

CONFIDENTIAL

MANUAL
of the
DIRECTORATE OF VIGILANCE
AND
ANTI-CORRUPTION

TAMIL NADU

[Approved by the Government of Tamil Nadu in their G.O. (3D)
No. 2, Personnel and Administrative Reforms (Personnel-N)
Department, dated 6-1-1993.]

SECOND EDITION

1992

FOREWORD

This is the revised edition of the "Manual of the Directorate of Vigilance and Anti-Corruption, Tamil Nadu", published in 1983, giving an account of the set up and functions of the Department and the various procedures prescribed for investigating complaints of corruption.

It is hoped, that apart from all the officers of the Department of Vigilance and Anti-Corruption benefiting by this compilation, this Manual will also be of great use to the Officers in the Collectorates of all the Districts, and the Officers in the various Heads of Departments, since it contains very useful information, which will be incidentally helpful, for the processing of disciplinary cases, arising out of vigilance enquiries.

Madras-600 009
30th December, 1992.

M. RAGHUPATHY,
Vigilance Commissioner
&
Commissioner for Administrative
Reforms.

PREFACE TO THE FIRST EDITION

The Directorate of Vigilance and Anti-Corruption, Tamil Nadu, established in 1964, as a specialised investigating agency of the State Government to handle vigilance enquiries and allied anti-corruption work has, in the course of experience and time, evolved working methods and procedures under the directions of the Government and advice and guidance from the Vigilance Commissioner aimed at securing objectivity, impartiality and thoroughness in its enquiries and investigations, balancing the need for a proper enquiry into a genuine complaint against the equally important need for protecting the honest public servant from vexatious and frivolous complaints emanating from disgruntled elements. This Manual - the first to be published after the formation of the Directorate - brings together all the basic instructions and guidelines issued by the Government, Vigilance Commissioner and the Director for the performance of its tasks by the Directorate. Relevant orders or memoranda of the Government, Vigilance Commissioner are quoted in the margin for easy reference wherever applicable.

While the 'HAND BOOK OF CONFIDENTIAL CIRCULARS' issued by the Government furnishes the core of comprehensive advice and guidance to all departmental officers for handling complaints and vigilance enquiries and the subsequent prosecution or disciplinary proceedings, this Manual is designed to be of special value and guidance to the Investigating Officers of the Directorate of Vigilance and Anti-Corruption. New comers to the Directorate may find this Manual a convenient hand book for identifying and picking up the main ropes of Vigilance and Anti-Corruption work.

Suggestions for improvement of this compilation are most welcome and would be gratefully acknowledged.

Madras-600 006,
9th November, 1982.

C.V. NARASIMHAN,
Director,
Vigilance & Anti-Corruption.

PREFACE TO THE SECOND EDITION

Having been established on 26th March 1964, the Directorate of Vigilance and Anti-Corruption, Tamil Nadu, derives its powers to take up enquiries/investigations into complaints of corruption against Public Servants of Tamil Nadu, as also where the financial interests of Tamil Nadu are involved, as per the orders and the notifications issued, from time to time, by the Government of Tamil Nadu. Changes that have occurred in the *procedures and instructions issued by Government/Vigilance Commissioner*, at periodical intervals, have been taken into account in the present edition and all instructions and orders of Government and changes found necessary in procedures, through experience, have been incorporated in this edition, which includes instructions issued upto 31-10-1992.

2. As is well known, Anti-Corruption Agencies have the special responsibility to lay traps and investigate into cases of possession of disproportionate assets by Public Servants. These are difficult, tricky and peculiar types of offences and the investigation should, therefore, be deftly handled. While instructions exist in the form of Circulars, this edition devotes a separate part, giving guidelines on the technique of investigation of cases of disproportionate assets, which must be a welcome addition to the present effort.

3. Suggestions for improvement of this compilation are most welcome and would be gratefully acknowledged.

Madras-600 006,
16th November, 1992.

C.L. RAMAKRISHNAN,
Director,
Vigilance & Anti-Corruption,
Tamil Nadu.

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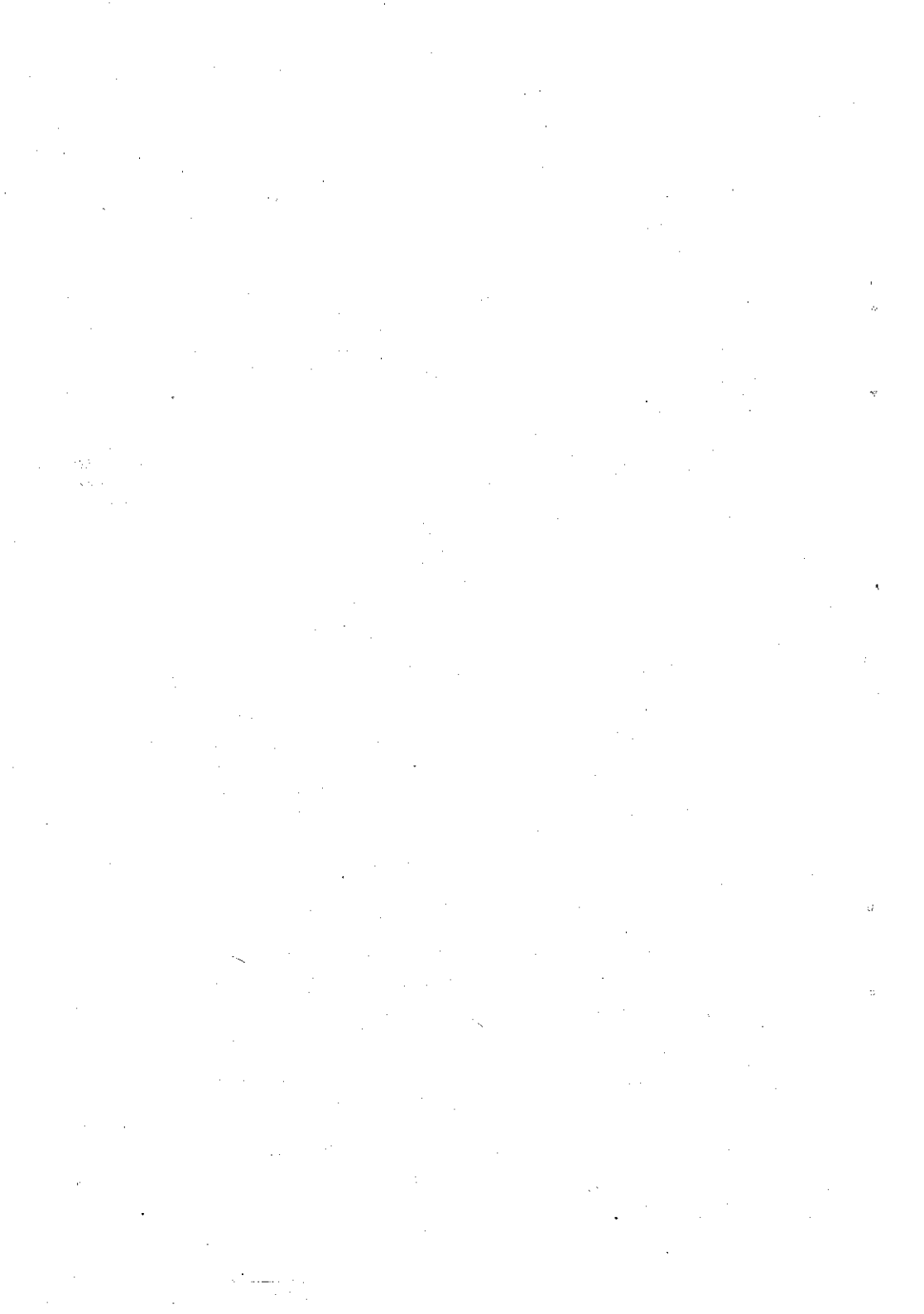
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PART I

ORGANISATION AND FUNCTIONS

1. State Vigilance Commission

G.O.Ms.
No.2133, Public
(Ser. B), dated
8th November,
1965.

(1) In 1964, in pursuance of the recommendations of the Santhanam Committee on prevention of corruption, an independent Vigilance Commission was set up by the Central Government with jurisdiction over Central Government employees. Similar Vigilance Commissions on the Central model were subsequently set up in most of the States. In keeping with this, the Government of Tamil Nadu decided on 8th November, 1965 to constitute a State Vigilance Commission headed by a Vigilance Commissioner, appointed by the Governor. The main purpose of the Commission is to advise the Government on the major administrative problem of prevention of corruption in Public Services in general and the manner in which individual cases of corruption that are brought to light, should be dealt with. The Commission has jurisdiction and powers in respect of matters to which the executive power of the State extends —

(i) to undertake an enquiry into a transaction in which a Public Servant is suspected or alleged to have acted for improper purpose or in a corrupt manner;

(ii) to cause an enquiry or investigation to be made on any complaint that a Public Servant has exercised or refrained from exercising his powers, for improper or corrupt purposes;

(iii) to collect such information or statistics as may be necessary;

(iv) to call for any information from any Department or Undertaking of the Government or from any Public Servant on matters within its jurisdiction including information on the action taken on the recommendations, etc.

G.O.Ms.No.248
Public (Ser.B)
dated 23rd
January, 1974.

(2) All Public Servants, as also employees of Public Undertakings/Corporations and all the Companies of State Government registered under the Indian Companies Act, 1956 (Central Act No.1 of 1956) come under the purview of the Commission. However, Public Servants under the administrative control of the High Court are outside the jurisdiction of the Commission.

G.O.Ms.No.354
Public (Ser.B)
dated 5th
February, 1974.

2. Directorate of Vigilance and Anti-Corruption

G.O.Ms.No.224,
Public (Services)
dated 12th Feb.
1964.

(1) As a first organised measure towards tackling corruption in public administration, the Government of Tamil Nadu set up the Directorate of Vigilance and Anti-Corruption as a separate department on 26th March 1964. It functioned on a temporary basis till 5th May, 1978, when it was made permanent. The Department is headed by a Director in the rank of Director-General of Police/Inspector-General of Police and is assisted by one Additional/Deputy Director in the rank of Inspector General of Police/Deputy Inspector General of Police. They co-ordinate all aspects of Anti-Corruption work and supervise important enquiries. There are 3 Superintendents of Police - all located at Headquarters in Madras - supervising the work of the investigating staff who are spread out in different Detachments located in Madras City and in the Revenue Districts of the State.

G.O.Ms.No.511,
P & A.R.,
(Per-N) dated
5th May, 1978.

(2) Each Detachment excepting those at The Nilgiris, Dharmapuri, Dindigul-Anna, Periyar, Pudukkottai and Kanniyakumari which are under the charge of Inspectors of Police, is under the charge of a Deputy Superintendent of Police who is assisted by Inspectors of Police with supporting staff of Head Constables and Police Constables. The Detachments are grouped into three Ranges and each Range is under the charge of a Superintendent of Police.

Of the 3 Superintendents of Police, 2 function exclusively as Range Superintendents of Police supervising the work of the field staff in their respective Range while the third Superintendent of Police, in addition to his Range work, also assists the Director and Additional/Deputy Director in the administrative work at Headquarters.

(3) The Directorate has its own Law staff consisting of 1 Legal Adviser, 3 Deputy Legal Advisers and 3 Prosecutors for Disciplinary Proceedings to prosecute cases in Courts and also before the Tribunals for Disciplinary Proceedings. They also tender legal advice during enquiries/investigations, etc. The Law staff of the Directorate are notified as Ex-officio Special Public Prosecutors for all classes of cases investigated by the Directorate of Vigilance and Anti-Corruption and triable by the Special Judges appointed under * Section 6(1) of the Criminal Law Amendment Act, 1952 (Central Act XLVI of 1952).

G.O.Ms. No.
1239, P & A.R.
(Per-N) dated
7th November
1979.

(4) There is an Executive/Superintending Engineer attached to the Directorate as a full time officer at Headquarters to give technical advice and/or assistance in enquiries/investigations and to maintain liaison with the various Engineering Departments of the Government.

(5) The executive Police Officers and Constabulary required for the Directorate are drawn from the Police Department, while the technical officers are inducted from the Highways/Public Works Departments. The posts of Legal Adviser, Deputy Legal Advisers and Prosecutors are filled either by recruitment from the Law Officers in the State service or by promotion from the existing staff within the Directorate.

(6) While the normal duty of the Directorate of Vigilance and Anti-Corruption is to conduct enquiries into allegations

* Section 3(1) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) corresponds to Section 6 (1) of the Criminal Law Amendment Act, 1952 (Central Act XLVI of 1952).

of corruption and allied misconduct referred to by the Vigilance Commissioner and also to furnish the Commission with any information and statistics which could be gathered by the Directorate, its main responsibilities are—

(i) to collect intelligence for detection of cases of bribery and corruption and to investigate offences falling within the purview of Sections 7 to 15 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988). Offences committed prior to 9-9-1988 and falling within the purview of Section 5 of the Prevention of Corruption Act, 1947 and Sections 161 to 165-A of the Indian Penal Code would also be investigable by the Directorate of Vigilance and Anti-Corruption;

and

(ii) to institute enquiries into complaints made by members of public or received from Government, Vigilance Commissioner and Departmental Authorities relating to criminal misconduct (bribery and corruption), criminal misappropriation and criminal breach of trust, etc., and other venal practices by Public Servants.

3. Directorate of Vigilance and Anti-Corruption-Notified as Police Station.

G.O. Ms. No.
963, Public
(Ser. B), dated
25th May, 1964.

G.O. Ms. No.
449, P & A.R.
(Per-N), dated
4th May, 1982.

G.O. Ms. No.
235, P & A.R.
(Per-N), dated
17th March,
1987.

(1) The Headquarters of the Directorate has been notified as a Police Station with jurisdiction over the entire State and all Police Officers in the Directorate of and above the rank of Inspector of Police, have been notified to have the powers of an officer-in-charge of Police Station under Section 2 (s) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). All Detachments of the Directorate have also been notified as Police Stations with jurisdiction throughout the limits of their respective Districts. However, the Special Cell at Salem has jurisdiction throughout the State.

(2) All records normally maintained in local Police Stations connected with investigations are, therefore, maintained in the Headquarters and all Detachment Offices of the Directorate.

DVAC Standing Order No. 5/84, dt. 28th July, 1984 r/w Standing Order No. 2/85, dt. 5th December, 1985.

4. Powers of investigation and arrest

(1) The Deputy Superintendents of Police of the Directorate of Vigilance and Anti-Corruption are empowered to investigate any offence punishable under the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) or Section 161, Section 165 or Section 165-A of the Indian Penal Code or under Sub-section (2) of Section 5 of the Prevention of Corruption Act, 1947 (Central Act II of 1947), as the case may be, in respect of offences committed prior to 9th September 1988.

(2) Under the first proviso to Section 17 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), all Inspectors of Police of the Directorate have been authorised to exercise the powers of investigation and arrest mentioned in that proviso; but excluding the power to arrest without a warrant, any officer belonging to Group A or B in the pay scale, the maximum of which is above Rs. 3,500/-

G.O.Ms. No.269 P & A.R. (Per-N), dated 4th June, 1990.

5. Requisitioning information relating to Income-Tax disclosures.

(1) Income Tax Act, 1961.

(i) According to the provisions of the Income-Tax Act, officers of the Income-Tax Department are prohibited from disclosing any information contained in any statement made, return furnished or accounts or documents produced before them under the provisions of Income-Tax Act or in evidence, affidavits or deposition given during the course of any assessment proceedings under the Income-Tax Act.

Government letter No.16649-A/ 75-19, Public (Ser-N), dated 16th September, 1975.

(ii) Government of India have, therefore, issued orders in Notification No. 1056 (F.No. 403/113/75-ITCC),

Ministry of Finance, Department of Revenue and Insurance, dated 23rd August 1975, empowering the Director, Vigilance and Anti-Corruption, Madras under sub-clause (ii) of clause (a) of sub-section (1) of Section 138 of the Income-Tax Act, 1961 (43 of 1961), to requisition information relating to any assessee in respect of any assessment made under this Act or the Indian Income-Tax Act, 1922 (II of 1922).

(2) Tamil Nadu Agricultural Income-Tax Act, 1955

(i) According to the provisions of the Tamil Nadu Agricultural Income-Tax Act, 1955 (Tamil Nadu Act V of 1955), the officers of the Tamil Nadu Agricultural Income-Tax Department are prohibited from disclosing any information contained in any statement made, return furnished or accounts or documents produced, before them under the provisions of this Act or in any evidence given or affidavit or deposition made in the course or any proceedings under this Act or any proceedings relating to the recovery of a demand prepared for the purpose of this Act.

(ii) Government of Tamil Nadu, by their Act No. 26 of 1987, have introduced clause (ff) in sub-section (3) of Section 52 of the Tamil Nadu Agricultural Income-Tax Act, 1955, permitting the officers of the Tamil Nadu Agricultural Income-Tax Department, to furnish any such particulars relating to any assessee in respect of any assessment made under the Act, to any officer of the Directorate of Vigilance and Anti-Corruption, not below the rank of Inspector of Police, relevant to any enquiry which that officer is authorised to make.

6. Directorate of Vigilance and Anti-Corruption and the Central Bureau of Investigation - Arrangements for mutual assistance and co-operation.

(1) In law, the Delhi Special Police Establishment Division of the Central Bureau of Investigation is empowered to investigate all offences notified by the Central Government under Section 3 of the Delhi Special Police Establishment

Act, but in practice it does not take up all such cases, keeping in view the fact that its resources are limited and its powers are concurrent and co-extensive with those of the State Police Forces which, if exercised without co-ordination with the State Police, might lead to conflict and duplication of effort. To avoid such duplication, an administrative arrangement has been arrived at by the Director, Central Bureau of Investigation, with the State Police Forces; according to which —

(i) Cases which are substantially and essentially against Central Government employees or concerning the affairs of the Central Government shall be investigated by the Delhi Special Police Establishment Division in spite of the fact that certain employees of the State Government may also be involved. The State Agency, who will be informed of such cases involving their employees, will render necessary assistance to Delhi Special Police Establishment Division, during investigation.

(ii) Cases which are essentially and substantially against servants of the State Government or are in respect of matters concerning the State Government, shall be investigated by the State Agency, irrespective of the fact that certain employees of the Central Government are also involved as confederates or co-accused. In such cases, the Delhi Special Police Establishment Division, who will be duly informed, will render such assistance to the State Agency, if necessary in completing the investigation.

(2) It has been agreed that —

(i) The State Agency may take immediate action in respect of the Central Government employees in the following circumstances—

(a) Where a "trap" has to be laid to catch a Central Government employee redhanded and there is no time to contact any representative of the Delhi Special Police Establishment Division, the trap may be laid by the State Agency and thereafter, the Delhi Special Police

Establishment Division should be informed immediately and it should be decided in consultation with them whether the further investigation should be carried out and completed by the State Agency or by the Delhi Special Police Establishment Division.

(b) Where there is likelihood of disappearance of or damage to evidence, if immediate action is not taken, the State Agency may take necessary steps to secure the evidence and thereafter, hand over the case to the Delhi Special Police Establishment Division for further investigation

and

(ii) Information about cases involving Central Government Servants which are being investigated by the State Agency should be sent by them to the Head of the Department and/or the Officer concerned as early as possible but, in any event, before a charge sheet or a Final Report is submitted.

(3) The Delhi Special Police Establishment Division and the State Agency supplement and coordinate each other's work in certain spheres, as mentioned above. There should be close co-operation between them and they should render mutual assistance to each other. Superintendents of Police of Central Bureau of Investigation Branches should maintain close liaison with the Officers of the State Agency. They are authorised to correspond directly with the officers of the State Agency in matters relating to their work.

(4) For success in investigation of cases, it is most essential that a decision as to which agency is to investigate, is taken very quickly. References about cases to be entrusted to the Delhi Special Police Establishment Division should be made as soon as possible by the State authorities. Similarly, cases which the Delhi Special Police Establishment Division feels should be handled by the State Agency should be entrusted to them without delay. In case of any difficulty or disagreement, the matter should be settled at a higher level between the Deputy Inspectors - General of Police

concerned or between the Head of the State Agency and the Director, the Additional Director or the Joint Director, Central Bureau of Investigation.

(5) When the investigation made by the Delhi Special Police Establishment in such cases, involves a State Government Employee, requests for sanction of the competent Authority of the State Government for prosecuting the State Government Employee, will be routed through the Directorate of Vigilance and Anti-Corruption and the State Vigilance Commission.

Govt. Letter
(Ms) No.213,
P&AR (Per-N),
dated 28th
March 1988.

7. Demarcation of investigative functions of the Directorate of Vigilance and Anti-Corruption and that of the Police Department

(1) The following is the demarcation of the investigative functions of the Directorate and that of the Police Department in the State:-

G.O. Ms.
No.2217, Public
(Ser-B), dated
10th Oct.1967.

(i) The Directorate of Vigilance and Anti-Corruption will be responsible for enforcement of Law under Chapter IX of the Indian Penal Code and the Prevention of Corruption Act, including offences under Section* 165-A of the Indian Penal Code and of conspiracy or abetment of the above provisions;

(ii) Investigation of all other offences involving Public Servants will be done by the Police Department;

(iii) Where offences under both the categories mentioned above are involved, the Directorate or the Police Department may investigate depending on what constitutes the major offence. Cases involving office bearers of Co-operative Societies may be dealt with by the Police Department. In doubtful cases, decision will be taken on mutual consultations between the Director and the Director-General of Police.

* Section-12 of the Prevention of Corruption Act, 1988 will apply for offences committed on or after 9-9-1988.

(2) However, cases under Section 165-A of the Indian Penal Code, coming to the notice of the local Police or City Police or initiated by them, can be investigated by the local Deputy Superintendent of Police, or the Assistant Commissioner of Police in Madras City, despite the existence of a separate Directorate of Vigilance and Anti-Corruption.

8. Complaints of corruption and misconduct on the part of local Police Officers at the stage of investigation in specific cases

DVAC Circular
Memo, No.36962/
VAC-5/80, dt.
20th Feb.1981.

(1) If the Directorate of Vigilance and Anti-Corruption were to start an enquiry into an information or complaint of corruption or misconduct connected with a criminal case presently under investigation by the local Police, it would result in the same witnesses being contacted by two agencies, namely, the local Police and the Directorate of Vigilance and Anti-Corruption and two sets of statements being brought on record. It is likely that in several cases, the two sets of statements of witnesses may be in conflict with each other regarding some material points. Such contradictions would ultimately prejudice the course of trial if the case were to be put in Court. It would, therefore, be desirable to avoid a Directorate of Vigilance and Anti-Corruption enquiry into a complaint of corruption or misconduct in a matter which is under investigation by the local Police. This principle would also apply when a matter is sub-judice in Court. In special cases where the Directorate of Vigilance and Anti-Corruption is satisfied about the authenticity of the information, the information should be brought to the notice of the Director-General of Police/Inspector-General of Police/Deputy Inspector-General of Police, specially mentioning the credibility of the information and suggesting that the investigation of the case might be got verified or redone completely by a higher ranking Investigating Officer or the District Crime Branch or the Criminal Investigation Department as may be deemed appropriate. This course of action would take care

of the primary interest of the criminal case. The corruption aspect of the matter can be gone into later, as soon as the main investigation of the case is over.

(2) The stage at which the Directorate of Vigilance and Anti-Corruption can look into the corruption aspect, has to be carefully decided in a discussion between the Superintendent of Police, Directorate of Vigilance and Anti-Corruption and the District Superintendent of Police concerned. The decision will be governed by the following factors:-

(i) Whether the verification of the investigation or re-investigation, as the case may be, has revealed the falsity of the earlier investigation;

and

(ii) Whether the corruption aspect is also indicated in the statements recorded by the Police in their re-investigation.

(3) The standard format for the D.O. letter with which such complaint/information when they appear credible may be forwarded to the Director-General of Police/Inspector-General of Police/Deputy Inspector-General of Police, is given in Proforma-1.

9. Weekly Diaries - Submission of by Officers

(1) Officers of the Directorate of Vigilance and Anti-Corruption including Superintending Engineer/Executive Engineer/Legal Adviser will submit Weekly Diaries in Proforma-2 for every week ending Saturday, showing the daily work done, tours undertaken, etc.

(2) Inspectors of Police and Deputy Superintendents of Police will enclose to their Weekly Diaries, a Weekly Progress Statement of enquiries/cases in Proforma-3(A), and a Statement of work done during the week in Proforma-3(B) and submit the diaries to the Range Superintendent of Police concerned;

DVAC
Circular Memo.
No.28843/
VAC-4/86 dt.
24th Oct. 1986
and No. 42373/
VAC-4/90,
dt.28th Dec.
1990.

and

DVAC Standing
Order No.
11/86, dt. 30th
Dec. 1986.

(3) Deputy Legal Advisers and Prosecutors for Disciplinary Proceedings will enclose to their Weekly Diaries, a statement in Proforma-4 showing the Final Reports pending scrutiny with them at the end of the week and submit the diaries through the Legal Adviser to the concerned Range Superintendent of Police. They will also enclose to their Weekly Diaries, a separate statement showing the details of progress made during the week in respect of each Court Case and Tribunal Enquiry in Proformae-5 and 6 respectively.

PART II

DISPOSAL OF PETITIONS/COMPLAINTS

10. Action on petitions received

(1) Petitions containing allegations of corruption and malpractices by Government Servants are usually addressed to one of the three authorities, viz, the Government, the Head of the Department or other Administrative Officers, and the Directorate of Vigilance and Anti-Corruption.

Govt.Memo.
No.1356/64-2,
Public (Ser.B),
dated 8th April
1964.

(2) When petitions are received by the Directorate of Vigilance and Anti-Corruption, a Preliminary Enquiry may be conducted after obtaining the specific orders of the Director, except in respect of All-India Service Officers, Heads of Departments and Collectors, in which case, the petitions will invariably be forwarded to the Chief Secretary to the Government straightaway, for necessary action, without conducting any form of enquiry.

(3) Petitions which contain allegations of corruption, misconduct or irregularities of a nature on which the Director considers that the Directorate need not initiate action, will be forwarded to the Heads of Departments concerned. If the petitions signed or otherwise, contain specific allegations which prima facie can be verified to be correct or otherwise by a scrutiny of the relevant files/accounts, etc., they will be referred to the Head of the Department concerned with a covering letter, appropriately worded, suggesting that he may have the allegations examined by reference to the relevant files.

(4) Every petition received, either in the Directorate Headquarters or in the Detachment Offices, will be affixed with the date seal and assigned a current number. Petitions received directly in the Detachments should be forwarded to the Directorate Headquarters for disposal and no enquiry should be initiated on them without prior orders of the Director, nor endorsements made on them. The

endorsements of the Detachment Deputy Superintendent of Police or Inspector of Police, as the case may be, forwarding such petitions to Headquarters Office should be on separate sheets of paper and should bear the Detachment Office current number and date. In the case of enquiries to be instituted, only copies and not the originals of petitions will normally be sent to the field officers for enquiry, the originals being retained in the Headquarters Office. The originals can be sent to the field officers, in appropriate cases.

(5) Petitions received in the Directorate should be properly scrutinised with the purpose of identifying whether an acknowledgement or reply should go to the petitioner and petitions received from well-known or identifiable organisations should invariably be replied to. Petitions addressed to the Directorate and received in succession to similar petitions received earlier from individuals who desire to know the result of their earlier complaints, should also be replied to.

DVAC Standing
Order No.30/76
dated 28th
December
1976.

(6) As regards anonymous/pseudonymous petitions, the approach should be to carefully go through such petitions and not to ignore them altogether. In general, the decision to take action on such petitions should be based on the consideration whether the allegations convey specific information which is verifiable.

Govt. Memo.
No. 5150/65-1,
Public (Ser.B),
dated 8th
November
1965.

(7) There are good many cases in which the Government would have to initiate action direct on petitions received by them or on other information. In such cases, if the Government desire a Preliminary Enquiry by the Directorate of Vigilance and Anti-Corruption, the papers may be forwarded by the Government to the Director, who will then follow the prescribed procedures according to the Group to which the officer complained against belongs. But, if the materials available with the Government are such as to enable the Government to make out a prima facie case, calling for a Detailed Enquiry, the materials may be

forwarded to the Director straight, in the case of officers belonging to Groups C and D and through the Vigilance Commissioner in cases belonging to Groups A and B, for conducting a Detailed Enquiry.

11. Complaints of corruption received by Departmental Authorities

Complaints of corruption, received by Heads of Departments or other Senior Administrative Officers against officers of Groups C and D may be enquired into by them departmentally and in cases where they feel that an enquiry by the Directorate is called for, they may forward the papers to the Directorate. But, if the complaint is against an officer belonging to Group A or B and if the Head of the Department, after his departmental enquiry, is satisfied that a probe by the Directorate is called for, he may send up the case to the Government. The Government would then deal with the case in accordance with the procedure laid down.

Govt. Memo.
No. 5150/65-1
Public (Ser. B),
dated 8th
November
1965.

12. Referring cases by Departmental Authorities to the Directorate of Vigilance and Anti-Corruption-Guidelines

(1) Instances involving lack of rectitude on the part of Public Servants fall broadly into two categories, viz.,

Govt. Memo.
No. C/840-2/66,
Public (SC),
dated 16th
December,
1966.

- (i) those relating solely to irregularities in departmental procedures

and

- (ii) those involving demand and receipt of illegal gratifications.

In cases falling under category (i) above, the culpability of the officers involved could be determined on the strength of the departmental records and if sufficient inculpatory evidence is forthcoming, the Heads of Departments could take appropriate action. In these cases, enquiries by the

Directorate of Vigilance and Anti-Corruption may not be necessary. In cases falling under category (ii) above, evidence of witnesses would have to be obtained and hence, such cases could be enquired into by the Directorate of Vigilance and Anti-Corruption. However, the Directorate of Vigilance and Anti-Corruption could take up for enquiry, cases in which departmental irregularities are so complicated and which are so involved with corrupt practices as to warrant specialised attention.

Govt. Circular
Memo. No.
5302/68-2,
Public (Ser.B)
dated 29th
October 1968.

(2) Because the Directorate of Vigilance and Anti-Corruption has been established, it does not mean that the departmental authorities may refer all sorts of cases to the Directorate of Vigilance and Anti-Corruption to the extent of even not discharging their own responsibilities in dealing with their subordinates. It can be generally taken that every deliberate irregularity is motivated by corruption, in one form or other. If irregularities can be established and if they are sufficiently serious as to warrant the punishment of dismissal, there is no need for the Directorate of Vigilance and Anti-Corruption to step in. Departmental enquiries and decisions could be far quicker than the processes involved in enquiries by the Directorate of Vigilance and Anti-Corruption and reaching decisions on them. If it is considered that a reference to the Directorate of Vigilance and Anti-Corruption is quite essential, it should be immediate. Fear of consequences and the immediacy of impact of the consequences would be a deterrent on malpractices and corruption and the delinquents should not be made to feel that they have years ahead before something would happen.

(3) Heads of Departments should, therefore, minimise the number of cases to be referred to the Directorate of Vigilance and Anti-Corruption. When referring complaints to the Directorate of Vigilance and Anti-Corruption, either direct in the cases of Groups C and D employees or through the Vigilance Commissioner/Government in the cases of Groups A and B employees, the Head of Department concerned

should indicate in his report that after a discreet departmental preliminary enquiry into the allegations, he is satisfied that a prima facie case has been made out to remit the case to Directorate of Vigilance and Anti-Corruption for enquiry. Normally, grave irregularities precede, accompany or follow corruption. When the departmental irregularities by themselves are so serious as to merit dismissal or other deterrent punishment, there is no need to wait for an additional charge of corruption. As the evidence about departmental irregularities is provided by the material available in the department itself, the Heads of Departments will be in a better position to appreciate and judge on that material.

(4) Clean and corruption-free administration in every Government Department/Undertaking is primarily the responsibility of the respective Head of Department/Undertaking. It is part of the normal work of the superior officers of the Department/Undertaking to investigate into allegation received against their subordinate staff. Since the enquiry by the Directorate of Vigilance and Anti-Corruption is likely to involve time, it will be in the interests of expeditious action to have the investigation done departmentally as far as possible. Assistance of the Directorate of Vigilance and Anti-Corruption should be availed of only in major cases which cannot be tackled by the Department/Undertaking itself. The Heads of Departments/Undertakings should therefore be highly selective in referring cases to the Directorate of Vigilance and Anti-Corruption for investigation and depend to the maximum extent possible on their own machinery to enquire into complaint received by them.

Govt. Letter
No. 80568-A/
Per-N/88-1,
P&AR (Per-N),
dated 11th
August 1988.

(5) In the light of the above, the following formulae should be observed while dealing with the cases of irregularities against Public Servants:—

Govt. Circular
Memo.No.3700/
71-6, Public,
(Ser.B), dated
3rd November
1971.

(i) If the irregularities do not involve corruption, the matter need not be referred to the Directorate of Vigilance and Anti-Corruption, but can be disposed of departmentally;

(ii) if the irregularity is so serious as to warrant a severe punishment and material for severe departmental action is available and the corruption aspect is not grave and can be ignored, such cases need not be referred to the Directorate of Vigilance and Anti-Corruption but can be disposed of departmentally;

and

(iii) if the irregularity does not fall under any of the above categories but involves corruption, the case should be referred to the Directorate of Vigilance and Anti-Corruption but the reference should be quick.

Govt. Memo.
No. 45080/76-
2, Public (Ser-
N) dated 23rd
October, 1976.

(6) While conducting a discreet departmental preliminary enquiry, the Departmental Authorities should not record signed statements from witnesses to decide whether or not there is a prima facie case against the officer involved.

Govt. Memo.
No. 568/62-1
Public (Ser-D),
dated 17th
November
1962.

(7) When once a case has been entrusted to the Directorate of Vigilance and Anti-Corruption for enquiry and report, there should be *no parallel enquiry by the Departmental Authorities*.

DVAC Circular
Memo. No.
39962/VAC-4/
88, dt. 4th
May, 1989.

(8) During the stage of collection of Vigilance Intelligence or Preliminary Enquiry itself, the Investigating Officer of the Directorate of Vigilance and Anti-Corruption should ascertain whether the Department is seized of the matter and any enquiry or disciplinary action is under way against the officer concerned, on the same subject matter of the Vigilance Information/Preliminary Enquiry. In cases of Preliminary Enquiries where any enquiry or disciplinary action by the Departmental Authorities is already under way, the Investigating Officer should send a report to keep the enquiry or disciplinary proceedings by the Departmental authorities in abeyance or drop further action by Directorate of Vigilance and Anti-Corruption, depending upon the circumstances of the cases.

(9) Departmental Authorities including District Collectors should not send any references to the officers subordinate to the Director of Vigilance and Anti-Corruption in the Detachments directly for enquiry but to send them to the Director of Vigilance and Anti-Corruption in respect of C and D Group Officers and to Government in respect of A and B Group Officers. If the complaints involve both Group A or B and C or D officers and the allegations cannot be separated, they should be submitted to Government as in the case of A and B Group Officers.

Govt. Letter
No.894A/ Per-
N/86-2, P&A.R
(Per-N), dated
20th January
1986.

(10) Officers of the Directorate of Vigilance and Anti-Corruption in the Detachments should avoid entertaining any type of enquiry directly from other Departmental Officers including the District Collectors without the express orders from the Headquarters of the Directorate of Vigilance and Anti-Corruption. If any such request for an enquiry is received in the Detachment, such requests should be transmitted to the Headquarters, for orders.

Govt. Letter
No. 894A/Per-
N/ 86-3,
P&A.R. (per-N),
dt.20th January
1986.

D.V.A.C.Circular
Memo.No.2339/
VAC-4/86,
dt.11th
February 1986.

PART III

ENQUIRY AND INVESTIGATION PROCEDURES

13. Classification of Government Servants

G.O. Ms.
No.253, P&A.R.
(Per-N), dated
24th May 1990.

(1) Consequent on the abolition of Gazetted status, Government Servants in the State have been classified into four groups as follows:-

Group A - Government Servants on scales of pay of which the minimum is Rs.3,000 and above.

Group B - Government Servants on scales of pay of which the minimum is Rs.1640 and above, but less than Rs.3000 in the ordinary grades.

Group C - Government Servants on scales of pay of which the minimum is Rs.775 and above, but less than Rs.1640 in the ordinary grades.

Group D - Government Servants on scales of pay of which the minimum is below Rs.775/-.

(2) Government Servants belonging to Groups A and B correspond to the former "Gazetted" category, while those belonging to Groups C and D correspond to the former "Non-Gazetted" category.

14. Nature of Enquiries/Investigations

The Directorate of Vigilance and Anti-Corruption undertakes enquiries/investigations into complaints/information about specific acts of bribery or corruption and allied malpractices in the exercise of official authority by Public Servants under the control of the State Government and also employees of the Public Undertakings, Corporations set up by the State Government. Usually, the first enquiry into a complaint/information is in the nature of a Preliminary Enquiry. If the Preliminary Enquiry discloses material which merits an open probe, a Detailed Enquiry is taken up. If the material thrown up

in a Preliminary Enquiry or a Detailed Enquiry makes out a prima facie case for a criminal prosecution, a Regular Case is registered under Section 154 of the Code of Criminal Procedure, 1973, and investigation taken up in terms of relevant provisions of the Code of Criminal Procedure 1973. When specific information is received that a particular Public Servant is demanding money for discharge of his official duty in a specified instance, a "Trap" is also attempted.

15. Authority for taking up Enquiries/Investigations

(1) Enquiries and investigations of regular criminal cases, including traps, may be taken up by the Directorate of Vigilance and Anti-Corruption, in accordance with the following orders only:-

G.O. (D) No.1
P & AR
(Per-N), dt.28th
January 1992.

