FIRTS REPORT

OF THE

MAHARASHTRA VIGILANCE COMMISSION

For the period 18-8-1964 to 31-3-1966

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FIRST REPORT OF THE MAHARASHTRA VIGILANCE COMMISSION FOR THE PERIOD 18th AUGUST 1964 TO 31st MARCH 1966

SECTION I

Introduction

Soon after the attainment of independence, the then Government of Bombay declared that as trustees of the people, it was anxious to maintain as high a standard of purity as possible in its administration and, therefore, attached great importance to integrity among its servants. Accordingly, it enjoined on all Government servants that it was their duty to uphold the honour of Government and to discharge the trust reposed in them by observing the highest code of rectitude in their dealings with the public and by conducting themselves at all times in an irreproachable manner.

- 2. Further orders were issued from time to time outlining the measures for eradication of corruption from Government services. Meanwhile, an Anti-Corruption Branch had already been set up in 1946 which was converted, in 1958, into a full-fledged Anti-Corruption Bureau. Another significant step was taken in 1957 by the establishment of Departmental Anti-Corruption Committees and District Anti-Corruption Committees at official level.
- 3. Following on the establishment of a Central Vigilance Commission by the Government of India in February 1964 as a result of the recommendations of the Committee on Prevention of Corruption headed by Shri K. S. Santhanam, the Government of Maharashtra decided, by its Resolution, No. VGC-1064-D, dated the 12th August 1964 (Appendix I), to constitute a single member State Vigilance Commission. Shri N. T. Mone, I.C.S. (now retired) who was the Chief Secretary to the Government was appointed State Vigilance Commissioner. He assumed charge of his office on the 18th August 1964 and continued as such during the period under report.

- 4. Paragraph 3 (xiv) of the Government Resolution of the 12th August 1964 setting up the Commission provides that the Commission will submit an annual report to Government about its activities, drawing particular attention to any recommendation made by it which had not been accepted or acted upon and a copy of the report together with a memorandum explaining the reasons for non-acceptance of any recommendations of the Commission will be laid by Government before the Legislature. This first report covering the period 18th August 1964 to the 31st March 1966 is accordingly submitted. The period actually covers about 19 months. During the first few months the Commission could do little work owing to the time taken in the initial setting-up involving procurement of accommodation, staff, equipment and grants.
- 5. The delay in the submission of the report is due to the fact that Government had desired to take appropriate decisions on the various recommendations and suggestions which the Commission had made from time to time and which were either not accepted or had been pending since long. These matters were finalised after a personal discussion with the Chief Minister recently.

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SECTION II

JURISDICTION, POWERS AND FUNCTIONS OF THE STATE VIGILANCE COMMISSION

- 6. The jurisdiction of the Vigilance Commission extends to the whole of Maharashtra State. As regards its functions and powers, these are broadly as under:—
- (i) To enquire itself, or cause an enquiry to be made into complaints of corruption and of like nature, against the State Government servants (certain categories being excluded), and advise Government on the action to be taken on them. The Commission has no agency of its own for carrying out investigations, but may utilise Government Departments and the Anti-Corruption Bureau attached to the Home Department for the purpose. All complaints referred by the Commission to the Anti-Corruption Bureau have to be reported back to the Commission; in the case of other enquiries made by the Anti-Corruption Bureau the reports are not to be routed through the Commission to Government unless prosecution is recommended. In the case of non-gazetted staff, however, such reports will come to the Commission only if the Disciplinary Authority, i.e., the Head of Department, proposes not to accept the Bureau's recommendation. In the case of complaints received by the Anti-Corruption Bureau direct from the public against Class I Officers, sanction to register and investigate them has first to be obtained from Government. This need not be done, however, where a complaint is sent to the Bureau by the Commission for enquiry.
- (ii) Reports on cases of Departmental Enquiries which are sanctioned by Government on the basis of investigations made by the Anti-Corruption Bureau or the State Vigilance Commission are required to be routed by the Special Officers for Departmental Enquiries to the Administrative departments concerned through the Commission for advising Government

as to the action to be taken against the delinquents and also as to the appropriate punishment in case they are found guilty.

Following on the provision made in the Government Resolution regarding submission of cases of prosecution of nongazetted Government servants by the Anti-Corruption Bureau and with a view to obviate the reference to it of petty cases, the Commission has directed that the Special Officers should submit their reports on Departmental Enquiries through the Commission against gazetted officers only, and that in the case of non-gazetted staff, the reports should be sent directly to the Head of Department concerned who however, should seek the advice of the Commission if he disagrees with the recommendations of the Special Officer.

