

KOLKATA PORT TRUST

Vigilance Department
No. 4, Fairlie Place(3rd Floor), Kolkata- 700001

No. Vig/20/

Dated 26thFebruary, 2008.

Circular No. 3/08

To

All Heads of Departments/GM(Ops)/GM(M & S), HDC
(Secretary/FA & CAO/DMD/TM/CHE/CME/CE/CMO/LA & IRO/
LM(I/C)/CMM(I/C)/LA(I/C)/Director(P & R)(I/C).

Sub: Matters for reference to Vigilance Department.

The C.V.C. has laid down the definition of 'vigilance angle' in office order No.74/12/05 dated 21.12.2005 and No.23/04/04 dated 13.04.2004. Since the Vigilance Department primarily looks into cases having vigilance angle, such cases coming within the definition of CVC needs to be referred to the Vigilance Department. On the other hand, cases which does not have vigilance angle, are required to be handled departmentally.

It has been noted that cases having vigilance angle, e.g. illegal gratification etc. were not referred to the Vigilance Department. In this regard, the letter of the Administrative Department vide No.Admn/6945/WW/Genl. dated February 5, 2008 may be referred to. On the other hand, purely administrative matters, like – verification of address, etc. are being referred to this Department which do not have any vigilance angle. Accordingly, the Heads of the Departments are requested to exercise due diligence in deciding the cases to be referred to the Vigilance Department in light of the CVC Guidelines.

Copy of the CVC Office Order is enclosed herewith for ready reference.

Encl: As stated.

(Manoj Kumar)
Chief Vigilance Officer.

No. 004/VGL/18
Government of India

Central Vigilance Commission

Satarkata Bhawan, Block-A,
GPO Complex, INA,
New Delhi-1100 23.

Dated: 13th April, 2004

Office Order No. 23/04/04

(read with modification vide Office Order No. 74/12/05)

Subject: Vigilance angle – definition of.

As you are aware, the Commission tenders advice in the cases, which involve a vigilance angle. The term “vigilance angle” has been defined in the Special Chapters for Vigilance Management in the public sector enterprises, public sector banks and public sector insurance companies. The matter with regard to bringing out greater quality and precision to the definition has been under reconsideration of the Commission. The Commission, now accordingly, has formulated a revised definition of vigilance angle as under:

“Vigilance angle is obvious in the following acts: -

- (i) Demanding and/or accepting gratification other than legal remuneration in respect of an official act or for using his influence with any other official.
- (ii) Obtaining valuable thing, without consideration or with inadequate consideration from a person with whom he has or likely to have official dealings or his subordinates have official dealings or where he can exert influence.
- (iii) 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 a public servant.
- (iv) Possession of assets disproportionate to his known sources of income.
- (v) Cases of misappropriation, forgery or cheating or other similar criminal offences.

2(a)** There are, however, other irregularities where circumstances will have to be

weighed carefully to take a view whether the officer's integrity is in doubt. Gross or wilful negligence; recklessness in decision making; blatant violations of systems and procedures; exercise of discretion in excess, where no ostensible/public interest is evident; failure to keep the controlling authority/superiors informed in time – **these are some of the irregularities where the disciplinary authority with the help of the CVO should carefully study the case and weigh the circumstances to come to a conclusion whether there is reasonable ground to doubt the integrity of the officer concerned.**

2(b) Any undue/unjustified delay in the disposal of a case, perceived after considering all relevant factors, would reinforce a conclusion as to the presence of vigilance angle in a case.

**** as modified vide Officer Order No. 74/12/05 dated 21/12/05.**

3. The raison d'être of vigilance activity is not to reduce but to enhance the level of managerial efficiency and effectiveness in the organisation. Commercial risk taking forms part of business. Therefore, every loss caused to the organisation, 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 organisation is one possible criterion for determining the bona fides of the case. A positive response to this question may indicate the existence of bona- fides. A negative reply, on the other hand, might indicate their absence.

4. Absence of vigilance angle in various acts of omission and commission does not mean that the concerned official is not liable to face the consequences of his actions. **All such lapses not attracting vigilance angle would, indeed, have to be dealt with appropriately as per the disciplinary procedure under the service rules.”**

5. The above definition becomes a part of the Vigilance Manual and existing Special Chapter on Public Sector Banks and Public Sector Enterprises brought out by the Commission, in supersession of the existing definition.

CVOs may bring this to the notice of all concerned.

Sd/-
(Anjana Dube)

Deputy Secretary

All Chief Vigilance Officers