(i) Preliminary Enquiries against Government Servants falling under Groups A,B,C and D (excepting Members of All-India Services, District Collectors and Heads of Departments) may be taken up on the orders of the Director of Vigilance and Anti-Corruption,

(ii) Detailed Enquiries against Government Servants falling under Groups C and D may be taken up on the orders of the Director of Vigilance and Anti-Corruption;

(iii) Detailed Enquiries against Government Servants falling under Groups A and B (excepting Members of All-India Services, District Collectors and Heads of Departments) may be taken up only with the concurrence of the Vigilance Commissioner;

(iv) Regular Cases other than Trap Cases may be registered against Government Servants falling under Groups A, B, C or D (excepting Members of All-India Services, District Collectors and Heads of Departments) only with the prior permission of the Vigilance Commissioner, provided that where a Magistrate orders investigation under Section 156 (3) of the Code of Criminal Procedure 1973, no such prior permission of the Vigilance Commissioner need be obtained;

(v) Trap cases against Government Servants falling under Groups C and D may be organised on the orders of the Superintendents of Police in the Directorate of Vigilance and Anti-Corruption;

(vi) Trap cases against Government Servants falling under Groups A and B (excepting Members of All-India Services, District Collectors and Heads of Departments) may be organised on the orders of the Director of Vigilance and Anti-Corruption obtained through the Additional/Deputy Director of Vigilance and Anti-Corruption or direct;

and

(vii) In respect of Members of All-India Services, District Collectors, Heads of Departments and Managing Directors/ Chief Executives of Statutory Bodies, Corporations and State owned Companies, the following procedure will be followed-

(a) the Director of Vigilance and Anti-Corruption shall not start a Preliminary Enquiry, unless specifically authorised by the Government, in consultation with the Vigilance Commissioner;

(b) the Government may order Detailed Enquiries, grant permission to register criminal cases and trap cases;

and

(c) the Vigilance Commissioner may also give concurrence for Detailed Enquiry, on the basis of Preliminary Enquiry reports.

(2) The procedure in respect of Government Servants falling under Groups A and B shall be followed in the case of employees of Statutory Bodies, Corporations and State owned Companies whose starting pay is Rs.1,640 and above per month, and the procedure in respect of Government Servants falling under Groups C and D shall be followed in the case of such employees whose starting pay is below Rs. 1,640 per month.

16. Registration of Enquiries/Cases against Public Servants who are retired from service - Orders of Government or Concurrence of Vigilance Commissioner - Obtaining of

In respect of Public Servants who are retired from service and who, while in service, belonged to a category which would require prior orders of Government or concurrence of Vigilance Commissioner for taking up a Preliminary Enquiry, Detailed Enquiry or Regular Case, prior orders of the Government or concurrence of Vigilance Commissioner, as the case may be, should be obtained.

V.C.'s Letter
No. 9043/
VC.II/91-2,
dt.19th
February 1991.

17. Inclusion of additional Accused Officers in pending Enquiries/Investigations - Procedure

(1) If, in the course of any enquiry/investigation against an Accused Officer taken up, either under orders of the Director of Vigilance and Anti-Corruption or with prior orders of the Government or concurrence of the Vigilance Commissioner, evidence comes to notice about the likely complicity of another Accused Officer of a category which would require prior permission from the Government or the Vigilance Commissioner, for making the enquiry/investigation in accordance with the foregoing paragraphs, the Investigating Officer will immediately send a report to the Directorate Headquarters, setting out the evidence that has come to notice and seeking permission for including the additional Accused Officer in the case and continuing the enquiry/investigation relating to him also. The Directorate Headquarters will then report to the Vigilance Commission and proceed further with the enquiry/investigation against the additional Accused Officer only with the Vigilance Commissioner's concurrence.

D.V.A.C.
Circular Memo.
No.27095/
VAC-4/79,
dated 13th
October 1979.

(2) If, in the course of any PE/DE which was taken up on the orders of the Director, Vigilance and Anti-Corruption, it becomes necessary to include some others as additional Accused Officers, a report should be sent to Headquarters by the Investigating Officer for orders.

No.15315/
VAC-4/89,
dt.10th May
1989.

PART IV.

PRELIMINARY ENQUIRIES.

18. Scope and procedure

D.V.A.C.
Circular memo.
No.22761/VAC-
4/76, dated
30th September
1976.

Govt.Memo.
No.2312/72-6,
Public (Ser-B),
dated 30th
August 1972.

D.V.A.C.
Circular Memo.
No.38901/VAC-
4/80, dated
14th July 1981.

Usually, the first enquiry into a complaint or information is in the nature of a Preliminary Enquiry. This Preliminary Enquiry should be conducted with the utmost secrecy. Witnesses should normally be contacted only through sources or otherwise, indirectly. Where it becomes necessary to contact them directly, the purpose of enquiry must be suitably camouflaged. Willingness of witnesses to make statements may be ascertained, but actual statements should not be recorded. Departmental files and other records, including those that may be available with private sources like Hotels, Lodging houses, Shops, etc., may be looked into. Departmental records may also be taken into custody wherever considered desirable in the interest of preserving any available evidence. Where there is some difficulty in taking them into custody, the Investigating Officer may peruse the records in the Department itself and if a particular record were to be found important for purposes of further enquiry, a written requisition should be given to the local responsible officer of the Department to keep that particular record in safe custody, under his personal responsibility, so that the record could be taken over, at a later stage, when required. Records with private parties may also be taken into custody, if the parties do not raise any objection. If objections are raised, summons from a Magistrate may be got issued by filing a written report before the Magistrate, indicating that an enquiry is being made into the alleged commission of an offence connected with bribery, corruption, etc., and the need to secure the records concerned for the purpose of the enquiry.

19. Searches

D.V.A.C.
Circular Memo.
No.389/VAC/
73, dated 9th
November
1973.

Searches could also be made to secure any vital document or other material piece of evidence which, it is believed, may otherwise be lost. The same consideration as outlined in

Paragraph 60 under Part - VII "Regular cases (other than Traps)" will apply in the case of searches during Preliminary Enquiries.

20. Conversion into Detailed Enquiry

When an Investigating Officer finds oral or documentary evidence forthcoming in a Preliminary Enquiry, he should report this immediately to Headquarters and seek approval for conversion of the Preliminary Enquiry into a Detailed Enquiry unless it is decided to seek permission to register a Regular Case.

D.V.A.C.
Standing Order
No.15/75, dated
10th October
1975.

21. Disposal of the Enquiry when there are no tangible instances of corruption

When the Preliminary Enquiry shows that there are no tangible instances of corruption but only some departmental irregularities, etc., the matter can be closed by sending a Preliminary Enquiry report, accordingly. Time and energy of the Directorate should not be frittered away in pursuing allegations of mere departmental irregularities.

22. Verification of general reputation of Accused Officers

Investigating Officers should also confidentially ascertain the general reputation of the Accused Officers involved in the Preliminary Enquiries so that even if there is no evidence as such to deal with the Accused Officers on a specific charge, the Directorate of Vigilance and Anti-Corruption could advise the Department to keep an Accused Officer away from sensitive posts, in view of his reputation as ascertained confidentially. Investigating Officers should verify the general reputation of the Accused Officers involved in the Preliminary Enquiries by making confidential and discreet enquiries not only with the Accused Officers' superiors and subordinates but also members of public, who have contacts with the Accused Officers in the ordinary course of business. The Investigating Officers should take care that such verifications

D.V.A.C.
Circular Memo.
No.26548/VAC-
4/80, dated
8th October
1980.

D.V.A.C.
Circular Memo.
No. 14505/
VAC-4/81,
dated 5th June
1981.

No.41398/VAC-
4/ 89, dated
9th January
1990.

are not confined to subordinates who may have motive against the concerned Accused Officers. The result of such verification of Accused Officers' general reputation should be reported in the Preliminary Enquiry reports, without fail.

23. Age/Date of Birth, due date of retirement and Group of Accused Officers

DVAC Circular
Memo.
No.26023/VAC-
4/ 82, dated
21st October,
1982.

The age/date of birth and presumptive date of retirement of the Accused Officer, as also the group to which he belongs, should be ascertained and reported during the Preliminary Enquiry stage itself.

24. Plan of Enquiry

DVAC.
Standing Order
No.9/75, dated
19th September
1975.

(1) As soon as an enquiry is endorsed to an officer of the Directorate, he will immediately -

- (a) reduce the allegations to a concise and precise form;
- (b) draw up a *Plan of Enquiry* showing —
 - (i) the witnesses to be contacted in respect of each allegation,
 - (ii) the records proposed to be scrutinised in respect of each allegation,
 - (iii) any other corroboration - oral or documentary to be collected depending upon the nature of allegationsand
- (iv) experts, if any, to be consulted during the course of enquiry/ evaluation of the property, etc.,

DVAC. Circular
Memo No.4131/
VAC-4/ 90,
dated 28th
February, 1990.

(2) While preparing the Plan of Enquiry, the Investigating Officer should fix up time limits for completion of each item of works in (i) to (iv) above according to requirements of the particular enquiry. The periods so fixed should be clearly indicated against each item so as to enable the Headquarters

of the Directorate of Vigilance and Anti-Corruption to monitor the progress according to the time-frame indicated by the Investigating Officer. This should also serve as guidance to the Investigating Officer for completing the enquiry within the prescribed time limit.

(3) Deputy Superintendents of Police/ Range Superintendents of Police will scrutinize the Plan of Enquiry and issue suitable instructions as and when necessary, to guide the Investigating Officer.

25. Registration Report

(1) A Registration Report in Proforma 7 will be filled up by each Investigating Officer as soon as he takes up a Preliminary Enquiry. The Report should be made out in duplicate, with the original submitted immediately to the concerned Range Superintendent of Police in Headquarters and a copy retained in the Detachment file.

DVAC Circular
Memo.
No.2276/VAC-
4/76, dated 30th
September, 1976.

(2) The date on which the Registration Report is prepared by the Investigating Officer in the Detachment office shall be reckoned as the date of registration of the Preliminary Enquiry.

26. Register of Preliminary Enquiries

A separate register styled as "Register of Preliminary Enquiries" will be maintained both in the Headquarters Office and in the Detachment Offices of the Directorate. In Headquarters Office, it will be in Proforma - 8 while in the Detachment Offices, it will be in the Proforma -9. Whenever a Preliminary Enquiry is ordered, the identity number for the Preliminary Enquiry will be assigned separately and chronologically for the calendar year in the "Register of Preliminary Enquiries". In the Detachments, the concerned Investigating Officer will be responsible for posting the entries in this register pertaining to the enquiries handled by him.

DVAC Standing
Orders No.31/76,
dated 31st
December 1976
and No.6/77,
dated 23rd
February, 1977.

27. Time Limit

Every Preliminary Enquiry shall be completed with the greatest possible expedition and a report submitted to reach the headquarters of the Directorate of Vigilance and Anti-Corruption in no case later than 2 months from the date of its registration.

28. Closure of Preliminary Enquiry

A Preliminary Enquiry will be treated as closed when -

(i) a Detailed Enquiry is ordered by the Director on the report of Preliminary Enquiry in the case of Government Servants falling under Groups C and D and employees of Statutory Bodies, Corporations and State owned Companies whose starting pay is below Rs.1,640/- per month;

or

(ii) a report is sent to the Vigilance Commissioner seeking concurrence to conduct a Detailed Enquiry in the case of Government Servants falling under Groups A & B and employees of Statutory Bodies, Corporations and State owned Companies whose starting pay is Rs. 1,640 and above per month or seeking permission to register a Regular Case, or suggesting some other action by the Department concerned;

or

(iii) referred to the Head of the Department/ Undertaking concerned direct in the case of Government Servants falling under Groups C and D or employees of Statutory Bodies, Corporations and State Owned Companies whose starting pay is below Rs. 1,640 per month, suggesting departmental action for commission of procedural irregularities or violation of Conduct Rules;

or

(iv) further action is ordered to be dropped on the Preliminary Enquiry report.

PART V

DETAILED ENQUIRIES

29. Nature and scope

(1) A Detailed Enquiry is an "Open" enquiry where there will be regular examination of witnesses, besides requisitioning of documents and records for scrutiny. However, since Public Servants will be involved as Accused, it is desirable not to give undue publicity to such enquiries. Information ascertained and evidence secured from witnesses during the enquiry should be treated as "Confidential".

DVAC Circular
Memo. No.
22761/VAC-4/
76-2, dated
30th September
1976.

(2) The main objective in a Detailed Enquiry should be to ascertain the availability of substantial evidence which will sustain departmental disciplinary action or prosecution, as the case may be. Where series of allegations of similar type come to notice, the enquiry should be restricted to a few in which punitive action can be sustained.

DVAC Circular
Memo. No.
17971/VAC-4/
77, dated 27th
June 1977.
No. 40544/
VAC-4/77,
dated 19th
January 1978.

30. Examination of Witnesses and recording of statements

(1) Detailed statements should be recorded from witnesses individually. These statements, however, should not be signed by the witnesses but should be recorded by the Investigating Officer himself just like a statement recorded under Section 161 of the Code of Criminal Procedure, 1973. The statements should be recorded clearly and legibly and the Investigating Officer should sign with date. The number of witnesses to be examined in particular instances should be restricted to the minimum, subject to adequacy of evidence. The petitioner or complainant should invariably be examined.

DVAC Circular
Memo. No.
24487/VAC-4/
76, dt. 5th
September
1976. No. 22761/
VAC-4/76, dt.
30th September
1976.
Circular Memo.
No. 22434/
VAC-4/90 dt.
10th July 1990.

(2) In order to avoid witnesses being taken by surprise during Court trial or Departmental disciplinary proceedings either before Tribunals or Departmental Authorities, by the record of their statements as compiled by the Investigating Officer, it would be a healthy practice, if a copy of the statement recorded by the Investigating Officer is shown to

DVAC Circular
Memo. No.
26000/VAC-4/
82, dated 22nd
October 1982.

the witness when he happens to be literate, which will give him an opportunity to suggest any amendment to the statement if he feels that any amendment is required to clarify more precisely what he intended to convey in his statement. This procedure would be particularly useful when official witnesses are examined and in cases where they desire, there should be no objection to giving them a copy of their statement as recorded by the Investigating Officer. The fact that the above action was taken should also be duly recorded in the case diary.

31. Examination of Accused Officers

D.V.A.C.
Circular Memo.
No. 287/VAC/
73, dated 30th
August 1973.
No.18032/VAC-
4/77 dated
22nd June
1977.
No.29608/VAC-
4/80 dt. 20th
November
1980.
No.35329/VAC-
4/89 dt. 3rd
November
1989.
No.19313/VAC-
4/91 dated 13th
June 1991.

(1) In all Detailed Enquiries and Regular Cases, before concluding the enquiries/investigations, the Accused Officer should be examined in considerable detail in an objective and dispassionate manner to find out what he has to say about the materials appearing against him. It should be ensured that the versions given by the Accused Officer are listened to very carefully and subjected to thorough investigation and the results of such investigation should be discussed in the Final Report to be submitted by the Investigating Officer. It should be borne in mind that the examination of the Accused Officer is not a mere formality and that it is an integral part of the investigation and analysis to arrive at the truth or otherwise of the allegation under enquiry.

(2) While examining the Accused Officer, there should be nothing in the conduct of the Investigating Officer to create an impression in the mind of the Accused Officer that the Investigating Officer has already reached a conclusion. On the other hand, the Investigating Officer should, by his conduct infuse confidence in the mind of the Accused Officer that the enquiry/investigation is being conducted in a very fair manner and the Accused Officer can draw attention to whatever evidence is available in his support.

Govt. Memo.
No.26759/76-5,
P.&A.R.(Per-N),
dated 25th May
1977.

(3) Normally, the Accused Officers should not be summoned to Detachment Offices of the Directorate for examination. However, in exceptional circumstances when

it would not be convenient or prudent to take up this examination elsewhere, the Directorate Officers at the appropriate level may approach the authority superior to the Accused Officer and explain why it will be necessary for the Accused Officer to go over to the Detachment Office of the Directorate and the superior officer of the Accused Officer concerned may, unless he is unable to agree, instruct the Accused Officer to abide by the request of the Directorate Officers.

32. Verification of general reputation of Accused Officers

Investigating Officers should also confidentially ascertain the general reputation of the Accused Officers in the Detailed Enquiries, so that even if there is no evidence as such, to deal with the Accused Officers on a specific charge, the Directorate could advise the Department to keep an Accused Officer away from sensitive posts, in view of his reputation as ascertained confidentially. Investigating Officers should verify the general reputation of the Accused Officers involved in the Detailed Enquiries not only with the Accused Officers' superiors and subordinates but also members of public who have contacts with the Accused Officers in the ordinary course of business. The Investigating Officers should take care that such verifications are not confined to subordinates who may have motive against the concerned Accused Officers. The result of such verification of Accused Officers' general reputation should be reported in the Detailed Enquiry reports, without fail.

D.V.A.C. Circular
Memo.No.14505/
VAC-4/81,
dated 5th June
1981.

No.41398/VAC-
4/89 dated 9th
January 1990.

33. Requisitioning and scrutiny of official records

(1) Official records requisitioned by the Directorate of Vigilance and Anti-Corruption should be easily made available by the concerned Departmental Authorities. Requisition for such records will be made in writing by an officer not below the rank of Inspector of Police of the Directorate. The Head of the Office concerned will be personally held responsible if the records are not produced. Permission of the Head of

Govt.Memo.
No.4265/54-3,
Public (Ser-D),
dated 27th
January 1955.

Govt. Letter
No.55090/89-11
P & A.R.(Per.N)
dt. 8th April
1991.

the Department is not ordinarily required for the Head of the Office concerned to produce the records.

DVAC Circular
Memo. No.
18514/VAC-4/
77, dated 30th
July, 1977.

(2) Even at the outset, the records indented for should be limited to whatever is directly relevant and of potential value as evidence.

G.O. Ms.
No.212,
Finance, dated
18th February,
1963.

(3) In the case of audited documents like vouchers, pay orders, etc., where the Investigating Officer of the Directorate feels that the enquiry/investigation cannot proceed on copies of documents including photostats, he will move the Director, Vigilance and Anti-Corruption, to address the Accountant-General/Pay and Accounts Officer/Examiner of Local Fund Accounts, personally to hand over the original documents to the Investigating Officer, indicating that the photostat copies will not serve the purpose of the enquiry/investigation. The Director, Vigilance and Anti-Corruption will, in turn address the concerned authority with necessary certificate, and depute an Officer of the rank of Inspector of Police of the Directorate to take delivery of the original documents from the respective Officer with whom such documents are available.

D.V.A.C.
Circular Memo.
No.873/VAC-4/
79, dated 21st
June, 1979.

(4) In cases where the Audit Report itself or its author is the subject matter of enquiry/investigation, the Examiner of Local Fund Accounts has agreed that the original manuscript Audit Report will be made available to the Investigating Officers of the Directorate on proper requisition.

G.O.Ms.No.416,
Public(Ser-B),
dated 21st
February, 1966.

(5) Whenever required by the Investigating Officers of the Directorate of Vigilance and Anti-Corruption, copies of the registered documents entered in Book No.4 and of Index - IV shall be furnished by the authorities of Registration Department. The Investigating Officers shall also be allowed to peruse the said Book and Index.

Govt. of Kerala
G.O.(P)No.145/
85-TD
Taxes (E)
Dept., dated
21st November,
1985.

(6) Government of Kerala on a reciprocal arrangement made with the Government of Tamil Nadu, have agreed to make searches for and supply of copies of registered documents, required by the Investigating Officers of the Directorate of Vigilance and Anti-Corruption, Tamil Nadu.

34. Searches

The same consideration as outlined in paragraph 60 under Part-VII "Regular Cases (other than Traps)" will apply in the case of searches during Detailed Enquiries.

35. Plan of Enquiry

In every Detailed Enquiry, a "Plan of Enquiry" as indicated in paragraph - 24 of Part-IV "Preliminary Enquiries" will be drawn up by the Investigating Officer conducting the enquiry.

36. Registration Report

A Registration Report in Proforma-10 will be filled up by each Investigating Officer as soon as he takes up a Detailed Enquiry. Preparation and submission of Registration Report will be as given in paragraph 25 under Part-IV "Preliminary Enquiries".

37. Register of Detailed Enquiries

A separate register styled as "Register of Detailed Enquiries" will be maintained in the Headquarters Office and Detachment Offices in Proformae -11 and 12, respectively. Manner of maintenance will be as indicated in paragraph 26 under Part - IV "Preliminary Enquiries".

38. Progress Reports

Monthly Progress Reports in Proforma -13 will be submitted by the Investigating Officers in all Detailed Enquiries. The reports should be dated the last day of every month and should be despatched to Headquarters Office on the first working day following the date of the Progress Report. The Progress Reports should start from the first of every month occurring after the completion of one month from the date of registration of the Detailed Enquiry and will continue to be sent till the Final Report is despatched from the Detachment Office.

DVAC Circular
Memo. No.
11470/VAC-4/
84, dated 30th
March 1984.

No. 34441/
VAC-4/90
dated 24th
October 1990.

39. Time Limit

Every Detailed Enquiry shall be completed with the greatest possible expedition and the full record of enquiry with a Final Report submitted to reach the Headquarters of the Directorate of Vigilance and Anti-Corruption, in no case later than 6 months from the date of its registration.

40. Closure of Detailed Enquiry

A Detailed Enquiry will be treated as closed for the purpose of statistical returns when-

(i) an actionable or other report is sent to the Vigilance Commissioner on the result of the Detailed Enquiry;

or

(ii) a Regular Case is ordered to be registered;

or

(iii) further action is ordered to be dropped.

PART VI

TRAP CASES

41. Organisation of Traps

(1) On receipt of a specific complaint that a particular Public Servant demands money for doing or omitting to do something in the discharge of his official duty and the same is about to be paid on the complainant's own initiative, a trap may be arranged. For laying the trap, it is essential to have atleast two respectable witnesses to depose to the connected facts to prove the case in the Court. Wherever possible, the assistance of two Public Servants whose ranks are preferably higher than that of the officer to be trapped may be taken to figure as witnesses - one of whom may be so positioned as to function as a "hearing witness". Government have advised the Heads of Departments to instruct their subordinates to co-operate with the Officers of the Directorate of Vigilance and Anti-Corruption whenever their assistance is required in setting up traps. Judicial Officers should not be taken as witnesses.

Govt. Memo.
No. 2038/65-7,
Public (Ser-B)
dated 3rd
March 1966.

(2) A trap can be laid for booking an offender in respect of offences under Section 7 or 11 or Section 13 (2) of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), by

DVAC Standing
Order No. 8/64
dated 1st June
1964.

(a) a Deputy Supdt. of Police

or

(b) an Inspector of Police of the Directorate of Vigilance and Anti-Corruption, Tamil Nadu,

(3) As already indicated in paragraph "4 - Powers of investigation and arrest" under Part-I, all Inspectors of Police of the Directorate have been authorised to exercise the powers of investigation and arrest mentioned in the first proviso to Section 17 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) but excluding the power to arrest, without warrant, any officer belonging to Groups

A and B in the pay scale, the maximum of which is above Rs. 3,500/-. The Deputy Superintendents of Police of the Directorate are empowered to investigate any offence punishable under the Prevention of Corruption Act, 1988 (Central Act 49 of 1988). Therefore, if the complaint is against an Officer belonging to Groups A and B, an officer of and above the rank of Deputy Superintendent of Police should ordinarily lay the trap. If it becomes necessary, Inspector of Police could lay a trap against such officers after obtaining permission from the Director, Vigilance and Anti-corruption but cannot exercise the powers of arrest.

42. Planning of the Trap

(1) A trap must be very carefully planned with thorough attention to every detail, taking every precaution necessary to ensure its successfully yielding sufficient quantum of direct as well as circumstantial evidence that will sustain the case.

(2) Before organising a trap, a quiet and quick verification of the general reputation of the Public Servant complained against should be made. The motives, reliability and the antecedents of the complainant should also be very carefully checked and assessed. Consistent with the need for speed in laying the trap, a study of the records relating to the complainant's request to the Accused Officer and also the steps taken by the latter in this regard, should be made. The complainant should use his own resources for getting the money or any other form of gratification relevant to the demand by the Accused Officer. The complainant should not be supplied with money or other articles for this purpose by the Directorate.

43. Concurrence for laying a Trap

G.O. (D)
No. 1, P.&A.R.
(Per.N), dated
28th January,
1992.

Prior concurrence of the Superintendent of Police concerned of the Directorate should be obtained before registering a trap case against Public Servants belonging to Groups C and D, and that of the Director through the

Superintendent of Police/Additional/Deputy Director or direct, in the case of Public Servants belonging to Groups A and B. The fact of having obtained such concurrence should be specifically mentioned by the Investigating Officer while reporting to Head Office the registration of the case. Before giving concurrence, supervisory officers should take due note of the result of confidential check as mentioned in paragraph 42 (2).

44. Registration of F.I.R

(1) If the complaint discloses demand of illegal gratification by a Public Servant, F.I.R. should be registered under Section 7 of the Prevention of Corruption Act, 1988. When the trap materialises, the section of the case has to be altered by adding Section 13 (2) read with Section 13 (1) (d) of the Prevention of Corruption Act, 1988. If information is given orally, the complainant should be directed, to reduce the same in writing and sign it. In cases where the complainant is illiterate, the statement of the complainant should be recorded and his signature or thumb impression obtained after reading out the contents carefully to him.

(2) The original complaint should be sent promptly with the F.I.R. to the Court of the Special Judge empowered to try such cases retaining a xerox copy of the complaint in the Detachment Case, File and the trap witnesses should be shown the copy of the complaint reproduced in the F.I.R.

DVAC Circular
Memo.No.867/
VAC/66,dated
5th November,
1966, and
Office Order
No. 10/88,
dated 30th
September,
1988.

45. Tape Recorders - Use of

In all trap cases, best possible use should be made of tape recorders since the evidence of the voice and the conversation between the decoy witnesses and the Public Servants involved will provide good proof regarding demand and acceptance of bribe and other circumstances of the case.

DVAC Circular
Memo.No.26259/
VAC-4/74,dated
1st August,
1975.

46. Phenolphthalein Test

DVAC Circular
Memo. No. 69/
VAC/69, dated
7th February,
1969/
No. 36560/
VAC-4/78,
dated 4th
November,
1978.

(1) Before recovering the tainted money or other articles in the course of trap proceedings, what is known as "Phenolphthalein Test" should invariably be conducted on the fingers of both hands of the Accused Officer and on other items such as his pant/shirt pocket, dhoti, etc., with which the notes/articles are known to have come into contact. It will be a corroborative piece of evidence to establish the acceptance of tainted money by the Accused Officer.

No. 23975/
VAC-4/75,
dated 12th
September,
1975.

DVAC Circular
Memo. No.
14704/VAC-4/
80, dated 22nd
July, 1981.

(2) While conducting phenolphthalein test, the following instructions should be observed:-

(a) The standard amount of sodium carbonate powder for preparing the solution will be one teaspoonful for a tumbler of water (250 ML.)

(b) Fresh sodium carbonate solution should be prepared for every occasion when the test is to be conducted to prove the presence of phenolphthalein in different parts of the body or wearing apparel or any other matter. For example, all fingers of one hand may be dipped in one solution, but a separate solution should be prepared when the fingers of the other hand are to be dipped. Likewise, separate solution should be prepared for testing the pockets of the Accused Officer's shirt or pant. etc.,

DVAC Circular
Memo. No.
9112/VAC-4/90,
dated 17th April,
1990.

(c) The coloured solution on each occasion after test should be kept in a separate bottle duly labelled and sealed with date and time with the signatures of witnesses and the Investigating Officer.

(d) The sealed bottle or bottles should be sent without delay through the Court for chemical analysis to prove the

fact that the solution contains sodium carbonate as also phenolphthalein powder. The Chemical Examiner must also be requested to record his observation of the colour of the solution at the time of his examination along with the details of the tests conducted by him on the solution and the reasons for arriving at the conclusions.

DVAC Circular
Memo. No.
33716/VAC-4/
91, dated 29th
October, 1991.

47. Questioning of Accused Officer

(1) Questioning of the Accused Officer and recovery of the *bribe money* should be after the phenolphthalein test. If the test proves positive, arrest of the Accused Officer may be made and recovery of notes effected on the basis of Accused Officer's statement, if any. In this event, the provisions of Section 27 of the Indian Evidence Act would be available to the prosecution.

(2) Immediately after recovery and seizure of the bribe money or article, the Accused Officer must be further interrogated and his detailed statement separately recorded in the case diary under section 162 of the Code of Criminal Procedure, 1973. If there is any need to examine him still further in the light of any fresh evidence that might come up later during the investigation of the case, the same can be done at a later stage and further statement of the Accused Officer recorded.

DVAC Circular
Memo. No.
33979/VAC-4/
76, dated 10th
December,
1976.

48. Searches

It is essential to embark on a regular search of the house, office or other places of resort including temporary residences of the Accused Officer immediately following the trap to collect all the attendant circumstantial evidence needed in respect of motive, conduct and other aspects of the offence under investigation. Intimation of proposed search must be sent to the Magistrate promptly as required under the law.

DVAC Standing
Order No. 8/64,
dated 1st June,
1964.

DVAC Circular
Memo. No.
12307/VAC-4/
90, dated 12th
April, 1990.

49. Preparation of the Site Plan

A site plan of the scene of occurrence should invariably be prepared showing the relative positions of the Accused Officer, bribe giver, Witnesses, Investigating Officer and other members

DVAC
Standing Order
No. 8/64, dated
1st June, 1964.

of the raiding party, besides the place of recovery of the tainted money. The site plan should be got attested by members of the trap party, and should form part of the record of investigation.

50. Arrest and Remand

DVAC
Circular Memo.
No. 32700/
VAC-4/79,
dated 30th
October 1979.

After the Accused Officer is arrested as indicated in paragraph 47, he should be brought to the Detachment Office of the Directorate where necessary entries should be made in the General Diary regarding the arrest and other formalities gone through, and then he should be released on bail by the Investigating Officer himself on the Accused Officer's personal bond, with necessary sureties, if called for. Closely following this action, the Head of Office or the concerned immediate superior of the Accused Officer should be informed so that they may place the Accused Officer under suspension immediately and relieve him of his duties. The fact that the Accused Officer has been arrested and released on bail should be intimated to the Special Judge having jurisdiction. Remand should be resorted to only if it is feared that the Accused Public Servant may abscond or otherwise hamper the course of investigation, or there is a law and order problem arising from the Accused's defiant and violent behaviour or there are any other special features in the case which require the continued custody of the Accused Officer.

DVAC Circular
Memo No.
2366/VAC-4/81
dt. 10th
February,
1981.

51. First Report to Vigilance Commissioner

DVAC
Standing Order
No. 2/80, dated
7th August
1980.

(1) As soon as a trap is laid, the Officer who laid the trap should send a report to the Head Office along with the particulars in Proforma -14 to enable Head Office to send the first report to the Vigilance Commissioner duly furnishing the particulars in the format.

V.C's Letter
No. 259/V.C. II/
90-2, dt. 5th
February 1990.

(2) The Investigating Officer should send the report to the Headquarters, within 5 days from the date of trap. In the Headquarters Office, the first report in Proforma-14 should be

finalised and sent to the Vigilance Commission within 10 days from the date of trap.

DVAC Circular
Memo. No.
10249/VAC-4/
90, dated
26th March
1990.

(3) A copy of the first report should be marked to the Administrative Department concerned in the Government to which the Public Servant belongs.

DVAC Office
Order No.7/88,
dated 2nd
September
1988.

52. Press Release - Issue of

On all successful Trap Cases, a Press Release may be sent by the Headquarters. While the Press Release in respect of Public Servants falling under Group A shall be sent along with a covering D.O. letter from the Director, Vigilance and Anti-Corruption, to the Secretary to Government, Personnel and Administrative Reforms Department, for being sent to the Director of Information and Public Relations, for release to the Press, factual Press Releases on Vigilance cases of public interest, in respect of Public Servants belonging to Groups 'B', 'C' and 'D' shall be issued direct to the press.

DVAC Office
Order. No. 2/
86, dated 12th
May, 1986.
G.O.Ms.No.
323, P&AR,
(Per.N) dt.
13th July 1990.

53. Change of Investigating Officer

As soon as a trap is successfully laid, the investigation of the case should be taken over by another officer of the Detachment. In this, the following arrangement shall be made:

DVAC Circular
Memo. No.
28680/VAC-4/
90, dt. 18th
September
1990 and dated
4th June 1991.

(i) In a case where trap is laid by an Inspector of Police, another Inspector of Police or Deputy Superintendent of Police of the same Detachment who is not involved in laying that trap, should take up investigation,

(ii) If all the officers in a Detachment are involved in laying the trap, and if the trap is laid by an Inspector of Police, an Inspector of Police of the neighbouring Detachment should take up investigation of the case,

(iii) In a case where the trap is laid by a Deputy Superintendent of Police, if there is another Deputy Superintendent of Police in the same Detachment/Station who is not involved in laying the trap, he should take up investigation of the case,

(iv) In Detachments/Stations where there is only one Deputy Superintendent of Police, a Deputy Superintendent of Police of the neighbouring Detachment should take up investigation of the case

and

(v) If either of the arrangements in (iii) or (iv) above is proposed, while taking concurrence for laying a trap, the trap laying officer may check up about the officer to whom the further investigation of the case is to be entrusted, in case, the trap materialises, from the Range Superintendent of Police concerned who, after taking into account the work load, availability and other factors, if any, will nominate an Investigating Officer from neighbouring Detachment.

54. Time Limit

(1) Investigation of a trap case should be completed and Final Report submitted so as to reach the Headquarters of the Directorate of Vigilance and Anti-Corruption within 6 weeks from the date of registration of the case.

(2) If additional instances of demand and acceptance of illegal gratification come to notice other than the trap instance and are worth pursuing, they could be investigated separately.

DVAC Circular
Memo.
No.31308/VAC-
4/75, dated
19th November
1975.

PART VII

REGULAR CASES (OTHER THAN TRAPS)

55. Registration

(1) If the material gathered in a Preliminary Enquiry or a Detailed Enquiry makes out a prima facie case for criminal prosecution, a Regular Case may be registered under section 154 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974). Prior permission of the Vigilance Commissioner is necessary before registering such cases irrespective of whether the Accused Government Servant belongs to Group A, B, C or D except where a Magistrate orders investigation under Section 156 (3) of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974) when no prior permission of the Vigilance Commissioner is necessary.

G.O.(D) No.1,
P & AR,
(Per. N),
dated, 28th
January 1992.

(2) A Regular Case may also be registered on the specific orders of the Government in consultation with the Vigilance Commissioner or on the orders of the Vigilance Commissioner direct.

56. Formalities to be observed

(1) When a Regular Case is registered on a matter arising out of a Preliminary Enquiry or a Detailed Enquiry, the report or particular document which will legally constitute the F.I.R. for the case should be carefully identified and a case registered thereon.

(2) All the legal and other formalities prescribed in regard to sending First Information Reports, properties or records to Courts, submission of case diaries, etc., should be observed as usual. Filing of charge sheet will be decided in the Directorate Headquarters, after a careful analysis and assessment of the evidence in consultation with the Law Officers of the Directorate and obtaining sanction to prosecute the Accused Officer from the competent authority, wherever called for.

57. Statements of Witnesses

Statements of Witnesses under Section 161 of the Code of Criminal Procedure, 1973, will be recorded in quadruplicate and the Investigating Officer should sign with date. One copy will be sent to the Directorate Headquarters Office with the relevant case diary. Another copy will be sent later along with the Final Report after the investigation of the case is completed. The remaining two copies will be used by Investigating Officer for his file and for later reference by the Court or Tribunal, as the case may be.

58. Examination of Accused Officers

Instructions in paragraph 31 of Part V relating to the Detailed Enquiries would also apply to all Regular Cases including Traps.

59. Requisitioning and Seizure of Records

DVAC Standing
Order No. 16/
76, dated 25th
May, 1976.

(1) Investigating Officers have inherent powers under Sections 91 (1) and 165 of the Code of Criminal Procedure, 1973, to get the required records or documents from other Government Offices on a written requisition.

(2) In Regular Cases (trap cases as well as others) when there is need to detain/seize any original telegram, the Investigating Officer will forthwith file a petition before the concerned Judicial authority under Section 92 of the Code of Criminal Procedure, 1973, to direct the Postal/Telegraph authorities to deliver the original telegram to the Investigating Officer. The petition will be filed in Proforma-15. The Investigating Officer will also send a requisition to the Postal/Telegraph authority concerned, under sub-clause (2) of Section 92 of the Code of Criminal Procedure, 1973, to cause a search to be made and to detain the said telegram. The requisition will be in Proforma-16.

60. Searches

(1) On the basis of a reasonable belief of material evidence in the shape of documents or other articles being available, simultaneous searches should be undertaken in such premises, soon after a Regular Case is registered so as to collect all the available attendant circumstantial and incriminating evidence in respect of motive, conduct and other aspects of the offences under investigation.

DVAC Circular
Memo. No.389/
VAC/73, dated
9th November,
1973.

(2) Searches should be conducted in accordance with the provisions in Cr.P.C. Prior permission of Superintendent of Police should be obtained except in trap cases before conduct of searches whenever circumstances permit. Searches after dusk or on festive occasions should be avoided. Search witnesses should be unconnected with the parties concerned as well as with D.V.A.C. When search is to be conducted at the office of the accused Public Servant, the Head of Office or the immediate superior officer may be taken into confidence, when feasible. Wherever it is not feasible, he may be informed immediately afterwards. The entire search party should move as a single team. A copy of the search list signed by the witnesses should be delivered to the occupant or his representative under acknowledgement. The seized articles should be sent to the Court. No publicity in press should be given by the Detachment Office.

