status about/whose integrity or honesty there are complaints, doubts or suspicion, but the need not be 'agreed' lists. The Superintends of Police of the State Vigilance Organisation Branches should however, consult the Heads of Departments and Public Undertakings about names in such lists as and when it is felt that such consultation will lead to better accuracy and correctness.

As and when requested by the State Vigilance Organisation the Departments and Public Undertaking should arrange for closer and more frequent scrutiny and inspection of the work of these employees and also for affording assistance to the State Vigilance Organisation in making checks and verifications about them.

AGREED LIST OF POINTS AND PLACES OF CORRUPTION.

Agreed lists will also be prepared of points and places where corrupt practices are prevalent. It may be emphasized that these are not lists of all those points and places where there is scope or likelihood of corruption but only of those where corruption is believed to exist in substantial measures. The preparation of these agreed lists of points and places of corruption must necessarily be done by those in the field. The Superintendents of Police of State Vigilance Organization aided by the D.I.G Vigilance Organization where necessary, will settle and prepare these lists locally after discussion with the Heads of Departments or

officers of Undertakings concerned. The Departments and Undertakings can contribute substantially in the preparation of these lists. They are likely to have much greater appreciation of the position in their units or sections and they are in the best position to compile or to assist in compiling such list.

It may be clarified that:-

- Points” are those items of work and those stages of which decisions are taken or orders are passed which provide scope for corruption e.g. processing of tenders, appraising, grant of quota certificate, licenses, permits etc.
- “Places” would be sections, sectors, units of an office/ Departments/ Undertakings. After these lists are prepared the following actions should be taken by the Departments, Undertakings and by the State Vigilance Organisation.
- Closer and more frequent scrutiny and inspection by the Departments or Public Undertakings of the work done at these points and places.
- Surprise Checks by the Departments or Undertakings.
- Discreet and unobtrusive watch by the State Vigilance Organisation followed by the raids as and when appropriate.
- Collection of information about specific instances of bribery and corrupt practices so as to start open enquiries.

LIST OF UNSCRUPULOUS CONTRACTORS, SUPPLIERS, FIRMS AND CLEARING AGENTS.

List will be prepared of unscrupulous contractors, suppliers, firms and clearing agents who are suspected of indulging in corrupt practices. These lists are to be prepared by the Departments and Undertakings concerned as they are in the best position to do so. They need not be “agreed” lists. Copies of these lists should be sent to the state Vigilance Organisation for its information. The State Vigilance Organisation on its part will pass on to the Departments and Undertakings concerned any information regarding corrupt practices of contractors, suppliers, firms and clearing agents for their information and for considering as to whether the name of any such contractor etc. Should be brought on their lists. Particular care should be exercised in the preparation of these list. Departments concerned should lay down the criteria on the basis of which names are to be included in these lists.

The following action may be taken by the Departments and Undertakings and by the State Vigilance Organisation in respect of the contractors etc. on these lists:-

- The list should be circulated by the Departments and Undertakings to their officers enjoining them to be careful and cautious in all dealings with such parties.
- Discreet and unobtrusive watch should be kept by the State Vigilance Organisation over the contractors or such parties in officials circles.

- Collection of information by the State Vigilance Organisation of specific instances of mal-practices on part of such parties with a view to start open enquiries.

UNSCRUPULOUS CONTACT MEN

The State Vigilance Organisation will prepare list of unscrupulous contact men who are suspected of resorting to corrupt or irregular practices in their dealings with official agencies. The names of persons on these lists will be communicated by the State Vigilance Organisation to the Administrative Departments and Public Undertakings concerned. These lists are being compiled with the following objectives:-

- The information contained in these lists will be utilized when considering cases for accrediting of representatives of firms etc. Normally such unscrupulous person should not be accepted as accredited representatives of firms etc.
- The Departments and Undertakings concerned will issue directions to their officers to be careful and cautious in dealing with unscrupulous contact men whose names are on these lists. They should avoid associating with them socially and accepting entertainment and gifts from them.
- The State Vigilance Organisations will exercise an unobtrusive check on the activities of such contact men and try to collect information about specific instances of mal-practices in which they are involved.

SCRUTINY AND CHECKS BY DEPARTMENTS.

The Departments and Undertakings should organize:-

- Selective scrutiny of files and records to discover malafide orders of decisions and to detect mal-practices.
- Surprise check at possible points and places of corruption, e.g. works under execution or executed, stores inspected, Godowns or storage depots, baggage examined and cleared, goods and passenger booking and reservation, under-weighment and allotment of trucks/wagons, under valuation of goods etc.
- Routine random checks of discretionary powers exercised by junior officers.
- Rechecking by senior officers of items already checked by junior officers, e.g. works, inspection, check, excise levy etc.
- Closer inspection of irregular intervals of the works of the officers of doubtful integrity.

The special scrutiny or check should be carried out by officers about whose integrity there is no doubt. If necessary special teams may be set up in some of the important departments for this purpose, secrecy should be ensured and adequate precaution should be taken to prevent leakage of information about the projected checks. The

assistance of the State Vigilance Organisation will be available as and when considered necessary.

