

Vigilance Manual



**CITY AND INDUSTRIAL DEVELOPMENT
CORPORATION OF MAHARASHTRA LIMITED**
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FOREWORD

An effective vigilance administration requires continuous capacity building of the vigilance functionaries and all other department of CIDCO. Lack of clear understanding of Rules, Procedure & Practice are often due to the absence of user friendly informative in the form of compilation. Vigilance in an organization is a managerial function and integral part of executive. It ensures that the decision taken by the official are in the best interest of the corporation. The function of vigilance department of CIDCO are to conduct preventive check, to investigate the complaint and to advise. The system improvement where ever necessary to improve the administrative function of corporation. The aim of Vigilance Department is to initiate step to curb, corruption and malpractices in the corporation.

This manual is only a ready reference book for use by all the officers involved in vigilance administration. It cannot and should not be a substitute for references to the concerned rules and orders issued by CIDCO.

Bhushan Gagarani, IAS
Vice Chairman and Managing Director
CIDCO



PREFACE

"KNOWLEDGE WITHOUT INTEGRITY IS DANGEROUS AND DREADFUL."

- Samuel Johnson

I have pleasure to handover this vigilance manual intending to regularize the subject assigned and to deal by the Vigilance Department of CIDCO. The internal management of each department is necessary to be regulated and guided by the principals based on the existing law and statutory instructions including the provisions under our Indian Constitution. However, the procedure cannot override the effect of existing law and rules. Whenever inconsistency arises at that time the law and rules shall prevail.

This manual is an endeavor to outline basic concept with various subjects having vigilance angle, beneficial to all concerned. However, this is not a complete code for vigilance department of CIDCO. I hope that this manual would be useful to deal with the subject by the officer of vigilance department of CIDCO.

Vinay Kargoankar, IPS
Chief Vigilance Officer,
Vigilance Department, CIDCO



VIGILANCE MANUAL

INTRODUCTION:

City and Industrial Development Corporation Limited is registered under Companies Act, hereinafter be referred as CIDCO for convenience. The Board of Director of CIDCO vide its resolution dt.17.05.2013 created the post of Chief Vigilance Officer and the Government of Maharashtra has accordingly appointed the Chief Vigilance Officer on deputation from the Maharashtra Police Department. The objective of the vigilance department will be to promote processes to prevent corruption and to enhance transparency in official procedures of CIDCO.

This vigilance manual has been prepared for documenting the standards for the working of CIDCO's vigilance department.

CHAPTER – I

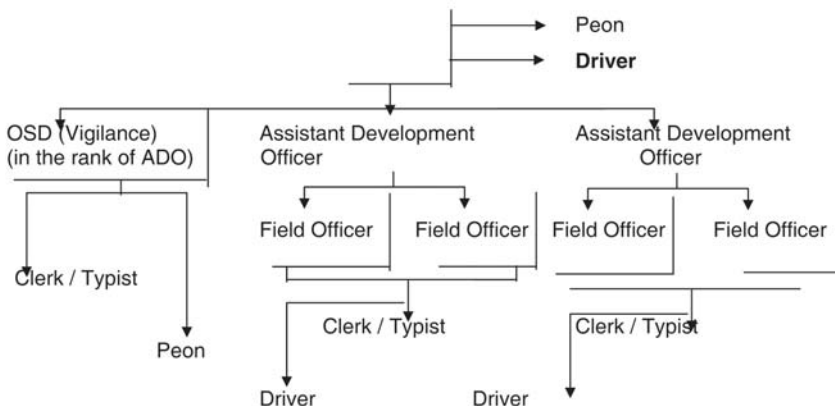
ORGANISATIONAL STRUCTURE OF THE VIGILANCE DEPARTMENT

1. The Department of Vigilance shall be headed by the Chief Vigilance Officer of CIDCO, who will be appointed on deputation from the Maharashtra Police Department.
2. The ADO (Investigation Cell) shall be appointed on deputation from the Police Department of Maharashtra in the rank of Assistant Commissioner of Police/ Senior Police Inspector or if the deputation is not feasible, CIDCO will appoint retire police officer of same rank on contract basis.
3. All remaining staff of the vigilance department shall be from the employees of CIDCO.
4. The staff in the vigilance department shall be appointed on internal transfer, only after consultation with CVO.