(3) The Investigating Officer should send a report to the Headquarters in Proforma-17 on the conduct of the searches and results achieved thereon immediately after the search.

DVAC Circular
Memo No.
35399/VAC-4/
83/dt. 1st
February, 1984.

61. Impounding of Passport of Accused

Immediately after a Regular Case is registered against any Public Servant who, by reasons of his official position, status, educational qualification, family connections or other grounds may be expected to avail himself an opportunity to go abroad, the concerned Investigating Officer should check and report without any loss of time whether the said Public

DVAC Circular
Memo.
No.22186/VAC-
4/76, dated
29th July, 1976.

Servant holds a passport to visit foreign countries so that a request could be made to the Regional Passport Officer concerned to impound the passport, pending disposal of the case.

62. Inspection of Bank Accounts of Accused

DVAC Circular
Memo.
No.16056,
VAC-4/77,
dated 27th
may, 1977.

In all Regular Cases, both traps and non-traps, whenever it is necessary to inspect and take copies of relevant entries in the Bankers' Book of the Accused Officer, proceedings may issue from the Range Superintendent of Police concerned of the Directorate, under Section 5A(2)/18 of the Prevention of Corruption Act 1947/1988 authorising the Investigating Officer to approach any Bank to inspect and take copies of relevant entries. Such proceedings should be in Proforma-18.

63. Register of Regular Cases

DVAC Standing
Order No.11/77,
dated 14th April,
1977.

A separate register styled as Register of "Regular Cases" should be maintained both in the Headquarters Office and in the Detachment Offices of the Directorate. In Headquarters Office, it should be in Proforma - 19 while in the Detachment Offices, it should be in Proforma - 20. All Regular Cases (traps as well as non-traps) registered in the Directorate should be entered in these registers, and the particulars as furnished in the First Information Report should be incorporated in the appropriate columns. The Investigating Officer concerned should be responsible for posting entries in the register maintained in the Detachments.

64. Progress Reports

Monthly Progress Reports in Proforma-13 should be submitted by the concerned investigating Officer in all Regular Cases (non-trap). Instructions given in paragraph 38 under Part-V "Detailed Enquiries" will be followed.

65. Investigation Plan

In every Regular Case (both trap and non-trap), a "Plan of Investigation" as indicated in paragraph 24 of Part IV - "Preliminary Enquiries" will be drawn up by the Investigating Officer.

66. Time Limit

Investigation of a Regular Case (non-trap) should be completed and Final Report submitted by the Investigating Officer so as to reach the Headquarters of Directorate of Vigilance and Anti-Corruption, within 6 months from the date of registration of the case.

PART VIII

CASES OF DISPROPORTIONATE ASSETS

67. Registration of Detailed Enquiry/Regular Case

Illegal gratification obtained over a period of time leads to accumulation of assets/pecuniary resources disproportionate to one's known sources of income. A Public Servant is said to commit the offence of Criminal Misconduct under Section 13 (1) (e) of Prevention of Corruption Act 1988 (Central Act 49 of 1988)*, if 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. From the angle of departmental misconduct, possession of disproportionate assets leads to a conclusion that the Public Servant has not maintained absolute integrity. As such, a Detailed Enquiry or Regular Case is registered to collect evidence of possession of disproportionate assets.

68. Order by Supdt. of Police

As per the second proviso to Section-17 of the Prevention of Corruption Act 1988, an offence under Section 13(1) (e) (*) of the said Act shall not be investigated without the order of a Police Officer not below the rank of a Supdt. of Police. A written order in Proforma-21 has to be given to the Investigating Officer by the Range Supdt. of Police, accordingly. A copy of this order has to be sent to the Special Judge.

69. Plan of Enquiry/Investigation

A Plan of Enquiry/Investigation should be drawn up on registration of the Detailed Enquiry/Regular Case and the major constituents of this Plan of Enquiry/Investigation are—

* Section 5(1) (e) of the Prevention of Corruption Act 1947 corresponds to Section 13 (1) (e) of the Prevention of Corruption Act, 1988.

- (i) Obtaining property statements of the Public Servant in the prescribed proformae through the Head of Department/Undertaking,
- (ii) Obtaining particulars of pay and allowances drawn by the Public Servant,
- (iii) Evaluation of the buildings and other items of immovable property,
- (iv) Computation of family consumption expenditure including such computation from the Department of Statistics,
- (v) Scrutiny of Bank Accounts and Income Tax Returns
and
- (vi) Collection of information and evidence about concealed/benami assets, etc.

70. Check Period

Check Period should be fixed taking into account-

- (i) Length of service of the Public Servant,
- (ii) Start of assets acquiring activities,
- (iii) Date of acquisition of the latest immovable property;
and
- (iv) Date of search conducted, if any.

The Check Period should neither be too long nor too short. It is advantageous to have a Check Period from 4 to 7 years. This, however, is not rigid and may be altered if situation demands. It may become necessary to explain the rationale of fixing the Check Period as set out when the case comes up for trial or other enquiry.

71. Property Statements

As soon as the Check Period is fixed, the Property Statements in Proformae 22 to 27, should be called for from the Public Servant through the Head of the Department/Undertaking. Under the Conduct rules, the Head of the

Department, Undertaking/Government can, at any time, require a Public Servant to furnish, within a period specified in the order, a full and complete statement of movable and immovable property held or acquired by him or on his behalf by any member of his family. Such statement shall include the means by which or the source from which such property was acquired. Any attempt to mislead and any failure to give full and correct information shall render the Public Servant liable to severe disciplinary action.

72. Pay drawn particulars

A requisition should be sent without delay calling for particulars of pay and allowances drawn by the Public Servant as well as the deductions. Pay and allowances include Pay, Special Pay, Dearness Allowance, Additional Dearness Allowance, House Rent Allowance, City Compensatory Allowance, Conveyance Allowance and any other allowance. The deductions include contribution to General Provident Fund, Family Benefit Fund, Special Provident Fund, etc. and recoveries towards General Provident Fund Advance, Festival Advance, House Rent, Electricity Consumption Charges, Motor Vehicle Advance, House Building Advance, Flood Advance, Professional Tax, Income Tax, etc.

73. Evaluation

Evaluation of the house and other immovable properties of the Public Servant is done by the Public Works Department on the basis of Plan particulars and period of construction furnished to them by the Investigating Officer. The building evaluation is prepared exclusive of the cost of land. It is based on the Public Works Department Schedule of rates and the prevailing market rates of the respective years. For the purpose of evaluation, the construction is divided into basic elements of work such as earth excavation, filling in foundation and basement, cement concrete work, brick work, R.C.C. work, fabrication and placement of steel bars, wood work, glass work, stone work, pipe work, electrical work, colour washing, distempering and varnishing, etc.

74. Family Consumption Expenditure

The average family consumption expenditure of the Public Servant is furnished by the Directorate of Statistics. It is based on the Consumer Price Index Numbers for Non-Manual employees issued by the Central Statistical Organisation, New Delhi. The Investigating Officer should furnish details regarding name, age, sex, pay particulars, period and place of stay during the Check Period, of the Public Servant and his family members. There are verifiable items of expenditure for which evidence may be collected by examining the relevant witnesses/documents. While including these items in the expenditure statement, care should be taken to deduct corresponding amount in the figures furnished by the Department of Statistics by examining the Official who has furnished the statistical figures. Where the Public Servant gives details of his expenditure, these may be taken into account subject to verification and reasonableness. Benefit of doubt should be given to the Public Servant wherever there is a dispute and verification is not possible.

75. Benami Assets

(1) While investigating into allegations of possession of disproportionate assets, quite often Investigating Officers come across properties acquired by the Public Servants but held in the name of some other person.

(2) Where any person purchases property in the name of another, for his own benefit, with no intent to make that other person the beneficiary thereof, it is called a "Benami transaction". The nominal owner is the benamidar. The simple import of the word of "benami" is that a purchaser desires to buy property but does not desire to buy in his own name and therefore, buys in the name of someone else.

(3) Under Section 13 (1) (e) of the Prevention of Corruption Act, 1988, such benami assets are also to be treated as assets acquired by the Public Servant as the said section also uses the expression "or any person on his behalf is in possession".

76. Final opportunity to be given to Accused Officers

DVAC Circular
Memo.
No.23321/VAC-
4/88, dated
26th August
1988.

(1) There are observations by Courts of Law that the Accused Officers should be afforded necessary opportunity to account for the assets/pecuniary resources found to be disproportionate. Such opportunity should be in addition to the examination of the Accused Officers during the course of the enquiry/investigation and will arise after the Basic Statements I to VI are finalised and the quantum of disproportionate assets/pecuniary resources has been determined. There are also contra observations that this opportunity is not very essential. However, for a correct assessment of the matter, it is desirable to give a final opportunity to the Accused Officers.

DVAC Circular
Memo. No.
33672/VAC-4/
90, dated 23rd
November
1990.

(2) In cases where actionable material is found, after approval of the Final Report at the Headquarters, the Accused Officer should be given the final opportunity by the Investigating Officer, communicating to the Accused Officer, in writing and under acknowledgement, the details of total income and total expenditure during the Check Period and the likely savings at the end of the Check Period, details of the properties and pecuniary resources found possessed as also the quantum of disproportion at the end of the Check Period, as worked out in Basic Statements I to VI, asking him to explain, within a reasonable time, the disproportion in assets as determined against the Accused Officer. The format of the letter to be addressed to the Accused Officer in this regard will be in Proforma-28.

(3) On receipt of the reply from the Accused Officer, the Investigating Officer should send it to Headquarters Office with a draft paragraph to this effect to be incorporated in the Final Report. If the Accused Officer comes forward with any new plea or explanation, the same should be verified by the Investigating Officer and a definite finding regarding such plea or explanation, should be given for incorporation in the Final Report.

77. Attachment of Properties

(1) In cases where Public Servants concerned are in possession of assets allegedly earned through illegal or corrupt means, and held in their own names or in the names of benamis, they should not be allowed to enjoy them as otherwise the law will be reduced to mockery. It is, therefore, necessary to initiate action under the Criminal Law (Amendment) Ordinance, 1944 to have such properties or money attached to prevent the Public Servant from transferring the properties. If such properties or money could not for any reasons be attached, other properties of the Accused Officer/persons concerned, of value as nearly as may be equivalent to that of the properties or money illegally earned, could be got attached under the Criminal Law (Amendment) Ordinance 1944 at the stage of investigation of the case or during the trial of case in the Court. The attachment proceedings can be initiated only on the orders of Government. The provisions of the above Ordinance can also be invoked in respect of properties involving the commission of the offences under Sections 406, 408, 409, 411, 414, 417 and 420 I.P.C. where the properties in respect of which the offences are committed or properties entrusted by the Central or State Government or a department of any such Government or a local authority or any person acting on behalf of such authority, or a Corporation established by or under a Central, Provincial or State Act, or an authority or body owned or controlled or aided by Government or a Government Company as defined in Section 617 of the Companies Act, 1956, or a Society aided by such Corporation, authority, body or Government Company.

(2) Such attachment is of importance as under Section 16 of the Prevention of Corruption Act, 1988, the Court while convicting an Accused under Section 13 (2), read with Section 13(1)(e) of the Prevention of Corruption Act, 1988, and imposing fine, shall take into consideration the extent of disproportionate assets that has been proved. Attachment would ensure that the fine can be realised by the Court. The Ordinance would

DVAC Circular
Memo No.7077/
VAC-4/89, dt.,
27th February
1989 and 4th
May, 1989.

Circular Memo.
No.447/VAC-4/
90, dated 7th
January, 1991.

equally apply to cases investigated for offences under Section 13 (1) (a) to Section 13 (1) (d) of the Prevention of Corruption Act, 1988 where the properties or money sought to be attached could be traced to the pecuniary advantages obtained by the Accused Officer by the commission of the aforesaid offences.

(3) In cases under investigation, such attachment proceedings will have to be instituted in the Court of District Judge, within the local limits of whose jurisdiction, the Accused Officer ordinarily resides or carries on business. Under Section 5(6) of the Prevention of Corruption Act, 1988, a Special Judge, while trying an offence punishable under the Prevention of Corruption Act, shall exercise all the powers and functions exercisable by a District Judge under the Criminal Law (Amendment) Ordinance, 1944. As such, in cases under trial, the attachment proceedings could also be instituted before the Special Judge who is trying the case. In order to enable this, suitable amendments have been made in the Criminal Law (Amendment) Ordinance, 1944 by Section 29 of the Prevention of Corruption Act, 1988.

(4) Money lying in the account of an Accused Officer with a Bank, where it is reasonably believed that this amount is part of the disproportionate assets of the Accused Officer and where immediate action is required to prevent this money being withdrawn by the Accused Officer, can be seized by a Police Officer, under Section 102 Cr.P.C. by means of a Prohibitory Order issued to the Bank restraining the customer from operating his account in the Bank, either by remittance or by withdrawal and thereby, freeze the amount lying in the account of the Accused Officer with the Bank. In such cases also, attachment proceedings under the Criminal Law (Amendment) Ordinance, 1944 will have to be instituted.

(5) As this is an important aspect to be considered invariably in all cases even in the initial stage of the investigation, the Supervisory Officers, Law Officers and dealing Staff in Confidential Branch, should make it a point

to consider this even at the time of registration of the cases. Immediately on the registration of a case, the *Investigating Officer* concerned should collect details of all such properties or money held in Banks and send a report to Headquarters, so as to get the order of the Government, for instituting the attachment proceedings in the Court.

(6) It is pointed out that apart from prosecution in Court initiated against the Accused Officer, what will pinch a corrupt official is denying the fruits of his illegal earnings and therefore, all concerned should ensure prompt action for attachment of such properties and their ultimate forfeiture to Government, in all cases where it is necessary.

PART IX

TECHNICAL ASSISTANCE IN ENQUIRIES/ INVESTIGATIONS

78. Requisitioning Services of Expert Personnel from other Departments

During the course of enquiries/investigations involving allegations of technical nature and commission of irregularities in the transaction of professional business in a Government Department/Public Undertaking taken up by the Directorate, it may sometimes become necessary for the Investigating Officers to seek technical guidance and assistance or opinion of an expert or departmental staff who has adequate knowledge of the working procedures of the particular Department/Undertaking to which the allegations relate. In such cases, the Investigating Officers, with the prior concurrence of the Headquarters Office, may requisition and utilise the services of such staff by mutual understanding with the respective Heads of Departments/Public Undertakings. In enquiries/investigations involving allegations of financial impropriety in payment of bills, settling of contracts and allied accounting and audit matters, the services of the Audit Staff under the control of the Examiner of Local Fund Accounts may be sought. In enquiries/investigations of greater magnitude specially undertaken by the Directorate which would justify the need for services of the experts for longer periods, the full time services of such experts from Engineering or other Department concerned shall be drawn on transfer with the sanction of the Government.

79. Super Check of substandard works

D.V.A.C.
Standing Order
No. 2/81, dated
10th February,
1981.

(1) In enquiries/investigations involving allegation of execution of substandard works, where a super check of the works by a technical person is considered necessary, the items which have to be covered by the super check will be clearly formulated by the Investigating Officers concerned and reported to Headquarters Office for addressing the Chief

Engineer, Public Works Department or any other competent authority for arranging the super check. In the Headquarters Office, the letter to the Chief Engineer or other authority will be carefully drafted, indicating all the relevant points to be checked. Advice and assistance from the Executive/Superintending Engineer, Vigilance and Anti-Corruption, will be taken in this matter to check whether the draft covers all the points involved. If necessary, the Executive/Superintending Engineer, Vigilance and Anti-Corruption, may also have a discussion with the Range Superintendent of Police and the Investigating Officer before the draft is finalised.

(2) The identity of the Officer nominated to conduct the super check shall be intimated by the Confidential Branch to the Executive/Superintending Engineer, Vigilance and Anti-Corruption, as soon as information is received about the nomination. If the Executive/Superintending Engineer, Vigilance and Anti-Corruption should feel it desirable, he may arrange for a discussion with the Officer nominated before the latter proceeds to conduct the super check. The discussion will further help in precisely identifying the points to be covered in the super check and to know the exact requirements of super check and the depth to which it has to be done. The Executive/Superintending Engineer, Vigilance and Anti-Corruption, shall not, however, associate himself with the actual conduct of the super check when once the Officer nominated has started the super check, so that the independence and objectivity of the super check are strictly maintained.

(3) In all enquiries/cases where super check of suspected works are proposed, immediately on fixing the date and time for carrying out the super check, due notice should be given to the Accused Officers to be present at the time of super check and the Investigating Officers should follow the following guidelines:

(i) the notice to the A.Os. should be given by the Investigating Officers in writing and under acknowledgement;

DVAC Circular
Memo.
No.18460/VAC-
4/89, dated 6th
June, 1989.

(ii) the Investigating Officer should draw up proceedings which should recite the date of super check and the suspected works super checked;

(iii) the signatures of the Super Checking Officer, the Accused Officer and the Investigating Officer should be available in the said proceedings;

and

(iv) the fact of giving notice to the Accused Officer in writing and under acknowledgement, whether he was present or not, should be duly brought out in the Final Report, at the appropriate place.

Govt. letter
No. 27953/Per-
N/83-14,
P& A.R., dated
9th October
1984.

(4) Officers of Public Works and Highways and Rural Works Department who are nominated to conduct the super check shall carry out the super check and furnish the report thereon within three months from the date of receipt of requisitions from the Directorate of Vigilance and Anti-Corruption, by the respective Chief Engineers.

C.E.PWD/(GI)
Madras Endt.
No. C.II (1)/
8046/84 CR
dated 25th
October, 1984.

C.E. (HRW)
Madras,
Circular memo
No. 6914/
Confdl. II/83-9,
dated 9th
January, 1985.

(5) The super check report, when received, shall be scrutinised by the Executive/Superintending Engineer, Vigilance and Anti-Corruption. If any obvious mistakes are noticed in calculations or otherwise, they may be pointed out to the Officer who conducted the super check and clarifications obtained. However, the Directorate Officers shall not embark on a general criticism or expression of disagreement with any particular view the Super Checking Officer may have taken on any particular technical aspect of the work.

(6) While drafting the Final Report in such cases, the comments and advice from Executive/Superintending Engineer, Vigilance and Anti-Corruption, may be sought for determining the responsibility of Departmental Officers for the various omissions and commissions brought out in the super check report.

(7) Petitions or source reports involving allegations of technical nature may be referred to Executive/Superintending Engineer, Vigilance and Anti-Corruption, at the initial stage

for advice if Superintendent of Police/Deputy Director/ Additional Director/Director, Vigilance and Anti-Corruption, considers it necessary in any particular case.

80. Testing of Samples of materials used in construction or road works

(1) (i) If, in any enquiry/investigation involving allegations of use of substandard materials in construction or road works, it is considered necessary to test the materials, the samples of the material shall be sent by the Investigating Officer to the Director, Highways Research Station, Guindy, Madras, under intimation to the Headquarters, for necessary analysis and report. The cost of such analysis shall be borne by the Director, Highways Research Station, Madras, as per G.O. Ms. No.737, Public Works Department, dated 16th May, 1975.

(ii) The Director, Highways Research Station, in his letter No.013075/Chem/CMC dated 22.12.87, has desired that while sending samples of materials for analysis, sufficient quantity of not less than 1.5 Kgs in respect of mortar sample and not less than 2.5 Kgs in respect of concrete sample, be sent.

DVAC Circular
Memo.
No.5778/VAC-
4/88, dated
17th June,
1988.

(iii) While taking samples of impugned works, for being sent to the Highways Research Station, for analysis, the Investigating Officer should ensure that restricted number of samples of concrete or mortar are taken covering all the aspects of the allegations. The Investigating Officer should see that the samples taken are representative in character and that the restriction of samples should not be at the cost of successful results in investigation. Before testing, some of the samples may be combined and composited for reducing the number of samples to be tested at the Highways Research Station without sacrificing the aspects of allegation and also the representative character of the different items of work.

DVAC Circular
Memo.
No.5778/VAC-
4/88, dated
28th October,
1988.

(2) Samples of wood used in construction works may be sent through Headquarters office to the Head of Utilisation Research, Forest Research Laboratory, Bangalore, for analysis and report.

(3) As per G.O.Ms.No.1020, Public Works (MI) Department, dated 25-6-1985, no claim need be made by the Chief Engineer (General), Public Works Department, for the recovery of charges for the services rendered by the Soil Mechanics and Research Division of the Public Works Department in respect of cases that are referred by the Directorate of Vigilance and Anti-Corruption.

(4) As per G.O.Ms.No.428, Industries (SIF2) Department, dated 12-7-1989, no claim need be made for the recovery of charges for the services rendered by the Central Electrical Testing Laboratory, Kakkalur, Chengalpattu MGR District, in respect of cases that are referred by the Directorate of Vigilance and Anti-Corruption.

(5) As per the rules regulating application for and payment of fees for services rendered by the Tamil Nadu Forensic Sciences Department, dated 6-9-1989, as amended in G.O.Ms.No.2250, Home Department, dated 8-10-1990, no fees are chargeable, in respect of cases that are referred by the Directorate of Vigilance and Anti-Corruption.

81. Evaluation of Buildings

(1) In the cases of possession of properties disproportionate to the known sources of income by Public Servants, one of the important items that goes to make up the assets is the construction of residential buildings. The cost of construction of the building has to be evaluated as closely as possible to the correct value prevailing at the time of construction.

DVAC Circular
Memo
No.18460/
VAC-4/89 dt.
6th June, 1989.

(2) It is essential to have the presence of the Public Servant during evaluation. A notice should be served on him in writing and under acknowledgement requesting his presence at the particular time and place on the date of evaluation. If the Public Servant refuses to allow evaluation in a Regular Case, recourse may be taken to Section 93(1) (c) Cr.P.C. to obtain warrant from the Court for inspection of the Building or other property. A Notice may be served on the Public Servant under Section 160 Cr. P.C. to be present at the time of evaluation.

(3) Departmental instructions to the officers of the Public Works Department exist that the purpose of vigilance enquiry is to assess the probable expenditure one might be reasonably expected to have incurred in putting up the construction of the building. Therefore, the adoption of market rates that prevailed during the actual period of construction of the building concerned will alone be the proper basis for arriving at the probable original cost of construction. Since the valuation is sought for enquiry purposes, it is preferable to prepare a detailed estimate based on the schedule of rates for the actual period of construction, and the net estimated value so arrived at shall be treated as the probable original cost of construction. For this purpose, details on actual or probable period of construction shall be furnished by the Directorate of Vigilance and Anti-Corruption. For any item of work not provided for in the schedule of rates, suitable rates may be worked out or lump sum provision adopted on reasonable basis at the discretion of officer furnishing the valuation. The Superintending Engineers of regular circles of Public Works Department will also see that one copy of schedule of rates is kept in separate stock file on permanent basis for reference in such matters at any later date.

C.E., PWD,
(General and
Buildings)
Memo.No.
Wks.11(3)
91451/81/CP.
dated 6th June
1981.

DVAC Circular
Memo No.6329/
VAC-4/79 dt.
22nd July
1981.

(4) The Executive Engineer, Public Works Department, concerned shall take every effort in reporting the probable original cost of construction in the most reasonable way, indicating in the covering letter, to the Officers of the Directorate of Vigilance and Anti-Corruption, the probable period of construction, the basis for the rates adopted and the period, difference in actual construction and the plan furnished by the Directorate of Vigilance and Anti-Corruption, etc., so that further correspondence can be avoided or minimised.

(5) The Superintending Engineers, Public Works Department, have been requested to take note that the procedure of adopting the plinth area rates as on the date of valuation, restricting the valuation for sanitary, electrical and water supply items to fix percentage (such as 7 1/2 per cent each) and making deductions for depreciation, etc., is meant for fixing reasonable rent for private buildings taken

on lease and this procedure shall not be adopted for valuation of probable original cost of construction required by the Directorate of Vigilance and Anti-Corruption in vigilance enquiries.

DVAC Circular
Memo No.
18460/VAC-4/
89 dated 6th
June 1989.

(6) As regards ensuring the presence of the Accused Officer(s) during evaluation, the same procedure as outlined in paragraph 79(3) in respect of supercheck, shall apply.

CE, PWD,
(General)
Memo No. C.II
(1)/8353/91-CR,
dated 11th
June 1991.

(7) Evaluating Officers should ensure that all the items are correctly evaluated without omission and obtain the signature of the Accused Officer in token of having accepted the measurements as well as that of the Investigating Officer of the Directorate of Vigilance and Anti-Corruption who will be present at the time of evaluation.

CE, PWD,
(General)
Circular Memo
No. C.II (1)/
17316/78-4 dt.
6th March
1979.

(8) The Chief Engineer, Public Works Department (General), Madras has directed that the Executive Engineers should carry out the evaluation and send the report thereon directly to the Directorate of Vigilance and Anti-Corruption within ten days from the date of receipt of instructions in this regard from the Chief Engineer, Public Works Department (General), Madras.

82. Special Finger Print Bureau

(1) There is a Special Finger Print Bureau in the Directorate with a small photographic unit attached to it. They undertake comparison of questioned or disputed finger prints referred to them by the Investigating Officers of the Directorate in the course of enquiries/investigations in order to detect the identity of forged finger prints in muster roll fraud or other similar cases. They furnish preliminary reports in the first instance and then expert opinion is furnished with marked, photographed and enlarged exhibits in support of their opinion with reasons for giving evidence before Courts/Tribunals/Departmental Authorities.

DVAC Circular
Memo No.7420/
VAC-4/90 dated
6th March
1990.

(2) As far as possible, the Investigating Officers of the Directorate, should send the finger prints of suspects/witnesses, to be compared, in one bunch. The Investigating Officers should address the Director, Special Finger Print

Bureau, about the requirement of the final opinion whenever necessary as soon as they receive the preliminary comparison report. In cases when they feel that the final opinion of the Finger Print Expert is not required, it should be intimated to the Bureau to enable them to close the file at their end. In Regular Cases, such requisition should be routed through the Courts where the FIR is pending.

(3) Following will be the standard of work per Finger Print Expert, per day:-

DVAC Office
Order No.1/91,
dt.11th January,
1991.

I. Comparison of Questioned Prints:-

(a) 50 Finger Prints should be examined and compared every day for locating inter-se prints. This includes the preparation of working sheets and classification of the individual finger prints for inter-se comparison,

(b) An additional time of one day for each block of 100 prints is allowed to check up the solitary prints in one block of 100 prints with another block of 100 prints and so on, for the purpose of finding out inter-se prints among the solitary prints.

(c) When identity has to be fixed with the finger prints of suspects or accused, 20 comparable questioned prints should be compared with 25 specimen finger print slips of suspects or accused.

II. Marking points of identity on photo enlargements for production in Courts/Tribunals.-

Ten photo exhibits should be marked in a day. This includes marking of points of identity, drawing diagrams on the chart and enumerating the descriptions of points of identity.

Note: The number of photo copies to be marked in each enquiry/case, may be decided in consultation with the Investigating officer and the Law Officer.

DVAC Circular
Memo
No.27070/VAC-
4/91, dt., 27th
April, 1992.

(4) In enquiries/cases of the Directorate of Vigilance and Anti-Corruption, the Investigating Officers will record the finger prints in Profoma-29.

DVAC Standing
Order No.9/84,
dt., 28th August,
1984.

PART-X

PROCEDURE FOR PREPARATION AND SUBMISSION OF REPORTS AFTER COMPLETION OF ENQUIRY/ INVESTIGATION

83. Preliminary Enquiries

(1) Actionable reports on the result of the Preliminary Enquiries conducted against Government Servants falling under Groups A and B and employees of Statutory Bodies/Corporations/State-owned Companies whose starting pay is Rs.1,640 and above will be forwarded by the Director, Vigilance and Anti-Corruption, to the Vigilance Commissioner, Tamil Nadu, *in duplicate*.

(2) Reports on the result of Preliminary Enquiries conducted on the specific orders of the Government or the Vigilance Commissioner will also be forwarded to the Vigilance Commissioner *in duplicate* irrespective of the fact whether the report is actionable or non-actionable, or whether the Accused Public Servant belongs to Group A,B,C or D.

V.C.'s No.108/
VC/77-2, dated
28th Jan. 1977.

(3) Copies of the petitions or complaints based on which the Preliminary Enquiry was conducted should be sent along with the report to the Vigilance Commissioner.

DVAC Standing
Order No.4/77,
dated 9th Feb.
1977.

(4) On receipt of the Preliminary Enquiry Report, the Vigilance Commissioner may gather any further information he may deem fit from the Secretary to the Government or Head of the Department concerned or from any other source, and decide whether a Detailed Enquiry would be justified. The Director, Vigilance and Anti-Corruption should start the Detailed Enquiry in respect of officers belonging to Group A or B, only with the concurrence or approval of the Vigilance Commissioner. Where the Director, Vigilance and Anti-Corruption, differs materially from the decision of Vigilance Commissioner on the need for a Detailed Enquiry, he may report the difference, with

reasons thereof, to the Chief Secretary to Government. The Government may, in consultation with the Vigilance Commissioner, re-examine the case and pass final orders.

(5) In cases where, on consideration of the Preliminary Enquiry report, the Vigilance Commissioner considers that the officer complained against should be transferred from the Station to facilitate the Detailed Enquiry, the Vigilance Commissioner may advise the Government accordingly and such advice should normally be complied with by the administrative Department without delay.

(6) It is not desirable, on general grounds, to make available copies of the report on the result of Preliminary Enquiry, which is secret in nature, and thereby run the risk of its secrecy being lost. Moreover, the report cannot serve any useful purpose to the Head of the Department as it is only a Preliminary report; but, on the other hand, its unauthorised divulgence to the Accused Officer may put him on the alert and induce or enable him to tamper with further enquiries. The copies of the Preliminary Enquiry reports of the Director of Vigilance and Anti-Corruption, should not, therefore, be sent to the Heads of Departments and the reasons for the transfer also need not be furnished to them.

G.O. Ms. No.
2950, Public
(Ser.N), dated
28th Nov.
1969.

(7) The Preliminary Enquiry reports will be prepared in the following form:—

DVAC Circular
Memo No.301/
VAC / 71, dated
30th October
1971.

CONTENTS

(a) Introductory paragraph.

(b) Allegations made in the petition/complaint with comments straightaway, ie.,

(i) The first allegation should be noted and, immediately thereunder, the comments and findings offered on it.

(ii) Similarly the second and third allegations, etc.

(c) conclusion on facts arrived at during enquiry.

DVAC Circular
Memo No.
12955/VAC-4/
75, dt. 31st
May 1975.

No. 3510/VAC-
4/76, dated
21st Feb. 1976.

No. 12632/
VAC-4/76,
dated 12th May
1976.

(8) The reports will be submitted by the Detachments straight to the concerned Range Superintendent of Police of the Directorate who will record his recommendation and put up the same to the Deputy/Additional Director/Director, Vigilance and Anti-Corruption. Clarity and brevity should be aimed at while preparing the reports. The date of birth of the Public Servant against whom the enquiry is being conducted should invariably be furnished in the Preliminary Enquiry Report, as also his correct initials and father's name and exact designation with the scale of pay attached to his post. Reference to his caste, creed or religion should be avoided except where it is relevant and essential for the examination of an allegation. The report should indicate specifically whether or not there is a prima facie case for taking up a Detailed Enquiry or registering a Regular Case.

Govt. Memo.
No. 65514-A/
77/3, P&AR,
(Per-N), dated
26th October,
1977.

(9) Government have permitted the Director of Vigilance and Anti-Corruption, to address the Heads of Department direct in the case of Government Servants falling under Groups C and D or employees of Statutory Bodies, Corporations and State owned Companies whose starting pay is below Rs. 1,640 per mensem where Preliminary Enquiries do not disclose any material for proceeding further in a Regular Case or a Detailed Enquiry, but indicate only the scope for departmental action for commission of procedural irregularities or violation of Conduct Rules.

DVAC Circular
Memo No.
12065/VAC-4/
89, dt. 4th May
1989.

(10) In Preliminary Enquiries where the Directorate of Vigilance and Anti-Corruption, sends reports to the Vigilance Commissioner or the Head of the Department, the intention is not that departmental action should be initiated against the officers concerned straightaway, without any further verification of the facts from the departmental angle. The Directorate conducts only a Preliminary Enquiry and the information is collected only through sources. No witness is examined and no statement recorded during the Preliminary Enquiry. In order to make the position unambiguous, in all the Preliminary Enquiry Reports suggesting departmental action, the following paragraph should be added at the end:-

"The Directorate of Vigilance and Anti-Corruption had conducted only a Preliminary Enquiry. No witness has been examined nor any statement recorded. Hence, the above information may be got checked up by the Department with reference to the materials given in this report and further action may be pursued departmentally based on the evidence coming forth, during such departmental probe."

84. Detailed Enquiries

(1) In cases where allegations have been wholly or partially substantiated in a Detailed Enquiry, the Directorate will send its Final Report on the result of the enquiry to the Vigilance Commissioner in two Parts, viz, Part-A for use in processing the case further, and Part-B for use in disciplinary proceedings, appending thereto copies of statements of witnesses recorded during the enquiry. The two Parts A and B will be prepared in Proforma-30 and in accordance with the instructions for writing up the proforma appended thereto.

DVAC Standing Order No. 1/83, dated 31st March 1983.

DVAC Circular Memo. No. 33559/ VAC-4/ 88, dt, 25th November, 1988.

(2) The Final Report in Parts A and B, with copies of statements of witnesses, will normally be sent to the Vigilance Commissioner in duplicate. However, where there is a multiplicity of accused Public Servants involved belonging to different administrative departments in the Secretariat, sufficient number of additional copies should be sent to the Vigilance Commissioner.

Govt. Memo. No.48238/78-5, P&AR, (Per-N) dated 27th October 1978.

DVAC Standing Order No. 13/78 dated 13th December 1978.

(3) On consideration of the Directorate's Final Report in Detailed Enquiries and after gathering such further information as he may deem fit, the Vigilance Commissioner shall record his findings and forward the case to the Government with his advice whether the accused Public Servant should be criminally prosecuted or whether the case may be placed before the Tribunal for Disciplinary Proceedings or whether the case may be dealt with departmentally by the appointing authority, or whether the matter should be dropped.

Govt. Memo. No. 50576-A/ 75-3, Public (Ser.N) dt.20th March 1976.

(4) In cases where none of the allegations has been substantiated in a Detailed Enquiry, and no further action is considered necessary, the report on the result of the enquiry

may be filed by the Director, Vigilance and Anti-Corruption, if the accused Public Servant belongs to Groups C or D, and the Detailed Enquiry was taken up on the orders of the Director himself. However, if the Accused Officer belongs to Groups A or B, or if the Detailed Enquiry was taken up on the orders of the Government/Vigilance Commissioner (irrespective of whether the Accused Officer belongs to Groups A, B, C or D) the Directorate will send its report to the Vigilance Commissioner in a single part - Part-A, in duplicate, even though none of the allegations has been substantiated.

DVAC Standing
Order No.4/77,
dt. 9th Feb.
1977.

(5) In the case of Detailed Enquiries directly taken up by the Director against Public Servants belonging to Groups C or D, copies of the petitions or complaints based on which the Detailed Enquiry was conducted should be sent to the Vigilance Commissioner along with the Directorate's Final Report.

(6) Reports of the Detachments on the result of Detailed Enquiries will be submitted direct to the Range Superintendent of Police concerned in cases where none of the allegations is found to be substantiated, and through the Prosecutor for Disciplinary Proceedings in cases where any of the allegations is wholly or partly substantiated. In the latter case, the Prosecutor for Disciplinary Proceedings will analyse the evidence against each Accused Officer in respect of each allegation, and comment on its adequacy for the action proposed. The Range Superintendent of Police will record his remarks and recommendations and put up the report through Additional Director/Deputy Director to the Director, Vigilance and Anti-Corruption, for approval before finalisation and fair copy of Directorate's Final Report on the case.

(7) The Investigating Officers will submit their reports in duplicate in all cases, one copy being routed through the Prosecutor for Disciplinary Proceedings concerned in the case of actionable reports.

(8) The reports of the Investigating Officers should be brief and concise.

(9) The fair copies of the Directorate's Final Reports sent to the Vigilance Commissioner will be signed by the respective Range Superintendent of Police on behalf of the Director.

DVAC Standing
Order No.5/77
dated 9th
February, 1977.

85. Regular Cases and Trap Cases

(1) As per Section 19 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), no Court shall take cognizance of an offence punishable under Sections 7, 10, 11, 13 and 15 of the said Act, alleged to have been committed by a Public Servant, except with the previous sanction of the Central or State Government or other authority competent to remove such Public Servant from his office. For offences punishable under Section 161 or 164 or section 165 of the Indian Penal Code, or under sub-section (2) of Section 5 of Prevention of Corruption Act, 1947 (Central Act II of 1947), committed prior to 9-9-1988, similar previous sanction shall be obtained.

(2) When it is proposed to prosecute the accused Public Servant in a Court of Law, the Final Report of the Directorate on the result of investigation will be prepared in the format given in Proforma-30 and sent in duplicate to the Vigilance Commissioner in cases where sanction for prosecution will have to be accorded by the Government.

G.O. Ms. No.73
P&AR (Per-N),
dated 24th
November,
1976.

(3) In respect of other cases where the authority competent to sanction prosecution is other than the Government, then Final Report on the result of investigation will be prepared in the same format and sent direct to such authority for sanction of prosecution, under intimation to the Vigilance Commissioner and the concerned administrative department of Secretariat. If such authority does not propose to accord the sanction sought for by the Director of Vigilance and Anti-Corruption, it will forward the case together with its views and the reasons therefor and other relevant records to the Vigilance Commission for advice through the department of the Secretariat concerned. Further action will be taken by authority concerned after considering the advice of the Vigilance Commission.