- (iii) In any case, where it appears that discretionary powers had been exercised for improper or corrupt purposes, the Commission may advise the department that suitable action may be taken against the public servant concerned and that any procedure or practice may be appropriately changed.
- (iv) The Commission has the power to take over, after consultation with the department concerned, under its direct control such complaints, information or cases as it may consider necessary for further action.
- (v) To exercise general check and supervision over the vigilance and anti-corruption work in the departments and for that purpose, call from them such reports, returns and statements as it may consider necessary.
- (vi) The Commission may initiate at such intervals as it considers suitable, a review of practices and procedures in administration in so far as they relate to maintenance of integrity in administration.
- (vii) To generally co-ordinate the work of and advise the departments in respect of all matters pertaining to maintenance of integrity in administration.

(viii) The Commission has to examine the draft programmes for eradication of corruption drawn up by the Heads of Departments under the orders issued by Government, as a further measure to root out corruption and to forward them to Govrenment with its own proposals after taking into consideration the observations made independently by the Director, Anti-Corruption and Prohibition Intelligence Bureau in respect of each department.



SECTION III

ORGANIZATION

- 7. Accommodation.—An enclosed portion on the ground floor of the Majestic Hotel Building was allotted by Government for accommodating the office of the Commission which is quite satisfactory. Some additions and alterations had to be made to it to suit the requirements of the office.
- 8. Organisational set-up and difficulties in recruitment.— Appendix II shows the initial sanctioned strength of the establishment of the State Vigilance Commission. To start with, only token staff of a Stenographer and an Assistant was taken as in the interest of economy, the Commission did not wish to ask for posts unless they were found necessary. Soon, however, need was felt to set up a regular office for the Commission under the charge of a senior Gazetted officer to deal with its day to day business. The post of a Secretary to the Commission in the grade of Under Secretary and non-gazetted staff of two Superintendents, three Assistants, one Lower-Grade Stenographer, one Accountant-cum-Cashier, one English Typist, one Marathi Typist and three Clerks were further sanctioned in September 1964.
- 9. To secure the staff was not an easy task. In the very nature of things, the Commission required hands which had sufficient Secretariat experience and which was efficient and trustworthy, considering that the work of the Commission is of a specialised and secret nature. With this end in view, the Government Resolution constituting the Commission, had in paragraph 4 laid down that 'it will be provided with such staff as may be necessary for the proper dischrage of its duties and responsibilities'.
- 10. The services of Shri S. A. Virkar, a Senior Under Secretary in the General Administration Department were requisitioned

for the post of Secretary and the Government kindly agreed to spare him. Shri Virkar took charge of Secretary's office on the 17th October 1964. He has also been assigned some part-time work in the General Administration Department.

- 11. In the absence of any incentive the procurement of the office staff took considerable time. Persons of mature experience and calibre were unwilling to come over to the Commission or the Government Departments were either unwilling or unable to spare them. Some of those who could be spared were not considered suitable by the Commission. Efforts were also made to obtain staff from offices outside the Sachivalaya, but were unsuccessful. Finally, the Commission requested Government in December 1964, to depute such staff as it could. The Commission's office thus got going in about six months' time. Yet the position is not happy. The Assistants one after the other are requesting to be repatriated to their parent departments in the Secretariat but replacements are neither possible nor desirable.
- In view of the rapidly growing work both on the complaints as well as on the research side and as only nucleus staff had been sanctioned to begin with, Government was moved in June 1965 by the Commission to sanction the post of an Assistant Secretary and some non-gazetted staff for the Complaints and Research Sections. Government, however, sanctioned the posts of one Assistant and one Clerk for the Complaints and Establishment Section only. Even this staff could not be recruited as due to the emergency, Government had, in the meantime, placed a ban on filling up of unfilled posts which worked adversely on the newly set up office of the Commission. The two sanctioned posts have since been allowed to be filled. Government was again moved by the Commission for sanctioning the remaining posts which had been asked for. The post of Assistant Secretary was subsequently sanctioned and appointment thereto was made on the 31st July 1966.

13. The Commission started functioning in the Budget year 1964-65 i.e. in August 1964. There was no separate head of account for the Commission during that financial year. A separate sub-head is in operation from the 1st April 1965. A statement showing the grants sanctioned for the Commission for 1964-65 and 1965-66 and the expenditure incurred from the 18th August 1964 to the 31st March 1966 is given in Appendix III.