Approved Departmental Organization Structure:

(Please refer B.R. No. 11654 Dt.15.06.2016)

IGP/Addl. DGP & Chief Vigilance Officer



FUNCTIONS OF VIGILANCE DEPARTMENT

A] Chief Vigilance Officer:

- (i) Overall in charge of the Vigilance Department.
- (ii) Allotment of work among officers and staff having regard to the workload in order to achieve optimum utilisation of resources.
- (iii) Supervision for timely disposal of complaints received from individuals/ organizations.
- (iv) Fixing surprise visits to various departments to determine levels of integrity in work performance of employees serving in the various departments.
- (v) Follow up on the finding of the surprise visits and suggest course corrections especially in departments where Enforcement / Business Audit /Permissions/ Public Service Delivery take place.



- (vi) Interaction with Anti-Corruption Bureau of the Maharashtra Government.
- (vii) Supervision over all disciplinary actions including cases relating to corruption.
- (viii) To identify the major areas of corruption in CIDCO & recommend steps for preventive vigilance in these areas.
- (ix) Study Standard Operating Process (SOP) of all departments of CIDCO and undertake periodic review to improve transparency and reduce delays in service delivery.
- (x) Maintain a panel of retired Police and other government officer as investigation officers and retired judges as enquiry officers.
- (xi) Monitor enquiries into vigilance cases for their speedy disposal.
- (xii) Make suggestions for process improvement in any department of CIDCO.
- (xiii) Make appropriate recommendations for the competent authority in CIDCO, on requests for sanction to prosecute a staff/employee of CIDCO by ACB/ Police.
- (xiv) Conduct awareness programs for employees to improve honesty in service delivery. Conduct awareness programs on anti-corruption for the citizens of Navi Mumbai.
- (xv) Appraise the CIDCO Board, with the 'State of Vigilance Report.' annually
- (xvi) Any Special responsibility assigned by Board, VC & MD or Govt.

B] Assistant Development Officer: (OSD)

- (i) Liaison with all HOD's / HOS's for various matters.
- (ii) Superintendence over the staff of the vigilance department.
- (iii) Onward submission of all reports/investigations etc. done by Consultant/ ADO/ field officer to CVO.

- (iv) Co-ordination/liaison with various Government Departments/ Authorities/ Municipal Bodies for purpose of investigation and other vigilance related work.
- (v) Organize and follow up on the surprise visits to sensitive offices in CIDCO, as per directions of the CVO.
- (vi) Monitor disposal of vigilance related complaints received from organizations /individuals.
- (vii) Monitor the cases sent for disciplinary action for related corruption charges and also maintain statistics of all departmental enquiries in CIDCO.
- (viii) Monitor and co-ordinate working of all Vigilance Investigation Officers.
- (ix) Assist CVO in all functions.



CHAPTER – II

FUNCTIONS OF THE VIGILANCE DEPARTMENT:

The functions of the department shall be broadly divided into two categories (A) Preventive (B) Investigative Vigilance, on proactive & reactive basis.

The functions will be performed by these two branches of the Vigilance department, as follows:

[A] Preventive Vigilance Wing :

- i) To undertake study & continual review of existing procedures and practices in all departments of CIDCO with a view to recommending modification of those procedures and practices which provide a scope for corruption. This cell will also find the causes for delays at the points at which delays occur and recommend suitable steps to minimize the same;
- ii) To recommend adequate methods of control over exercise of discretion so as to ensure that discretionary powers are not exercised arbitrarily but in a transparent and fair manner;
- iii) To educate the citizens of Navi Mumbai about the need for reporting corruption in CIDCO,
- iv) To process for vigilance clearance during the transfer & promotion of officers in CIDCO;
- v) To recommend policies for periodical rotations of staff on sensitive posts;
- vi) To examine the departmental process manuals, i.e. the standard operating procedures that the various departments of the CIDCO have prepared, to ensure that these are updated periodically by the concerned departments to conform to the guidelines issued by the authorities from time to time.

- vii) To collect intelligence about any misconduct/malpractices in CIDCO.
- viii) Conduct surprise visits through vigilance staff/decoys to the offices of the departments which have large daily public contact such as Department of Town Services, Lands and Survey, Marketing, Accounts; etc. During such visits by vigilance officers, they will also evaluate the pendency of applications in those offices and report if there are inordinate delays noticed. The vigilance staff will use departmental process manual for guidance for this purpose. Periodic visits/surprise visits are an integral part of the vigilance and prior permission or intimation to the department concerned shall not be necessary.
- ix) In the checking of integrity level of employees through decoy visits, proper confidential record will be kept and the identity of the decoy will be protected.
- x) The preventive vigilance cell will devise suitable measurements of levels of corruptions in various departments and put in place mechanisms to progressively reduce the same.
- xi) Manage & update the vigilance web page on CIDCO website.