Govt. D.O.Lr.
No.87506/79-3
P&AR (Per-N),
dt.3rd Dec.
1979.

(4) In cases where sanction for prosecution is sought, the Final Report of the Directorate to the sanctioning authority (whether it be the Government or others) will invariably be accompanied by a copy of the F.I.R. and a draft charge-sheet which will be prepared by the concerned Deputy Legal Adviser and vetted by the Legal Adviser of the Directorate.

Govt. Memo.
No.69922-A/78-
3P&AR (Per-
N), dt.19th
Oct.1978.

(5) The Departments of Secretariat and Heads of Departments are expected to ensure that utmost promptness is exercised in according sanction for prosecution, and it should be accorded within a month.

DVAC Circular
Memo. No.
21170/VAC-4/
80, dated 10th
Nov. 1980.

(6) If, after completion of investigation, it is proposed not to prosecute the accused Public Servant in a Court of Law, but to deal with him in departmental disciplinary proceedings, the Final Report of the Directorate on the result of investigation will be prepared carefully setting out the circumstances in each case which make departmental action more appropriate than prosecution and sent to the Vigilance Commissioner in duplicate in two Parts A and B in Proforma-30.

DVAC Circular
Memo. No.
6772/VAC-4/90
dated 11th
December
1991.

(7) In cases where enquiry by Tribunal for Disciplinary Proceedings or Departmental authority is recommended, immediately on receipt of the remittal orders of Government, the Investigating Officers concerned should send the Final Report under Section 173(2)(i) Cr.P.C. to the Court concerned, stating that it has been decided to refer the case for enquiry by the Tribunal for Disciplinary Proceedings or Departmental authority. The Investigating Officer should file a petition in the Court to transfer the original F.I.R., other connected documents and material objects to the Enquiry Authority. The Tribunal for Disciplinary Proceedings or the Departmental Enquiry Officer, as the case may be, should be kept informed of the action taken by the Investigating Officer to get the records, Material Objects, etc., transmitted to them. Whenever necessary, the Investigating Officers may utilise the services of the Law Officers to get the records transferred to the Tribunal for Disciplinary Proceedings/Departmental Enquiry Officer.

(8) In cases where, for any reason it is decided, after completion of investigation, not to pursue any further action in the matter, final report will be sent by the Investigating Officer to the jurisdictional Court dropping action in the criminal case only on receipt of orders from the Director, Vigilance and Anti-Corruption. The Vigilance Commissioner will be kept informed of the decision.

86. Proposals for fresh DE/RC in the Final Reports — Extracts of relevant portions to be sent to Vigilance Commission

In some DEs/RCs, while sending the Final Reports, if it is proposed to take up fresh DEs or RCs as an off-shoot of the DE/RC already finalised, in addition to the recommendations for prosecution/tribunal/departmental action, on the allegations held substantiated in the Final Report, the concurrence of the Vigilance Commissioner is also sought for taking up fresh DEs/RCs against the same Accused Officers or some other officers, on the basis of the facts that came to light during the course of the enquiry/investigation. In such DEs/RCs, in order to facilitate building up separate files in the Vigilance Commission, in respect of each category of the cases, viz., DE/RC, extract of relevant portions from the Final Reports suggesting registration of fresh DE/RC should be taken and sent to the Vigilance Commission along with the Final Report.

DVAC Office
Order No.4/90,
dt.7th Nov.
1990.

87. Recommendations for Enquiry by Tribunal for Disciplinary Proceedings or for Departmental Action - Criteria

(1) In Detailed Enquiries and Regular Cases or Trap cases where enquiry by Tribunal for Disciplinary Proceedings or Departmental action, is preferred to prosecution, recommendations are made in the Final Reports either for enquiry by the Tribunal for Disciplinary Proceedings or for Departmental action, depending on the nature of the allegations held substantiated or the quality of evidence that have come forth. In making the recommendation as to the

DVAC Circular
Memo
No.23624/VAC-
4/88, dated
19th August
1988.

forum to which the case is to be referred, the criteria will be as follows:—

- | | | |
|-------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------|
| (i) | Cases involving corruption | - Enquiry by the Tribunal for Disciplinary Proceedings. |
| (ii) | Cases involving possession of disproportionate assets | - -do- |
| (iii) | Cases involving misappropriation of Government funds through forgery or falsification of accounts indicating lack of integrity on the part of the Accused Officers | - -do- |
| (iv) | Cases involving huge loss of Government funds and resultant pecuniary advantage to Private Individuals | - -do- |
| (v) | Cases where there is a gross neglect on the part of AOs, deviation from norms and procedures, resulting in pecuniary gain to Private Individuals and leading to an inference that corrupt intention has come into play. | - -do- |
| (vi) | Cases involving violation of conduct rules | - Departmental Action |
| (vii) | Cases involving flouting of Government orders/norms/ procedures, etc. | - -do- |

(2) While making their recommendations in accordance with the above criteria, brief reasons for such a

recommendation should be incorporated in the Final Reports, by the Investigating Officers.

88. Specific recommendation regarding the Tribunal for Disciplinary Proceedings to which the case to be referred - Making of

In Detailed Enquiries, Regular Cases and Trap Cases where enquiry by the Tribunal for Disciplinary Proceedings, is recommended, specific recommendation regarding the Tribunal for Disciplinary Proceedings to which the case should be referred, ie., Tribunal for Disciplinary Proceedings, Madras, Madurai or Coimbatore, as the case may be, according to their jurisdiction, should be specifically made in the Final Report, by the Head Office.

V.C.'s Lr.No.
4697/88-2
dt.20th July,
1988.

DVAC Circular
Memo.
No.26145/VAC-
4/88 dated
22nd September,
1992.

89. Recommendations of the Vigilance Commissioner - Communication of

Whenever the enquiry/investigation reports of the Directorate are forwarded to the Government by the Vigilance Commissioner with his advice, the substance of the recommendations of the Vigilance Commissioner to the Government will be intimated to the Directorate by the Vigilance Commission.

VC's D.O.
Lr.No.1925/VC/
67-2, dated
10th August,
1967.

PART-XI

PROSECUTION

90. Special Judges

- G.O.Ms.No.107,
Home, dated
18th January,
1966.
- G.O.Ms. No.821,
Home, dated
22nd February
1972.
- G.O. Ms.
No.544, Home,
dated 22nd
February, 1972.
- G.O.Ms. No.3223,
Home (Courts-
11), dated
30th December,
1982.
- In exercise of the powers conferred by *sub-section (1) of Section 6 of the Criminal Law Amendment Act, 1952 (Central Act XLVI of 1952), the Principal City Civil and Sessions Judge, the First Additional Judge and the Second Additional Judge, City Civil Court, Madras, and the Chief Judicial Magistrates in all the districts of the State have been appointed by the Government of Tamil Nadu as Special Judges to try offences specified in sub-section (1) of the said Section 6 committed within the local area comprising the Madras Sessions Division and the districts of their jurisdiction, respectively where the cases are investigated by the State Police including the Directorate of Vigilance and Anti-Corruption.

91. Duties of Directorate Staff during trial stage

- DVAC Circular
Memo.
No.41796/
VAC-4/87,
dt.15th
December, 1992.
- DVAC Circular
Memo.
No.14029/
VAC-4/80,
dt.14th May,
1980.
- As soon as the order of the competent authority sanctioning the prosecution of an accused Public Servant in a Court of Law is received in the Directorate Headquarters, it will be communicated to the concerned Investigating Officer who will proceed to file the charge sheet in the Court of the jurisdictional Special Judge with the least possible delay and will intimate the Headquarters Office about the date of filing charge sheet in the Court. The Investigating Officers should invariably consult the Law Officer concerned before filing the charge sheet in the Court so that he can check the Memo of Evidence and List of Documents to see if they are correctly prepared, before they are filed in the Court. The Investigating Officer will also arrange to get the original order of sanction of prosecution filed as a prosecution exhibit and brought in as evidence through a competent witness attached

* Section-3 of Prevention of corruption Act, 1988 corresponds to Section-6 of Criminal Law Amendment Act, 1952.

to the office of the sanctioning authority. The prosecution of the case in the Court will be conducted by the Deputy Legal Adviser of the Directorate having jurisdiction or a Special Public Prosecutor appointed for the case. He will be assisted by the Investigating Officer who will see to the proper production of prosecution witnesses and case records on the different hearing dates. The Investigating Officer will contact the witnesses sufficiently in advance of the hearing dates and refresh their memory with regard to the facts of the case and their earlier deposition during investigation. If the Investigating Officer who actually handled the case in the Directorate earlier happens to have been transferred out of the Directorate, his presence and assistance should be secured through the departmental channels for refreshing the memory of witnesses in time. When judgement is pronounced in the Court, the concerned Investigating Officer will inform his Range Superintendent of Police by wireless message about the nature of disposal of the case.

DVAC Circular
Memo.
No.20755/VAC-
4/81, dt., 4th
May, 1981.

92. Comments on Court Judgements

(1) When the Judgement in a case investigated by the Directorate of Vigilance and Anti-Corruption is received from the Court, the Investigating Officer of the Directorate concerned will immediately forward his comments thereon in Proforma-31 in all cases irrespective of the nature of disposal by the Courts.

DVAC Circular
Memo No. 552/
VAC/68, dated
10th September,
1968.

(2) Judgements in cases of discharge or acquittal should specially be studied and specific indication made by the Investigating Officer whether the case could be taken up on appeal or not. In addition to the comments of the Investigating Officer in Proforma-31, an additional special report in Proforma- 32 also should accompany every discharge or acquittal judgement. While forwarding the Judgements in cases of discharge or acquittal, the Proforma 32 should be filled in by the Deputy Superintendent of Police in-charge of Detachment concerned and he will be held personally responsible for the factual accuracy of material furnished

DVAC Standing
Order No.3/81,
dated 21st
May,1981,

No.2/83, dated
26th July,1983.

G.O.Ms.
No.3070, Home
(Court-VII),
dated 14th
December,
1979.

Govt. letter
No.65727/
cts.VIII/81-1,
Home, dated
2nd June,
1981.

DVAC Standing
Order No.3/81,
dated 21st May,
1981.

therein. In Detachments where there are no Deputy Superintendents of Police, the Investigating Officer himself will fill in the proforma. The Judgements together with the comments of the Investigating Officer in Proforma-31 and the additional special report in Proforma-32 will be routed through the Deputy Legal Adviser or the Special Public Prosecutor who conducted the prosecution, who will countersign the additional special report and offer his considered opinion thereon. The proposals will then be carefully checked by the Legal Adviser and other supervisory officers at Headquarters with a view to take a decision on the course of further action. The Director, Vigilance and Anti-Corruption, will be the competent authority to decide whether to move the Government for filing an appeal or not. But, all cases, i.e., cases in which it is decided to file an appeal, and also cases in which it is decided not to file an appeal, should both be reported to the Government in the Home Department with copy to the concerned administrative department of the Secretariat to which the accused belongs so that the decision of the Director, Vigilance and Anti-Corruption, may be scrutinised by the Government.

(3) With a view to critically study and analyse the causes for the failure of cases in Courts and to ensure appropriate corrective action, the additional special report received in the Head Office along with the discharge or acquittal judgements will be carefully scrutinised by the Range Superintendent of Police concerned and submitted with his detailed comments and suggestions to the Deputy Director/Additional Director/Director indicating the requirements of further corrective action.

93. Time schedule for processing proposals for appeals against acquittal/revision of sentences by Courts

G.O.Ms. No.
1903, Home
(Courts), dated
4th August,
1976.

Proposals for filing appeals against acquittals and revision of sentences by Courts will be processed according to the following time schedule:

I. Date of Judgement

- II. Deputy Legal Adviser/Special Public Prosecutor to apply for copy of Judgement and sending it to the Investigating Officer. On the date of Judgment or on the next working day.
- III. Investigating Officer/ Detachment Deputy Superintendent of Police to forward the Judgement with their reports through the Deputy Legal Adviser/Special Public Prosecutor to the Headquarters Office of the Directorate. Within 7 days from the date of receipt of Judgement copy from the Court.
- IV. For Law and other officers to process the proposals in Headquarters Office and take decision and for Director, Vigilance and Anti-Corruption, to forward the proposal to Government along with two certified copies of Calendar and Judgement. Within 10 days from the date of receipt of the proposals from the Detachments.
- V. On receipt of proposals, Government in the Home Department to refer the case to Public Prosecutor, High Court, for his opinion. Within 3 days from the date of receipt of proposals from the Director, Vigilance and Anti-Corruption.
- VI. Public Prosecutor, High Court, to send his opinion to the Government in the Home Department. Within 14 days from the date of receipt of Judgement copy and proposals from the Government in the Home Department.

VII. Final Orders to be issued by Government in Home Department in consultation with administrative Department and Law Department.	Within 14 days from the date of receipt of proposals from the Public Prosecutor, High Court.
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Total:	<u>48 days of receipt of Judgement from the Court.</u>
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94. Withdrawal of prosecutions

G.O.Ms.
No.1977, Public
(Ser-B), dated
19th
September,
1966.

The following principles will be observed in dealing with requests or petitions for withdrawal of prosecutions:-

- (i) when once a case is placed before the Court, it should be allowed to take its normal course.
- (ii) if, in any case, it becomes necessary to consider a petition for withdrawal, such a petition should be disposed of on the advise of the State Vigilance Commission, provided that—
 - (a) the Court has not commenced recording evidence;
 - (b) it is clear from the records that the competent authority had not examined the merits of the case before according sanction;

and

- (c) facts have come to light which would show that no offence had been committed by the accused.

95. Simultaneous action through prosecution in Courts and through Departmental Disciplinary Proceedings

Government
Circular Memo.
No.38965/79-1,
P.&A.R. (Per-
N), dated 26th
May, 1979.

When Public Servants are involved in criminal misconduct and criminal proceedings are initiated against them, simultaneous departmental action should be taken against them under the Tamil Nadu Civil Services (Classification, Control

and Appeal) Rules or under the respective disciplinary regulations of the Public Undertakings, for their lapses in performing their duties and responsibilities.

96. Departmental Action on the basis of Conviction in Court

Departmental action on a Public Servant who has been convicted by a Court need not be deferred awaiting the result of the appeal preferred by him. This is the position even in respect of a case where an order of stay has been given by the appellate Court. If, however, the appeal against the conviction is allowed, then the departmental enquiry or proceedings, as the case may be, can be withdrawn if pending or appropriately reviewed, if already disposed off.

Govt. Memo
No.2164/65-11,
Public (Ser-B),
dated 10th
March, 1966.

PART XII

DISCIPLINARY PROCEEDINGS

(A) Action by Tribunal for Disciplinary Proceedings.

97. Functions of the Tribunal

G.O.MS. No.
630, P.&A.R.,
(Per-N), dated
30th May, 1978.

(1) Enquiries by the Tribunal for Disciplinary Proceedings— as constituted by the Commissioner for Disciplinary Proceedings and the Deputy Commissioner for Disciplinary Proceedings — are governed by the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955. The Tribunal has dual functions—one as Enquiry Authority under the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, and the other as Enquiry Authority under Rule 17(b) (i) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, 1955 and under Rule 3 (b) (i) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955. The types of cases that will be referred to the Tribunal by the Government will be in accordance with the statutory provisions under Rules 4 and 5 of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955. The Tribunal, as constituted by the Commissioner for Disciplinary Proceedings, will enquire into the cases of Government Servants belonging to Groups A and B; while the Tribunal, as constituted by the Deputy Commissioner for Disciplinary Proceedings, will enquire into the cases of Groups C and D Officers. The Tribunals shall function under the administrative control of the Vigilance Commissioner who shall be responsible for reviewing and monitoring all enquiries pending before them.

G.O.Ms.No.266,
P.&A.R. (Per-
(I), dated 29th
April, 1988.

(2) Under Rule 17-A of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, the Commissioner/ Deputy Commissioner for Disciplinary Proceedings, is declared as Enquiry Authority to enquire cases falling under Rule 17(b) (i) of the said Rules.

(3) Under Rule 3(f) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, the Commissioner/ Deputy Commissioner for Disciplinary Proceedings, is declared as Enquiry Authority to enquire cases falling under Rule 3(b) (i) of the said Rules.

(4) Any Disciplinary Authority of the Government can refer a case of a Government Servant falling under Rule 17(b) (i) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, or under Rule 3(b) (i) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, as the case may be, to the Commissioner for Disciplinary Proceedings for enquiry. The Commissioner/Deputy Commissioner for Disciplinary Proceedings will enquire into such cases according to the group to which the Accused Officer belongs under the respective disciplinary rules and send his report to the Disciplinary Authority which had referred the case.

(5) The Disciplinary Authority while referring a case to the Commissioner for Disciplinary Proceedings, Deputy Commissioner for Disciplinary Proceedings under Rule 17-A of the Tamil Nadu Civil Services (CCA) Rules, should simultaneously nominate a Presenting Officer to present the case before the Tribunal.

Govt. letter
No.101688/Per-
N/85-5, P&A.R.
(Per-N), dated
27th November
1985.

98. Production of records to the Tribunal for Disciplinary Proceedings by Departmental Authorities

Whenever departmental records are called for by the Tribunal for Disciplinary Proceedings, the Heads of Offices will be personally responsible for the production of the records. If the Tribunal for Disciplinary Proceedings is not able to get the records in time, they will take the matter to the notice of the Head of the Department concerned by a D.O. letter. On receipt of this, the Head of Department should arrange for securing the records and delivering them to the Tribunal within three days of the receipt of the D.O. letter. In such cases, the Head of Department should also take disciplinary

Govt. letter
No.82908/Per-
N/88-2, P&A.R.
(Per-N), dated
16th August,
1988.

action against the Head of Office concerned for the delay in sending the records called for by the Tribunal.

99. Duties of Directorate staff during Tribunal Enquiries

Immediately on receipt of intimation that a particular case investigated by the Directorate of Vigilance and Anti-Corruption has been remitted by the Government to the Tribunal for enquiry, the Investigating Officer concerned of the Directorate will promptly list out and hand over the connected case records including copies of statements of witnesses, explanation of the Accused Officer, and complaint made by the complainant, to the Commissioner/Deputy Commissioner for Disciplinary Proceedings under acknowledgement. Whenever a Detailed Enquiry or Regular Case taken up on the basis of a genuine petition of a person, who is to be cited as a witness, comes up before the Tribunal for Disciplinary Proceedings, the original petition should be obtained by the Investigating Officer from Head Office and sent to the Tribunal so that it could be filed as an Exhibit, through the said witness. A copy of this list of records will simultaneously be handed over to the concerned Prosecutor for Disciplinary Proceedings so that he is made aware of the documents relied on by the prosecution. The Investigating Officer, along with the Prosecutor for Disciplinary Proceedings of the Directorate will assist the Commissioner/Deputy Commissioner for Disciplinary Proceedings in framing appropriate charges against the Accused Officer based on the Part-B of the enquiry/investigation report of the Directorate and the statements of witnesses. When the charges are served on the Accused Officer and the enquiry by the Tribunal commences, the Investigating Officer concerned will ensure that summonses issued by the Tribunal are served on the witnesses immediately on receipt. He will contact the prosecution witnesses sufficiently in advance of each hearing date and refresh their memory with regard to the facts of the case and their earlier deposition during enquiry or investigation. If the Investigating Officer, who actually handled the case in the Directorate earlier, happens to have been

DVAC Circular
Memo
No.31959/
VAC4/90,
dated 12th
November 1981.

transferred out of the Directorate when the case later comes up for proceedings before the Tribunal, his presence and assistance should be secured through the departmental channels for refreshing the memory of witnesses in time. The Investigating Officers will ensure that the witnesses are produced in time before the Tribunal on the actual hearing dates. He will also be present before the Tribunal on the dates fixed for enquiry, to assist the concerned Prosecutor for Disciplinary Proceedings in conducting the prosecution of the case before the Tribunal. The Investigating Officer of the Directorate will meet the Prosecutor for Disciplinary Proceedings a day in advance of each date of hearing with all the connected files, records, etc. to facilitate the work of the Prosecutor in the matter of studying the files, listing out the documents and statements to be filed as exhibits etc. The Prosecutor for Disciplinary Proceedings should effectively oppose attempts on the part of the Accused Officer to be dilatory or to avoid examination of prosecution witnesses on the days as they appear. Complete details of progress of the enquiry will be sent by the Investigating Officer to the Headquarters Office of the Directorate, in Proforma-33 immediately after each hearing date, indicating the number of witnesses summoned, number served, number present, number examined, number not examined with full reasons and the nature of evidence tendered.

DVAC Circular
Memo.
No.20755/VAC-
4/81, dated
24th July 1981.

DVAC Circular
Memo No.455/
VAC/65, dated
15th September
1965.

DVAC Circular
memo No.489/
VAC/68, dated
29th July 1968.

100. Time Limit for completion of Tribunal Enquiry

In cases arising out of enquiries/investigation by the Directorate of Vigilance and Anti-Corruption, the Government have prescribed the following time-limit for completion of the enquiry by the Tribunal:-

Govt.letter
(Ms.) No. 1118/
Per-N/87,
P.&A.R. (Per-
N), dated 22nd
December,
1987.

- (i) To complete the enquiry by the Tribunal and to send its findings to the Departments of Secretariat. - One year
- (ii) To pass final orders by the Govt./ Heads of Departments on receipt of the report of the Tribunal. - Four months

101. Comments on Tribunal Findings

DVAC
Standing
Orders No.3/
81, dated 21st
May 1981
and
No.2/83 dt.
26th July,
1983.

In cases where the Tribunal has recommended the exoneration of the Accused Officer of all or any of the charges or pointed out any lapses on the part of the Investigating Officer, the comments of the concerned Deputy Superintendent of Police will invariably be given in Proforma - 34. The Deputy Superintendent of Police will be held personally responsible for the accuracy of the material furnished therein. In Detachments where there are no Deputy Superintendents of Police, the Investigating Officer himself will fill in the proforma. These comments will be routed through the Prosecutor for Disciplinary Proceedings concerned who will offer his opinion thereon and forward the papers to the Directorate Head quarters with his counter-signature, where a decision will be taken on the further course of action.

102. Payment of batta to non-official witnesses

G.O.Ms.No.
993, P & A.R.
(Per-N),
dated 6th
August,1977.

The Commissioner for Disciplinary Proceedings/Deputy Commissioner for Disciplinary Proceedings is authorised to pay batta and travelling allowances to non-official witnesses according to the scales prescribed in the Criminal Rules of Practice for the time being in force.

103. Departmental Officers giving evidence in support of Accused Officer

DVAC Circular
Memo. No.319/
VAC/69, dated
31st July, 1969.

Whenever it is found that a Departmental Officer, cited as a prosecution witness, has deliberately given false or incorrect or misleading evidence before the Tribunal in support of an Accused Officer or against Government's interest, the Officer of the Directorate incharge of the case should send a special report to the Directorate Headquarters immediately after the particular hearing is over, to enable suitable action to be taken to counter-act the effect of such evidence.

104. Tribunal's Findings and recommendations- Acceptance of

(1) According to Rule 11 of the Tamil Nadu Civil Service (Disciplinary Proceedings Tribunal) Rules, 1955, the advice or recommendation of the Tribunal shall ordinarily be accepted. In cases where the Government do not agree with the recommendation of the Tribunal, the Government shall pass final orders in deviation of the Tribunal's recommendation and communicate the reasons therefor to the Tribunal along with the final orders.

(2) In cases relating to Officers belonging to Groups C and D, excepting those referred to in Rule 10(a) (ii) and (iii), the report of the Tribunal with connected records will be transmitted to the Head of the Department concerned for passing final orders with reference to Rule 10(b). A provision has also been made in that rule that if for sufficient reasons, the Head of the Department disagrees with the whole or any part of the Tribunal's findings, he shall state the reasons for such disagreement and submit the case to the Government for passing final orders.

105. Tribunal's Report - Sending a copy to the Directorate of Vigilance and Anti-Corruption by the Departments of Secretariat

In all cases where disciplinary proceedings are started on a report from the Directorate of Vigilance and Anti-Corruption, the Departments of the Secretariat should supply a copy of the report of the Tribunal to the Director of Vigilance and Anti-Corruption, immediately on its receipt and before initiating action on it. The Tribunal should supply to the Departments of the Secretariat concerned an extra copy of its report in each case for supply to the Director of Vigilance and Anti-Corruption.

G.O.Ms.
No.1733, Public
(Ser-B), dated
18th August
1966

G.O. Ms. No.
1715, Public
(Ser-B), dated
22nd August
1968.

106. Tribunals' Findings - Review - Proposals - Sending of

VC's letter
No.3651/VCII/
90-1, dated
28th August,
1990.
G.O. Ms. No.
65, P & A.R.
(Per-N), dated
22nd February,
1991.

The Director of Vigilance and Anti-Corruption may write to the Government, through the Vigilance Commission, for a review of the findings of the Tribunals, if he considers such a review is necessary, within two months from the date of receipt of the report of the Tribunal from the Government.

107. Reasons for acquittal without full exoneration

Govt. Memo.
No. 8284/68-1,
Public (Ser-B),
dated 10th
February, 1969.

In cases where the Commissioner/Deputy Commissioner for Disciplinary Proceedings recommend acquittal of the Accused Officer concerned without, at the same time, fully exonerating them of the charges, it should be made clear what weighed with the Commissioner/Deputy Commissioner for Disciplinary Proceedings in recommending that the Accused Officer need not be fully exonerated. The Commissioner/Deputy Commissioner for Disciplinary Proceedings, while recommending that an Officer be not fully exonerated of the charges against him, should indicate the reasons for arriving at that conclusion in brief in the enquiry report.

(B) Action by Departmental Authorities

108. Remittal orders of Government

Govt. Memo.
No.4265/54-3,
Public (Ser-D),
dated 27th
January, 1955.

(1) Disciplinary action by Departmental Authorities on the basis of enquiries conducted by the Directorate of Vigilance and Anti-Corruption, is governed by Rule 17 of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules, 1955, in respect of Civil Servants and Officers of State Services; and by Rule 3 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 in respect of the subordinate ranks of Police Personnel. In the cases of certain other Public Servants, such as employees of Local Bodies and Public Undertakings, the disciplinary action is governed by the relevant rules of the respective disciplinary regulations

specially applicable to them. If, on examination of the enquiry report of the Directorate, departmental action is considered sufficient, the Government will issue necessary remittal orders therefor and pass on the records to the Head of the Department concerned for necessary departmental action in accordance with the provisions of the said rules.

(2) While taking a decision in this regard, the Government in the administrative department concerned should specifically examine whether the disciplinary case can be dealt with by the appropriate disciplinary authority as laid down in the respective disciplinary rules or it should be dealt with by the Head of the Department himself in view of any special circumstances. If the Government decide that the matter should be decided only by the Head of the Department, the order should specifically indicate this and state that the Head of the Department shall not remit the case to any lower authority.

G.O. Ms.
No.1255, P &
A.R. (Per-N),
dated 24th
December,
1980.

109. Presence of Directorate Officers at the time of Departmental Enquiry

When departmental disciplinary action against an officer is taken up on a report from the Directorate of Vigilance and Anti-Corruption, the Departmental Officer conducting the enquiry should intimate to the Directorate the exact date of the enquiry sufficiently in advance so that arrangements may be made for the production of witnesses and for the Directorate Officer who conducted the enquiry to be present at the time of the departmental enquiry to assist the enquiry officer. As the above procedure is absolutely essential in the interests of successful prosecution in all departmental proceedings, it is essential that the Heads of Departments follow the above procedure strictly in all such proceedings.

Govt.Memo
No.4265/54-3,
Public(Ser-D),
dated 27th
January,1955.
Govt. Letter
No.52636/Per-
N/89-2, P &
A.R. (Per-N),
dated 29th
September,
1989.

110. Duties of Directorate of staff during Departmental Proceedings

Immediately on receipt of intimation that a case investigated by the Directorate of Vigilance and Anti-Corruption, has been remitted by the Government to the Departmental Authorities

DVAC Circular
Memo. No.
33080/VAC4/79
dated 13th
December, 1977.

Govt.letter
No.3378/Per-N/
90-6, P & A.R.
(Per-N), dated
27th December,
1990.

D.V.A.C.
Circular Memo
No.31959/VAC-
4/90, dated 12th
November,1990.

for departmental disciplinary action, the Investigating Officer of the Directorate concerned will list out and hand over the connected case records including copies of statements of witnesses, explanation of the delinquent officer and complaint made by the complainant to the Disciplinary Authority concerned under acknowledgement. Whenever an Enquiry/ Case, taken up on the basis of a genuine petition of a person, who is to be cited as a witness, comes up for departmental action, the original petition should be obtained by the Investigating Officer from Head Office and sent to the departmental enquiry officer so that it could be filed as an Exhibit, through the said witness. A copy of the list of records should be marked to the Directorate Headquarters. Thereafter, the Investigating Officer should be in constant touch with the departmental enquiry officer for the expeditious disposal of the enquiry. Any delay in serving charges on the delinquent officer or in the receipt of explanation or in the conduct of the enquiry should be reported immediately to the Directorate Headquarters so that the matter may be taken to the notice of the Vigilance Commissioner and the Government for the issue of necessary instructions to the department to expedite matters. The Directorate Officer will contact the prosecution witnesses sufficiently in advance of each hearing date and ensure that they are properly briefed with regard to the facts of the case and their earlier deposition during enquiry or investigation. He will also ensure that the witnesses are produced in time before the departmental enquiry officer on the actual dates of hearing. He will also be present on the dates fixed for enquiry to assist the departmental enquiry officer in the conduct of the enquiry. Complete details of the progress of the enquiry will be sent by the Investigating Officer to the Directorate Headquarters in Proforma-33.

111. Framing of Charge Memoranda by the Departmental Disciplinary Authorities

(1) As soon as a report of the Directorate of Vigilance and Anti-Corruption is remitted by the Government for

departmental disciplinary action, the departmental authority concerned will proceed to frame charges against the delinquent officer on the basis of the Final Report in Part B of the Directorate of Vigilance and Anti-Corruption and copies of statements of witnesses enclosed thereto. Charges should be confined only to the offences or irregularities committed by the delinquent officer as contained in Part B of the report of the Directorate of Vigilance and Anti-Corruption and copies of statements of witnesses. *No mention or indication should be made in the charge memorandum about the fact of the enquiry having been conducted by the Directorate of Vigilance and Anti-Corruption.*

Govt. Circular
Memo. No.
93261A/78-1,
P & A.R.
(Per-N), dated
1st December,
1978.

(2) In these disciplinary cases arising out of the reports of the Directorate of Vigilance and Anti-Corruption, it would be advantageous for the departmental enquiry officers to get the draft charges vetted by the Directorate before they are finalised, so that the factual accuracy of the narration in the charge memorandum may be properly checked with reference to the evidentiary material collected during the Directorate of Vigilance and Anti-Corruption enquiry.

V.C.'s letter
No.3493/VC/80-
3, dated 29th
December
1980. I.G.'s
Memo.
No.92962/GB-II/
74, dated
13th Nov, 1975.

(3) Whenever departmental action is initiated by the Departmental Disciplinary Authority, the Investigating Officer concerned should obtain a copy of the charge framed against the Accused Officer, go through the same, with reference to the recommendations made in the Final Report and forward them to the Headquarters, along with his report, on the factual accuracy of the charges framed. In the case of Show Cause Notices also, the Investigating Officer should obtain a copy thereof and send it to the Headquarters, along with his remarks regarding the correctness of the same.

DVAC Circular
Memo No.2774/
VAC-4/90,
dated 16th
April, 1992.

112. Charge Memoranda/Show Cause Notices - Sending copies to Directorate of Vigilance and Anti-Corruption

Though the Departmental Disciplinary Authorities are not required to send the draft charges to the Directorate of Vigilance and Anti-Corruption for vetting in all cases, it is

Govt. letter
No.44581/90-13,
P & A.R.(Per-N),
dated 17th
February, 1992.

desirable to have the copies of the Charge Memoranda/Show Cause Notices framed by the Enquiry Officer(s) against the Accused Officers, as soon as they are issued to them as it would enable the Directorate of Vigilance and Anti-Corruption to examine such papers and set right at this stage itself any lacuna noticed and thus avert the damage likely to be caused by pursuing a faulty or defective procedure in a departmental enquiry. Copies of such papers, if available, in the respective enquiry/case files of the Directorate of Vigilance and Anti-Corruption, would make the records complete and help in follow up action as may be necessary. Government have therefore directed that copies of Charge Memoranda/Show Cause Notices issued to the Accused Officers based on the recommendations of the Director of Vigilance and Anti-Corruption/Vigilance Commissioner, be sent to the Director of Vigilance and Anti-Corruption.

113. Furnishing copies of Statements of witnesses to Accused Officers

According to Rule 8(a) of the Tamil Nadu Civil Services (Disciplinary Proceedings Tribunal) Rules, 1955, in corruption cases dealt with by the Tribunal for Disciplinary Proceedings, copies of statements taken from witnesses by the Officer of the Directorate of Vigilance and Anti-Corruption during the latter's enquiry are furnished to the person charged before each witness is examined by the prosecution at the time of Tribunal enquiry. The Government have ordered that the same procedure should be followed in corruption cases dealt with departmentally. Hence, copies of relevant statements of witnesses should be furnished to the delinquent officer before each witness is examined at the departmental enquiry. Either Part B or the parts thereof of the report of the enquiry/ investigation by the Directorate of Vigilance and Anti-Corruption should not be cited among the documents to figure as evidence in the enquiry and should not also be furnished to the Accused Officer.

Govt.Memo.
No.3268/58-1,
Public (Ser-D),
dated 26th July,
1958.

114. Departmental Inquiry Officers-Not to recommend the nature and quantum of punishments in their reports

The Enquiry Officers appointed to hold enquiries in departmental disciplinary cases should not recommend the nature and quantum of punishments to be inflicted upon the Public Servants charged for the charges held proved unless they are specifically directed to indicate the punishments also in their reports. It would suffice if the Enquiry Officers record their findings on each charge separately after carefully considering the evidence adduced in support of it as well as for the defence.

Govt. Letter No.
113699/ 82-2,
P & A.R.
(Per-N), dated
18th March
1983.

115. Comments on findings of Departmental Enquiry Officers

In cases where the Departmental Enquiry Officer has recommended exoneration of the delinquent officer on all or any of the charges, the comments of the concerned Investigating Officer of the Directorate will be sent to the Directorate Headquarters where a decision will be taken on the further course of action.

116. Departmental Officers giving evidence in support of delinquent Officers

The same procedure as mentioned in paragraph 103 under (A) Action by Tribunal for Disciplinary Proceedings- should be followed in the case of departmental enquiries also.

DVAC Circular
Memo. No.349/
VAC-4/71,
dated 15th
December,
1971.

117. Delinquent Officer engaging Counsel - Permitting perusal of records by defence Counsel

(1) According to the instructions issued in G.O. Ms. No.540, Public Department, dated 15th June 1928, the Heads of Departments have been vested with the discretion to allow a Public Servant to engage a Lawyer for defending himself in the departmental proceedings when they are of the view

G.O.
Ms.No.2769,
Public (Ser-B),
dated 11th
November,
1969.

that denial of such opportunity will greatly prejudice him. In departmental enquiries taken on the report of the Directorate of Vigilance and Anti-Corruption, the Officer of the Directorate has a right to be present there to assist the departmental enquiry officer. In such cases, the request of the delinquent officer for engaging a defence Counsel should not be rejected. Whenever a defence Counsel is permitted, such permission will cover the perusal of the connected records also relating to the disciplinary case and such perusal of records should be in the presence of the Disciplinary Authority or other authorities authorised by him in writing for the purpose, when the Accused Officer also should be present.

G.O. Ms.
No.191, P&AR
(Per-N), dated
21st March
1988.

DVAC Circular
Memo
No.13396/VAC-
4/77,
dated 22nd
September,
1977.

(2) In cases where the delinquent officers are defended by a Legal Practitioner, if it is considered necessary in the interest of successful prosecution of the case, the Directorate of Vigilance and Anti-Corruption can also depute one of its Law Officers to conduct the prosecution in the disciplinary enquiry.

118. Further enquiry by Departmental Officers - Prohibited

Govt. Memo.
No.5034/69-1,
Public (Ser-B),
dated 5th
September,
1969.

When a case enquired into by the Directorate of Vigilance and Anti-Corruption is remitted by the Government to the Departmental Authority concerned for taking departmental action, *there should not be any further fresh enquiry by the Departmental Authority* to see whether there is any basis for the allegation. They should straight away frame charges on the basis of the enquiry report of the Directorate and proceed to take further action in the matter.

119. Departmental Enquiry Officer's report and Final Orders passed thereon - Sending copies to the Directorate of Vigilance and Anti-Corruption

G.O. Ms. No.
2181, Public
(Ser-B), dated
4th July, 1974.

(1) In all cases where disciplinary proceedings are started on a report from the Directorate of Vigilance and Anti-Corruption, the disciplinary authority should send a copy of the Enquiry Officer's report to the Director of Vigilance and Anti-Corruption, immediately after the enquiry is over. While

passing final orders on the Enquiry Officer's report, the disciplinary authority should mark a copy thereof to the Director of Vigilance and Anti-Corruption.

Govt. Memo. No. 47793-A/75-3, Public (Ser-N), dated 27th January, 1976.

Govt. letter No. 56600/Per-N/88, P & A.R. (Per-N), dated 26th July, 1988.

120. Enquiry Officer's Findings/Final Orders passed - Review - Proposals - Sending of

The Director of Vigilance and Anti-Corruption, may write to the Government through the Vigilance Commission, for a review of the findings in the Enquiry Report of the Departmental Enquiry Officer or the Final Orders passed thereon, if he considers such a review is necessary, within 2 months, from the date of receipt of the Enquiry Report/Final orders.

