

# Duties and Functions of CVO

(Sections 2.12-2.15, Vigilance Manual, 2021, Chapter 2, pp. 40 - 49.)

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1) (2.12.1)- A CVO heads the Vigilance Division of an Organisation and acts as an advisor to the Chief Executive in all matters pertaining to vigilance. He is also the nodal officer of the Organisation for interaction with CVC and CBI. Vigilance functions to be performed by the CVO are of wide sweep and include collecting intelligence about the corrupt practices committed, or likely to be committed by the employees of his Organisation; investigating or causing an investigation to be made into allegations reported to him; processing investigation reports for further consideration of the disciplinary authority concerned; referring the matters to the Commission for advice wherever necessary; taking steps to prevent improper practices and commission of misconducts, etc. Thus, the CVOs functions can broadly be divided into three categories, as under: -

- i. **Preventive vigilance**
- ii. **Punitive vigilance**
- iii. **Surveillance and detection.**

2) (2.12.2)- While ‘punitive action’ for commission of misconduct and other malpractices is certainly important, ‘surveillance’ and ‘preventive measures’ to be taken by the CVO are comparatively more important as these are likely to reduce the occurrence of vigilance cases. Thus, the role of CVO should be predominantly preventive.

## 3) (2.13) - PREVENTIVE VIGILANCE FUNCTIONS BY CVO

The CVO is expected to take following measures on preventive vigilance side: -

- a) To undertake study of existing procedures and practices prevailing in his Organisation with a view to identify those procedures or practices which provide a scope for corruption and require modification.
- b) To find out the causes of delay, the points at which delay occurs and devise suitable steps to minimize delays at different stages;
- c) To review the regulatory functions to see whether all of them are strictly necessary and whether the method of discharge of those functions is capable of improvement;
- d) To devise adequate methods to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner; and in accordance with some laid down guidelines.

- e) To educate the citizens about the procedures of dealing with various matters and also to simplify these as far as possible;
- f) To identify the areas in his Organisation which are prone to corruption and to ensure that officers of proven integrity only are posted in those areas;
- g) To identify sensitive posts in the Organisation;
- h) To ensure periodical rotations of staff and in particular officers holding sensitive posts;(CVC Circular No. 004/VGL/090 dated 11.09.2013 and No.18/MISC/02-392171 dated 23.08.2018)
- i) To ensure that well-defined internal processes as well as corresponding controls with clear responsibilities, for different kind of activities, are set out;
- j) To ensure that the Organisation has prepared manuals on important subjects such as purchases, contracts, procurement, recruitment, etc. and that these manuals are updated from time to time and conform to the guidelines issued by the Commission and the Ministries concerned;
- k) To develop and implement an effective Whistle Blower mechanism;
- l) To leverage technology for making preventive vigilance function effective;
- m) To ensure prompt observance of Conduct rules relating to integrity, covering
  - i) Statements of assets and acquisitions
  - ii) gifts
  - iii) relatives employed in private firms or doing private business
  - iv) to scrutinise immovable property returns of at least 20 year and
  - v) keep an eye on benami transactions;
- n) To ensure observance of Vigilance Awareness Week as per directions of the Commission;
- o) To scrutinise (a) Internal auditors reports, (b) Statutory auditors report (c) CAG audit report;
- p) To scrutinise inspection reports;
- q) In order to keep a watch on the activities of public servants who are of doubtful integrity, the Ministries / Departments / Organisations are required to maintain two lists viz. (i) Agreed list and (ii) list of public servants of gazetted status of doubtful integrity. The Agreed list of suspected officers has its origin in the Programme for vigilance and anti-corruption work during 1966, whereas the

list of public servants of gazetted status of doubtful integrity was prescribed in 1969. The criteria for making such lists have been provided in the Ministry of Home Affairs Letter No.130/1/66-AVD dated 05.05.1966 and letter No. 105/1/66-AVD dated 28.10.1969. It has been provided in these instructions that the Agreed list so prepared will remain in force for one year from the date of preparation and officials work / activities / behaviour during the period would be watched and the list would be reviewed after this period. The list of Officers of Doubtful Integrity will remain in force for a period of three years. In the above perspective, the CVO has to perform the following functions: -

i) To prepare a list of Officers of Doubtful Integrity which would include names of those officers who, after inquiry or during the course of inquiry, have been found to be lacking in integrity, such as (a) officer convicted in a Court of Law on the charge of lack of integrity or for an offence involving Moral turpitude but who has not been imposed a penalty of dismissal, removal or compulsory retirement in view of exceptional circumstances; (b) awarded Departmentally a major penalty on charges of lack of integrity or gross dereliction of duty in protecting the interest of Government although corrupt motive may not be capable of proof; (c) against whom proceedings for a major penalty or a court trial is in progress for alleged acts involving lack of integrity or moral turpitude; and (d) who was prosecuted but acquitted on technical grounds as there remained a reasonable suspicion about his integrity;

ii) To prepare the Agreed List in consultation with the CBI, which will include the names of officers whose honesty or integrity is doubtful or suspicious. The following action would be taken by the CVO and the CBI in respect of the officers appearing on the list:

- (a) Closer and more frequent scrutiny and inspection of their work and performance by the Departments concerned, particularly in spheres where there is scope for discretion or for showing favours;
- (b) Quiet check about their reputation both by the Department and the CBI;
- (c) Unobtrusive watch of their contacts, style of living, etc. by the CBI;
- (d) Secret enquiry by the CBI about their assets and financial resources. The Departments will make available their property returns and other relevant records to the CBI; and

- (e) Collection of information by the CBI of specific instances of bribery and corruption practices. (CVC Circular No. 3(v)/99(6) dated 18.08.1999; No. 3K-DSP-10 dated 07.04.2000 and 03.09.2001).
- r) Adequate precautions should be taken in drawing up and maintaining the “Agreed list” and the “list of Officers of Doubtful Integrity” to ensure that they are correctly and objectively prepared and reviewed from time to time. CVO should ensure that the officers who are placed on the aforesaid lists should not be posted in sensitive positions. CBI would co-ordinate with the Ministries / Departments / Organisations so that the lists so prepared are periodically reviewed. Director of CBI and the CVOs of the Departments will keep the Commission posted about developments from time to time. (MHA OM No.:105/1/66-AVD-I dated 28.10.1969 and CVC Circulars No.004/VGL/090 dated 11.09.2013, 04.01.2012, 01.05.2008, and Nos.98/VGL/60 dated 02.11.2001, 15.04.1999)
- s) To conduct CTE type inspection in his organisation; and
- t) To tender advice to the Disciplinary Authority and the Appellate Authority in vigilance cases, irrespective of level of officers involved.

#### 4) (2.14)- PUNITIVE VIGILANCE FUNCTIONS BY CVO

- a) (2.14.1)- The CVO is expected to scrutinise reports of Parliamentary Committees such as Estimates Committee, Public Accounts Committee and the Committee on Public Undertakings; audit reports; proceedings of both Houses of Parliament; Standing committee report for the Ministry, CAG audit report, Statutory auditors report, internal audit reports, complaints and allegations appearing in the press; and to take appropriate action thereon.
- b) (2.14.2)- The CVO, inter-alia, is expected to take following action on the punitive vigilance aspects:
- i) To receive complaints from all sources and scrutinise them as per existing instructions. When he is in doubt on the issue of existence of vigilance angle in them, the CVO may refer the matter to his administrative head;
- To update the status of action taken on each complaint sent by Commission for necessary action on Commission’s portal (i.e., portal.cvc.gov.in); (CVC Circular No. 07/08/2020 dated 13.08.2020)
- ii) To investigate or cause an investigation to be made into such allegations involving vigilance angle;

iii) To investigate or cause an investigation to be made into the allegations forwarded to him by the Commission or by the CBI, within the prescribed time lines of 3 months;

(CVC Office Order No. 08/08/2020 dated 14/08/2020)

- In case of complaints sent by Commission for Investigation, if it is not possible to complete the Investigations and refer the matter to Commission within 3 months, the CVO should seek extension of time stating the specific reasons/constraints in each case, within 15 days of receipt of reference from the Commission, Such request from the CVO should be with the approval of the secretary/ CMD / Chief Executive of the Department / Organisation concerned as the case may be;  
(CVC Office Order No. 08.08.2020 dated 14.08.2020)

iv) To process the investigation report expeditiously for obtaining orders of the competent authority about further course of action to be taken and also for obtaining Commissions advice on the investigation reports, where necessary;

- To prioritize the activities of conducting investigations and completion of disciplinary action in cases involving public servants due to retire shortly well in advance so as to ensure that such retirement cases for advice should be received in the Commission 30 days before the date of retirement of the officer;  
(CVC Officer Order No. 13/10/20 dated 01.10.2020)

v) To ensure that charge-sheet, statement of imputations, lists of witness and documents, etc. are carefully drawn up; copies of all the documents relied upon and the statements of witnesses cited on behalf of the disciplinary authority are prudently prepared, issued expeditiously and supplied to the charged officer whenever possible.

vi) To ensure that there is no delay in appointing the inquiring authorities where necessary;

- The CVOs are required to closely monitor the progress of inquiry proceedings including the quality of performance of Presenting Officers before the IO on a regular basis and keep the disciplinary authorities posted about it.  
(CVC Circular No. 018/VGL/044 dated 27.07.2018)

vii) To examine the inquiry officers report, keeping in view the evidence adduced by the prosecution and the defence during the course of inquiry, and to obtain orders of the competent authority about further course of action to be taken

and also obtain the Commissions second stage advice and UPSCs advice, where necessary;

viii) To ensure that the Disciplinary Authority concerned, issued a speaking order, while imposing a punishment on the delinquent employee. The order to be issued by the Disciplinary Authority should show that he had applied his mind and exercised his independent judgment;

ix) To ensure that rules and time limits with regard to disciplinary proceedings are scrupulously followed at all stages by all concerned as any violation of rules would render the entire proceedings vitiated;

x) To scrutinise on a continuous basis, complaints and grievances received by other divisions/units in the Organisation.