[B] Investigative Vigilance Wing :

- (i) To receive complaints from all sources and scrutinize them with a view to finding out if the allegations involve a vigilance angle. When in doubt, the matter may be referred to the concerned Head of Department through CVO.
- (ii) To investigate or cause an investigation to be made into specific and verifiable allegations which involve a vigilance angle;
- (iii) To prepare the investigation reports expeditiously for obtaining orders of the competent authorities about further course of action to be taken.



- (iv) To ensure that the charge sheets to the concerned employees in departmental actions recommended by the vigilance department are drafted properly and issued expeditiously;
- (v) To monitor the processing of departmental enquiry by the departmental enquiry cell of Personnel Department.
- (vi) Follow up record of each vigilance enquiry shall be maintained by the ADO (Investigations).
- (vii) To liaise between CVO, CIDCO & ACB regarding officials of doubtful integrity and maintain record.
- (viii) To monitor the proceeding under RTI cases.

CHAPTER-III

COMPLAINTS

Receipt of information about corruption, malpractice or misconduct on the part of public servants, from whatever source, would be termed as a complaint.

SOURCES OF COMPLAINTS:

Information about corruption, malpractice or misconduct on the part of employee / officers of CIDCO may be entertained by the office of CVO from any of the following sources:

- (a) Complaints received by an administrative authority of CIDCO or from the public;
- (b) Departmental inspection and stock verification report;
- (c) Reports of irregularities in accounts detected in the routine special audit of accounts; e.g. tampering with records, over-payments, misappropriation of money or materials etc;
- (d) Complaints and allegations appearing in the press /media etc;
- (e) Source information, if received verbally from an identifiable source, to be reduced in writing; and;
- (f) Intelligence gathered & reported to CVO by agencies like Police etc;

In addition, the Chief Vigilance Officer of CIDCO may also devise and adopt such methods, as considered appropriate and fruitful in the context of nature of work handled in CIDCO, for collecting intelligence about any malpractice and misconduct among the employees.

SECRECY

If an informant desires that his name shall not be published, care shall be taken by the vigilance department, that there is no disclosure of the informant's identity.

INITIAL ACTION ON COMPLAINT:

Only those complaints, in which there is an allegation of corruption or improper motive, should be entered in the register for further vigilance enquires. Complaints of administrative nature or operational or technical irregularities having no connection with vigilance angle should be entered in a separate register for “non-vigilance complaints.” Anonymous & pseudonymous complaint will not routinely be taken up for enquiry.

ACTION ON ANONYMOUS/PSEUDONYMOUS COMPLAINTS:

(Please see Mah. Govt. Notification, GAD No. शाकाप-२०१५/प्र.क्र.५/१८(र.व.का) मंत्रालय दि. २५ फेब्रुवारी, २०१५)

As a general rule, no action is to be taken by the administrative authorities on anonymous/pseudonymous complaints received by them. When in doubt, the pseudonymous character of a complaint may be verified by enquiring from the signatory of the complaint whether it had actually been sent by him/her. If he /she cannot be contacted at the address given in the complaint, or if no reply is received from the complainant within a reasonable time, it should be presumed that the complaint is pseudonymous and should accordingly be ignored. However, if any department/organization proposes to look into any verifiable facts alleged in such complaints, the same should only be enquired into under written orders of the CVO. In the event of the CVO deciding to make an enquiry into an anonymous or pseudonymous complaint, the ADO should conduct the necessary investigation and report the results of investigation to the CVO for further course of action to be taken. The annual ‘State of Vigilance’ report to the CIDCO Board will have the statistics on complaints including that for anonymous/pseudonymous complaints enquired into, under a separate heading.

COMPLAINTS WITH VIGILANCE ANGLE

The management of CIDCO expects that the employees shall maintain the highest standard of probity and uprightness in their public dealings in and out of office. Any deviation on the part of the employees from the straight and narrow path, motivated by greed or unwarranted self interest would invite a vigilance enquiry against them.