SECTION IV

COMPLAINTS

(a) Statistics of Complaints

I

14. The following table gives at a glance, the position regarding action taken on the complaints received by the Commission during he period under review:—

Paragraph 16 .	(I) Total number of complaints received	ed: 1,3	385
	Complaints falling outside jurisdiction of the Commission		5 8 0
	COPESS.	7	705
Paragraph 17 .	. Complaints received through Departments.	the	41
	Complaints received direct		564
			705
Paragraph 18 an Appendix V.	d Against Gazetted Officers Against Non-Gazetted Government servants.	227 316	
	General (not against particular individuals).	162	
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Paragraphs 21 to 23.	Complaints disposed of Complaints pending disposal		325 380
		•	705
	(II) Break-up of 325 complaints disper	sed	
	Category		. of plaints.
Paragraph 21 .	(A) Filed after preliminary scruting no action was conside necessary.	-	71
Paragraph 21 .	(B) Sent to other authorities necessary action and disposal (i) to Anti-Corruption Bureau.		117
	(ii) to Government departments/offices.	78	
•	Total	117	

		Category	No. of complaints.
Paragraph 2	3(c)	(C) Processed by the Commission: (i) Investigated by the Commission itself.—	137
		be substantiated, and action advised to the disciplinary authorities concerned.	
		(b) Allegations found to be not substantiated.	
		Total 3	
Paragraph 2		(ii) Enquired into through other agencies:— (a) Allegations found to 12	
		be substantiated wholly or partly and action advised to the disciplinary authorities concerned.	
		(b) Complaint in which Government was advised to take action against the persons concerned after the decision of the Civil Suit was known as the matter was subjudice.	
		(c) Allegations found to 100 be not substantiated.	
D	227-2	Total 113	
Paragraph 2	23(<i>a</i>)	(iii) Filed as the complainants 18 failed to furnish the required information to the Commission and also did not pursue their complaints in any other way or as the Commission could not obtain the	
Paragraph 2	3(b)	necessary additional in- formation, the complain- ants being not traceable.	
Paragraph 2	3(b)	ies were considered neces- sary and advice was tendered to the authorities concerned on scrutiny of the complaints.	

Total (A)+(B)+(C) above

	(III)) Break-up of 380 complaints pending disposal :	
Paragraph 22	•••	(A) Reports awaited from the the enquiring/reporting authorities concerned.	29 3
		(B) Reports received from the reporting authorities but under Commission's scrutiny as on 31st March 1966.	62
Paragraph 23(a)		(C) Additional information awaited from the complainants as on 31st March 1966.	12
Paragraph 23(c)	•••	(D) Under investigation by the Commission itself.	13
		Total $(A)+(B)+(C)+(D)$ above	380
		Grand Total (II)+(III) above	705

[The summary of the break-up of these 705 complaints according to the action taken on them, is given in Appendix IV. For statistical purposes a single communication containing allegations against say, four individuals is treated as four complaints but as a single case. Similarly, if there are four communications against the same person they are treated as one complaint and one case provided they pertain to the same subject.]

- 15. The Commission started receiving complaints from the public almost from the day on which it assumed office. While most of them were received by post a number of presons came personally to pass on the information possessed by them. The Commission's jurisdiction at present extends to Government servants and Government Departments only. However, the complaints received consisted of grievances against not only Government servants, but also other classes of public servants, employees of local bodies, etc. despite the clarification issued by the Commission regarding its exact scope and functions. There were also complaints against persons within the purview of the Commission but regarding matters not falling within its jurisdiction.
- 16. During the period under report, 1,385 complaints were received by the Commission. Of these 680 related to persons or matters not falling within the purview of the Commission. These were either filed or sent to the appropriate authorities for disposal. The following paragraphs deal with the remaining 705 complaints.