V.C.'s letter, No.3651/VC.III/90-1, dated 28th August, 1990.

121. Time-Limit for Disciplinary Cases

(1) All disciplinary cases-especially those in which officers have been placed under suspension, should be disposed of with utmost expedition. To this end, Government have laid down the following time limits in respect of the various stages for strict adherence:

Govt.Letter (Ms.) No.1118/Per-N/87, P & A.R. (Per-N), dated 22nd December, 1987.

- (i) For calling for explanation under Rule 17(a) of the Tamil Nadu Civil Services (Classification, Control and Appeal) Rules or framing charges under Rule 17(b) of the said Rules or under relevant provisions of other disciplinary regulations applicable to the Public Servant concerned after the lapse/delinquency comes to notice.

15 days

G.O. Ms. No. 105, Home (General), dated 18th January, 1989.

- (ii) For the Accused Officer to peruse the records and to submit his written explanation

30 days

- (iii) For appointment of Enquiry Officer wherever necessary after the receipt of the explanation. - 7 days
- (iv) For the Enquiry Officer to complete the enquiry and submit the Enquiry Report. - 30 days
- (v) For the Disciplinary Authority to take a decision, after the receipt of the Enquiry Officer's Report. - 10 days
- (vi) For obtaining the views of TNPSC, wherever it is necessary. - 30 days
- (vii) For issue of Final Orders on the Departmental Disciplinary Proceedings.
 - (a) By Disciplinary Authorities other than Government. - 7 days
 - (b) By Government/Departments of Secretariat which have to consult other Departments and obtain orders in Circulation. - 30 days

(2) In the Police Department, in cases where oral enquiry is not necessary, such disciplinary cases should be finalised within 45 days.

122. Payment of batta to non-official witnesses

G.O. Ms. No.
2946, Public
(Ser-N),
dated 11th
September,
1974.

Private witnesses in departmental enquiries will be paid "batta" at the rate of Rs.3 as daily allowance apart from the appropriate rail or bus fares from the office contingencies of the respective department which have summoned.

123. Remittal orders of Government-Sending copies to the Directorate of Vigilance and Anti-Corruption and Vigilance Commission

In cases remitted to the Tribunal for Disciplinary Proceedings for enquiry or to the Departmental Heads to initiate departmental disciplinary proceedings as a result of the reports of the Directorate of Vigilance and Anti-Corruption, the Government in the administrative department concerned in the Secretariat will send three copies of such orders to the Director of Vigilance and Anti-Corruption to enable him to send two copies of the Government Orders to the Investigating Officer concerned and the Deputy Superintendent of Police for follow up action. Copies of such orders shall also be marked to the Vigilance Commission.

Govt. U.O. Note
No.1147/76-2,
Public (Per-N),
dated 12th May,
1976.

Govt U.O. Note
No.63562/ Per-N/
88-1, P & A.R.
(Per-N), dated
21st
September, 1988.

124. Disposal of Disciplinary Cases where there are more than one Public Servant coming under different Disciplinary Authorities

There may be cases where departmental action has to be taken in respect of the same transaction against a number of officers belonging to different categories coming under different Disciplinary Authorities. In such cases, the present practice is that the Accused Officers are dealt with separately by the respective Disciplinary Authorities of the Department concerned. This results in abnormal delays since, very often, the same records are required by different authorities for processing the disciplinary proceedings with them. There are also possibilities of different views being taken by the different Disciplinary Authorities on the same incident both with reference to the facts and with reference to the gravity of the lapses proved. Hence, in all disciplinary cases where more than one Public Servant is involved, the authority to take disciplinary action shall be the authority in the Department concerned in respect of the highest category of Public Servant of the Department involved in the case, who will deal with all the Public Servants involved belonging to the Department together and finalise the disciplinary proceedings.

Govt. Letter No.
65014-A/Per-N/
88-3, P & A.R.
(Per-N), dated
27th July, 1988.

125. Cases ended in acquittal by Courts - Fresh Departmental Proceedings - Institution of

G.O.Ms. No.
251, P & A.R.
(Per-N), dated
21st April 1988.

(1) Criminal Proceedings and Disciplinary Proceedings undoubtedly operate in different fields. The question of continuance of domestic enquiry, after acquittal by a Criminal Court on the same charge, has come up before Courts of Law from time to time and it has been observed that taking a view that Departmental Disciplinary Proceedings cannot be taken after the Criminal Case ended in favour of the delinquent can no longer be construed as good law.

(2) Government have therefore ordered:

(i) that, in the case of an Accused Official acquitted by Court of Law, whether on merits or on technical grounds or otherwise, it is open to the competent Disciplinary Authority to institute or continue disciplinary proceedings against the Accused Official for the same charges from which he was acquitted by the Court, if the competent Disciplinary Authority is of the view that there are good grounds and sufficient evidence to proceed with the departmental disciplinary proceedings

and

(ii) that, in cases of acquittal of an Accused Official by a Court, the competent Disciplinary Authority is of the opinion that the departmental proceedings need not be instituted/continued against him, the competent Authority shall, within one month of the date of the Judgement (exclusive of the period required for obtaining the copy), shall send a report of such cases to the Government containing justification for the stand taken. Every case so reported shall be accompanied by a copy of the relevant judgement of the Court.

126. Dropping Action in Disciplinary Cases initiated on the recommendations of the Directorate of Vigilance and Anti-Corruption/Vigilance Commission

(1) In cases where disciplinary proceedings are initiated against a Public Servant by the Heads of Departments/

Subordinate Officers, on the recommendations of the Directorate of Vigilance and Anti-Corruption and the Vigilance Commission which will be communicated to them by the Government by their remittal orders, and it is subsequently proposed to drop further action or not to proceed further, the Vigilance Commission shall be consulted through the Administrative Department of the Secretariat concerned. The Secretariat Department concerned shall examine all such cases in consultation with the Vigilance Commission.

Govt. Letter.
No.82610/Per-
N/82.19, P &
A.R. (Per-N),
dated 19th
August 1986.

Govt. U.O.
Note No.69858/
Per-N/89-3,
P & A.R. (Per-
N), dated 5th
August 1989.

Govt. Lr. No.
52899/Per-N/
89-3, P & A.R.
(Per-N), dated
18th August
1989.

(2) In cases where disciplinary proceedings are initiated by the Departments of Secretariat themselves on the recommendations of the Directorate of Vigilance and Anti-Corruption and the Vigilance Commission and it is subsequently proposed to drop further action or not to proceed further, the connected file shall be sent to the Vigilance Commission for advice.

(3) In cases enquired into by the Tribunals for Disciplinary Proceedings on the recommendations of the Directorate of Vigilance and Anti-Corruption and Vigilance Commission where it is proposed to drop further action or not to proceed further, the Vigilance Commission shall be consulted, as the case may be, by the Departments of the Secretariat or by the Heads of Departments through the respective administrative Department of the Secretariat concerned. Such files seeking the concurrence of the Vigilance Commission to drop further action against the Government Servant based on the findings of the Tribunal should be sent to Vigilance Commission, only after ensuring-

G.O. Ms. No.
65 P & A.R.
(Per-N), dated
22nd February,
1991.

(i) that a copy of the Report of the Tribunal had been furnished to the Director of Vigilance and Anti-Corruption

and

(ii) that the two month's period prescribed for the Director, Vigilance and Anti-Corruption, to come up to Government through Vigilance Commission is over.

Govt. letter
(Ms) No.1092/
87, P & A.R.
(Per-N), dated
10th December
1987.

(4) If in respect of a Public Servant against whom an enquiry/investigation is conducted by the Directorate of Vigilance and Anti-Corruption, it is proposed to drop further action, even before framing charges against the official concerned, calling for his explanation, etc., the competent Authority shall issue an order dropping further action against the official concerned and communicate the said order to him and to the Director, Vigilance and Anti-Corruption. Such an order is necessary, as then only there will be a finality to the enquiry/investigation conducted by the Director, Vigilance and Anti-Corruption.

PART XIII

SUSPECT LISTS

127. Categories to be included and Maintenance of History Sheets

(1) In the Detachments of the Directorate of Vigilance and Anti-Corruption, "Suspect Lists" of Officers of the following categories are to be maintained Department-wise:—

- | | | |
|--------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------|
| Category I | ... Suspects who were acquitted by the Commissioner/Deputy Commissioner for Disciplinary Proceedings but not fully exonerated. | Govt. Memo. No.C/1098-1/65, Public (SC), dated 13th September 1965. |
| Category II | ... Suspects who were trapped and prosecuted in Courts for corruption, but who were acquitted on the benefit of doubt. | Govt. Memo No. C/1440-1/65, Public (SC), dated 27th November, 1965. |
| Category III | ... Suspects against whom Detailed Enquiries were conducted by the Directorate of Vigilance and Anti-Corruption, but no actionable material was disclosed, though their general reputation was found to be bad. | DVAC Circular Memo. No.466/VAC - 3/68, dated 27th July 1968. |
| Category IV | ... Suspects who were found guilty of corruption by the Commissioner / Deputy Commissioner for Disciplinary Proceedings or by the Departmental Authorities but who continue to be in service after being awarded lesser punishments like reduction in rank or pay, etc. | DVAC Circular Memo. No.25756/VAC-3/76, dated 24th April 1977 and dated 9th February 1978. |
| Category V | ... Officers of doubtful integrity as assessed by a discreet check of the general reputation of officers working in sensitive departments. | |

DVAC Circular
Memo.
No.40203/VAC-
4/87, dated
20th November
1987.

(2) As regards the suspects falling under Categories I to IV, orders for opening suspect sheets will be issued from Headquarters in individual cases as and when the final outcome of the enquiry/case is known. Suspect sheets will be ordered to be opened only if there is an element of corruption in the Enquiry/Case in which the Accused Officers were involved. As regards officers of 'Doubtful Integrity' falling under Category V, the Detachment Officers will recommend names of officers on the basis of their discreet check of the general reputation of the officers in sensitive Departments/Undertakings setting out the information gathered and justifying their recommendation. Orders on such recommendation either for opening a suspect sheet or otherwise will be issued from Headquarters.

(3) The Suspect Sheets will be maintained by the Detachment Officers in three parts in the form of folders as detailed below:

Part-I.- This will contain personal data about the Suspect Officer as at the time of opening the suspect sheet. This will be maintained in the form given in Proforma-35. A copy of this Part, immediately on its opening in respect of each Suspect Officer, should be sent to Headquarters.

Part-II.- This will be compiled in the form given in Proforma-36 every quarter as on 31st March, 30th June, 30th September and 31st December. Copies of this part in respect of all suspect sheets should be sent to Headquarters within 15 days of the month succeeding the quarter. In case, a Petition/Vigilance Report against a Suspect Officer is received in Headquarters, a gist of the Petition/Vigilance Report should be communicated to the Detachment for entering in the relevant column of the form in this Part. One Officer for maintaining each suspect sheet will be nominated by the Detachment Deputy Superintendent of Police or Administrative Inspector concerned and his name

will be noted against the relevant column. As far as possible, suspect sheets will be distributed among the different Investigating Officers in the Detachment, Department-wise.

Part-III.- This will contain invitation cards regarding functions in the family of the Suspect Officer, any press cuttings relating to him, pamphlets, copies of petitions sent from the Headquarters, photos, etc. This will be maintained at the Detachments and not at the Headquarters.

(4) In the Headquarters Office, the copies of the Parts-I and II of the suspect sheets will be maintained by the dealing Special Assistant concerned in the Range Sections of Confidential Branch. On receipt of copies of Part -II, they will be put up to the Range Superintendent of Police along with the suspect sheet, who will scrutinize the reports carefully and issue instructions, if any, required.

(5) The information required in the suspect sheet can be gathered only if a continuous and intelligent watch on corrupt officials is maintained. A scrutiny of the Part-II of the suspect sheets will indicate if a purposeful watch has been maintained or if the matter is being attended to in a routine and casual manner. The Investigating Officers should therefore bestow sincere attention and make the suspect sheets an useful instrument of preventive vigilance.

(6) In the Detachments, a Register of Suspects will be maintained in Proforma-37.

(7) The Detachment Officers are to look out for Vigilance intelligence regarding the suspect officials whose names are entered in the register, with reference to their personal habits, acquisition of properties, their style of living and other activities outside office which will be of interest from the Vigilance angle.

DVAC Circular
Memo.
No.25756/VAC-
3/76, dated
24th April,
1977.

PART XIV

INDICES

128. Maintenance of Indices in the Headquarters Office and in the Detachments of the Directorate of Vigilance and Anti-Corruption

DVAC Standing
order No.6/81,
dated 10th
August 1981.

(1) A common name-*cum*-department-wise index will be maintained in the Headquarters Office of the Directorate of Vigilance and Anti-Corruption alphabetically for every person coming to adverse notice. The following procedure will be followed for opening and maintenance of Index cards—

(i) Index cards will be opened in Proforma-38 for those who figure in Confidential Check/Preliminary Enquiry/Detailed Enquiry/Regular Case.

(ii) Indexing of names will be done when—

(a) It is decided to have a Confidential Check/Preliminary Enquiry/Detailed Enquiry/Regular Case against a person

and

(b) when a report is received giving the result of check/enquiry/investigation.

(iii) There will be only one index card for one person. If the same person figures in subsequent checks/enquiries/investigations, additional entries will be made on the same card in the appropriate column.

(iv) Colour labels will be attached to the card when the person gets punished departmentally or convicted in Court as a result of a vigilance case. *Red* label will indicate Court conviction and *Black* label will indicate departmental punishment. The involvement of a person in a trap case irrespective of its disposal will be indicated by a *Yellow* label.

(v) Names which appear in petitions/vigilance reports that are received in the Directorate of Vigilance and Anti-Corruption and are transmitted to *outside authorities without* any check or enquiry need not be indexed in cards. However, an alphabetical index of these names will be maintained in the form of a register as in Proforma-39. The names of officers of "doubtful integrity" coming under Category V of the "Suspect Lists" mentioned in Part XIII will also be entered in the register alphabetically.

(2) In the Detachment Offices of the Directorate of Vigilance and Anti-Corruption, an alphabetical index of names which figure in petitions received and enquiries or investigations handled in Detachments, will be maintained in the register in Proforma-39.

PART XV

PREVENTIVE ASPECT OF ANTI-CORRUPTION WORK

129. Collection of Intelligence

DVAC Circular
Memo. No.
261/VAC/73,
dated 8th
August 1973.

(1) One of the important responsibilities of the Directorate of Vigilance and Anti-Corruption is the collection of intelligence about malpractices and corrupt activities in different departments. Every Officer of the Directorate should deem it a part of his normal duties and responsibilities to collect vigilance intelligence.

(2) Sources are important for gathering good intelligence in anti-corruption work. Therefore, every officer, on joining the Directorate of Vigilance and Anti-Corruption, should make immediate efforts to set up good and reliable sources for collecting vigilance intelligence.

(3) While collecting vigilance intelligence, special attention should be paid to the following types of corruption and malpractices —

- (a) Corruption at the level of officers belonging to Groups A and B,
- (b) Corruption which causes financial loss to the Government,
- (c) Corruption which involves large sums of money,
- (d) Corruption which is likely to be exposed by the evidence in documents relevant to the connected Government transactions

and

- (e) Corrupt practices which affect a large number among the general public and thereby bring down the image of the Government.

(4) (i) The Directorate of Vigilance and Anti-Corruption cannot depend on petitions or on references from Departmental Authorities, for taking up cases. Petitions more often than not stem from motives and are apt to contain exaggerations, if not outright false-hood.

DVAC Circular
Memo. No.
16569/VAC-4/
90, dated 21st
May 1990.

(ii) As per the Report of the Committee on Prevention of Corruption headed by Tr. K. Santhanam, the duty of Vigilance and Anti-Corruption Agency is not merely to investigate complaints of corruption received by it. While this is one important aspect, because the Head Quarters and Detachments of the Directorate of Vigilance and Anti-Corruption, are declared as "Police Stations" under the Cr. P.C., what is perhaps more important is that they should be able to break into the various Departments/Organisations and "discover" (remove the cover on) Corruption. This is because the work connected with Anti-Corruption is rather peculiar and that there would be no ready or willing complainant to lodge reports with the Vigilance and Anti-Corruption Agency, for a variety of reasons.

DVAC Circular
Memo. No.
13911/VAC-4/
88, dt. 10th
April 1991.

(iii) In transactions where corruption is of collusive nature, in the sense, that both the public servant and the beneficiary are benefited, no complaint can be expected from private individuals, who are beneficiaries. If the officers of the Directorate of Vigilance and Anti-Corruption set up reliable informants, they could come to know the modus prevalent in corruption. Armed with this information, they could either conduct surprise checks/super-checks or undertake scrutiny of the particular transaction to bring out corrupt motive on the part of the public Servant and illegal gain to him and or to the other party. If serious irregularities are detected—irregularities which should have been preceded or succeeded by dishonest consideration and not mere inadvertent or ignorant irregularities—at least departmental action can be recommended, if prosecution is not considered feasible.

(iv) Officers of the Directorate of Vigilance and Anti-Corruption, should, therefore, develop their intelligence system

and collect information regarding the malpractices in Government Departments/Public Undertakings so that the irregularities could be exposed. Wherever possible, the responsibility for such irregularities may be fixed and appropriate action recommended against the Public Servants concerned. In addition, suggestions to streamline the system, which leads itself to such irregularities, could also be made.

(5) The Inspectors of Police and the Deputy Superintendents of Police in the Detachments of the Directorate of Vigilance and Anti-Corruption will send, in the first week of every month, Vigilance Reports in Proforma- 40 in duplicate, to the Range Superintendent of Police concerned with their specific recommendations for taking up a Preliminary Enquiry or any other appropriate action. However, if they have to report any urgent information during the month, they can come up with a special report at any time. The Vigilance Reports should contain the name and designation of the Officer reported against, the Department to which he belongs, the scale of pay of the post, his present pay and the group to which he belongs along with the details of the vigilance information gathered against him.

(6) During their tours, Range Superintendents of Police of the Directorate of Vigilance and Anti-Corruption will check with the Detachment Officers how far they have made effective arrangements for the collection of intelligence and give them suitable instructions for follow up action in each case.

130. Watch on Projects/Schemes, etc., involving huge expenditure

Govt.U.O.Note
No.1933/70-1,
Public (Ser-B),
dated 21st
March 1970

(1) The Heads of Departments and Public Undertakings are required under Government Orders to keep the Directorate of Vigilance and Anti-Corruption informed about all the schemes, projects, undertakings or settlement of contracts, etc., whose value is Rs.3 lakhs and above, so that the Directorate may keep a vigil on such schemes/ projects,

etc., from their inception with a view to detect any malpractices or corruption in their execution. These intimations received from other departments will be passed on by the Directorate Headquarters to all its Detachments concerned. As soon as intimations on huge projects/ works are received in the Detachments, the details of the projects/works should be entered in a register in Proforma-41 and the Deputy Superintendent of Police or the Senior Inspector of Police who is in-charge of the Detachment, as the case may be, should allot the works suitably among the Detachment Staff including himself and this fact should also be entered in the register. The Officer should maintain discreet vigil over the works allotted to them by making visits to the project/work site and collecting information about malpractices, if any, till the completion of the project/work, etc., The existence of any large construction work, progressing in the jurisdiction of a Detachment about which intimation has not been received should be brought to the notice of the Headquarters by the respective Detachment Officers for addressing the Department concerned for ascertaining the details. The Detachment Officers should make use of the information about execution of large projects/ works involving huge expenditure and bring to light irregularities and malpractices by setting up reliable sources or by other discreet methods and send useful Vigilance Reports for further follow up action. The Executive/ Superintending Engineer in the Directorate of Vigilance and Anti-Corruption should advise the Detachment Officers during his tours about those aspects of the contract works where there is scope for corruption and malpractices.

(2) The Executive Superintending Engineer himself will also visit some of these important projects for an informal talk with the local departmental supervisory officers concerned and record notes of his impression on the execution of the project/work.

(3) The Officers in charge of the Detachments will send quarterly reports to the Directorate Headquarters by the 7th January, April, July and October each year, on the action

No.4215/70-2,
Public (Ser-B),
dated 13th
October, 1970.

G.O.Ms.
No.903 P.&
A.R. (Per-N)Dt.
24th
September,
1983.

DVAC
Circular
Memo.No.5111/
VAC.5/81,
dated 11th
August 1981.

taken by them on such intimations, indicating the following particulars:—

- (a) Reference number, date of the intimation received from Directorate Headquarters,
- (b) Particulars of Schemes/Projects, etc.,
- (c) Dates of visits to such projects, etc.,
- (d) Names of Detachment Officers who visited,
- (e) Vigilance Reports sent, if any, etc.

131. Appointment of Vigilance Officers in Government Departments and Public Undertakings

Govt. D.C.
Letter
No.12236-A/
74-6, Public
(Ser-N), dated
5th May 1975.

(1) Heads of Government Departments and Public Undertakings are required under Government Orders to appoint an Officer immediately below the Head of Department/Public Undertaking as Vigilance Officer for that Department/Public Undertaking.

(2) The Vigilance Officer so appointed shall perform the following important duties in addition to his normal duties:-

(a) To review and streamline working procedures which appear to afford scope for corruption and malpractices and to initiate such other measures as may be necessary from time to time for the prevention, detection and punishment of corruption and malpractices in the Department including its Subordinate Offices.

(b) To keep track of the progress of disciplinary cases against Officers found prima facie guilty of misconduct and ensure the expeditious disposal of such cases.

(c) To offer remarks about the general reputation of various Officers and relevant information about them whenever postings of them are made to sensitive posts.

(d) To maintain close liaison with the Vigilance Commission and with the Directorate of Vigilance and Anti-Corruption.

(e) To encourage responsible members of the public to come to him confidentially with specific information about corruption and malpractices in the organisation.

(f) To help the Head of Department to determine the nature of disciplinary proceedings to be initiated against defaulters to ensure quick disposal of disciplinary cases in the departmental proceedings and, to that purpose, ensure the appearance of witnesses and production of records in time.

(g) To prepare points and places of corruption, in association with the Superintendent of Police of the Directorate of Vigilance and Anti-Corruption and do surprise checks at such points by themselves or with the assistance of the Directorate Officials.

(3) In some important Departments and Undertakings, wholtime Vigilance Officers are appointed to handle this work and provide a sustained drive for effective vigilance work. Tamil Nadu Electricity Board is an example.

132. Conduct of Surprise Checks at sensitive points in various Departments/Public Undertakings

(1) Surprise checks at sensitive points in different Departments/Public Undertakings will go a long way in achieving the preventive effect in vigilance work and in toning up the administration. The Heads of Departments/Public Undertakings should see that the Vigilance Officers under them conduct surprise checks and raids at the points and places of corruption with the assistance of the Officials of the Directorate of Vigilance and Anti-Corruption periodically.

(2) The main responsibility for conducting such checks and scrutiny rests on the Departmental Authorities. The

Govt.Circular
Memo. No.
43387.A/75-14,
P.&A.R. (Per-
N), dated 7th
February 1977.

Directorate of Vigilance and Anti-Corruption can also initiate action for such a surprise check or scrutiny of files by the Departmental Authorities at the appropriate level when it has some specific information about corruption or malpractice. The scope for these checks at specified points could also be carefully discussed at periodical liaison meetings between Departmental Vigilance Officers and Directorate Officers.

(3) As a result of such surprise checks conducted by the Departmental Authorities, if they notice that a particular type of irregularity is rampant in a particular place and if they consider that an enquiry by the Directorate of Vigilance and Anti-Corruption about the reputation of certain Officers or about the prevalence of a particular type of malpractice in a particular area would be useful, they may move for further action accordingly.

(4) To achieve the desired results, it is necessary that Officers deputed to conduct surprise checks have a clear idea about what records and registers they are to check and what are the important points that have to be particularly verified with reference to other records, returns, etc., keeping in view the nature of malpractices that usually occur.

(5) On the adverse material, if any, brought to light during surprise checks, the Departmental Vigilance Officer has to examine whether further probe by the Directorate of Vigilance and Anti-Corruption is called for, or whether the matter could be effectively pursued and dealt with by the department itself in departmental proceedings. If the matter involves misconduct which is likely to lead to a criminal charge that could be prosecuted in Court or if it involves enquiries outside the department, i.e., with private individuals, contractors, suppliers, and a check of their records, premises, etc., it could be referred to the Directorate of Vigilance and Anti-Corruption for further action.

(6) Vigilance Officers in all Government Departments/ Public Undertakings, etc., should ensure that surprise checks as detailed above are effectively and frequently conducted

and substantial results are achieved in the prevention of corruption and scope for malpractices, particularly at sensitive points where the common man comes into contact with the administration.

133. Surprise Checks by District Inspection Cells

(1) With a view to improving the efficiency of administration in various Departmental Offices at Regional, District and Divisional level, District Inspection Cells, functioning under the control of the District Collectors, were set up in 1975 in 10 districts of the State.

Govt.Memo.
No.1287/77-1,
P&A.R.
(Inspection),
dated 10th
August, 1977.

(2) After reviewing the working of these Cells with special reference to Government's firm commitment to the objective of clean and efficient administration in the State, certain modifications in the working of these Inspection Cells so as to make them more effective have been ordered as indicated below.

(3) The Inspection Cells shall continue to bestow their attention to (a) Inspections and (b) Training through short courses on Office Procedure, as originally proposed.

(4) Besides, the Inspection Cells shall also make a more direct approach, which should include surprise checking at points and places in Departments/Undertakings which are the sources of public dissatisfaction and complaint.

(5) The following revised working procedure is therefore to be adopted by the District Inspection Cells:

(a) Allocation of working days for inspections shall be decreased by making the inspections less procedural and more purposeful. Inspections could be utilised for on-the-job training. Inspections and Training should also aim at simplification of rules and procedures through discussions with the staff. This should be followed by specific proposals, by the Inspection Cells for necessary revisions, amendments in the rules and procedure. The proposals are to be addressed to the concerned Inspection Officer.

(b) Points and places in Departmental Units in the district, in respect of which there are persistent complaints or information, should be listed out. Information obtained on Collector's Grievance Days from the public will throw up a lot of material for fruitful surprise checks. Collectors, their Vigilance Officers, the Director of Vigilance and Anti-Corruption and his Detachment Officers should pass on such information to the Cells; personnel of the Cells should themselves also collect such information.

(c) All working days not taken up by inspections and training should be devoted to surprise checking of the listed points and places. Surprise checking should not be confused with enquiries into complaints; the latter function should not be undertaken by the Inspection Cells.

(d) For undertaking a surprise check, the staff of the Inspection Cell should proceed to the office selected without prior notice and make a request to an available Supervisory Officer of that office at an appropriate level to conduct the check of the work of a particular seat or member of the staff. The Cell Staff should carry a copy of the Government instructions to be shown as the authority under which the request is made.

(e) For the purpose of the preceding paragraph, the Inspection Cell will function as two teams-(i) The Special Officer - Deputy Collector, (ii) the Superintendent - Tahsildar. The intention is that each team will conduct the surprise check in certain offices - and not that both teams will go to the same office.

(f) Concise Proceedings must be drawn up listing out specific instances of delay or other irregularity affecting clean and efficient administration. The Proceedings should be signed by the Departmental Supervisory Officer and the Cell Officer. Four copies of the Proceedings should be made out and issued as under—

- (i) one copy to the next higher Officer of the Office checked;

(ii) one copy to the District Vigilance Officer, if it relates to the Revenue Department;

(iii) one copy to the concerned Head of the Department/Undertaking;

and

(iv) one copy to the Secretary to Government of the concerned administrative department who will watch the rectification of defects / irregularities.

Copies of the surprise check proceedings which involve (a) serious irregularities and (b) loss of money to Government involving corruptive nature and activities should also be sent to the Director of Vigilance and Anti-Corruption.

(6) The surprise checks are intended to help restoration of vigorous and effective internal supervision in the Departments/ Undertakings. Under no circumstances, should Cell Officers give the impression of themselves assuming any supervisory responsibility, as this belongs clearly to the Departmental Supervisory Officers.

(7) The Cell Officers should maintain very close liaison with the Director of Vigilance and Anti-Corruption and his Staff in the districts. When the surprise checks disclose any serious corrupt activity requiring a probe from the Vigilance and Anti-Corruption angle, it should be reported promptly to the Director of Vigilance and Anti-Corruption, by name, so that no time is lost in initiating the necessary enquiry. A copy should be marked to the Vigilance Commissioner, Madras-9.

(8) The Superintendent and Special Officer of each District Inspection Cell should submit separate reports every fortnight on the 1st and 15th of every month about the details of surprise checks conducted by them during the previous fortnight. The reports are to be addressed to the Vigilance Commissioner, Madras-9, and routed through the Vigilance Officer with the Collector.

(9) The work of the Cells should be supervised by the Vigilance Officer with the Collector under the Collector's general control and direction. The Vigilance Officer will initiate necessary action on reports relating to the Revenue Department and report compliance to the Vigilance Commissioner through the Collector. In respect of reports relating to other Departments, the concerned Head of the Department will initiate punitive/preventive action and report compliance to the Government in the concerned administrative department of the Secretariat.

(10) In view of the increasing importance being attached to efforts at securing a cleaner administration, all Collectors should devote some time to supervising the work of these Cells.

DVAC Circular
Memo.
No.1001/VAC-
5/80, dated
11th February
1981.

(11) Surprise Checks to verify a specific complaint or information which appears credible about corruption and malpractices, will be initiated by the Detachment Officers of the Directorate of Vigilance and Anti-Corruption at the level of Deputy Superintendent of Police taking the help of the Departmental Officers or the District Inspection Cells whichever appears more practicable. Headquarters of the Directorate should be promptly kept informed when such checks are organised. When they relate to a specific complaint or information against an Officer of Group A or B, prior permission must be confidentially taken from Headquarters before making the surprise check. While conducting the surprise check at the initiative of the Officers of the Directorate of Vigilance and Anti-Corruption, they should not create an impression of stepping into the domain of the normal supervisory responsibility of the departmental hierarchy itself.

Govt. Memo.
No.1287/77-11
, P & A.R.
(Inspection-I),
dated 1st
September
1977.

(12) The Officers of all Departments/Undertakings at the district level should send reports on the preventive, corrective and punitive action they have taken on the proceedings of the surprise checks in their District Offices. The reports should be put up within two weeks of the surprise check and copies thereof should be marked to—

(a) the Head of the Department/Public Undertaking concerned;

(b) the concerned Administrative Secretary in the Government;

and

(c) the Director of Vigilance and Anti-Corruption, in cases where copies of the proceedings of the surprise checks have been sent by the District Inspection Cells in the first instance or when such reports are called for by him.

PART XVI

ACTION AGAINST RETIRING/RETIRED OFFICERS.

134. Enquiries/Cases against officers who are due to retire from service shortly

D.V.A.C.
Circular Memo.
No.5922/VAC-
4/90,dated 21st
February 1990.

(1) On registration of an Enquiry/Case, the Investigating Officer of the Directorate of Vigilance and Anti-Corruption should ascertain the date(s) of birth of the Accused Officer(s) involved and if any one of the Accused Officer is due to retire shortly, say, within the next one year, the date(s) of superannuation of such Accused Officer(s) should be reported to Head Office. In all such Enquiries/Cases, every effort should be made by the Investigating Officers concerned to complete the Enquiry/Investigation quickly and send the Final Reports on the result of the Enquiry/Investigation well in time so as to enable the Head Office to send the Final Reports to the Vigilance Commissioner, six months before the due date of retirement of the Accused Officer(s) concerned.

(2) In Enquiries/Cases which cannot be finalised due to reasons beyond our control,such as, the Enquiries/ Cases having been referred to the D.V.A.C. just few days/ months ahead of the due date of retirement or due to either multiplicity of allegations or the Accused Officers, the following strategy should be adopted:—

(a) In Enquiries/Cases where the Accused Officer(s) are due to retire within six months or earlier, the Investigating Officers should examine the gravity of the offences committed by the Accused Officer(s) and see whether the Enquiry/ Case could be finalised in time. If there are a number of allegations and their complexities are such that they cannot be finalised quickly, the Investigating Officer should send a detailed report to Headquarters either justifying the need for placing the Accused Officer(s) under suspension or whether he could be allowed to retire, pending finalisation of the enquiry/investigation;

(b) In Enquiries/Cases where there are more number of Accused Officers and one of them is due to retire within the

next one year or earlier, then the question of examining the role of such an Accused Officer should be considered, *provided there is no link along with other Accused Officers.* If there is no possibility of splitting up the Enquiry/Case, then the Investigating Officer should send a report to Headquarters immediately, indicating the role played by the Accused Officer and the extent of his involvement and the circumstances warranting the need or otherwise, for placing the Accused Officer under suspension, pending enquiry/ investigation

and

(c) In Enquiries/Cases where the initial enquiries/ investigation show that no actionable material is likely to emerge on the main allegations taken up for enquiry/ investigation and only other incidental issues, like, violation of Conduct Rules, etc. are likely to be substantiated, the Investigating Officer should send an interim special report to Headquarters immediately so as to send a report accordingly to the Vigilance Commissioner, for taking such action, as may be deemed necessary.

135. Scope for departmental action against Government Servants who are on the verge of retirement or who have retired from service

(1) According to Fundamental Rule 56 (c), a Government Servant under suspension on a charge of misconduct should not be required or permitted to retire on his reaching the date of compulsory retirement (superannuation), but should be retained in service until the enquiry into the charge is concluded and a final order passed thereon by the competent authority.

(2) In G.O.Ms.No.768, Personnel and Administrative Reforms (Personnel-N) Department, dated 2nd July 1979, Government have issued guidelines that it is not always necessary to keep a retiring person under suspension just because there are some charges against him. Under the present rules, Government have got powers to cancel or reduce the pension of any Government Servant and also to withhold his gratuity in part or in full. These provisions

should normally take care of all cases where some recovery is to be effected from the retiring Government Servant. Therefore, the Government Servant concerned might be allowed to retire with the repayment of his Provident Fund, depending on the circumstances, a part pension might be sanctioned and the gratuity withheld in full or in part. After the disciplinary action is completed, recovery may be ordered from the gratuity or the pension or both and his accounts finally settled. The person concerned may have to be kept under suspension only when the charges are so serious that a penalty of dismissal or removal is contemplated. In such cases, the competent authority should personally assess the situation and satisfy himself that the charges are serious enough to warrant a dismissal or removal and that it is prima facie possible to prove such charges. In such cases, the person concerned may be kept under suspension. Even in these cases, it shall be possible for the authorities to undertake disciplinary action well in advance of the impending date of retirement, since it is very rare that a person commits such major irregularities during the last 2 or 3 months of his service. When such a lapse is noticed, the competent authority should pursue the disciplinary action against the person vigorously so that it may be completed as far as possible by the retirement date.

(3) According to Rule 8 (1) of the Tamil Nadu Pension Rules, 1978, future good conduct shall be an implied condition of every grant of pension and its continuance. The pension sanctioning authority may by order in writing, withhold or withdraw a pension or part thereof, whether permanently or for a specified period, if the pensioner is convicted of a serious crime or is found guilty of grave misconduct.

(4) According to Rule 8 (2), where a pensioner is convicted of a serious crime by a Court, action under Rule 8 (1) either to withhold or withdraw a pension or part thereof, whether permanently or for a specified period, shall be taken in the light of the Judgement of the Court relating to such conviction.

(5) According to Rule 8 (3), in a case not falling under Rule 8(2), if the pension sanctioning authority considers that the pensioner is prima facie guilty of grave misconduct, it shall, before passing an order under Rule 8 (1), serve upon the pensioner a notice specifying the action proposed to be taken against him and the ground on which it is proposed to be taken and calling upon him to submit, within fifteen days of the receipt of the notice or such further time not exceeding fifteen days as may be allowed by the pension sanctioning authority, such representation as he may wish to make against the proposal and take into consideration the representation, if any, submitted by the pensioner.

(6) According to Rule 8 (4), where the authority competent to pass an order under this rule is the Government, the Tamil Nadu Public Service Commission shall be consulted before the order is passed.

(7) According to Rule 8 (5), an appeal against an order passed by any authority other than the Government, shall lie to the Government and the Government shall, in consultation with the Tamil Nadu Public Service Commission, pass such orders on the appeal as they deem fit.

(8) In this rule, the expression "serious crime" includes a crime involving an offence under the Official Secrets Act, 1923, and the expression "grave misconduct" includes the communication or disclosure of any secret official code or pass-word or any sketch, plan, model, article, note, document or information such as is mentioned in Section 5 of the Official Secrets Act, 1923 (which was obtained while holding office under the Government) so as to prejudicially affect the interest of the general public or the security of the State.

(9) According to Rule 9(1) of the Tamil Nadu Pension Rules, 1978, the Government reserve to themselves the right of withholding or withdrawing a pension or part thereof, whether permanently or for a specified period if, in any departmental or judicial proceeding, the pensioner is found guilty of grave misconduct or negligence during the period of his

G.O. Ms. No.
544, Finance
(Pension) dated
4th July 1986.

service, including service rendered upon re-employment after retirement, and such withholding or withdrawing the pension may be effected irrespective of the fact whether or not any pecuniary loss on account of such grave misconduct or negligence was caused to the Government, to any local body or to any Co-operative Society comprising of Government Servants and registered under the Tamil Nadu Co-operative Societies Act, 1961, provided that the Tamil Nadu Public Service Commission shall be consulted before any final orders under this clause are passed; and provided further that where a part of pension is withheld or withdrawn, the amount of such pension shall not be reduced below the limit specified in these rules. According to Rule 9(1) (b), in case, there is any pecuniary loss caused to the Government, to any local body or to any Co-operative Society comprising of Government Servants and registered under the Tamil Nadu Co-operative Societies Act, 1961, and if, in any departmental or judicial proceedings, the pensioner is found guilty of grave misconduct or negligence during the period of his service including service rendered upon reemployment after retirement, the Government shall also have the right of ordering recovery from the pension of the whole or part of the pecuniary loss caused by such grave misconduct or negligence, provided that the Tamil Nadu Public Service Commission shall be consulted before any final orders under this clause are passed. According to the explanation given under this rule, 'Judicial proceeding' shall include proceedings before any Tribunal constituted by an Act of Parliament or the State Legislature or by a Rule.