The vigilance angle will be deemed obvious for further enquiry in case of following allegations :-

- 1) Demanding and / or accepting gratification other than legal remuneration for an official act or for unduly favoring a particular person or entity outside the scope of public interest.
- 2) Obtaining valuables without consideration or even inadequate consideration from a person with whom he/she has or is likely to have official dealings at his/her own level or where he/she can exert influence on decisions favoring private persons, through his/her subordinates.
- 3) Obtaining for himself or for any other person any valuable thing or pecuniary advantage, by corrupt or illegal means or by abusing his position as an employee of CIDCO.
- 4) Possession of assets disproportionate to his/her known sources of income.
- 5) Cases of misappropriation, forgery or cheating or other similar criminal offences.
- 6) Any undue / unjustified delay in the disposal of a case by the concerned after considering all the relevant factors would reinforce the conclusion as to the presence of vigilance angle in a case. Gross or willful negligence, recklessness in decision making, blatant violation of systems and procedures, excesses in the exercise of discretion wherein no ostensible public interest is evident, these are some of the irregularities where careful study of the case and weighing of the circumstances will be undertaken by the vigilance department to arrive at the decision whether there is reasonable ground to doubt the integrity of the employee and existence of vigilance angle to the case. The main purpose of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the official working of CIDCO. Commercial risk taking forms part of business decisions. Therefore, every loss caused to the organization, either in pecuniary or non-pecuniary terms,



need not necessarily become the subject matter of a vigilance inquiry. Thus, whether a person of common prudence, working within the ambit of the prescribed rules, regulations and instructions, would have taken the decision in the prevailing circumstances in the commercial / operational interests of the organization is one possible criterion for determining the bona fides of the case.

COMPLAINTS ENQUIRY PROCEDURE:

- a) If the allegations contain information which can be verified from any document or file or any other departmental records, the same will be undertaken by the field officer assigned to the complaint enquiry.
- b) In case, where the alleged facts are likely to be known to other employees of the department, statements of the concerned persons will be recorded by the field officer assigned the enquiry.
- c) In case where enquiries from the employees of any other Govt. department or office are considered necessary, the enquiry officer will obtain approval from CVO for the same.
- d) In particular cases where technical assistance/ laboratory reports are required, the enquiry officer will obtain approval of CVO for the same.
- e) Site inspections will be conducted where necessary by the Investigating team.
- f) Field officer will collect information / evidence from non- official persons as required after taking approval on file from CVO.
- g) Obtaining the version of the suspect employee should be routinely done, other than in exceptional circumstances.
- h) After due enquiry, the complaint,
 - i) May be filed.

- II) May be passed on to the concerned administrative authority for appropriate action on the ground that no vigilance angle is involved; **or**
 - III) The enquiry report may be forwarded to the disciplinary authority for taking action on the delinquent employees.
- i) Vigilance officers should bear in mind that in order to do justice to any complaint, there should be no basis for a biased enquiry. They should not handle any complaint enquiring where the complainant/delinquent/beneficiary/victim are in any way related to them.

COMPLAINTS REGISTER

Complaints Register shall be maintained as follows:-

- a) ADO (Investigation) will maintain a computerized vigilance complaints register in the prescribed format. Only electronic register shall be maintained so as to function with least amount of paper.
- b) Every complaint, irrespective of its source, and for which approval for investigation / enquiry has been given by CVO, will be entered in the prescribed format in the complaints register, chronologically as it is received or taken notice of.

PREPARATION OF ENQUIRY REPORT

The officer conducting an enquiry is expected to prepare a self contained report including the material available to controvert the defense. The vigilance enquiry report may contain the explanation of the suspect employee. The fact that an opportunity was given to the employee concerned should be mentioned in the enquiry report even if the employee did not avail of it. The enquiry officer should take all connected documents in his possession as this becomes helpful if departmental action has to be taken against the employee. If the documents cannot be handed over to the vigilance officer as the same are in use for day to day work, the attested photo copy



should be handed over by the person handling such document. The originals are to be handed over to the competent authority as and when asked for initiating the disciplinary action.

DISCIPLINARY ACTION ON THE ENQUIRY REPORT

The vigilance report will be submitted by the CVO to the Disciplinary Authority for further action as per the service regulations. The disciplinary action should be taken as early as possible by the Personnel Department and the copy of action taken should be forwarded to the CVO. Once the case is recommended for disciplinary action by the office of the CVO, it will be followed up to its logical end.

CHAPTER III-A

E-COMPLAINT

The independent web link is maintained by Vigilance Department of CIDCO. On the web link the information about the provisions under Prevention of Corruption Act, Departmental Process Manuals and the process for lodging e-complaints has been published;

For lodging e-complaint, complainant needs to,

- i) Prepare his/ her user ID,
- ii) Fill up the required information for the complaint,
- iii) Submit the proof in support of allegation.