Any matter or transactions which are suspicious or doubtful or which suggest malafide motive or corruption should be referred to the State Vigilance Organisation for inquiry. It is important that such references are made promptly along with the relevant documents.

Records and statements should be maintained pertaining to such checks or scrutiny carried out so as to cover the date of check covered, the agency utilized, the results, the difficulties or impediments faces if any and further action taken.

The further action could be in respect of individual instances or malpractices, improprieties, irregularities, illegalities or defects detected or of a general nature to prevent recurrence of similar malpractices.

SPECIAL DRIVES COMPRISING RAID AND SEARCHES BY THE STATE VIGILANCE ORGANISATION.

The State Vigilance Organisation will carry out surprise checks, raids or searches when it has come definite information that mal-practices are being indulged in. Such raids and checks may be on godowns and storage depots, goods and passenger booking stations, receipt or dispatch of stores, misuse of permits, licenses and quotes etc. The Departments and Undertakings concerned should extend their cooperation and assistance to the State Vigilance Organisation in these searches, raids and checks.

The State Vigilance Organisation will maintain records and statements giving the particulars of these searches etc. and mentioning their results and thus action taken.

PREVENTATIVE AND ADMINISTRATIVE MEASURES.

A great responsibility lies on the Head of the Department and Public Undertaking for checking bribery and corruption in their respective organizations. The Vigilance Officer is there to assist him in discharging this responsibility but, in this work, the main initiative and direction must come from the Head of the Department and Undertaking concerned. He should plan out the necessary measures in accordance with this scheme and issue suitable directives to this subordinate officers and also coordinate action to detect and deal with corrupt elements and practices.

The Departmental Vigilance Units have an important role in the Departmental drive against corruption. It is necessary to strengthen the organisation by careful selection of the personnel manning the Units, in particular the Departmental Vigilance Officer. They should be persons possessing integrity, initiative and drive. Their part in the fight against corruption has to be an active and positive one, mere passive attitude, however well meaning, will not suffice. The liaison between the Departmental Vigilance Officer and the State Vigilance Organisation should be close and continuous.

MEETINGS AND DISCUSSIONS.

This scheme envisages coordinated and concerted action on the part of the Departments and Undertakings concerned and the State Vigilance Organisation. Its success will depend on the extent and degree of cooperation between them. Meetings and discussions should be held at the levels of the Secretaries / Head of Departments, Provincial Officers and Head of Offices with officers of the State Vigilance Organisation. All These meetings there should be also free and frank discussions. Any reservation or inclination to hold back any information or material fact will detract from the value of these meetings and discussions. Information should be exchanged, lists of suspect officers and of points and places of corruption should be discussed and agreed lists drawn up, plans for checks and searches should be prepared, measures already adopted for the implementation of this scheme should be reviewed and further course of action settled.

REPORTS AND REVIEWS.

Appreciation reports, should be prepared by specially designated officers of State Vigilance Organisation with the help and assistance of Departmental Vigilance Officer and other officials of targeted departments to documents the nature, extent, cause of corruption and hindrances in checking such corruption. Appreciation reports should contain information about the organization, It's objectives, methods of working including procedures, areas of corruption, known corrupt officer and undesirable contact men.

Quarterly reviews should be prepared by Departments and Undertakings giving the particulars of Vigilance and Anti-Corruption work done during the preceding quarter. Statistical statements should also from part of these Reviews so as to give clear and comparative picture.

There should also be an annual report containing a complete record of Vigilance and Anti-Corruption activities during the preceding year along with statistical statements.

These reviews will provide not only a useful record of all that has been done but also a means of making an assessment of the extent and nature of corruption and of the efforts made and results achieved in dealing with this problem. Copies of these report reviews and statements should also be sent by the State Vigilance Organisation.

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

By orders of the Government of Jammu & Kashmir.

Sd/-

Principal Secretary to Government
General Administration Department

Copy to the:-

1. All Financial Commissioners to Government
2. Director General of Police
3. All Principal Secretaries to Government
4. Principal Secretary to Hon'ble Chief Minister
5. All Commissioner/Secretaries to Government
6. Secretary to H.E the Governor
7. Commissioner of Vigilance, J&K, Srinagar
8. All Heads of Departments
9. Resident Commissioner, J&K Government, 5-Prithvi Raj Road, New Delhi
10. Director Information, J&K Srinagar
11. All Deputy Commissioners
12. Secretary, J&K Legislative Assembly/Council
13. Special Secretary (Ser) General Administration Department
14. Secretary, J&K Public Service Commission/Service Selection Board.
15. Additional Secretary to Hon'ble Deputy Chief Minister
16. Private Secretaries to all Cabinet Ministers/ Minister of State
17. General Manager, Government Press Srinagar/Jammu
18. Deputy Secretary to Chief Secretary
19. Private Secretary to Principal Secretary, GAD
20. Stock Register.

Additional Secretary to Government
General Administration Department.