II. Break-up-Action-wise

- 17. Of the 705 complaints relating to alleged corruption on the part of State Government servants, 41 came to the Commission through various Departments of Government. The remaining 664 were received direct from the public.
- 18. Their break-up according to the Class of Government servants complained against is given in Appendix V. Department-wise and Class-wise break-up is indicated in the Statement in Appendix VI. District-wise and Class-wise break-up of complaints is shown in the Statement in Appendix VII.
- 19. Out of the 705 complaints, 151 were anonymous and 79 pseudonymous applications. The course adopted in regard to anonymous complaints was generally to file them without taking any action or send them to the concerned authorities for disposal. In some, enquiries, were, however, instituted by the Commission and in 23 enquiries completed, 20 complaints were found to be baseless while action was required to be taken in 3. In one complaint, no enquiry by the Commission was considered necessary but advice was tendered to the disciplinary authority as to the action which may be taken if the allegation was substantiated. The details of these four cases will be seen at Appendix VIII, Serial Numbers 5, 6 and 11 and Appendix IX, Serial Number 1.
- 20. As regards pseudonynous complaints, the action taken generally was to file them if they appeared to be obviously pseudonymous or were subsequently found to be so.
- 21. Of the 705 complaints, 71 were filed after preliminary scrutiny, as the allegations contained therein either related to old matters not capable of verification or were vague, of a general character or petty or against Government servants acting as quasi-judicial authorities in matters in which remedies such as appeal were available to the affected parties under the existing Acts such as Civil Procedure Code, Revenue Code or the Police Act. Of the remaining 634 complaints, 39 were

forwarded to the Anti-Corruption Bureau for disposal while 78 complaints were forwarded to the Departments/Offices concerned for necessary action as the allegations made therein were not specific but of a general nature, which could be looked into by authorities concerned.

- 22. Four hundred and sixty-eight complaints were sent to the Anti-Corruption Bureau and the Departments/Offices concerned for inquiry and report. Out of them, 315 were sent to the Anti-Corruption Bureau and the remaining 153 to Departments/Offices of Government. Generally speaking, complaints, quoting specific instances of corruption regarding which there is no indication of action having been taken, are entrusted to the Anti-Corruption Bureau for enquiry and report. in general terms regarding lack of integrity, misconduct, service matters, etc., are referred for disposal/enquiry and report to the Department/Office concerned. Besides, in cases in which there is an indication that the Department/Office concerned is making or has made an enquiry, its report is called for. Reports were received upto the 31st March 1966 on 175 complaints from the authorities concerned. In 100 complaints, the allegations were found to be not substantiated, 62 were under scrutiny in the Commission's office as on the 31st March 1966 and action taken on the remaining 13 cases is indicated in Appendix VIII at Serial Numbers 1 to 10 and 14 to 16.
- 23. In respect for the remaining 49 cases [i.e. 634—(39—78—468)] the position is as under:—
 - (a) In 30 complaints, additional information was called for from the complainants to enable the Commission to consider whether any action was called for. In 6 of them, the complainants did not furnish the required information nor did they pursue them in any other way; in 12 other complaints, the Commission could not obtain the necessary additional information as the complainants were not traceable. They were, therefore, filed. As for the remaining 12, replies from the complainants were awaited.

- (b) In regard to 3 complaints, no enquiry by the Commission was considered necessary and the authorities concerned were advised to take suitable action. These complaints are listed in Appendix VIII at Serial Numbers 11 to 13.
- (c) The remaining 16 complaints were taken up for investigation by the Commission itself, in exercise of the power vested in it by paragraph 3(i) of the Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964. 3 of these have been finally disposed of. In respect of 2, allegations were found substantiated and the Commission recommended action against the officers concerned. They are mentioned in Appendix IX. The third complaint was filed as the allegation was not found to be substantiated. The remaining 13 complaints were under investigation by the Commission.

The 16 complaints taken up for Investigation by the Commission itself, mentioned above, are being dealt with in 10 cases, a gist of which also is given in Appendix IX.

III. Replies to Complainants

24. Except for the initial period during which the Commission had practically no staff, it has been the practice of the Commission to acknowledge receipt of the complaints and inform the complainants at the appropriate stage of the result of the enquiry. If the complaints are forwarded to other authorities the complainants are informed accordingly.

IV. Complaints/Cases regarding disproportionate assets

25. Possession by a public servant, of pecuniary resources or property disproportionate to the known sources of his income for which he cannot satisfactorily account has been made a penal offence under section 5(1)(e) read with section 5(2) of the Prevention of Corruption Act. The Commission dealt with 8 complaints (included in 705) and one case of this type during the period under report. The case was received from the Anti-Corruption Bureau. The complaints contained allegations that the officials concerned had amassed assets through corrupt

- means. In one complaint the Commission recommended to Government the transfer of the official concerned. In another, the report received from the Anti-Corruption Bureau was under scrutiny in the Commission's office. The remaining six complaints were under investigation.
- 26. The case received from the Anti-Corruption Bureau, in which the Bureau suggested prosecution of a Gazetted Officer, on the ground that he was found to be in possession of assets disproportionate to his known sources of income was considered by the Commission. The Commission recommended that a departmental enquiry may be held against the official.