(10) According to Rule 9(2)(a), the departmental proceedings, if instituted while the Government Servant was in service whether before his retirement or during his re-employment, shall, after the final retirement of the Government Servant, be deemed to be proceedings under this rule and shall be continued and concluded by the authority by which they were commenced in the same manner as if the Government Servant had continued in service, provided that where the departmental proceedings are instituted by an

authority subordinate to the Government, that authority shall submit a report recording its findings to the Government.

(11) According to Rule 9(2) (b), the departmental proceedings, if not instituted while the Government Servant was in service, whether before his retirement or during his re-employment.—

(i) shall not be instituted save with the sanction of the Government;

(ii) shall not be in respect of any event which took place more than four years before such institution;

and

(iii) shall be conducted by such authority and in such place as the Government may direct and in accordance with the procedure applicable to departmental proceedings in which an order of dismissal from service could be made in relation to the Government Servant during his service.

(12) According to Rule 9(3), no judicial proceedings, if not instituted while the Government Servant was in service, whether before his retirement or during his re-employment, shall be instituted in respect of a cause of action which arose, in respect of an event which took place, more than four years before such institution.

(13) According to Rule 9(4), in the case of a Government Servant who has retired on attaining the age of superannuation or otherwise and against whom any departmental or judicial proceedings are instituted or where departmental proceedings are continued under Rule 9(2), provisional pension as provided in Rule 60 or Rule 69, as the case may be, shall be sanctioned.

(14) According to Rule 9(5), where the Government decide not to withhold or withdraw pension but order recovery of pecuniary loss from pension, the recovery shall not ordinarily be made at a rate exceeding one-third of the pension admissible on the date of retirement of a Government Servant.

(15) According to Rule 9(6), for the purpose of this rule, (a) departmental proceedings shall be deemed to be instituted on the date on which the statement of charges is issued to the Government Servant or Pensioner or if the Government Servant has been placed under suspension from an earlier date, on such date; and (b) judicial proceedings will be deemed to be instituted—

(i) in the case of criminal proceedings, on the date on which the complaint or report of a Police Officer, of which the Magistrate takes cognizance, is made

and

(ii) in the case of civil proceedings, on the date on which plaint is presented in the Court.

(16) According to Note (1) under Rule 9, as soon as proceedings of the nature referred to in the rule are instituted, the authority which institutes such proceedings should without delay, intimate the fact to the Accountant-General concerned.

(17) According to Note (2) under Rule 9, if an officer against whom an enquiry is held is unable to satisfactorily account for possession by himself or by any other person on his behalf, e.g., dependents, of pecuniary resources or property disproportionate to the known sources of income, a charge of corruption should be presumed to have been proved against him and the case will come within the purview of this rule. The position is that the term "grave misconduct" used in this rule is wide enough to include corrupt practices. In cases where the charge of corruption is proved only after pension has been sanctioned and it is not therefore possible to invoke Rule 6 of the Tamil Nadu Pension Rules, 1978, requiring satisfactory service approved by the pension sanctioning authority for payment of full pension, action to withhold or withdraw pension may be taken under Rule 9. In this connection, the provisions of Rule 9(2) and 9(3) have to be noted carefully. In accordance with these provisions, the property or pecuniary resources in respect of which the

departmental or judicial proceedings are instituted under Rule 9 should have been acquired by the person concerned or any other person on his behalf any time within the period of four years before the institution of such proceedings, if not instituted while the officer was on duty either before retirement or during re-employment.

(18) According to Rule 39(1) of the Tamil Nadu Pension Rules, 1978, a Government Servant compulsorily retired from service as a penalty, may be granted by the authority competent to impose such penalty, pension or gratuity or both at a rate not less than two-thirds, and not more than full compensation pension or gratuity or both admissible to him on the date of his compulsory retirement, provided that the authority competent to impose the penalty may grant, if the circumstances justify it, a pension lower than which would have been admissible if the member concerned had retired on medical certificate, but a further reduction shall not be made.

(19) According to Rule 39(2), whenever in the case of a Government Servant, the Government passes an order (whether original, appellate or in exercise of power of review) awarding a pension less than the full compensation pension admissible under these rules, the Tamil Nadu Public Service Commission shall be consulted before such order is passed. In this sub-rule, the expression "Pension" includes gratuity.

(20) According to Rule 60 of the Tamil Nadu Pension Rules, 1978, in respect of a Government Servant referred to in Rule 9(4) who belongs to Group A or B, the Audit Officer shall authorise the payment of provisional pension not exceeding the maximum pension which would have been admissible on the basis of the qualifying service upto the date of retirement of the Government Servant. The provisional pension shall be authorised by the Audit Officer during the period commencing from the date of retirement to the date on which, upon conclusion of the departmental or judicial proceedings, final orders are passed by the competent authority.

No gratuity shall be authorised to the Government Servant untill the conclusion of such proceedings and issue of final orders thereon. Payment of provisional pension made shall be adjusted against final retirement benefits sanctioned to the Government Servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

(21) According to Rule 69 of the Tamil Nadu Pension Rules, 1978, in respect of a Government Servant referred to in Rule 9(4), who belongs to Group C or D, the Head of Office shall pay the provisional pension not exceeding the maximum pension which would have been admissible on the basis of qualifying service up to the date of retirement of the Government Servant. No gratuity shall be paid to the Government Servant until the conclusion of the departmental or judicial proceedings and issue of final orders thereon. Payment of provisional pension made shall be adjusted against final retirement benefits sanctioned to such Government Servant upon conclusion of such proceedings but no recovery shall be made where the pension finally sanctioned is less than the provisional pension or the pension is reduced or withheld either permanently or for a specified period.

(22) According to the definitions contained in Rule 3 of the Tamil Nadu Pension Rules, 1978, the term 'Pension' includes gratuity except when the term 'Pension' is used in contra-distinction to gratuity and the term 'retirement benefits' include pension or service gratuity and death-cum-retirement gratuity, where admissible.

(23) In G.O.Ms.No. 369, Personnel and Administrative Reforms (Personnel-R) Department dated 25th March, 1980, the Government have decided that when an officer is compulsorily retired under Fundamental Rule 56(2), further disciplinary proceedings against such officer should not be pursued under Rule 9 of the Tamil Nadu Pension Rules, 1978,

i.e., for withholding of pension, etc. Accordingly, the Government have directed that—

(i) the disciplinary proceedings that are being pursued against all the officers compulsorily retired under Fundamental Rule 56 (2) so far shall be dropped and that no action need be pursued in such cases;

(ii) while recommending the cases of officers against whom disciplinary action is pending, the appropriate authority should decide either to compulsorily retire a Government Officer under Fundamental Rule 56 (2) or to pursue disciplinary proceedings against the officers;

and

(iii) in cases, where action has been initiated for imposing a major penalty and the proceedings are in final stages, the disciplinary proceedings shall be finalised instead of compulsorily retiring the Officer under the Fundamental Rule 56 (2).

(24) In this connection, the Government of India have prescribed that the proceedings of the Review Committee and other records relating to the Enquiry/Disciplinary Proceedings/ Court Proceedings pending against the Officer was not taken into account while coming to the conclusion whether the Officer concerned should be retained in service/retired from service.

(25) Accordingly, the Government of Tamil Nadu, in G.O.Ms.No.191, Personnel and Administrative Reforms (Personnel.N) Department, dated 3rd March 1982, in amplification of the orders issued in G.O.Ms.No.369, Personnel and Administrative Reforms (Personnel.R) Department, dated 25th March, 1980, have requested all the Secretaries to Government and Heads of Departments to adhere to the above procedure strictly in future while reviewing the cases of compulsory retirement under Fundamental Rule 56

(2) against whom disciplinary proceedings are pending or contemplated.

(26) As regards voluntary retirement under Fundamental Rule 56 (3), the position now obtaining is that a Government Servant, who has attained the age of 50 years or who has completed 25 years of qualifying service and who is not either under suspension or against whom no disciplinary action is pending, may retire voluntarily after giving three months notice. Similarly, under Fundamental Rule 56(3), a Government Servant who has completed qualifying service of not less than 20 years, may also retire from service voluntarily after giving not less than three months notice, subject to other specified conditions. In such cases, the Government Servant is deemed to have retired from service on the expiry of the notice period.

(27) It was pointed out to the Government by the Directorate of Vigilance and Anti-Corruption that corrupt elements made use of this legal safeguard by opting for voluntary retirement, after giving notice to the competent authorities, with a view to getting away without any punishment for their acts of commission and omission during the period of their employment under the Government. Government were requested that suitable instructions be issued to the competent authorities to make it obligatory for them to consult the Directorate of Vigilance and Anti-Corruption whenever any Government Servant exercises his option to retire voluntarily from service by giving the Government, three months' notice in order to get information whether any enquiry or investigation is pending or contemplated against such Government Servant and if it is so, whether he be allowed to retire.

(28) In G.O.Ms. No. 235, Personnel and Administrative Reforms (F.R. I) Department, dated 23rd March 1978, the Government have accordingly issued the following directions to the competent authorities for scrupulous observance and appropriate action in dealing with cases of voluntary retirement of Government Servants—

(i) they should on receipt of the notice of voluntary retirement from the Government Servant concerned, make a reference to the Director, Vigilance and Anti- Corruption, in order to ascertain whether any enquiry or investigation is pending or contemplated against such Government Servant and if so, the nature and gravity of such allegations or irregularities;

(ii) if any enquiry is pending against such Government Servant and if the nature of the irregularities are serious, the competent authorities concerned may take a judicious decision to place a Government Servant under suspension or to initiate disciplinary proceedings against such Government Servant, as the case may be, immediately and in any case, before the expiry of the notice period;

(iii) independent of consulting the Directorate they should also consider whether any departmental enquiry is pending or contemplated against the Government Servant concerned, who has exercised his right to retire voluntarily from service and if so to take action as indicated in item (ii) above;

(iv) if the notice of voluntary retirement is received in the first instance by an authority other than the competent authority, he should immediately forward such notice to the competent authority with his remarks about the pendency or otherwise of any enquiry or investigation against such Government Servant and simultaneously refer the case to the Director, Vigilance and Anti-Corruption, for urgent report direct to the competent authority;

and

(v) the Director, Vigilance and Anti-Corruption, should on receipt of such references from the competent authorities, send his report to them immediately so that the competent authorities have sufficient time at their disposal to take decisions in the matter before the expiry of the period specified in the notice.

(29) Under Rule 8 (v) (c) of the Tamil Nadu Civil Services

(Classification, Control and Appeal) Rules 1955, recovery from pay may be made to the extent necessary of the monetary value equivalent to the amount of reduction to lower stage in a time scale of pay ordered where such an order cannot be given effect to. In cases of stoppage of increment with cumulative effect, the monetary value equivalent to three times the amount of increments ordered to be withheld may be recovered. Rule 2(e) (2) of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, provide for the recovery of monetary value equivalent to the amount of increments ordered to be withheld where such an order cannot be given effect to in respect of subordinate Police Officers governed by the said rules.

(30) If in the event of any such punishment awarded to a Government Servant on the verge of his retirement becoming infructuous, the above rule could be invoked to recover the monetary value equivalent of the punishment of reduction in time scale of pay or postponement of increment proportionate to the period unspent, from his retirement benefits.

(31) As regards the Officers belonging to the All-India-Services, there are similar provisions in the All-India Services (Death-cum-Retirement Benefits) Rules, 1958, with regard to withholding or withdrawal of pension, etc. and the relevant provisions of the Tamil Nadu Pension Rules, 1978, are on the same lines as that of the above Central Rules.

PART XVII
GENERAL

136. Information to Income-Tax Department - Passing on

Information relevant for Income Tax assessment as classified hereunder will be passed on to the Income Tax Department by the Directorate of Vigilance and Anti-Corruption, through the Government, as and when it is unearthed—

Govt. Letter No.
3899/66-3,
Public. (Ser.B)
dated 29th
Nov.1966.

(i) Information gathered during discreet enquiry by Officers of the Directorate of Vigilance and Anti-Corruption but no further probe is undertaken by a Detailed Enquiry by the Directorate itself,

(ii) Information gathered in a Detailed Enquiry but the case is not referred to the Tribunal for Disciplinary Proceedings by the Government,

(iii) Information placed before the Tribunal for Disciplinary Proceedings and where the finding of the Tribunal is given in respect thereof,

(iv) Information gathered during investigation (in a Regular Case) but no charge-sheet is laid for an offence under Section 5(1) (e)/13 (1) (e) of the Prevention of Corruption Act, 1947/1988 for want of sufficient evidence

and

(v) Information gathered during investigation and finding is given by a Special Judge in a case charged under Section 5(1) (e)/13(1) (e) of the Prevention of Corruption Act, 1947/1988 on the basis of such information and evidence.

137. Grant of leave to Officers against whom enquiry/ investigation by Directorate of Vigilance and Anti-Corruption is in progress

Govt. Memo.
No.351/49.1,
Public (Ser-B)
dated 5th
February 1949.

When the Directorate of Vigilance and Anti-Corruption has asked for the transfer of a Government/Public Servant, against whom it is making enquires/investigation into alleged corrupt practices, to a distant place out of the district to facilitate the conduct of enquiries/investigation, the Heads of Departments/Public Undertakings should ensure that leave is not granted to the Government/Public Servant involved except under exceptional circumstances as the grant of leave in such cases affords an opportunity to the Government/Public Servants concerned to tamper with the course of enquiry. When leave on medical certificate is asked for, the medical certificate should be got scrutinised by the appropriate Medical Officer of Government before leave is granted.

Govt. Memo.
No.2999/65-5,
Public (Ser-B),
dated 9th
August 1965.

138. Promotion of Officers against whom enquiry/ investigation by Directorate of Vigilance and Anti-Corruption is in progress

Govt. Memo
No. 5399/58-5,
Public (Ser.D),
dated, 27th
April 1960.

In regard to promotion or appointment by transfer to higher posts, of officers in respect of whom enquiries/investigation by the Directorate of Vigilance and Anti-Corruption are in progress, they may be considered for promotion or appointment by transfer provided their record is good and they may be appointed temporarily. If, in the event of such Officers being found innocent after the enquiry/investigation, it is decided to regularise their services, this may be done with retrospective effect, and the Officers given the same rank as they had in the panel/approved list, by relaxation of general rule 35, if necessary.

139. Subordinate Police Officers employed in Directorate of Vigilance and Anti-Corruption - Protection

G.O. Ms. No.
164, Home,
dated 21st
January 1977.

According to Rule 4 of the Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955, no member of the service employed in the Directorate of Vigilance and

Anti-Corruption, shall be removed or dismissed from the service during the period of his employment in the Directorate of Vigilance and Anti-Corruption or for a period of three years from the date on which he ceases to be employed therein without the previous sanction of the State Government, provided that the previous sanction of the State Government shall not be necessary for the removal or dismissal of a member of the service employed in the Directorate of Vigilance and Anti-Corruption, for any act done by him prior to his employment in the Directorate of Vigilance and Anti-Corruption.

140. Grant of immunity to witnesses in enquiries/ investigations of Directorate of Vigilance and Anti-Corruption

Government have directed that the fullest protection should not only be assured but also, if necessary, be formally given to all witnesses whose examination is required for departmental enquiries in cases relating to corruption among Public Servants. As enquiries by the Directorate of Vigilance and Anti-Corruption are not 'Departmental Enquiries' in the strict sense of the term and as the need for the giving of such an assurance where necessary is as great during the enquiries/investigation of the Directorate of Vigilance and Anti-Corruption as during 'Departmental Enquiries', the Government have authorised certain Police Officers of the Directorate of Vigilance and Anti-Corruption to give the assurance to the witnesses who ask for it. In cases where the Director, Vigilance and Anti-Corruption feels that an official who may be regarded as an accomplice should be offered immunity, the case should be referred to the Vigilance Commissioner for orders whether the official witness should be granted immunity from disciplinary action. No person who has been given the assurance by the Vigilance Commissioner shall be proceeded against either criminally or departmentally.

G.O. Ms. No.
601, Public
(Ser-B), dated
22nd March
1969.

141. Complainants or Prosecution Witnesses who are private individuals - Protection from harassment

Govt. Memo
No.62018A/75-
1, Public
(Ser.N) dated
6th July, 1976.

(1) It is not unusual for Departmental Colleagues of an Officer involved in an enquiry/investigation of the Directorate of Vigilance and Anti-Corruption to set up the complainant or prosecution witnesses and visit them with the full rigour of the law, rules and procedures at their disposal with a view "to teach" them and others a lesson or to deter them from giving evidence at the trial or hearing. It is necessary to give them protection from such malicious and vexatious proceedings against them.

(2) The Heads of Departments/Public Undertakings should ensure that their subordinates do not institute such malicious proceedings or show any vindictiveness against such private individuals who are either complainants or witnesses in the enquiries/investigation of the Directorate of Vigilance and Anti-Corruption. They should also instruct the Vigilance Officers under them to keep a watch for any trend in this regard and report the matter to them, if any, immediately.

142. Transfer of Accused Officers in Detailed Enquiries and Regular Cases

G.O. Ms. No.
2950, Public
(Ser.B), dated
28th November
1969.

(1) In cases where Detailed Enquiries or investigation in Regular Cases are instituted by the Directorate of Vigilance and Anti-Corruption, whenever a request is made to the Heads of Departments/Public Undertakings concerned for the transfer of the Accused Officers out of their places of duty on the ground that their presence there is likely to jeopardise a free and fair enquiry, it should be complied with.

(2) In such cases, as already indicated in sub-paragraph (6) of Paragraph 83 under Part X, it is not desirable on general grounds to make available to the Departmental Authorities, copies of the secret report of the Directorate of Vigilance and Anti-Corruption and thereby run the risk of its secrecy being lost. Also when copies are made, there is risk

of unauthorised extra copies being made, which may be misused. Moreover, the report cannot serve any useful purpose to the departmental authorities, as it is only a preliminary report, but on the other hand, its unauthorised divulgence to the Accused Officer may put him on the alert and induce or enable him to tamper with the further enquiries. The same consideration will apply also if the Head of the Department is informed of the details of the allegations against the Accused Officer. Therefore, copies of Preliminary Enquiry reports of the Directorate of Vigilance and Anti-Corruption should not be sent to the Head of Departments/ Public Undertakings and the reasons for the transfer also need not be furnished to them.

(3) Similarly, the Director, Vigilance and Anti-Corruption, can also move for the transfer of a Public Servant who is not involved in the enquiry/investigation of the Directorate of Vigilance and Anti-Corruption as an Accused Officer but who is having association or connection or indirectly helping the Accused Officer whose conduct is under enquiry/investigation, out of his present station and this should be complied with by the Government, Heads of Departments, Public Undertakings, as the case may be.

G.O.Ms.
No.945 P&AR
(Per.N) dt. 4th
Oct.1983.

(4) Whenever enquiries/investigation are taken up by the Directorate of Vigilance and Anti-Corruption, in appropriate cases - after careful consideration, suggestions are made for transferring the Accused Public Servants concerned, to far off places and posting them in non-sensitive jobs for the obvious reason that they would otherwise wield their influence and stifle or delay the enquiry/investigation by prevailing upon the witnesses or suborn them not to speak or causing other types of interference, to delay or damage the outcome of the enquiry/investigation. This step is recommended to serve as a deterrent to Public Servants tending to cross the limits of integrity. It has come to notice that such recommendations made by the Director, Vigilance and Anti-Corruption and seconded by the Vigilance Commissioner for transfer of Accused Officers to far off places and posting them in non-

Govt.Letter
No.20615A/
Per.N/92-1,
P&AR (Per.N)
dt. 25th May,
1992.

sensitive jobs meet with either transfer or posting to nearby places, or, after an initial far-away posting, such Accused Officers are reposted either to their old station or nearabouts. This makes a mockery of the efforts to maintain purity in public administration. In public interest, it is absolutely necessary that the Accused Public Servants are made to realise that they cannot behave in any manner they like, flouting the norms of conduct or work and still manage to stick around the places of their choice, posing a challenge to the very anti-corruption efforts of the administration. If the Heads of Department do not support the Director of Vigilance and Anti-Corruption, in this matter, the day will not be far, when even in proved corruption cases such "resourceful" Accused Public Servants would manage to get away from well-merited punishment. Government have, therefore, advised all Heads of Departments and Departments of Secretariat to ensure not to effect transfer or cancel transfer orders ordered at the instance of the Director, Vigilance and Anti-Corruption/Vigilance Commissioner without their knowledge. Government have also directed that if any Officer feels the need for reposting the official, this may be done after consulting the Director, Vigilance and Anti-Corruption/Vigilance Commissioner and such a course may be resorted to only in very genuine cases.

V.C's U.O.
Note No.3360/
VC.II/89-1,
dt.25th
May,1989.

(5) In enquiries/cases where the Directorate of Vigilance and Anti-Corruption has recommended transfer of Officers from their present station or post them to a far off place/to a non-sensitive job, either to facilitate a free and fair enquiry or in public interest, based on information collected on the reputation of the Officer, if there is any breach or non compliance to the orders of transfer by the Officers concerned, the Investigating Officers of the Directorate, Vigilance and Anti-Corruption should watch and bring it to the notice of the Headquarters of the Directorate of Vigilance and Anti-Corruption. Such instances should be brought to the notice of the Vigilance Commissioner for being taken up with the Government.

143. Engineering Works of Government Departments and Public Undertakings — Stoppage and Resumption of Works covered by Vigilance Investigation - Procedure

Whenever an investigation into irregularities relating to works of various Government Departments and Public Undertakings is taken up by the Directorate of Vigilance and Anti-Corruption, execution of the works comes to a standstill and completion of the scheme is held up on account of the investigation, resulting in the postponement of the benefits of the scheme, escalation of costs, etc. In such cases, the following procedure will be adopted for the resumption of works by the Public Works and other Government Departments and Public Undertakings concerned.

G.O. Ms. No.
1844, Public
(SC), dated 29th
September,
1981.

(1) Inspection of works affected

(i) As soon as an investigation is taken up by the Directorate of Vigilance and Anti-Corruption in respect of any on-going work of Government Departments and Public Undertaking, the Superintending Engineer/Executive Engineer in the Directorate of Vigilance and Anti-Corruption, shall intimate the facts to the Chief Engineer or Head of the Department and it shall be the responsibility of the Chief Engineer or Head of the Department concerned to spare the services of one Superintending Engineer/Executive Engineer or an officer of equal rank other than the Superintending Engineer incharge of the work, for the purpose of joint inspection and report to Government. A joint inspection of the works shall be undertaken immediately by the above officers and a special report should be submitted to Government making specific recommendations in respect of each item of works—

- (a) whether the work can be resumed, with or without removal of the defective portion of work already done;
- (b) whether any further modifications or remedial measures should be carried out to ensure quality of work;
- (c) whether the work should be abandoned;

and

- (d) Whether the work should be kept in abeyance till detailed investigations were over.

The above analysis and recommendations shall be in respect of works, the quality of which is in doubt and dispute. The joint inspection report should be submitted to Government normally within a month from the date of reference of a case to the Directorate of Vigilance and Anti-Corruption.

- (ii) The Chief Engineer or Head of the Department concerned shall also make available such requisite technical staff as may be required by the two Engineers for the purpose of measurements purely by local arrangements.

(2) Measurements and payments

- (i) Measurements of the work done in respect of each scheme shall be taken of such items only involving resumption of work and recorded by the two Inspecting Engineers with the assistance of the technical staff to be provided by the Chief Engineer or Head of the Department concerned for the purpose, in the presence of contractors who executed the work and their signatures in token of having accepted the measurements recorded shall be obtained. In the event of contractors disputing the measurements, further action shall be initiated by the Chief Engineer or Head of the Department to determine such contracts in accordance with the terms of agreements for the works and the Public Works Codal Procedures and Rules of the Department/Undertaking concerned duly taking care that the fact of disagreement or dispute of measurements is also recorded with the signatures of the contractors.

- (ii) No further payment shall be made to the contractors in respect of the works which are covered by investigation.

(3) Execution of further Works

- (i) The question whether the balance works shall be executed and, if so, the procedures for the same shall be

decided by Government on receipt of the report of the inspection of works and the recommendations of the Inspecting Engineers. Where the quality and quantity of work are not in dispute, and where the existing contractors are willing to execute further works, details of such works with the names of agencies, shall be reported to Government with the specific recommendation of the Inspecting Engineers.

(ii) In case, vital records such as measurement books, etc., are retained by the Directorate of Vigilance and Anti-Corruption, for investigation purposes, further works, if decided to be resumed, can be recorded in fresh books and copies of documents, etc., required by Public Works or other Departments concerned shall be supplied by the Directorate of Vigilance and Anti-Corruption.

144. Death of Government/Public Servants against whom disciplinary proceedings are pending – Procedure for disposal

(1) On the death of a Government/Public Servant against whom disciplinary proceedings are pending, such proceedings shall abate, even though such proceedings may be in the initial stage or nearing completion. Any amount of allegation cannot take the place of proof of the same and, therefore, when the delinquent officer dies during the pendency of the proceedings, the allegations against the deceased officer have to be taken as not proved. It will not be legal to penalise the officer when the allegations have not been proved. As regards the period of suspension, if any, it has to be noted that no penalty can be imposed without giving an opportunity to the persons affected to show cause against the same. In the case of deceased officer, such notice, cannot be served on the deceased officer and the notice served on the heirs cannot satisfy the requirements of natural justice, as the only person who would be in a position to show cause is the deceased officer. Therefore, no orders regulating the period of suspension otherwise than as duty can be passed.

G.O.Ms. No.
2999, Public
(Ser.B), dated
4th December,
1969.

(2) Fundamental Rule 54 will not be applicable to such cases for the reason that the disciplinary proceedings have neither been completed nor have they been voluntarily dropped.

145. Maintenance of secrecy of enquiries/investigations

Govt. Memo.
No. 5399/58-5,
Public (Ser.D)
dated 27th
April, 1960.

It is necessary to maintain utmost secrecy of the enquiries/investigations conducted by the Directorate of Vigilance and Anti-Corruption at all levels. While the Heads of Departments/Public Undertakings may be informed, when called for, about the fact of taking up enquiries/investigation against their subordinates, it is not necessary to furnish them with either the details of allegations covered by the enquiry/investigation or the progress made thereof. In cases where it is felt that even such limited intimation to Heads of Departments/Public Undertakings is likely to lead to loss of secrecy which might hamper the investigation, the question of withholding such intimation should be considered. In cases where the Heads of Departments/Public Undertakings are informed of the fact of taking up an enquiry/investigation by the Directorate of Vigilance and Anti-Corruption, they should on no account disclose that an enquiry/investigation has been taken up by the Directorate of Vigilance and Anti-Corruption against the particular member of their staff. Such intimation will not be given to the authorities subordinate to the Heads of Departments/Public Undertakings, as it is not necessary or desirable to do so. However, in the case of Group C or D Officers, Heads of Departments/Public Undertakings may, in their discretion, keep their District Heads informed bearing in mind the need for absolute secrecy.

146. Enquires/Investigation pending in the Directorate of Vigilance and Anti-Corruption against officials compulsorily retired under Fundamental Rule 56(2)- Further course of action

(1) The following procedure is to followed in respect of Preliminary Enquiries, Detailed Enquires and Regular Cases

under enquiry/investigation by Directorate of Vigilance and Anti-Corruption against officials compulsorily retired under Fundamental Rule 56 (2).—

Govt. U.O.
Note No.
63616A/75-2,
Public (Ser.N)
Department
dated 1st July
1976.

(a) Where the enquiry in a Preliminary Enquiry or a Detailed Enquiry is nearly over, the Directorate of Vigilance and Anti-Corruption should complete it and draft the Final Report and keep it at Headquarters so that, in the event of the official getting reinstated, further action can be taken without loss of time.

(b) Where a Preliminary Enquiry or a Detailed Enquiry is in the initial stage and a lot of work is yet to be done, the enquiry may be rested at the stage it has reached. If the official gets reinstated, the enquiry can be pursued.

(c) Where investigation in a Regular Case is nearly over, it will be completed and the Final Report drafted. It should then be examined as to whether the offence merits prosecution even after the retirement and if so, a Final Report will be sent to the Vigilance Commission.

(d) If the offence made out is comparatively trivial, the Final Report will be rested at the Headquarters to be taken up in the event of the official getting reinstated.

(2) With regard to cases where the Final Reports of the Directorate of Vigilance and Anti-Corruption were already sent to Vigilance Commission/Government and are at various stages including cases which are with Departments and Tribunals for Disciplinary Proceedings, they should be referred to the Personnel and Administrative Reforms (Personnel) Department and future course of action decided depending upon the merits of each case.

147. Yard-stick of investigational work for the Investigating Officers of Directorate of Vigilance and Anti-Corruption

The following annual yard-stick of investigational work has been prescribed for the Investigating Officers of the Directorate of Vigilance and Anti-Corruption:-

G.O.Ms. No.
810,P&AR
(Per.N) dated
14th July,1978.

	<i>Preliminary Enquiries</i>	<i>Detailed Enquiries</i>	<i>Regular Cases.</i>
Inspector of Police.	6	2	2
Deputy Superintendent of Police	4	2	1

One Regular Case is deemed equivalent to one Detailed Enquiry, and one Detailed Enquiry is deemed equivalent to three Preliminary Enquiries for purposes of investigational work.

148. Inspection of Detachment Offices of Directorate of Vigilance and Anti-Corruption

DVAC Standing
Order No.8/
76,dated 26th
March 1976.

(1) Range Superintendents of Police in the Directorate of Vigilance and Anti-Corruption will inspect their Detachments in the Districts once a year. The inspections will be spread out evenly in a year.

(2) Annual Inspections should be for the financial year i.e. from 1st April to 31st March of the next year and they should be completed by the end of February every year.

(3) Range Superintendent of Police will draw up in the month of February each year a programme of inspections of all Detachments including Special Units, if any in their charge, for the financial year commencing from 1st April of the year to 31st March of the following year, and put up the same through the Additional/Deputy Director to the Director, Vigilance and Anti-Corruption, for his approval.

(4) Each inspection notes should specifically mention whether instructions left by officers during the previous visits/ inspections have been carried out. The Inspection Notes should be put up to the Director through Additional/Deputy Director, soon after the inspection is over.

(5) Compliance with instructions in the Inspection Notes should be reported to the Additional/Deputy Director within 15 days of receipt of the notes in the Detachments.

(6) The Additional/Deputy Director, Vigilance and Anti-Corruption will inspect some Detachments of each Range every year.

(7) Whenever Range Superintendents of Police visit a Detachment, they should send to the Director their visiting notes for the same. The notes should include information whether the Deputy Superintendents of Police and the Inspectors of Police have carried out the instructions issued in their previous Inspection/Visiting Notes.

(8) In order to watch progress of the programmes of inspections, the Inspecting Officers will send a quarterly progress report in Proforma - 42 not later than the 15th of the month following each quarter, i.e., for quarter ending 30th June, by 15th July, etc. The progress reports will be scrutinised by the Additional/Deputy Director, Vigilance and Anti-Corruption, and necessary orders passed.

(9) During inspections and visits to Detachments by superior officers, every effort must be made to go into the details of pending enquiries, investigation, analyse and assess the quality of the enquiries/investigation in specific cases and collection of Vigilance intelligence by the Detachment Staff, ascertain their difficulties in field work and find out what best can be done to meet those difficulties and improve the working of the Detachments. While checking the progress of enquiries/investigation in pending cases, the connected original records with the Investigating Officer should be looked into and specific suggestions/guidelines given to him for completing the enquiries/investigations expeditiously. This does not preclude the Officer incharge of the Detachment from making any suggestion, which, in his opinion, would resolve the difficulties felt in the Detachment and further improve the working of the Detachment. In order to enable the Inspecting Officer study the volume and quality of work turned out in the Detachments, 17 analytical statements in Proformae - 43 to 59 should be prepared by the Officer incharge of the Detachment and placed before the Inspecting

Officer. These statements are to be prepared only at the time of Annual Inspections of the Detachments and they need not be prepared during ordinary visits of officers unless asked for specifically in any situation.

DVAC Office
Order No. 1/84,
dated 19th
March, 1984.

(10) A questionnaire form to serve as a guideline for the Inspecting Officers to check various points during Annual Inspections of Detachments is given in Proforma-60. Inspecting Officers will prepare their Inspection Notes in two parts, as indicated in the form of questionnaire, the first part dealing with Administrative matters, and the second part analysing the various subjects handled in the Confidential Branch at Headquarters Office. This will enable the Administrative Branch and the Confidential Branch at Headquarters Office of the Directorate deal with the relevant items separately and ensure that all instructions in the Inspection Notes are properly and promptly carried out. The Inspecting Officers will sign the Parts I and II of the Inspection Notes separately and Part II will also bear the Detachment Name and Date of Inspection so that these two parts could be detached and Part I could be sent to Administrative Branch and Part II retained in the Confidential Branch.

149. Docket Sheets in Enquiry/Case Files - Maintenance of

DVAC Office
Order No. 4/87,
dt. 26th June
1987. Standing
Order No.1/91
dt. 6th August,
1991.

With a view to ensure that all actions as are necessary at the appropriate time in their sequence till the Enquiry/Case files are finally given a quietus, are taken, the dealing Special Assistants in the Confidential Branch of the Headquarters Office, will add a "Docket Sheet" in the Proforma - 61 at the beginning of the Note File of each Detailed Enquiry/Regular Case/Trap Case file and maintain it with upto date entries. In the Detachments also, in respect of each DE/RC/Trap Case file, similar "Docket Sheet" with suitable modifications in the proforma omitting the columns which are exclusively applicable to Head Office, should be maintained. In the Detachments, the "Docket Sheet" should be attached as opening pages of the Enquiry/Case files.

wherever possible, the particulars entered in the "Docket Sheet", may be referred to by the relevant page numbers of the concerned files.

150. Retention and destruction of time-barred records

(1) In G.O. No. C/595-1/62, Public (SC) Department, dated 18th January 1963, instructions have been issued prescribing:-

DVAC Standing Order No.12/64, dated 6th July, 1964.

(a) Retention of records for 6 years in all Enquiries/Cases which resulted in orders of conviction in Court, dismissal from service, removal from service or compulsory retirement;

(b) Retention of records for 10 years in all other cases, except where officers concerned have retired during this 10 year period, in which case, retention will be for 1 year after retirement;

(2) The period of retention is to be reckoned from the date of passing of final orders by the Government or the Head of the Department, as the case may be. The records are to be retained after the 6 or 10 year period in cases pending in Courts, till they are finally disposed of in Court.

(3) Orders in the Office Manual and the Police Standing Orders, Volume-I of the Police Department will guide the period of retention and destruction of all other categories of records.

PROFORMAE

(1 to 61)

PROFORMA-1

[Para 8 (3)]

D.O. letter to be sent to the Director-General of Police/the Inspector-General of Police/Deputy Inspector-General of Police

I forward herewith a complaint/a note on vigilance information received in the Directorate of Vigilance and Anti-Corruption alleging corruption and allied malpractices in the investigation of a criminal case by the local police in.....district.

2. Since the criminal case is learnt to be presently under investigation by the local police, it would not be desirable for a parallel enquiry to be made by this Directorate regarding the vigilance aspect, since it might involve the examination of the same set of witnesses by two different agencies simultaneously.

3. It is, therefore, suggested that in view of the credibility of the complaint/information, the investigation of the case by the local police may be got *immediately verified* or even redone under close supervision from the Superintendent of Police by a higher ranking investigating officer or the C.I.D. or the District Crime Branch, as may be deemed appropriate. If the re-investigation were to confirm that the earlier investigation was faulty, the question of an enquiry by this Directorate on the corruption aspect can be considered and decided later, without prejudice to the further proceedings in the criminal case.

PROFORMA-2
[Para 9 (2)]

CONFIDENTIAL

Weekly Diary for week ending Saturday

of

Thiru

(Name)

(Designation).

Despatched by

Inspr./DSP/SP

Prosecutor/LA/Dy.LA./S E /EE

Received by DSP

Despatched by DSP.

Received by SP.

Despatched by SP.

Received by D.D/AD

Despatched by D.D./AD

Received by Director.

Despatched by Director.

Received by D.D/AD

Despatched by D.D/AD

Received by SP.

Despatched by SP.

Received by DSP.

Despatched by DSP.

Received by

Inspr./DSP/SP.

Prosecutor/LA/Dy.LA/SE/EE

Day and date.

Marches made and
vehicle used

Work done for the
day and place of
halt.

(1)

(2)

(3)

PROFORMA - 3

[Para 9 (3)]

(A). WEEKLY PROGRESS STATEMENT OF CASES FOR THE WEEK ENDING.

SI.No.	RC/DE/PE Number, Date of Registration and the Name and Designation of the Accused Officer(s).	Total Number of Witnesses to be examined/contacted.	Number of Witnesses exam- ined upto the end of previous week.	Number of Witnesses, exam- ined during the week.	Total Number of documents collected.	Total Number of documents to be collected.	Important item of work yet to be done.	Details of actual progress made during the week.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

[Para 9 (3)]

Name and Designation of Investigating Officer.	No. of V.Rs sent	No. of Traps.	F.Rs. sent.				Target (*) upto the end of this week during the current financial year. (In P.Es.)	PENDENCY				Date of Last	
			CE	PE	DE	RC		CE	PE	DE	RC	VR.	Trap
(1)	(2)	(3)	(4)				(5)	(6)				(7)	

(i) V.R. dt. [VR No.]
(ii) Trap dt. [RC No.]
(iii) F.R. dt. [PE/DE/RC
No.]