E-COMPLAINT PROCESS

Flow in Vigilance Department

Checker I) a) To view and check the nature of complaint,

ADO

(Preventive) b) To mask personal identities in the complaint.

Checker II) a) To recheck of masking of personal identities in the complaint,

ADO

(OSD) b) To send interim reply to complainant.

CVO I) To verify and to publish the complaint,

II) To order checker II to send complaint to concerned department in case complaint has no vigilance angle,

III) If it is a vigilance complaint, then enquiry to be initiated.



CHAPTER-IV

ACTION AGAINST PERSONS MAKING FALSE COMPLAINTS

- 1 If a complaint against an employee of CIDCO is found to be malicious, vexatious or unfounded, it should be considered seriously whether action should be taken against the complainant for making a false complaint.
- 2 Under Section 182 of the Indian Penal Code, a person making a false complaint can be prosecuted.
- 3 If the person making a false complaint is an employee of CIDCO then departmental action should be taken against him/her.
- 4 Under section 195(1) Cr. PC., a person making a false complaint can be prosecuted on a complaint lodged with a court of competent jurisdiction by the employee of CIDCO whom the false complaint was made or by his/her superior officer of CIDCO to whom he/she is subordinate.
- 5 When Chief Vigilance Officer of CIDCO comes across any such complaint, while dealing with matters that are being enquired into, the CVO would advise the administrative authority concerned about appropriate action to be taken on its own initiative, if the complainant is found to be making a false complaint.

CHAPTER V

INTEGRITY PACT

(Please see B.R. No.11160 Dt.19.08.2014 and Office Order No. 325 dt.10.09.2014 by CVO)

Integrity Pact is an agreement between the prospective bidders and the CIDCO, committing both sides to not resort to any corrupt practices in any aspect at any stage of the contract. Only those bidders, who commit themselves to such a pact with the CIDCO, would be considered competent to participate in the bidding process.

Integrity Pact in respect of a particular contract would be operative from the stage of invitation of bids till the final stage of completion of the contract. Any violation of the Pact would entail disqualification of the bidders and exclusion from future business dealings.

The Vigilance Department would be responsible for review, enforcement, and reporting on the process of Integrity Pact.

Integrity Pact would be implemented through a panel of Independent External Monitors (IEMs) appointed by the CIDCO. The IEMs would review independently and objectively, whether and to what extent, the parties have complied with their obligations under Pact.

GUIDELINES FOR IMPLEMENTATION OF INTEGRITY PACT

1. As a contract between the entities involved in the contracting process i.e. CIDCO inviting the public tenders, and the bidders, the Integrity Pact will be one of the mandated documents of bid submission.
2. All Tenders with estimated cost of Rs. Five Core and above shall be issued with Integrity Pact.
3. Names and email IDs of all the IEMs to be mentioned in tender documents.



4. CIDCO will upload and send duly signed Integrity Pact to all the bidders, which in turn, will have to sign and submit along with the bid.
5. Non- submission of signed Integrity Pact will lead to bid rejection.
6. Aggrieved bidders may approach CVO - CIDCO or the IEMs directly with any complaint about the tender or its award.
7. The complaints of bidders will be dealt with by IEMs and complaints from non-bidders will be dealt with by the Vigilance Department of CIDCO.
8. IEMs shall monitor the bidding process and also monitor the execution of contract by bidders/appointed parties and review objectively and independently as to whether and to what extent the parties comply with the obligations under the integrity pact. Their recommendations would be advisory and not legally binding, their role is independent, and once tendered would not be subject to review at the request of CIDCO/ bidder/s.
9. When complaint in a tender is under examination by IEMs, any administrative decision regarding same to be taken with prior information to IEMs,
10. Period of integrity pact:-
 - i) Pact becomes effective on signing & submission with bid by bidder.
 - ii) For the successful bidder, the Integrity Pact ends after 10 months from last payment made to the successful bidder.
 - iii) For unsuccessful bidders, valid for six months after award of contract.
11. The findings of the enquiry by the IEMs will be submitted to VC & MD & taken before the CIDCO board for further necessary action.
12. The CIDCO team handling the tender/contract is expected to disclose to Vigilance Department, any pre-existing employment of close relative/s of such CIDCO team, with the successful contractor.

13. Any existing practices of using recourses of the successful contractor, e.g. vehicle etc. need to be incorporated in to the contract itself, if required for official purposes. All other uses especially private uses are to be forbidden and can come under scrutiny for violation of the Integrity Pact.
14. Any CIDCO employee being offered inducement directly/indirectly by any bidder/contractor of the tender/ contract should be brought to the notice of the CVO immediately.