xi) To see that proper assistance is given to the CBI in the investigation of cases entrusted to them or started by them on their own source information;

xii) To take proper and adequate action with regard to petitions filed by delinquent officers in Courts of Law / Tribunal;

xiii) To review from time to time the existing arrangements for vigilance work in the Ministry / Department, to see if the work of subordinate officers is adequate and to ensure expeditious and effective disposal of vigilance work;

xiv) To ensure that the competent disciplinary authorities do not adopt a dilatory or lax attitude in processing vigilance cases, particularly in cases when officers are due for promotion or retirement. CVO shall refer such instances to the Commission;

xv) To ensure that cases against the public servants on the verge of retirement do not lapse due to time-limit for reasons such as misplacement of files, etc. and that the orders passed in the cases of retiring officers are implemented in time;

xvi) To review pendency of references received from Commission.

xvii) To refer cases, within his jurisdiction, to CBI with the administrative approval of CEO. In case of difference of opinion with the CEO, the matter may be referred to the Commission.

xviii) To ensure that the cases receive due consideration of the appropriate Disciplinary Authority before these are referred to the Commission and its tentative recommendation is indicated in the references made to the Commission. The cases requiring reconsideration of the Commission's First Stage Advice (FSA) should be sent with the approval of the concerned Disciplinary Authority / Chief Executive, or the Head of the Department, as the case may be, within one

month of receipt of Commission's FSA and that too only in those exceptional cases having additional / new material facts. The Commission would not entertain any reconsideration proposal / request of first stage advice received beyond the revised time limit of one month;

(CVC Circular No. 06/08/2020 dated 06.08.2020)

xix) Although the discretion to place a public servant under suspension, when a disciplinary proceeding is either pending or contemplated against him, is that of the disciplinary authority, the CVO is expected to assist the disciplinary authority in proper exercise of this discretion;

xx) To ensure that all cases, in which the officers concerned have been under suspension, are reviewed within a period of 90 days with a view to see if the suspension order could be revoked or if there was a case for increasing or decreasing the subsistence allowance;

(CVC Circular Nos. 006/PRC/1 dated 11.12.2014;014/VGL/061 dated 03.12.2014;015/MSA/016 dated 27.04.2015; 010/VGL/095 dated 07.12.2012)

xxi) To scrutinise the matter carefully, wherever the Appellate Authority has disagreed with Commission's Advice which was earlier accepted by the Disciplinary Authority. To take up such matter with the reviewing authority and also to report such cases immediately after decision / orders issued at the Appellate / Review stage to the Commission and also indicate in the relevant column in the online QPRs submitted by the CVOs to the Commission;

(CVC Circular No. 05/07/2020 dated 20.07.2020)

xxii) To bring to the notice of the Board specific cases where the Disciplinary Authority has disagreed with the CVOs advice in respect of officials not under the jurisdiction of the Commission;

xxiii) To ensure that the CVO is invited and remains present at the time of review of vigilance work by the Board;

xxiv) To monitor and to take up for necessary action any case of recruitment in violation of the laid down rules and procedure and wherever necessary to report the matter to the Commission.

(Para VII of CVC Circular No. 006/VGL/065 dated 06.07.2006)

xxv) Identify cases having vigilance angle reported in inspection reports, audit reports, media reports, reports of Parliamentary Committees, etc., carry out investigation and take misconducts, if any, to its logical conclusion.

xxvi) Examine the decision of the DA and if they are not in tune with the advice of the Commission, bring it to the notice of the Commission for further consideration.

xxvii) Examine the orders of DA in respect of officers not within the jurisdiction of the Commission and to ensure even handedness, fairness, etc. Recommend revision of inappropriate orders by the competent authority.

## 5) (2.15)- SURVEILLANCE AND DETECTION BY CVO

### a) (2.15.1)

(i) The CVO should conduct regular and surprise inspections in the sensitive areas in order to detect if there have been instances of corrupt or improper practices by the public servants. He should carry out at least six CTE type inspections on one of the projects / works in the organisation every year. It is described in detail in Chapter-IX of this Manual.

(ii) He should also undertake prompt scrutiny of annual property returns and intimations given by the public servants under the conduct rules and take further necessary action, if called for.

(iii) In addition, he should also gather intelligence from his own sources in whatever manner he deems appropriate about the misconducts/ malpractices having been committed or likely to be committed. He should also collect source material on misconducts and examine them for logical conclusion with necessary approval. He may also initiate suo motu enquiries based on any prima facie information regarding misconducts. He shall, however, carry out enquiries with necessary approvals.

b) (2.15.2)- No prior approval/sanction of CVO's tour programmes is required from CMD / CEO for proceeding on tour for carrying out any surprise inspections.

(CVC Circular No. 005/VGL/15 dated 04.05.2005).

In the interest of transparency and accountability, whenever prior approval/intimation has not been given to the competent authority, a detailed report be submitted to competent authority on conclusion of the tour and the outcome thereof.

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