(*) By the word 'target' is meant the number of F.Rs that should have been sent by the I.O. upto the week ending as per yardstick. As per Vigilance Manual, an Inspector should finalise 6 P.Es., 2 D.Es and 2 R.Cs= 18 P.Es. Similarly, A DSP should finalise 4 P.Es, 2 D.Es, and 1 R.C= 13 P.Es., per year. Pro rata calculation should be made for the period covered upto the particular week end.

PROFORMA-4

[Para 9 (4)]

Statement showing the Final Reports pending scrutiny at the end of the week.

Serial Number.	Enquiry/Case Identity Number and date.	Name of Detachment.	Date of receipt of F.R.	Date of despatch of F.R. with opinion to the Head Office.
(1)	(2)	(3)	(4)	(5)

PROFORMA-5

[Para-9 (4)]

STATEMENT SHOWING THE PROGRESS OF CASES PENDING TRIAL IN COURTS

150

Sl.No.	Name of Court <u>Directorate case Number</u> <u>Date of filing charge sheet.</u>	Name and designation of Accused.	Date of hearing <u>Stage</u> Whether the case came up on that date. If not, the reasons thereof.	Total Number of P.Ws. cited.	Number of P.Ws. summoned.	Number of P.Ws. produced.	Number of P.Ws. examined.	Total Number of P.Ws. so far examined.	Whether the Investigating Officer was present.	Actual progress made in the enquiry, how the witnesses fared etc.	Date of next hearing.	Any other important points.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

PROFORMA-6
[Para-9 (4)]

**STATEMENT SHOWING THE PROGRESS OF ENQUIRIES PENDING BEFORE TRIBUNALS FOR
DISCIPLINARY PROCEEDINGS.**

S. No.	Name of Tribunal. Directorate Enquiry/Case Number. Date of remittal to Tribunal.	Name and designation of the Accused Officers.	Date of hearing and whether the enquiry was held on that date. If not held reasons, thereof.	Total Number of P.Ws. cited.	No. of P.Ws. summoned.	No. of P.Ws. produced.	No. of P.Ws. examined.	Total Number of P.Ws. so far examined.	Whether the Investigating Officer was present.	Actual progress made in the enquiry, how the witnesses fared, etc.	Date of next hearing.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)

PROFORMA - 7

[Para 25(1)]

PRELIMINARY ENQUIRY REGISTRATION REPORT

<i>Head Office Identity Number</i>	<i>Name of the Detachment</i>	<i>Detachment Serial Number</i>
(1)	(2)	(3)

- 1 Date of registration of the P.E.
- 2 Name and address of the complainant, if any
- 3 Name and official designation and status (whether A.I.S., A,B,C or D Group) of the Accused Officer(s)
- 4 Origin of the Preliminary Enquiry (quote orders of Director or Vigilance Commissioner or Government, as the case may be, and also briefly indicate how the P.E. started, was it on a petition or reference from Government or Department, etc.)
- 5 Did the enquiry start on a Vigilance Report given by the Directorate staff? (Answer 'Yes' or 'No' and give reference No., if applicable)

- 6 Allegation(s) taken up for enquiry--

(1)

(2)

(3)

...

...

...

*Signature, name and designation of
the Investigating Officer.*

Date:

(To be made out in duplicate--Original to be immediately submitted to Range S.P. in Head Office and the copy to be retained in Detachment file.)

PROFORMA-8
(Para-26)

REGISTER OF PRELIMINARY ENQUIRIES (Head Office)

- | | |
|------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) | Identity Number. |
| (2) | Date of registration. |
| (3) | Name and address of the complainant, if any. |
| (4) | Name and designation and status (whether A.I.S., A,B,C or D Group) of Accused Officer(s) |
| (5) | Origin of the Preliminary Enquiry (quote orders of Director/VC/ Government, as the case may be, and briefly indicate whether it was started on a petition or reference from Government or Department, etc.) |
| (6) | Did the enquiry start on a Vigilance Report from Directorate staff? Ans. 'Yes or 'No', if applicable. |
| (7) | Allegation(s) taken up for enquiry. |
| (8) | Particulars of disposal. |
| (9) | Details of despatch of actionable report, if any sent to V.C. Government Department. |
| (10) | Final disposal of the report mentioned in Col. (9). |

PROFORMA-9
(Para-26)

REGISTER OF PRELIMINARY ENQUIRIES (Detachments)

Detachment Serial Number/Head
Office Identity Number / Name
and designation of I.O.

(1)

(2) Date of registration.

(3) Name and address of the complainant, if any.

(4) Name and official designation and status (whether A.I.S., A, B, C or D Group) of the Accused Officer(s).

(5) Origin of the Preliminary Enquiry (quote orders of Director/VC/ Government, as the case may be, and briefly indicate whether it was started on a petition or reference from Government/V.C./ Department, etc.)

(6) Did the Enquiry start on a Vigilance Report from Directorate staff?
Ans. 'Yes' or 'No', if applicable.

(7) Allegation(s) taken up for enquiry

(8) Date of despatch of Final Report to Head Office.

(9) Whether any further enquiries were asked to be made by Head Office. If so, date of receipt of communication in this regard.

(10) Date of despatch of the supplementary report to Head Office.

(11) Details of despatch of the actionable report, if any, sent to V.C./ Government/Department.

(12) Final disposal of the report mentioned in Col. (11) as communicated by Head Office.

PROFORMA-10
(Para-36)

DETAILED ENQUIRY REGISTRATION REPORT

*Head
Office
Identity
Number*
(1)

Name of the Detachment

(2)

*Detachment
Serial
Number*

(3)

- 1 Date of registration of the D.E. ..
- 2 Name and address of the complainant, if any ..
- 3 Name and official designation and status (whether A.I.S., A,B,C or D Group) of the Accused Officer(s) ..
- 4 Origin of the Detailed Enquiry (quote orders of Director or Vigilance Commissioner or Government, as the case may be, and also briefly indicate how the D.E. started, whether by conversion of a P.E. or straight away on a reference from Government or Department, etc.)
- 5 Did the enquiry start on a Vigilance Report given by the Directorate staff? (Answer 'Yes' or 'No' and give reference number, if applicable) ..
- 6 Allegation(s) taken up for enquiry-

(1)

(2)

(3)

...

...

...

*Signature, name and designation of
the Investigating Officer.*

Date:

(To be made out in duplicate-Original to be immediately submitted to Range S.P. in Head Office and the copy to be retained in Detachment file.)

PROFORMA-11
(Para-37)

REGISTER OF DETAILED ENQUIRIES (Head Office)

(1)	Identity Number.
(2)	Date of registration.
(3)	Name and address of the complainant, if any.
(4)	Name and official designation and status (whether A.I.S., A.B, C or D Group) of the Accused Officer(s).
(5)	Origin of the D.E. (quote orders of Director /VC/ Government, as the case may be and also whether by conversion of a P.E or direct).
(6)	Did the enquiry start on a Vigilance Report from Directorate staff? Ans; "Yes" or "No", if applicable.
(7)	Allegations taken up for enquiry.
(8)	Date of receipt of Final Report from I.O.
(9)	Date of despatch of Final Report to Vigilance Commissioner with details of recommendations.
(10)	If actionable report is sent, name and designation with status of the Accused Officer(s) against whom the allegations were substantiated in the report.
(11)	Particulars of V.C.'s recommendations with the date of forwarding the Final Report to Government.
(12)	Particulars of Government Orders recommending for disciplinary action.
(13)	Particulars of Enquiry/Disciplinary Authority's report for passing final orders.
(14)	Particulars of final orders passed against the Accused Officer(s).

PROFORMA-12
(Para-37)

REGISTER OF DETAILED ENQUIRIES (Detachments).

(10)	Date of despatch of supplementary report to P.D.P. or Head Office.	(1)	Detachment Serial Number/Head Office Identity Number/Name and designation of I.O.
(11)	Date of despatch of Final Report to V.C. from Head Office with details of recommendations, also showing name and designation of A.O.(s) against whom the allegations were substantiated in the report.	(2)	Date of registration.
(12)	Particulars of V.C.'s recommendations with the date of forwarding the F.R. to Government.	(3)	Name and address of the complainant, if any.
(13)	Particulars of Government orders remitting for disciplinary action whether by Commissioner/Deputy Commissioner for Disciplinary Proceedings or by Departmental Authorities.	(4)	Name and official designation and status (whether A.I.S., A, B, C or D Group) of Accused Officer(s).
(14)	Name and designation of the Disciplinary Authority/Enquiry Officer.	(5)	Origin of the Detailed Enquiry (quote orders of Director/V.C/Government, as the case may be, and also whether by conversion of a P.E. or direct.)
(15)	Date of despatch of records to the Disciplinary Authority/Enquiry Officer.	(6)	Did the Enquiry start on a Vigilance Report from Directorate staff? Ans. 'Yes' or 'No', if applicable.
(16)	Date of framing charges against the Accused Officer(s).	(7)	Allegation(s) taken up for enquiry.
(17)	Date of last hearing of the Departmental enquiry.	(8)	Date of despatch of Final Report to Head Office through Prosecutor for Disciplinary Proceedings.
(18)	Particulars of final orders passed against Accused Officer(s).	(9)	Whether any further enquiries were asked to be made by P.D.P. or Head Office. If so, date of receipt of communication from P.D.P. or Head Office.

PROFORMA-13
(Para-38)

Progress Report No. for the Month of

D.E./R.C.

dated

1. Details of Accused Officer(s) :

2. Brief of Allegation(s)

(i)

(ii)

(iii)

etc.

*3. Resume of Enquiry/Investigation done during the period

**4. Resume of Enquiry/Investigation done upto the period:

5. What remains to be done and when the Final Report is expected to be submitted to Head Office.

Signature of I.O.

Date

Name

Designation

(*) Number of Witnesses/Accused Officers examined, Number of documents collected and generally about the evidence available for the allegation(s)/misconduct or ingredients thereof, to be furnished.

(**) Evidence collected so far and what offences or items of misconduct or ingredients thereof have been established, to be furnished.

PROFORMA-14
[Para 51(1)]

FIRST REPORT ON TRAP AND ARREST OF THIRU.....

.....
(Name, designation, address).

1. Directorate of Vigilance and Anti-Corruption Case No.
2. Name of the complainant
3. Place, date and time of the trap
4. Circumstances leading to the trap
5. Names of independent witnesses/officers present at the trap.
6. Whether prescribed procedure was followed and the trap was a success and if not, the reasons.
7. Explanation of the trapped officer, if any, for the presence of the money.
8. Whether phenolphthalein test was conducted and, if so, the result thereof.
9. Whether the bribe amount was recovered and, if not, the reasons.
10. Whether action has been initiated for suspending the officer from service.
11. Remarks

*Signature, name and designation
of the I.O. with date.*

NOTE.—In Column 11, the fact whether a tape recorder was used, in cases of arrest, the date, time and place of arrest of the A.O.(s), release on bail or production in the Court for remand, the orders of the Court thereon and any other facts necessary should be furnished.

PROFORMA-15
[Para-59(2)]

**PROFORMA OF PETITION TO BE FILED BEFORE THE JUDICIAL
AUTHORITY UNDER SECTION 92 Cr. P.C.**

In the Court of the Chief Judicial Magistrate_____

Cr. No. _____ of _____ Detachment of Vigilance and
Anti-Corruption _____
_____ Accused.

Petition under section 92 of Code of Criminal Procedure, 1973.

It is submitted that the undersigned is the Deputy Superintendent of Police/
Inspector of Police of the Vigilance and Anti - Corruption Detachment,
_____ investigating Cr.No _____
under section _____ of the Prevention of Corruption
Act, 1947/1988.

2. It is learnt that accused mentioned above has sent a telegram on or
about _____ to one Thiru _____.
from _____. It is further
learnt that the original telegram is in the custody of Telegraph/Postal
authorities, _____

3. It is submitted that the said original telegram is required for the purpose
of the investigation in the above said Cr.No _____
of _____ Detachment of Vigilance and Anti-Corruption.

4. It is, therefore, prayed that the Court may be pleased to direct the
Postal _____
_____ authorities, to deliver the said original
Telegraph _____
telegram to the undersigned for investigation in the above mentioned case.

Deputy Superintendent of Police.
Inspector of Police.

PROFORMA-16
[Para 59 (2)]

**PROFORMA OF LETTER TO THE POST MASTER UNDER
SECTION 92 (2) Cr. P.C. TO DETAIN TELEGRAMS**

From _____

Thiru _____
Deputy Superintendent of Police/Inspector of Police,
Vigilance and Anti-Corruption,

To
The Post Master,
Head Post Office,

Rc.No. _____, dated _____

Sir,

Sub: Sub-Clause 2 of Section 92 of Code of Criminal Procedure,
1973-Requisition to search and detain certain telegrams-
Regarding.

I am investigating a case against Thiru _____ in
Cr.No. _____ of _____ Detachment of Vigilance and Anti-Corruption under
section _____ of the Prevention of Corruption Act, 1947/1988.

2. It is learnt that the accused Thiru _____ sent a
telegram to one Thiru _____ on
or about _____ from _____ and the said original
telegram is in your custody.

3. The said original telegram is required for my investigation in the above said case
and I have moved/am taking steps to move the Chief Judicial
Magistrate _____ under Section 92 of the Code of Criminal Proce-
dure, 1973, for a direction to deliver the said original telegram to me for the purpose
of investigation.

4. Pending orders from the Chief Judicial Magistrate _____
I request you to kindly cause a search to be made for and detain the said original
telegram.

Deputy Superintendent of Police
Inspector of Police.

PROFORMA-17

[Para 60 (3)]

**Report on Search conducted in _____ by
Thiru _____ Deputy Sut. of Police/Inspector
of Police, Vigilance and Anti-Corruption, _____
Detachment.**

1. Directorate Enquiry/Case Identity Number and date of registration.
2. Sections of Law in the case of Traps and Regular Cases.
3. Name and address of the complainant in the case of traps.
4. Name and designation of the Accused Officers.
5. Whether prior permission of the Range Supdt. of Police was obtained.
6. Whether a Search Warrant has been obtained from a Magistrate and if so, the designation of the Magistrate who issued the Search Warrant.
7. Date of issue of the Search Warrant.
8. Date, Time and duration of Search
9. Places searched with addresses.
10. Names and designation of Official, witnesses/other witnesses, if any.
11. Directorate of Vigilance and Anti-Corruption Officers who were present during the search.
12. Whether Accused Officer was present during the search. If not, the person or persons who were present during the search.
13. Incriminating material, documents, etc., seized during the Search.
14. Whether a search list has been prepared and sent to the Magistrate along with the articles seized.
15. Any other point.

From.....To.....

*Signature, name and designation
of the Investigating Officer.*

PROFORMA-18
(Para 62)

**PROFORMA FOR THE PROCEEDINGS OF THE SUPERINTENDENT OF
POLICE UNDER SECTION 5A(2) OF THE P.C.ACT,
1947/SECTION 18 OF THE P.C.ACT, 1988.**

Proceedings of the Superintendent of Police _____ Range, Directorate of
Vigilance and Anti-Corruption, Madras.

Present: Thiru _____

No. _____

Dated _____

Sub: Authorisation under Section 5A(2) of the Prevention of
Corruption Act, 1947/Section 18 of the Prevention of Corruption
Act, 1988—Issued.

In exercise of powers conferred by Section 5A(2) of the Prevention of
Corruption Act, 1947/Section 18 of the Prevention of Corruption Act, 1988 (Central
Act II of 1947/Central Act 49 of 1988) I, Thiru _____

_____, Superintendent of Police,
_____, Range, Directorate of Vigilance and Anti-Corruption,
Madras, hereby authorise Thiru _____, Inspector of Police/Deputy
Superintendent of Police, of _____ Detachment of Directorate of Vigilance and
Anti-Corruption who is empowered to investigate an offence specified under section
5A(2) of the Prevention of Corruption Act, 1947/Section 18 of the Prevention of
Corruption Act, 1988 and who is presently investigating a case against
Thiru _____ for offences under Section _____ of
Prevention of Corruption Act _____ in Cr.No. _____ of _____
Detachment to exercise powers under Section 5A(2) of the Prevention of Corruption
Act 1947/ Section 18 of the Prevention of Corruption Act, 1988 for the purpose of
investigation or enquiry into such offences to inspect any bankers' book in so far as
they relate to the accounts of the person suspected to have committed those offences
and of any other persons suspected to be holding money on behalf of such persons
and to take or cause to be taken certified copies of the relevant entries, therefrom. I
am satisfied that such exercise of power under Section 5A(2) of the Prevention of
Corruption Act, 1947/Section 18 of Prevention of Corruption Act, 1988 is considered
necessary for the purpose of investigation or enquiry into the aforesaid offences.

Superintendent of Police,
_____, Range, DVAC, Madras.

To

Thiru _____

Deputy Superintendent of Police/Inspector of Police, V & A.C. _____

Copy to the Special Judge _____

Copy to the Deputy Superintendent of Police, V & A.C. _____ (if he is not the person
to whom the order is issued).

PROFORMA-19
(Para-63)

REGISTER OF REGULAR CASES (Head Office)

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(12)	Name and designation/address of Accused for whom sanction to prosecute has been sought.	(1)	Identity Number/Description of the case (whether Trap or Regular Case)
(13)	Particulars of orders received according sanction to prosecute the accused. Date of receipt also to be mentioned.	(2)	Sections of Law under which the case was registered.
(14)	Date of filing the charge sheet in Court along with the name of the Court.	(3)	Date of registration.
(15)	Date of disposal of the case in Court with particulars of Judgement whether convicted acquitted, etc.	(4)	Name and address of the complainant, if any.
(16)	Details of Appeals preferred, if any.	(5)	Name, designation and status (whether, A.I.S., A.B.C or D Group of the Accused Officers. If the Accused is a P.I., his name and address.
(17)	If disciplinary action is recommended, date of despatch of the F.R. to V.C. with details of recommendation; also indicate names and designation of A.O.(s) against whom the allegations were substantiated in the report.	(6)	Origin of the case (quote orders of Director/SP/V/C/Government, as the case may be, and also whether by conversion of a P.E. or D.E.)
(18)	Particulars of V.C's recommendation with the date of forwarding endorsement to Government.	(7)	Brief description of the offences committed, including the relevant dates and period.
(19)	Particulars of Government orders remitting the case for disciplinary action. Whether by commissioner/Deputy Commissioner for Disciplinary Proceedings or by Departmental Authorities.	(8)	Date of receipt of Final Report from I.O.
(20)	Particulars of Enquiry/Disciplinary Authority's findings for passing final orders.	(9)	Whether any further investigation was ordered to be made. If so, date of issue of communication to I.O.
(21)	Particulars of final orders passed.	(10)	Date of receipt of supplementary report, if any.
		(11)	Date of despatch of Final Report to V.C. for sanction to prosecute the Accused in cases where the authority competent to sanction the prosecution is Government and in other cases to the competent departmental authority.

PROFORMA-20 (Para-63)

REGISTER OF REGULAR CASES (Detachments).

(1) Detachment Serial Number,
Description of the case
(whether Trap or Regular
Case).
Head Office Identity Number.
Name and designation of I.O.

(8) Date of despatch of Final
Report to Head Office.

(9) Whether any further investi-
gation was ordered to be
made. If so, date of receipt
of communication from
Head Office.

(2) Sections of Law under which
the case was registered.

(3) Date of registration.

(10) Date of despatch of supple-
mentary report, if any, to
Head Office.

(4) Name and address of the
complainant, if any.

(11) Date of despatch of report to
V.C. from Head Office for
sanction to prosecute the
Accused in cases where
the authority competent to
sanction is Government
and in other cases, to the
competent departmental
authority.

(5) Name, official designation
and status (whether A.I.S.,
A.B.C or D Group) of the
Accused. If the Accused
is a P.I., his name and
address.

(6) Origin of the case (quote or-
ders of Director/S.P./V.C./
Government, as the case
may be, and also whether
by conversion of a P.E./
D.E.)

(12) Name and designation,
address of the Accused for
whom sanction to pros-
ecute has been sought.

(7) Brief description of the
offences committed includ-
ing the relevant dates and
period.

(13) Particulars of the orders re-
ceived according sanction
to prosecute the Accused.
Date of receipt also to be
noted.

PROFORMA-20 (Contd.)

- (20) Particulars of Government Orders remitting for disciplinary action, whether by Commissioner/Deputy Commissioner for Disciplinary Proceedings or by Departmental Authorities.
- (21) Name and designation of Disciplinary Authority/Enquiry Officer.
- (22) Date of despatch of records to the Disciplinary Authority/Enquiry Officer.
- (23) Date of framing the charges against the A.Os.
- (24) Successive dates of hearing before Enquiry Officer.
- (25) Particulars of Disciplinary Authority/Enquiry Officer's findings.
- (26) Particulars of final orders passed.
- (14) Date of filing the charge sheet in Court along with the name of the Court.
- (15) Name and designation of Law Officer in charge of prosecution in Court.
- (16) Successive dates of hearing in Court.
- (17) Date of disposal in Court with details of Judgement.
- (18) If disciplinary action is recommended, date of despatch of F.R. to V.C. from H.O. with details of recommendations, also showing name and designation of A.O(s) against whom the allegations were substantiated in the report.
- (19) Particulars of V.C.'s recommendations with the date of forwarding endorsement.

PROFORMA-21
(Para - 68)

Proceedings of the Superintendent of Police, Vigilance and Anti-Corruption, _____ Range, Madras.

Present: Thiru _____

No. RC _____

Dated: _____

Sub: Order under second Proviso to Section 17 of Prevention of Corruption Act. 1988.

In exercise of the powers conferred under the second Proviso to Section 17 of the Prevention of Corruption Act, 1988 (Act 49 of 1988), I, Thiru _____, Supdt. of Police, _____ Range, Vigilance and Anti-Corruption, Madras, hereby order investigation in the case in Cr. No. _____ under Section _____ of the Prevention of Corruption Act, 1988 (Act 49 of 1988) against Thiru _____

Supdt. of Police,
_____ Range,
Vigilance and Anti-Corruption,
Madras.

To

Thiru _____
Inspector of Police/Deputy Supdt. of Police,
Vigilance and Anti-Corruption,
_____ Detachment.

Copy to the Special Judge, _____

PROFORMA-22
(Para-71)

STATEMENT-I

Statement of immovable property belonging to the under signed and his dependents either in their own names or in the names of others as on.....

Details of property.	Held in whose Name.	Date of acquisition.	Mode of acquisition (whether acquired by purchase or inheritance or gift, lease, mortgage or any other means).	Name and address of the person from whom acquired.	Price paid for the property or if acquired otherwise than by purchase, mortgage or lease, its value at the time of acquisition.	Source from which payment was made for the property & mode of payment.	Whether information was given to Govt. and sanction was obtained (if necessary).
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)

Houses or shops or other buildings:
(with full address)

- (a)
- (b)
- (c)
- (d)
- (e)

Lands or plots:
(with full address)

- (a)
- (b)
- (c)
- (d)

Any other kind of immovable property.

Signature:

Date:

Full Name:

Designation:

Address:

PROFORMA-23

(Para-71)

STATEMENT-II

Statement of immovable property belonging to the undersigned and his dependents either in their own names or in the names of others and disposed of betweenand.....

(1)	Details of property disposed of.
(2)	Held in whose name.
(3)	Date of disposal or sale.
(4)	Sale price or value at the time of disposal if otherwise disposed of, and mode of payment of price.
(5)	How was sale price utilised or invested.
(6)	Name and address of the person to whom the property was sold or otherwise disposed of.
(7)	Was Govt. sanction obtained for disposing of property (Give ref. and date of Govt. sanction, if accorded).
(8)	Mode of acquisition of property.
(9)	Date of acquisition.
(10)	If acquired by purchase, the purchase price. If acquired otherwise, value at the time of purchase.
(11)	Name and address of the person from whom it was acquired or purchased.
(12)	Whether sanction for purchase or acquisition was obtained from Govt. If it was required under the rules. Give Ref. and date of Govt. sanction, if any.

Houses or shops or other buildings (with full address):

- (a)
- (b)
- (c)

Lands or plots with full address:

- (a)
- (b)
- (c)

Any other kind of immovable property:

Signature:

Date:

Full Name:

Designation:

Address:

Note: Details of disposal of properties standing in the name of Hindu undivided family or partnership in which the officer has a claim or interest or share should be shown separately in the statement.

PROFORMA-24**(Para-71)****STATEMENT-III**

Statement of movable property belonging to the undersigned and his dependents either in their own names or in the names of others as on.....

Details of Property.

Held in whose name.	Date of acquisition.	Mode of acquisition (whether acquired by purchase or inheritance or gift, mortgage or any other means).	Name and address of the person from whom acquired.	Price paid for the property or if acquired otherwise than by purchase or mortgage, its value at the time of acquisition.	Source from which payment was made for the property and mode of payment.	Whether information was given to Govt. and sanction obtained (if necessary).
---------------------	----------------------	---------------------------------------------------------------------------------------------------------	----------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------	------------------------------------------------------------------------------

(1)

(2)

(3)

(4)

(5)

(6)

(7)

(8)

1. Ornaments and jewellery (full list including loose pieces of gold and silver).
2. Motor vehicles.
3. Motor cycles, scooter and bicycles.
4. Carpets.
5. Airconditioners, room-coolers, fans, etc.
6. Refrigerators.

STATEMENT- III (Contd.)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
7. Radios, Gramaphones, Record changer. Radiograms, T.V., Tape-recorders.							
8. Other electrical gadgets.							
9. Furniture							
10. Crockery, Cutlery and Utensils							
11. Clothing and personal equipment.							
12. Other articles							

Signature :

Date :

Full Name :

Designation :

Address :

Note: In respect of items 8 to 12 if the price/value of individual articles is less than Rs.1,000/-, columns 2,4 and 6 should only be filled in giving the aggregate price/ value of articles falling under each category.

In respect of all other cases namely:

(i) Items 1 to 7 irrespective of price/value of individual articles and

(ii) Items 8 to 12 where the price/value of individual articles exceeds Rs.1,000/-, all the 8 columns should be filled in.

PROFORMA-25

(Para-71)

STATEMENT-IV.

Statement of movable property possessed by the undersigned and his dependents, either in their own names or in the names of others and disposed of between.....and.....

Details of assets disposed of.	Held in whose name.	Date of disposal or sale.	Mode of disposal.	Sale price or value at the time of disposal, if otherwise disposed of and mode of payment of price.	How the sale price was utilised.	Name and address of the person to whom the property was sold or otherwise disposed of.	Was Govt. sanction obtained for disposing the property.	Mode of acquisition of property.	Approximate date of acquisition.	If acquired by purchase, the approximate purchase price, if acquired otherwise, value at the time of acquisition.	Name and address of the person from whom it was acquired.	Was sanction for purchase or acquisition obtained from Govt. if it was required under the rules.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

- Ornaments and Jewellery: (full list including loose pieces of Gold, Silver and precious stones and any other articles made therefrom).
- Motor Vehicles. (other than those covered by item No.3)
- Motor cycle, scooter, auto - cycles, bi - cycles, horses, carriages and other means of conveyance.
- Carpets
- Projectors, Cameras, binoculars and accessories.

STATEMENT-IV. (Contd.)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
6.	Fire arms.											
7.	Airconditioners, room coolers, exhaust fans, other fans, etc.											
8.	Refrigerators, water coolers, etc.											
9.	Radios, gramophones, record changers, radiograms, television sets, tape recorders transistors etc.											
10.	Washing machines, cooling ranges, water geysers and other electrical gadgets.											
11.	Livestock.											
12.	Furniture.											
13.	Crockery, cutlery and utensils.											
14.	Clothing and personal equipment.											
15.	Any other articles.											

Signature :
Date :
Full Name :
Designation :
Address :

- Note : 1. In respect of items 10 to 15 if the price/value of individual articles, at the time of purchase/acquisition was less than Rs. 1000/-, only columns 2 to 5 should be filled in giving the aggregate price/value of articles falling under each category. In all other cases, namely,
- (i) Items 1 to 9 irrespective of prices/value of individual articles at the time of the purchase/acquisition and
 - (ii) Items 10 to 15 where the price/value of individual articles at the time of purchase/acquisition exceeds Rs. 1000/-, all the 13 columns should always be filled in.
- Note: 2. Details of disposal of properties standing in the name of Hindu undivided family or partnerships in which the officer holds a claim or share, should be shown separately in this statement.

PROFORMA-26**(Para-71)****STATEMENT-V**

Statement of movable property (investments and cash) belonging to the under signed and his dependents either in their own names or in the names of others as on.....

Details of Property.	Quantity.	Held in whose name.	Name of Company, Bank or person.	Whether fully paid up, or partly paid up.	Date of acquisition.	Mode of acquisition (inheritance, gift, mortgage etc.)	Name & Address of the person from whom acquired.	Face Value.	Market value at the time of purchase.	Actual price paid (or amount in question in respect of items 5 to 9).	Source from which payment was made & mode of payment.	Whether information was given to Government /Authority concerned and sanction obtained when necessary (Give Reference & Date of Government Orders).
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)

1. Govt. Securities: (including Postal Cash Certificates, National Savings Certificates, Prize Bonds, etc.)

2. Debentures: (whether Bearer, Redeemable or Irredeemable)

3. Units of the Unit Trust of India.

4. Shares: (i) Equity.

(ii) Preference

(whether Cumulative, Redeemable or Irredeemable)

5. Bank Deposits: (whether in Current A/C, Savings Bank A/C, Call Deposits, Short-term Deposits, Fixed Deposits or in any other form)
Details with the name of the Bank to be given.

STATEMENT-V (Contd.)

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)
-----	-----	-----	-----	-----	-----	-----	-----	-----	------	------	------	------

6. Post Office Deposits.

7. Deposits with Companies (Details to be given with the name and address of the company).

8. Other loans (Details to be given with the names and addresses of the borrowers).

9. Cash in hand (including that kept with others or in lockers).

Signature:

Date:

Full Name:

Designation
and Address:

Note: 1. In respect of items 5 to 9, only columns 2, 3 and 10 should be filled in. Column 13 may also be necessary for items 7 & 8.

2. Details of acquisition of properties in the name of the Hindu undivided family or partnerships in which the officer has a claim or share should be shown separately in this statement.

PROFORMA-27

(Para-71)

STATEMENT-VI.

Statement of movable property (Investments, belonging to the undersigned and his dependents either in their own names or in the names of others and disposed of between.....and

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Details of property disposed of.	Quantity.	Held in whose name.	Name of concerned.	Whether fully paid up or partly paid up.	Date of Disposal.	Mode of disposal (Sale, gift mortgage, etc.)	Name & Address of the person to whom disposed of.	Face value.	Market value at the time of disposal.	Actual price received.	How was the sale price utilised.	Whether information was given to Govt./ authority concerned and sanction obtained for disposal where necessary.	Mode of acquisition of property.	Approximate date of acquisition.	If acquired by purchase, the purchase price, if acquired otherwise, value at the time of acquisition.	Name and address of the person from whom it was acquired. If sanction for purchase or acquisition was obtained from Govt. as required under the rules (Give Ref. No. and date of G.O.)
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)	(14)	(15)	(16)	(17)

1. GOVERNMENT SECURITIES:

(including Postal Cash Certificates, National Savings Certificates, Prize Bonds, etc.)

2. DEBENTURES:

(whether Beare, r Redeemable or Irredeemable)

3. UNITS OF THE UNIT TRUST OF INDIA:

4. SHARES:

(i) Equity.

(ii) Preference:

(whether Cumulative, Redeemable or Irredeemable)

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Signature:

Date:

Full Name:

Designation and

Address:

Note : Details of disposal of properties standing in the name of the Hindu undivided family or partnerships in which the officer has a claim or a share, should be shown separately.

PROFORMA-28
[Para 76(2)]

Format of letter to the Accused Officer giving final opportunity

From Thiru. _____ Inspector of Police/ Deputy Supdt. of Police, Vigilance and Anti-Corruption, _____ _____	To Thiru. _____ _____ _____ _____ _____
------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------

No. RC/DE _____/_____/_____ Dated _____

Sir,

Sub: Public Servants _____ Department _____ District-
Allegation of possession of disproportionate assets/pecuniary
resources against Thiru. _____ Enquiry/
Investigation by the Directorate of Vigilance and Anti-Corruption-
Final Opportunity to account for the disproportion - Given.

- - -

In the enquiry/investigation conducted by me regarding the allegation of possession by you of properties/pecuniary resources disproportionate to your known sources of income, on the basis of the statements of witnesses and scrutiny of documentary evidence and also on the basis of the statements given by you, I have worked out the following Basic Statements:-

- | | | |
|---------------|---|--------------------------------------------------------------------------------|
| Statement I | : | Assets at the commencement of the check period, i.e. as on _____ |
| Statement II | : | Assets at the end of the check period, i.e. as on _____ |
| Statement III | : | Income from known sources during the check period, i.e. from _____ to _____ |
| Statement IV | : | Expenditure during the check period, i.e. from _____ to _____ |
| Statement V | : | Value of the Assets acquired during the check period, i.e. from _____ to _____ |
| Statement VI | : | Likely savings during the check period, i.e. from _____ to _____ |

2. On the basis of the above Statements, the quantum of disproportionate assets/pecuniary resources with you, as on _____ (date of end of check period) has been worked out by me as Rs. _____

3. You are hereby called upon to satisfactorily account for the possession of assets/pecuniary resources held as disproportionate.

4. You are requested to furnish your explanation, on or before, _____ failing which it will be construed that you have no valid explanation to offer and the case will be finalised, on the basis of the information available with the Directorate of Vigilance and Anti-Corruption.

5. Please acknowledge receipt of this communication.

Encl: Basic Statements I to VI.

Inspector of Police/
Deputy Supdt. of Police,
Vigilance and Anti-Corruption,
_____ Detachment.

Copy submitted to the Director, Vigilance and Anti-Corruption, Madras.

PROFORMA-29**[Para 82 (4)]****DIRECTORATE OF VIGILANCE AND ANTI-CORRUPTION, TAMIL NADU****FINGER PRINT SLIP**

Identity Number of the Enquiry/Case:

Name of the Detachment

Name of the Accused/Suspect

Father's Name

Right Hand Rolled Prints

THUMB	INDEX	MIDDLE	RING	LITTLE

Fold

Left Hand Rolled Prints

THUMB	INDEX	MIDDLE	RING	LITTLE

Fold

Plain Prints of Index, Middle, Ring and Little Fingers taken simultaneously

LEFT	RIGHT

Signature of Magistrate/Group A or B Officer in verification of the fact that the impressions above were taken before him and that they are the impressions of the person named above.

Date

Signature and Rank of Officer

Impression taken by _____ Rank _____ Date _____ Place _____ District _____

Signature of the person	THUMBS SIMULTANEOUSLY	
	LEFT	RIGHT
Male	Identified	
Female		
	Unidentified	

(1) Full name with aliases (in Block Letters):

(2) Father's or Husband's name with aliases:

Age:

Village:

District:

Religion:

Police Station:

State:

PROFORMA-30

[PARAS 84 (1), 85(2) & (7)]

PROFORMA FOR FINAL REPORT

1. D.E/R.C. Number and date of registration.
2. Name, designation and status (Group to which he belongs with present pay and the scale of pay) of the Accused Officer. :
3. Service History of the Accused Officer. :
 - (i) Father's Name : :
 - (ii) Date of birth : :
 - (iii) Date of enlistment in Government/Public Undertaking Service. :
 - (iv) Rank at enlistment in Government/Public Undertaking Service. :
 - (v) Posts held during the period relevant to the allegations enquired into. :

From	To
From	To

e.g., From 1st January 1975 to 1st October 1975—
Inspector of Police, Villupuram.
 - (vi) Present rank and date of appointment to it :
 - (vii) Present post with date of joining :
 - (viii) Whether came to Directorate adverse notice earlier. :
 - (ix) Presumptive date of superannuation. :
 - (x) Whether on duty or under suspension. :
4. Name and rank of Investigating Officer. :

(If the case has been handled by more than one Investigating Officer in succession, the periods for which each officer investigated the case may be furnished with relevant dates).
5. Genesis of enquiry/investigation :
6. Facts of the case

7.(a) Allegations in the complaint or petition.

(1)

(2)

(3)

(b) Fresh allegations found during the enquiry.

(4)

(5)

(6)

8. Result of enquiry (Allegation-wise).

Allegation-1.

(a) Oral Evidence

(b) Documentary Evidence

(c) Accused Officer's Statement ..

(d) Discussion of evidence and conclusion.

Allegation-2

(a) Oral Evidence

(b) Documentary Evidence

(c) Accused Officer's Statement ..

(d) Discussion of evidence and conclusion.

9. Action Recommended:

(a) Main Allegations:

S.No.	Allegation(s).	Accused Officer(s) with name and Designation.	Substantiated or Not Sub- stantiated.	Recommend- ation, i.e. Tribunal/ Deptl. or Dropping Action.
(1)	(2)	(3)	(4)	(5)
1.				
2.				
.....				

(b) Incidental Recommendations:

S.No.	Subject.	Officer(s) or Persons or Firms concerned.	Recommendations.	Reference(s) to Final Report.
-------	----------	-------------------------------------------------	------------------	----------------------------------

(1)	(2)	(3)	(4)	(5)
-----	-----	-----	-----	-----

1.

2.

(c) Suggestion, if any, for amplification or modification of departmental procedures or rules or regulations for avoiding the scope for misconduct as noticed in the enquiry/investigation.

1.

2.

INSTRUCTIONS FOR FILLING UP THE PROFORMA.

Column 1 : The identity number of the D.E/R.C. in the full form as laid down in the Directorate Standing Orders should be mentioned in this column.