CHAPTER - VI

SANCTION FOR PROSECUTION

1. It is necessary for the prosecuting authority to have the previous sanction of the appropriate administrative authority of CIDCO for launching prosecution against an employee of CIDCO under section 19 of the Prevention of Corruption Act, 1988 or/and u/s 197 of Criminal Procedure Code.
2. The requirement of previous sanction is intended to afford a reasonable protection to a CIDCO employee who, in the course of strict and impartial discharge of his duties may offend persons and create enemies and be the target of frivolous, malicious or vexatious prosecution. It is intended to save such employee from unnecessary harassment or undue hardship which may also result from an inadequate appreciation by investigation authorities of the technicalities of the working of a department. The prosecution of a CIDCO employee for an offence challenging his honesty and integrity also has a bearing on the morale of the public service. The administrative authority alone is in a position to assess and weigh the accusation against the background of their own intimate knowledge of the work and conduct of the concerned CIDCO employee.
3. Currently, only the Managing Director of CIDCO is the appropriate administrative authority to grant sanction for prosecution of CIDCO employee, he has an absolute discretion to grant or to withhold sanction after satisfying himself whether the material placed before it discloses a prima facie case against the person sought to be prosecuted. He is the sole judge of the material that is placed before him. If the facts placed before him are not sufficient to enable him to exercise his discretion properly, he may ask for more particulars. He may refuse sanction if the evidence placed before him by the investigation authority is insufficient to disclose a prima facie case for a criminal trial.
4. However, a CIDCO employee who is alleged to have committed an offence should be allowed to be prosecuted against in a court of law, unless on the basis of the facts placed before the sanctioning authority, it considers that there is no prima facie case for launching a prosecution. That a case might

lead to an acquittal will not be enough reason for withholding sanction. For the sanctioning authority to be guided by such considerations will not be proper and may lead to suspicions of partiality and protection of the guilty person. Therefore, normally sanction for prosecution should be accorded even if there is some doubt about the final judgment in the case.

5. The protection of the requirement of provision under section 197 of criminal procedure code is available to a CIDCO employees even if he has ceased to be so by the time the court is asked to take cognizance of the offence committed by him when he was a CIDCO employee while acting or purporting to act in the discharge of his official duties under section 197 of the Criminal Procedure Code. Thus if a CIDCO employee is to be prosecuted after retirement in respect of an offence committed by him while in service in the course of his official duties, then sanction of Managing Director of CIDCO should be obtained.
6. If the prior sanction of the competent authority is not obtained and the trial vitiated on that technical ground, then the investigative agency can ask for the due sanction from MD, CIDCO in order to submit fresh charge sheet against the accused / employee.

FRESH SANCTION AFTER RE-INVESTIGATION

If reinvestigation into a case by the investigation agency reveals any new facts, the sanctioning authority will be asked to consider afresh whether the CIDCO employee should be prosecuted after taking into account all the facts revealed by fresh investigation. If the fresh investigation does not reveal any new facts and there is no change in the nature of the offence for which sanction for prosecution was accorded earlier, the previous sanction will hold good and it will not be necessary for the competent authority to grant a fresh sanction after valid reinvestigation.

The power to sanction is nothing but an executive action of the CIDCO administration and is within discretionary power.

PROCEDURE FOR OBTAINING SANCTION

1. On receipt of request from the investigative agency or complainant for sanction for prosecutions, the Chief Vigilance Officer of CIDCO will go through the



evidence and recommend sanction for prosecution of employees only in those cases in which there is sufficient prima facie evidence in the investigation conducted by investigative agency. Any decision not to recommend the grant of sanction for prosecution in any case, should only be for very valid reasons.

2. The proposal for sanction must be decided within a period of 3 months from the receipt of proposal.
3. The sanctioning authority, i.e. MD, CIDCO, will carefully evaluate all the evidences adduced by the investigation agency, as submitted in its request for sanction, as well as the views of the CVO, CIDCO, when deciding upon grant or refusal of sanction to prosecute CIDCO employees.
4. The decision of the MD, CIDCO, is received by CVO, CIDCO, the same should be conveyed within the above mentioned time to the investigation authority by CVO, CIDCO.
5. No deed to provide an opportunity of hearing to the accused being an administrative act of CIDCO Management.

WHEN SANCTION IS NECESSARY

1. The sanction is required under section 197 Cr. P.C. even where the public servant is no longer in service at the time the court takes cognizance of the offence.
2. Sanction is required under Section 197 (1) Cr. P.C. for an offence committed while acting or purporting to act in the discharge of his official duty, and not otherwise.

WHEN SANCTION IS NOT NECESSARY

1. Sanction is not required under Section 19 of the PC Act, if the CIDCO employee is no longer in services at the time the court takes cognizance of the offence.
2. No sanction is required for prosecution against the CIDCO employee of any offence under Section 354, 370, 375, 376 or Section 509 of Indian Penal Code.

CHAPTER VII

VIGILANCE CLEARANCE

To encourage and promote the culture of honesty and integrity it is important in the corporation to ensure that the posts in the establishment of CIDCO are occupied by persons with exemplary service and clean vigilance track records. A system has been evolved for according vigilance clearance before putting up, for management decisions on appointment, promotion, retirement, resignation acceptance and other situations.

VIGILANCE CLEARANCE IS ISSUED AS PER THE FOLLOWING PROCESS

1. **Requirement of vigilance clearance:** Vigilance clearance is required to be obtained by the personal/ other department for the following purposes:-
 - (a) Posting of officials in the Vigilance Department.
 - (b) Issue of NOCs for visits abroad/passport.
 - (c) Posting on sensitive post.
 - (d) Promotions.
 - (e) Confirmation on any post.
 - (f) Forwarding of applications to other organizations.
 - (g) Repatriation to their parent cadre.
 - (h) Grant of award for outstanding contribution.
 - (i) Releasing of final dues/withheld payments of the employees.
 - (j) Superannuation/resignation/voluntary retirement/ compulsory retirement / premature retirement.
 - (k) Extension/ Re-employment after retirement.



2. Procedure for vigilance clearance:

- (i) The personal/HOD of the department as per the subjects mentioned above will request for clearance from vigilance department.
- (ii) In order to give adequate processing time, proposals need to be sent 07 days in advance of the requirement date to the vigilance department.
- (iii) The preventive vigilance wing of the vigilance department shall check for any vigilance enquiries pending against or past vigilance enquiries which have resulted in recommendation of action against the employee but action is still pending. Vigilance department will also check its records for criminal cases against the employee.
- (iv) The information on the above will be put up to CVO for decision on vigilance clearance.

The circumstances under which vigilance clearance shall be withheld

- a) Vigilance clearance shall be withheld due to the filing of a complaint, if it is established on the basis of at least a preliminary inquiry or on the basis of any information that the concerned department may already have in its possession, that there is, prima facie, substance to verifiable allegations regarding **(i) corruption (ii) possession of assets disproportionate to known source of income (iii) moral turpitude (iv) violation of the CIDCO service regulation.**
- b) Vigilance clearance shall be withheld:
 - (i) The employee concerned is under suspension,
 - (ii) A charge sheet has been issued against the employee in a disciplinary proceeding after a vigilance enquiry and the proceeding is pending,
 - (iii) Orders for instituting disciplinary proceeding against the employee have been issued by the disciplinary authority in a vigilance enquiry,

- (iv) Charge sheet has been filed in a court by the Police in a criminal case involving moral turpitude of the employee and the case is pending for trial.
 - (v) Orders for instituting a criminal case against the employee have been issued by the disciplinary authority.
 - (vi) Sanction for prosecution has been granted by the competent authority in a case under the PC Act or any other criminal matter.
 - (vii) A criminal complaint has been filed by CIDCO / with the any other government body/Police department against the employee concerned.
 - (viii) The employee is involved in bribery/disproportionate assets/ criminal misconduct case and investigation is pending.
- d) The proposal for vigilance clearance shall be decided by the CVO keeping in view the sensitivity of the purpose, the gravity of the charges and the facts and circumstances. In all exceptions to above mentioned conditions, the reasoning and logic of granting/ refusing vigilance clearance will be clearly denoted by CVO:
- e) In case of imposition of a major penalty, vigilance clearance will not normally be granted for a period of three years, after the imposition of punishment. During the period, the performance of the officer should be closely watched.
- f) Vigilance clearance shall be withheld if the officer fails to submit his annual immovable property return (AIPR) of the previous year



CHAPTER VIII

ADMINISTRATIVE DEPARTMENTS TO EXTEND CO-OPERATION

The concerned departments will extend the necessary co-operation to the vigilance officers at every stage of the vigilance enquiry on a priority basis so as to enable them to complete the enquiry as early as possible. The HOD's are also to ensure that the officers/employees working under them co-operate with the vigilance officers in furnishing the required information and also appearing before the Departmental Enquiry Officers for giving their defense / versions (Periodical meetings should be held between CVO and HOD's for exchange of information and discussing cases under enquiry as also the cases pending before the HOD for disciplinary proceedings, and court cases for achieving all-round co-operation and progress.)