Column 2 : (i) If more than one Accused Officer are involved, their names, designations, etc., should be mentioned serially one below the other so that they could be referred to as A.O.1, A.O.2, etc., in the body of the report.

(ii) If the names of fresh A.Os. come to notice during the enquiry/investigation, they should also be mentioned here.

Column 3 : Facts should be ascertained from the department and mentioned under this column.

Column 4 : Name and rank of the Investigating Officer of the Directorate, who handled the enquiry/investigation, should be mentioned under this column. If the case has been handled by more than one Investigating Officer in succession, the periods for which each officer investigated the case may be furnished with relevant dates.

Column 5 : The Investigating Officer should mention here how the enquiry/investigation started, whether it was on an anonymous or pseudonymous or genuine petition, who ordered the enquiry, etc. Connected reference numbers should be quoted.

Column 6 : The Investigating Officer should briefly narrate here the broad facts of the case as seen from his scrutiny of original records relevant to the allegations taken up for enquiry/investigation as recorded in the case diary. In disproportionate assets cases, the Investigating Officer should reproduce here briefly the overall picture of disproportionate assets, as made out by Basic Statements I to VI.

Column 7 : (i) Allegations mentioned in the petition or complaint should be described first in very brief and simple language, and mentioned one below the other serially.

(ii) Fresh allegations found during the enquiry/investigation should thereafter be mentioned.

(iii) Serial Numbers for all the allegations including the fresh allegations found during enquiry/investigation should be continuous.

(iv) There is no need to give fresh serial numbers for the fresh allegations. The idea is that each allegation, whether it is an old allegation or fresh allegation, will have a particular serial number so that it may not be confused with another allegation bearing the same number.

(v) Allegations should be very briefly described. There is no need to adopt or repeat the elaborate phraseology in the original complaint or petition.

Column 8 : (a) and (b) - (i) Result of enquiry/investigation should be set out allegation-wise. Oral evidence and documentary evidence in regard to each allegation should be described in a lucid and succinct manner under the respective heads. The style of writing adopted in Court Judgements may be followed. Wherever some important documentary evidence is referred to in the narration of evidence, it should be made clear there itself whether the relevant record is available with the Investigating Officer for production during further proceedings.

(ii) All witnesses examined in the D.E./R.C.. should be given running serial numbers so that each witness is identifiable by an exclusive serial number. The serial numbers will run in sequence for the entire Final Report and will not be separate for each allegation. For example, if 6 witnesses are examined with reference to allegation 1, 8 witnesses are examined with reference to allegation 2 and so on, the serial numbers of witnesses under allegation 1 will be noted as from 1 to 6 and the serial numbers of witnesses under allegation-2 will be noted as from 7 to 14 and so on. If, however, a witness is common to two allegations, he will retain his serial number as already allotted to him under the earlier allegation.

Column 8 (c) - It should be clearly brought out in the Accused Officer's statement whether he has any motive to attribute to any of the witnesses who have spoken against him. If, for any special reason, the Accused Officer has not been examined, it should be stated so under this column along with the reason.

Column 8 (d) - Here, there should be a very brief discussion of evidence indicating how the evidence of witnesses is creditworthy as against the Accused Officer's plea and what is the conclusion in respect of each allegation.

Column 9 (a) - Summary of action recommended may be mentioned here, allegation-wise and it may be added at the end what kind of action we recommend, whether prosecution, tribunal or departmental action in respect of the different allegations in the form indicated.

In certain cases, the original allegation as described in the petition or complaint may not be substantiated fully, but a part of the allegation or the same allegation in a revised form may be substantiated. In such cases, sub-column 2 of this column should contain only the recast form of the allegation which is held substantiated.

Column 9 (b) - Any other recommendations against the A.O., any other Public Servant or any private individual/firm, should be made.

Column 9 (c) - Suggestions, if any, arising as a result of the Directorate enquiry/investigation, for such remedial action by way of modifying departmental procedures or amending rules and regulations should be furnished here. If there are no suggestions, it may be written 'NIL' against this column.

PROFORMA-31
[Para 92(1) & (2)]

**PROFORMA FOR OFFERING COMMENTS WHILE FORWARDING
JUDGEMENTS IN COURT CASES**

Directorate Identity Number of the case: R.C.No.

- 1 Give the gist of the case and result in Court (If convicted, particulars of conviction and sentence)
- 2 Grounds for acquittal, if the case has ended in acquittal:
- 3 Adverse remarks, if any, in the Judgement regarding Police investigation or conduct of the case by the Prosecutor
- 4 Appreciation, if any, expressed in the judgement regarding Police investigation and/or conduct of the case
- 5 Punishments or rewards given or proposed with names of officers
- 6 Comments of Deputy Superintendent of Police and Superintendent of Police on Columns 2 and 3 above, with action proposed to be taken thereon
- 7 Any special points in the judgement worth notice or calling for action
- 8 Name and rank of officer who investigated the case (If more than one officer had investigated the case in succession, the relevant dates and period during which each officer was incharge of investigation may be noted)

Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
_____ Detachment.

PROFORMA-32

[Para 92 (2)]

**PROFORMA FOR THE SPECIAL REPORT TO ACCOMPANY EVERY
DISCHARGE/ACQUITTAL JUDGEMENT**

Directorate Identity Number of the Case: R.C.No.

1. Name and designation of the Accused person.
2. Gist of the case, including very brief details of charge sheet and sections of law.
3. Date of charge-sheet and the name of the Court.
4. Date of commencement of trial
5. Successive dates of hearing and the name and designation of D.V.A.C. Officer including the Law Officers who attended Court on each date of hearing.

Date of Hearing

Name and rank of	
Police Officer who attended Court.	Law Officer who attended Court.

6. Date of judgement
7. Brief reasons for discharge or acquittal.
8. Were the above reasons foreseen and discussed in the Investigating Officer's Final Report? If not, furnish reasons.
9. Has the Court referred to any omissions in the investigation and made critical comments on the Investigating Officer? If so, furnish references in the Judgement.

10. Investigating Officer's explanation and comments in regard to the observations in column (9) above.
11. Is there scope for recommending departmental action against the Accused on the facts ascertained during investigation, even though the case has ended in acquittal?
12. Is the case fit for going in appeal to the High Court/Supreme Court? The detailed comments on this aspect from the Law Officer who handled the case in Court may be obtained and forwarded with this report.

Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
_____ Detachment.

Deputy Legal Adviser,
Vigilance and Anti-Corruption,

PROFORMA-33
[Paras 99 & 110)]

**DETAILS OF PROGRESS MADE IN THE TRIBUNAL ENQUIRY/
DEPARTMENTAL DISCIPLINARY ENQUIRY HELD ON.....**

1. Enquiry Number and date..
2. Name and designation of the Accused Officer(s)
3. Witnesses summoned ..
4. Witnesses for whom summonses were served ..
5. Witnesses present
6. Witnesses examined
7. Date of next hearing (special reasons, if any, for adjournment)
8. Remarks

*Signature with name and designation of the
Investigating Officer.*

PROFORMA-34
(Para 101)

**PROFORMA FOR OFFERING COMMENTS ON TRIBUNAL FINDINGS
EXONERATING THE ACCUSED OFFICER(S)**

Directorate Identity Number of the Case: D.E/R.C.No.....

1. Name and designation of the Accused Officer(s).
2. Gist of the case, including very brief details of charges framed.
3. Date of serving the charge memo and name of Tribunal whether Commissioner for Disciplinary Proceedings or Deputy Commissioner for Disciplinary Proceedings.
4. Date of commencement of enquiry.
5. Successive dates of hearing and the name and designation of Directorate of Vigilance and Anti-Corruption Officer including the Law Officers who attended the Tribunal on each date of hearing.

Date of hearing.

Name and rank of

Police Officer
who attended
enquiry.

Law Officer
who attended
enquiry.

6. Date of Tribunal's report of findings.
7. Brief reasons for exoneration.
8. Were the above reasons foreseen and discussed in the Investigating Officer's Final Report? If not, furnish reasons.
9. Has the Tribunal referred to any omissions in the investigation and made critical comments on the investigating Officer? If so, furnish references in the findings.

10. Investigating Officer's explanation and comments in regard to the observations in column (9) above.
11. Is any of the findings of the Tribunal perverse, warranting the matter to be taken up for reversal to the Government? The detailed comments on this aspect from the Law Officer who handled the case before Tribunal may be obtained and forwarded with this report.

Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
_____ Detachment.

Prosecutor for Disciplinary Proceedings,
Vigilance and Anti-Corruption,

PROFORMA-35
[Para 127 (3)]
HISTORY SHEET

Detachment:

PART-I

Personal Data

1. Name of the Suspect Officer :
2. (a) Parent Department :
- (b) Present Department, if on deputation:
3. Date and Rank of entry into Service. :
4. Rank, designation and post held when Suspect Sheet was opened. :
5. Date of birth :
6. Name of Father or Spouse :
7. Native place :
8. Qualification :
9. Details of spouse, children and dependants:

Name	Relationship	Male or Female	Age	Educational status, if studying.	Occupation if any.
------	--------------	-------------------	-----	----------------------------------------	-----------------------

10. Any other spouse or extra-marital relations :
11. Close associates, contacts and friends of dubious nature :
12. Any known/suspected benamis :
13. Personal habits of Suspect Officer :
14. Date of probable superannuation :
15. Crucial dates for consideration under F.R. 56 (2) :
16. How he came to adverse notice (Enquiry or Case/Vigilance Report/Reference Number) :
17. Category of Suspect Officer :
18. Co-accused, if any :
19. Modus Operandi of Suspect Officer :
20. Reasons for opening History Sheet and background of Suspect Officer :

PROFORMA-36
[Para 127(3)]

Detachment:

For the quarter ending:

HISTORY SHEET

Part - II

1. Name, present rank, designation, post and Group of Suspect Officer
2. Transfers, promotions, suspension, etc. during the quarter
3. Changes in family, progress in education of children, place of residence, etc.
4. Celebration of family functions like marriage, puberty ceremony, birth day party, etc.
5. Activities of associates, contacts and benamis
6. New associates, contacts and benamis
7. Scope for corruption in posts held during the quarter
8. Any major schemes or projects implemented/executed/purchases/ procurements supervised by the Suspect Officer and complaints, if any.
9. Gist of petitions, if any received
10. Gist of Vigilance Reports, if any, and their reference number
11. Other information or corrupt practices
12. New acquisition of movable property of significance

13. New acquisition of immovable property
14. General reputation among officials, non-official contacts and general public.
15. Useful sources of information about Suspect Officer
16. (a) Was any transfer ordered from the post held during last quarter? If so, to which post
- (b) Was there any modification or cancellation of the transfer mentioned above? Give particulars.
17. Additional remarks, if any
18. Name and designation of the Detachment Officer watching the Suspect Officer.

PROFORMA-37

[Para 127 (6)]

REGISTER OF SUSPECTS

S. No.	Name of the Suspect.	Rank, Designation and post.	Date of Opening of History Sheet or receipt on transfer.	Name and designation of I.O. handling the History sheet.	Details of transfer and closure of the History Sheet.
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PROFORMA - 38
[Para 128 (1) (i)]

INDEX CARD

Name with initials:	Place of birth:
Father's name:	Date of birth:
Department, Designation and Place of working (with date)	Date of entry into service:

Enquiry/Case Identity Number	Particulars of subsequent Enquiry/ Case Number, if any.
Date of registration	
Disposal of the Enquiry/Case	

PROFORMA-39
[Paras 128 (1) (v) and (2)]

INDEX REGISTER

Serial Number	Name, designation and other details of the officials as mentioned in the Petition/ Vigilance Report.	Departmental Number of the Petition	Disposal
(1)	(2)	(3)	(4)

PROFORMA-40
[Para 129 (5)]

Vigilance Report for the Month of -----
of Thiru ----- (Name) (Designation).

Serial Number	Department to which information relates.	Information collected, reliability of each item of information to be described as reliable or unconfirmed.
(1)	(2)	(3)

PROFORMA-41
[Para 130 (1)]

REGISTER OF PROJECTS AND WORKS

Serial Number	Intimation Number	Particulars of projects and works.	Cost. (Rupees in Lakhs)	Name and address of contractor or by whom executed	Remarks (date of visit, name of officer visited and Vigilance Reports, If any)
(1)	(2)	(3)	(4)	(5)	(6)

PROFORMA-42

[Para 148 (8)]

**REPORT OF INSPECTIONS MADE BY SUPERINTENDENTS
OF POLICE**

Name of Detachment	Date of inspection		Date of submission of inspection notes	Reasons for the deviation from the programme, if any
	Date as per programme	Actual date of inspection		
(1)	(2)	(3)	(4)	(5)

PROFORMA-43
[Para-148(9)]

STATEMENT-I

Nominal roll of the staff of.....Detachment.

Serial Number.	Rank.	Name.	Date of birth.	Educational qualification.	Date of enlistment and rank.	Date of promotion to the present rank.	Date of joining the D.V.A.C.	Date of expiry of the present term of deputation.	Rewards/ Defaults earned in the last two years.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

Note : All members of the Detachment staff including Ministerial and Technical staff, if any, should be mentioned in this statement.

PROFORMA-44

[Para-148 (9)]

STATEMENT-II

Statement of Vehicles attached toDetachment.

(1) Registration Number.	(2) Make and year of Model.	(3) Date from when working in the Detachment.	(4) Amount spent on repairs in the last two years.	<u>Mileage done every month in the preceding twelve months.</u>											
				(5) January	(6) February	(7) March	(8) April	(9) May	(10) June	(11) July	(12) August	(13) September	(14) October	(15) November	(16) December

Note: Figures in columns (5) to (16) should cover 12 months preceding the month of inspection. For example, if the inspection is in August 1982, columns (5) to (16) should cover August 1981 upto July 1982.

PROFORMA-45
[Para-148 (9)]

STATEMENT-III

Statement of Vigilance Reports submitted by.....Detachment
in the last two years and the current year upto.....

Serial Number.	Name and rank of officer who collected intelligence and the date of submission of Vigilance Report.	Name, designation and status (Group A,B,C or D or A.I.S.) of Accused Officer.	Department to which the Accused Officer belongs.	Allegations in brief.	Result of the Vigilance Report, whether it led to a specific case (PE/DE/RC) or was passed on to Department.	Present stage of the case, if any, referred to in column (6)
(1)	(2)	(3)	(4)	(5)	(6)	(7)

Note : This should cover a two years period in addition to the year of inspection. For example, if the inspection is in August 1982, this statement should cover 1980, 1981 and the period from 1st January to 31st July 1982.

PROFORMA-46

[Para-148 (9)]

STATEMENT-IV

Statement of Preliminary Enquiries registered in Detachment
in the last three years and the current year upto.....

(1)	(2)	(3)	Disposal of Preliminary Enquiries in column (2)				
			Converted into D.E. or R.C.	Referred for Departmental action on the P.E. report itself.	Action dropped.	Awaiting orders for conversion into D.E. or R.C.	Under enquiry by Directorate of Vigilance and Anti-Corruption.
Year.	Number of P. Es. registered.	Number of P. Es. in column (2) which were started on Vigilance Reports.	(4)	(5)	(6)	(7)	(8)

- Note :
- (i) This is only a statistical statement and figures alone may be given. No need to mention individual cases.
 - (ii) A case shall be deemed to be under enquiry by D.V.A.C. so long as the result of enquiry has not been reported to the Vigilance Commissioner from Head Office.

PROFORMA-47
[Para-148(9)]

STATEMENT-V

Statement of Preliminary Enquiries under enquiry as on.....

Serial Number.	P.E. Number.	Date of registration.	Name(s) and designation of Accused Officer(s).	Status whether Group A, B, C or D or A.I.S.	Allegations in brief.	How the enquiry started. Was it on an anonymous or pseudonymous or genuine complaint or Vigilance Report or a reference from the Government or Vigilance Commissioner?	Present stage of enquiry.	What remains to be done?	Reasons for delay.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

- Note :
- (i) A Preliminary Enquiry shall be deemed to be under enquiry from the stage of registration till a decision is taken in Head Office on the Final Report.
 - (ii) Every such pending P.E. should be individually mentioned and relevant details furnished in different columns.

PROFORMA-48
[Para-148 (9)]

STATEMENT-VI

Statement of Detailed Enquiries registered in Detachment in the
last three years and current year upto.....

(1)	(2)	(3)	Disposal of Detailed Enquiries in column (2)				
			(4)	(5)	(6)	(7)	(8)
Year.	Number of D. Es. registered.	Number in column (2) which were started on Vigilance Reports.	Converted into R.C.	Referred for Departmental action on the D.E. report.	Action dropped.	Awaiting orders for conversion into R.C.	Under enquiry by Directorate of Vigilance and Anti-Corruption.

- Note :
- (i) This is only a statistical statement and figures alone may be given. No need to mention individual cases.
 - (ii) A case shall be deemed to be under enquiry by D.V.A.C. so long as the result of enquiry has not been reported to the Vigilance Commissioner from Head Office.

PROFORMA-49

[Para-148(9)]

STATEMENT- VII

Statement of Detailed Enquiries under enquiry as on.....

Serial Number.	Detailed Enquiry Number.	Date of registration.	Name(s) and designation of Accused Officer(s).	Status whether Group A, B, C or D or A.I.S.	Allegations in brief.	How the enquiry started. Was it on an anonymous or pseudonymous petition or genuine complaint or Vigilance Report or a reference from the Government or Vigilance Commissioner?	Present stage of enquiry.	What remains to be done?	Reasons for delay.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

- Note :
- A Detailed Enquiry shall be deemed to be under enquiry from the stage of registration till a final decision is taken in Head Office on the Final Report.
 - Every such pending Detailed Enquiry should be individually mentioned and relevant details furnished in different columns.

PROFORMA-50
[Para-148 (9)]

STATEMENT-VIII

Statement of Regular Cases (other than traps) registered in Detachment
 in the last three years and current year upto.....

(1)	(2)	(3)	Disposal of Regular Cases (other than traps) in column (2).				(8)
			(4)	(5)	(6)	(7)	
Year.	Number of Regular Cases registered.	Number of Regular Cases in col. (2) which were started on Vigilance Reports.	Charge sheeted in Court.	Referred for Departmental action.	Awaiting sanction for prosecution.	Action dropped.	Under Investigation by Directorate of Vigilance and Anti-Corruption.

PROFORMA-51
[Para-148(9)]

STATEMENT-IX

Statement of Regular Cases (other than traps) under investigation as on.....

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Serial Number.	Regular Case Number.	Date of registration.	Name(s) and designation of Accused.	Status whether Group A, B, C or D. or A.I.S.	Allegations in brief.	How the case originated? Was it on an anonymous or pseudonymous petition or genuine complaint or Vigilance Report or on a reference from a Head of Department, and whether permission was accorded by Vigilance Commissioner or Government	Present stage of investigation.	What remains to be done?	Reasons for delay.

Note : (i) A Regular Case shall be deemed to be under investigation from the stage of registration till a decision is taken in Head Office on the Final Report.

PROFORMA-52
[Para-148 (9)]

STATEMENT-X

Statement of Traps registered in Detachment in the last three years and the current year upto.....

(1)	Serial Number.	(2)	Regular Case Number and date of registration.	(3)	Name and designation of Accused Officer(s).	(4)	Status whether Group A, B, C, or D, or A.I.S.	(5)	Department to which Accused Officer(s) belongs.	(6)	Amount of bribe money demanded and received.	(7)	Purpose for which bribe was demanded.	(8)	Name of Investigating Officer who organised the trap.	(9)	Result of investigation and present stage.
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PROFORMA-53
[Para 148 (9)]

STATEMENT-XI

Statement of Court cases in Detachment in the last three years and
the current year upto.....

(1)	(2)	(3)	(4)	(5)	Break up of figures in col. (5).			(9)
					(6)	(7)	(8)	
Year.	Number of cases pending in Courts at the beginning of the year.	Number of cases charge sheeted during the year.	Total for disposal during the year [col. (2) plus col. (3).]	Number of cases disposed of during the year.	Number convicted.	Number acquitted or discharged.	Number withdrawn or otherwise disposed of.	Number of cases pending in Court at the end of the year, [col. (4) minus col. (5).]

PROFORMA-54

[Para-148(9)]

STATEMENT-XII

Statement of Cases pending trial in Courts as on.....

208

Serial Number.	Case Number and date of registration.	Name and designation of Accused charge sheeted in Court.	Name of Court and date of charge sheet.	Allegations in brief and sections of law cited in the charge sheet.	Name of Prosecutor in-charge of the case.	Present stage of the case and reasons for delay, if any.
(1)	(2)	(3)	(4)	(5)	(6)	(7)

PROFORMA-55

[Para-148 (9)]

STATEMENT-XIII

Statement of Tribunal cases in Detachment in the last three years
and the current year upto.....

Year.	Number of Tribunal Enquiries pending at the beginning of the year.	Number referred to Tribunals during the year.	Total of columns (2) and (3).	Number of cases in which Tribunal Reports were received during the year recommending				Number of Tribunal Enquiries pending at the end of the year. [col. (4) minus col. (8).] (9)
				Major punishment.	Minor punishment.	Acquittal/ Exoneration.	Total of columns (5), (6) and (7).	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

PROFORMA-56
[Para-148(9)]

STATEMENT-XIV

Statement of cases pending before Tribunals as on.....

Serial Number.	Directorate Enquiry Number, name and designation of the Investiga- ting Officer in-charge of the enquiry.	Name, designation and status of Accused Officer(s) (whether Group A, B,C, D or A.I.S.)	Details of allegations held substanti- ated in the Directorate Final Report.	Date of remittal to Tribunal Name of the Tribunal.	Date of framing charges against Accused Officer(s)	Date of commence- ment of enquiry by Tribunal.	Name of the Prosecutor for Disciplinary Proceedings in-charge of the case.	Date of last hearing by Tribunal.	Present stage of the enquiry.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)

PROFORMA-57

[Para 148 (9)]

STATEMENT-XV

Statement of departmental action cases in Detachment in the
last three years and the current year upto.....

Year.	Number of cases pending departmental action at the beginning of the year.	Number referred for departmental action during the year.	Total of columns (2) and (3).	Number of cases in which final orders were received during the year awarding				Number of cases pending departmental action at the end of the year. [column (4) minus column (8).]
				Major punishment.	Minor punishment.	Acquittal/ Exoneration.	Total of columns (5), (6) and (7).	
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

PROFORMA-58

[Para-148(9)]

STATEMENT XVI

Statement of cases pending departmental action as on

Serial Number.	Directorate Enquiry Number. Name and designation of the Investigating Officer incharge of the enquiry.	Name, designation and status of Accused Officer(s) (whether Group A,B,C, or D. or A.I.S.)	Details of allegations held substanti- ated in the Directorate Final Report.	Date of remittal to Department.	Particulars of Departmental Enquiry Officer.	Date of framing charges against the Accused Officer (s). Nature of the charge if any, framed [whether under Rule 17(a) or 17(b) of C.C.A. Rules or 3 (a) or 3(b) of D and A Rules].	Date of commence- ment of oral enquiry,	Present stage.
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)

PROFORMA-59
[Para 148(9)]

STATEMENT XVII

NOTE ON :

- (i) The instances in which the services of the Technical staff in the Directorate, e.g. Superintending/Executive Engineer were utilised in the last two years.
- (ii) Any outstanding work done or results achieved in the Detachment in the last two years.
- (iii) Difficulties in the working of the Detachment and suggestions for meeting the difficulties.

PROFORMA-60

[Para 148(10)]

**QUESTIONNAIRE TO SERVE AS GUIDELINES FOR
ANNUAL INSPECTION OF DETACHMENTS BY
SUPERINTENDENTS OF POLICE, ETC.**

PART I

(Administration Branch)

(i) Detachment Staff position :

(a) Names of DSPs/Inspectors/HCs- indicate how long they have been working in the Detachment. Is any of them due for reversion to the parent department in the course of the year?

(b) Is there any vacancy (category - wise) yet to be filled up ? Any action initiated in this regard ?

(c) Is there anyone due to retire on superannuation during the current year and, if so, whether pension application, G.P.F. final withdrawal application, have been submitted well in time?

(ii) Accommodation :

(a) Does the Detachment office have adequate accommodation? What is the rent, if it is in private building?

(b) Has the payment of the rent been regular? Comment on the residential accommodation for the Detachment staff.

(c) Does the Detachment have a telephone? Are any residential telephone available? Is the register of trunkcalls maintained and entries about private or official calls recorded in it then and there according to Head Office orders?

(iii) (a) Is the Statement in Proforma - 44 prepared and maintained for ready reference?

(b) Are the vehicles periodically serviced, change of tyres by rotation made, tyres retreaded at the appropriate time, entries in the M.T.Rs. properly made, petrol ceiling properly maintained, bills obtained and sent to office regularly along with the prescribed statement and petrol bills settled? Has the periodical checking of the vehicles by technical authorities been done, and remarks recorded in the Inspection Books?

(iv) *Books and other Government property-Cash Book-Disbursement of Pay, Travelling Allowance, etc.*

(a) Check whether registers of Government property and books are maintained properly and, if so, whether quarterly returns are regularly sent on due dates.

(b) Is the cash book maintained and checked by D.S.P./A.D.I. daily and the fact recorded? Is there any undue delay in disbursement without reasonable cause?

(c) Are Pay, Travelling Allowance and other allowances drawn and paid to the staff without delay?

(v) *Special Rewards Account :*

Are special reward claim counterfoils received with sanction order of the Superintendent of Police and filed with the concerned memo (claims) and is there any undue delay in recoupment of the expenditure made in this regard?

(vi) *Welfare :*

(a) Have all the Police staff enrolled themselves as members of the T.N.P.B.F. and is there any case of not granting relief when asked for?

(b) How many of the Detachment staff are subscribing to C.T.D., Small Savings Scheme, L.I.C. for the welfare of the family?

(c) Are all the staff subscribing to the G.P.F.? Is there any one who has not received G.P.F. advance/Part Final Withdrawal in time?

(vii) *Requests, if any, of the Detachment staff :*

Comment on requests from the staff regarding promotion, transfer and dues, if any, etc.

PART II
(Confidential Branch)

Vigilance Reports :

1. Comment on the general quality of Vigilance Reports submitted by the Detachment in the last 3 years. Furnish relevant statistics.
2. Analyse the ultimate result of the Vigilance Reports, whether they resulted in actionable PEs/DEs/RCs. or some other action.
3. Check whether all Investigating Officers have paid due attention to collection of intelligence and whether they have effective sources.
4. Comment on the quality of vigilance information collected in regard to sensitive departments.

Preliminary Enquiries :

1. Comment on the quantum of registration of Preliminary Enquiries in the last three years and analyse their quality, with reference to the ultimate result. Furnish relevant statistics.
2. Check whether Registration Reports have been correctly prepared in all the Preliminary Enquiries registered after last inspection.
3. Are the allegations properly described in simple and straight language in the Registration Reports?
4. Has the Investigating Officer taken steps to secure relevant records for scrutiny?
5. Original records in important enquiries must be gone through and necessary guidance given to the Investigating Officers.
6. Have property statements A,B and C been obtained in time in cases involving allegations of disproportionate assets?
7. Enquiries which are time-barred may be specially checked for the reasons for delay. Comment whether the reasons are justifiable or not. Deficiencies or failures wherever noticed may be recorded.
8. Specific instructions may be given for the expeditious disposal of long pending enquiries.

Detailed Enquiries :

1. Comment on the quantum of registration of Detailed Enquiries in the last three years and analyse their quality with reference to the ultimate result. Furnish relevant statistics.

2. Check whether Registration Reports have been correctly prepared in all the Detailed Enquiries registered after last inspection.

3. Are the allegations properly described in simple and straight language in the Registration Reports?

4. Has the Investigating Officer taken steps to secure relevant records for scrutiny?

5. Original records in important enquiries must be gone through and necessary guidance given to the Investigating Officer.

6. Have property statements I to VI been obtained in time in cases involving allegations of disproportionate assets?

7. Enquiries which are time-barred may be specially checked for the reasons for delay. Comment whether the reasons are justifiable or not. Deficiencies or failures wherever noticed may be recorded.

8. Specific instructions may be given for the expeditious disposal of long pending enquiries.

9. Has there been any delay in examining witnesses?

10. Has the Accused Officer been examined properly and his statement recorded? Has his line of defence been verified?

11. In cases of disproportionate assets, it may be checked if the instructions issued by the Head Office on the subject from time to time have been carefully followed.

Regular Cases (other than traps)

1. Comment on the quantum of registration of Regular Cases in the last three years and analyse their quality with reference to the ultimate result. Furnish relevant statistics.

2. Check whether Registration Reports have been correctly prepared in all the Regular Cases registered after last inspection.

3. Are the allegations properly described in simple and straight language in the Registration Reports?

4. Has the Investigating Officer taken steps to secure relevant records for scrutiny?

5. Original records in important cases must be gone through and necessary guidance given to the Investigating Officer.

6. Have property statements I to VI been obtained in time in cases involving allegations of disproportionate assets?

7. Enquiries which are time-barred may be specially checked for the reasons for delay. Comment whether the reasons are justifiable or not. Deficiencies or failures wherever noticed may be recorded.

8. Specific instructions may be given for the expeditious disposal of long pending cases.

9. Has there been any delay in examining witnesses?

10. Has the Accused Officer been examined properly and his statement recorded? Has his line of defence been verified?

11. In cases of disproportionate assets, it may be checked if the instructions issued by the Head Office on the subject from time to time have been carefully followed.

Trap Cases :

1. Comment on the quality of trap cases put up by the Detachment in the last three years. Analyse the cases with reference to (i) the departments concerned, (ii) the status of Accused Officer, (iii) the amount of bribe money involved and (iv) the ultimate result of the trap case. Furnish statistics.

2. Has any trap case failed in the course of conducting the trap? If so, reasons for failure should be gone into in depth and commented on.

3. Was the Accused Officer examined and his statement recorded? Was his line of defence verified?

4. Comment on the reasons for delay in the finalisation of trap cases pending for more than six weeks. Specific instructions for their speedy disposal may be given wherever called for.

Court Trials :

1. Comment on the number of cases pending in Courts at the beginning of the year, the number of cases newly charge sheeted during the year, the number disposed of upto the date of inspection and number currently pending in Courts.

2. Check the quality of Court attendance by the Investigating Officer/Prosecutor, whether any adjournment had to be sought owing to the absence of Witnesses/Prosecutor/Investigating Officer.

3. Comment on the results achieved in Court. In cases ending in discharge/acquittal, comment on the reasons therefor and check if any blame is attachable to the Investigating Officer/Prosecutor.

Cases pending before Commissioner and Deputy Commissioner for Disciplinary Proceedings:

Pending cases may be analysed in the same manner as indicated under the heading "Court Trial".

Cases pending disciplinary proceedings before Departmental Authorities:

These cases may also be analysed in the same manner as indicated under the heading "Court Trial".

Register of Projects and Works - Index Cards:

Compliance of Head Office instructions may be checked.

Suspect Lists:

1. Check whether the list has been properly maintained and action has been taken to gather Vigilance intelligence.
2. Give specific instructions and guidance wherever called for.

Destruction of Time-Barred Records:

Check whether Head Office instructions have been complied with.

General:

1. Comment on the general quality of enquiries/investigations and standard of Final Reports submitted by the Detachment. Deficiencies in the drafting of Final Reports may be mentioned with necessary corrective instructions.
2. Give a general estimate of the overall work turned out in the Detachment. Good work done, if any, should be specifically mentioned. Points which required special attention for improvement and avoidance of deficiencies noticed during inspection may be listed out.

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DOCKET SHEET

Detailed Enquiry/Regular Case/Trap Case

Sl. No.	Details of action to be taken.	Details of Action taken.	Relevant Page No. in the file.
(1)	(2)	(3)	(4)
1.	Identity Number of the DE/RC/TRAP case with date of registration.		
2.	Origin of the DE/RC/(Ordered by Govt./VC/ Director, on petition/Vigilance Report or reference from Govt./Dept. or by conversion of a PE/DE, as the case may be).		
3.	Name and designation of the Accused Officer(s) with status (Group to which he belongs with pay scale).		
4.	Whether the names of the Accused Officer(s) including addl. accused if any added subsequently indexed and if so the dates of indexing.		
5.	Date of issue of orders from Head Office for registering the DE/RC with name and designation of Investigating Officer.		
6.	Date of receipt of Registration Report/Plan of Enquiry/Investigation.		
7.	Whether requisition was sent calling for/moving for <u>Service Particulars</u> <u>Property Statements</u> <u>Supercheck/Evaluation</u> <u>Transfer of A.O.</u> <u>Suspension of A.O.</u>		
8.	Due date of retirement of Accused Officer(s). If any one is due to retire within the next 12 months whether the details were included in the monthly return to Govt./and action taken to expedite the enquiry/investigation.		

9. Date of receipt of Final Report from I.O./P.D.P./D.L.A.
 - (a) If any further report/clarification is sought from the I.O., the date therefor.
 - (b) Date of receipt of further report/clarification from the I.O.
10. Date of despatch of F.R. to V.C./Authority competent to sanction for prosecution.
11. In cases where the F.Rs. are sent to Departmental Authorities, date of intimation/sending copy of the F.R. to V.C.
12. Date of forwarding of the F.R. by the V.C. to Government and the nature of recommendation.
13. Orders of the Government on the F.R.
14. In the case of F.Rs. for sanction to prosecute the A.O., the date of receipt of sanction order/date of laying charge sheet in Court.
15. Cases which ended in Conviction by Courts/Award of punishments in cases dealt with by Tribunals/Departments.
 - (a) Whether judgment copy/final orders passed have been received and if so, the details therefor with dates.
 - (b) Whether appeal against acquittal/revision against inadequate sentence or review of lenient punishment, as the case may be, has been proposed and if so, the date of initiation of the note with results therefor.
 - (c) Whether follow up departmental action if any, to be pursued either against the main A.O. or any other officer. In cases where the departmental action is to be initiated either after the disposal of the main case in Court or after giving evidence in Court by the person concerned, whether necessary entries have been made in the Register maintained in Policy Section and if so, the Serial Number of the entry in the Register with date.
 - (d) Date of proposal for filing appeal/revision/ review and the result thereof with date.

- (e) If there is any connected case, whether necessary cross reference has been made so that file is kept pending till the disposal of the main case. Identity numbers of such files to be furnished here.
- (f) When the case is finally given a quietus, whether the I.O. has been directed to hand over the documents available with him to the department/office, under acknowledgement, wherefrom they were obtained or seized and if so, the date of Directorate Reference to the I.O. and the details of action taken by the I.O.
- (g) Whether the I.O. has been asked to obtain the documents in Court/Tribunal/ Department and hand them over to the offices/departments concerned after the matter has reached finality.
- (h) During house searches, documents not relevant to the case under investigation are also seized. Unless they are required for any other case to be investigated, whether such documents have been returned to the Accused through the Court to which the seizure has been reported. If so, dates therefor to be furnished.
- (i) In some cases, one or more Accused would be absconding but the case with regard to the main Accused would have been proceeded with. In such situations, whether necessary steps have been taken by the I.O. to apprehend them or other legal steps taken to withdraw the case/ drop action. If so, indicate the action taken in this regard.
- (j) In cases where it is considered necessary, whether action has been initiated for ad-interim attachment of the properties/freeze Bank Accounts of the A.O(s) and their benamis under Criminal Law (Amendment) Ordinance 1944 and if so, the result of the action taken with relevant dates.
- (k) Whether, as an ad-interim measure, the Sub-Registrar concerned has been informed by the I.O. for making "Villangum" entry as a covert, and if so, the date of I.O.'s letter to the Sub-Registrar with results thereof.

- (l) In cases where ad-interim attachment of the properties/freezing of Bank Accounts of the A.O.s. or their benamis, has been made, whether steps have been taken, on final disposal of the case, to make the attachment absolute and to dispose of the properties/balance in the Bank Accounts, under Section 13 of the Ordinance.
- (m) If the Banks where the accused are having accounts had been asked to freeze the transactions, whether necessary follow up instructions have been given to the Bank to avoid unnecessary harassment, if the case ends in favour of the Accused.
- (n) Whether necessary Reward Roll has been initiated in accordance with the existing orders, and if so, the date of submission and the details of orders passed thereon.

16. Cases which fail in Courts, before Tribunals or Departmental Authorities.

- (a) Whether the copy of the Judgment/Tribunal/ Enquiry Officer's report has been obtained and if so the date therefor.
- (b) Whether the I.O./Law Officer concerned has been asked to offer their comments to examine warrant for appeal/revision/review.

Note: In Court cases, the prescribed time limit for preferring appeal should be followed.

- (c) Date of receipt of the comments of I.O./ Law Officer.
- (d) Date of submission of the file for scrutiny and decision by officers in Headquarters; with details of the decision.
- (e) In cases where it has been decided to go on appeal/revision, take up the matter on review, date of the report to Government/ V.C., as the case may be.
- (f) Date of receipt of Government orders/V.C.'s reference as the case may be.
- (g) Date of filing of the appeal/revision in the Court.

- (h) Date of Government orders on the proposal for review with the details.
- (i) Result of the appeal/revision preferred in the Court.
- (j) When the case is finally given a quietus, whether the I.O. has been directed to hand over the documents available with him to the department/office, under acknowledgement, wherefrom they were obtained or seized and if so, the date of Directorate reference to the I.O. and the details of action taken by the I.O.
- (k) Whether the I.O. has been asked to obtain the documents in Courts/Tribunal/Department and hand them over to the officers/departments concerned after the matter has reached finality.
- (l) Whether the details of disposal in Court and orders passed in final orders in follow up action have been noted in the relevant Index Card and if so, the date thereof.
- (m) Date upto which the file has been ordered to be retained.