LIAISON WITH THE ANTI-CORRUPTION BUREAU

The Anti Corruption Bureau of the state government carries out the function of controlling the corruption in the state through various measures. Since the functions of the Bureau and the Vigilance Branch are complementary to each other, and many a times complaints are received at both the places, it will be essential to have close coordination between these two agencies. It will, therefore, be necessary that periodic meetings take place, which will facilitate exchange of information and result in smooth and efficient working of both the agencies.

PREPARATION OF LIST OF OFFICERS/ STAFF WITH DOUBTFUL INTEGRITY

List of officials with doubtful integrity is required to be prepared. It is to be taken into consideration at the time of promotions, postings, etc. It shall be responsibility of the investigative vigilance cell to carry out this function.

SUPPLY OF REPORT AND ORDERS TO CVO

In all cases where disciplinary action is initiated on the basis of a report received from the Police/CVO, a copy of the report of the inquiry officer and orders passed by the disciplinary authority should be furnished to the CVO for their record.

The list should include names of officers/ employees of CIDCO, of the following categories, involved in vigilance cases:

- i) Convicted by a court of law;
- ii) Acquitted by a court on technical grounds;
- iii) Awarded a major penalty in disciplinary proceedings;
- iv) Against whom a court case is pending;
- v) Against whom a departmental action for major penalty is pending.

The list is intended to ensure that officials of doubtful integrity are not posted to sensitive assignments. This fact is given due consideration when deciding administrative matters affecting their service and also to focus on the need of special attention and close supervision and scrutiny of the work of such officials.

The following administrative action can be taken by the personnel department, on this issue:-

- i) Transfer from a “sensitive” post;
- ii) Non-promotion after consideration of his case, to a service, grade or post to which he is eligible for promotion;
- iii) Compulsory retirement (non-penal) subject to service rules;
- iv) Refusal of extension of service;
- v) Refusal of permission for re-employment in CIDCO after retirement.



AGREED LIST OF SUSPECT OFFICERS

The list should include all class of employee against whose integrity and honesty, there are complaints and findings. The list is to be finalized by mutual discussion between the ACB and the CVO. The following action should be taken regarding officers in the list:-

- i) Closer and more frequent scrutiny and inspection of their work and performance;
- ii) Discreet check about their reputation, by the department;
- iii) Unobtrusive watch of their contacts, style of living etc;
- iv) Secret enquiry about their assets and financial resources;
- v) The list will remain in force for one year.

CHAPTER IX

STATEMENTS AND RETURNS:

For every department of CIDCO, its Head of Department will submit the following statistical returns every six months as on 31st March and 30th September of every year, so as to reach the vigilance department by the 15th of the succeeding month:

- (a) Statement showing the disposal and pendency of complaints regarding corruption,
- (b) Statement showing the details of employees of the department under suspension for more than 6 months.



CHANGING MINDS

Changing Minds is an initiative to bring integrity in life, society and governance.

- As a part of transparency framework, Changing Minds Programme was exhibited at CIDCO Navi Mumbai (South) smart city launch at CIDCO Exhibition Centre, Vashi.
- CIDCO had organized its first ever Wellness and Spiritual Youth Fest under the flagship of 'Changing Minds' at CIDCO Exhibition Centre, Vashi on 15th January, 2016.
- CIDCO started its Vigilance Awareness Campaign in which many events like essay writing competition, inspirational lectures and street plays are organized.

“Changing Minds – Great Minds Inspire”

- **Dr. Devdutt Patnayak**, an author, leadership consultant and mythologist was invited on 19th January, 2016.
- An inspirational lecture with **Dr. S. G. Bhogle**, an institutional expert at PIM was organized on 25th January, 2016 at CIDCO Aurangabad.
- The first IPS officer who scaled Mt. Everest, **Shri. Atul Karwal** was invited to speak in the programme on 5th February, 2016.
- Nuclear Scientist **Dr. Anil Kakodkar** was invited to speak in the programme of 25th August, 2016.
- **Shri. Gangadhar Jangale**, a school teacher from a ZP school in Uran was invited to speak on 16th March, 2016.
- Inspirational Speaker **Shri. Jayprakash Kabra** was invited to speak on 29th December, 2016 on the topic of “Hum Honge Kamyab”.