V. Complaints received from or sent to the Samyukta Sadachar Samiti

- 27. One of the objects of the Samyukta Sadachar Samiti, a nation-wide organisation which came into existence on the 10th March 1964, is to assist in the redress of people's grievances relating to all forms of corruption and to set up suitable machinery for this purpose. Pradesh Samitis have also been set up in many States including Maharashtra. The objective of eradication of corruption from public life is thus common to the Samyukta Sadachar Samitis and the Vigilance Commission.
- 28. According to the procedure of the Samiti, if it considers that a prima facie case has been made out by a complaint in respect of a complaint relating to corruption on the part of a State Government servant, the Samiti would usually forward the complaint to the Vigilance Commission of the State concerned. Two complaints were received from the Samyukta Sadachar Samiti, Nagpur Branch. One of these was against an Officer of Government. It was sent to the concerned administrative department of Government for disposal. The other did not fall within the purview of the Commission, and no action was taken on it. The Samyukta Sadachar Samiti was informed accordingly in both the cases.
- 29. According to the procedure of the Vigilance Commission, complaints of corruption against those holding a political office, against members of the State Legislature or against private

organisations are forwarded to the Samyukta Sadachar Samiti as such complaints are outside the jurisdiction of the Commission. During the period under report, 23 complaints were forwarded to the Samyukta Sadachar Samiti for such action as it might deem necessary.

- (b) Analysis of Complaints of Corruption by Classes of Government servants Department-wise and District-wise
- 30. During the period under review, the Commission received complaints of corruption, other malpractices or misdemeanour against 543 State Government servants. In addition there were 162 complaints against officials of a Department/Office/District as a whole and not against specific individuals. Their break-up according to the classes of service is given in Appendix X. The comparative incidence of complaints among the four classes of Government servants is indicated in the statement in the same Appendix. Column 4 of that Appendix shows the percentage of number of Government servants complained against in each Class of service to the total number of Government servants in that Class. A statement giving district-wise and department-wise break-up of these complaints is also appended, Vide Appendices VI and VII.
- 31. A comparison of the percentage of the number of complaints received against Government servants of the four classes shows interesting results. It is observed from the percentage that the volume of complaints received is the highest in respect of Class I servants followed by Class II, Class III and Class IV servants, in that order; and this, in spite of the fact that the higher services personnel are more astute in escaping detection and their methods are more refined.
- 32. The Department-wise break-up of the complaints reveals that the largest number of complaints received was against Government servants under the Home Department. It is followed closely by the Revenue and Forests Department. The Urban Development, Public Health and Housing Department, the Food and Civil Supplies Department, the Agriculture

and Co-operation Department and the Buildings and Communications Department come next in that order.

- 33. The District-wise break-up of the complaints shows that Bombay leads with 171 complaints, followed by Poona, Nagpur, Thana and Nasik Districts. This may be due to the fact that, apart from Bombay, in these Districts, Government servants are comparatively more numerous and there are larger opportunities for corruption, a number of developmental activities being concentrated in those districts. It is interesting to note that those districts have a larger literate population than the others. Literacy makes the public more corruption-conscious as also vocal.
- 34. These statistics cannot, however, be taken to be indicative of the incidence of corruption among the different classes of State Government servants. They merely show the extent of complaints received by the Commission. This is not only because all cases of corruption are not reported to the Commission but also because all complaints received are not genuine cases of corruption and are not proved as such. Some are motivated by ill-feeling, some are based on suspicion or hearsay while only a few turn out to be true. Any conclusion on the basis of these figures, as to the extent of corruption in any sector, is, therefore, likely to be misleading.
- 35. A potent factor for the increase of corruption in the services was the transformation of the State from a Police State to a Welfare State which offered an easy scope for corrupt practices. Economic distress aggravated the malaise. The morale of the services was not tuned up to the change in the ideals of the State, partly due to lack of training and partly to adverse economic conditions. While it is true that there is no direct relationship between emoluments and prevalence of corruption, this will hold good only if the emoluments of the officials are not below their basic needs. The extent of corruption also depends on opportunities available, e.g., the incidence of complaints against Class IV services is the lowest as they have few opportunities. They have also more earning

members in the family. People also do not generally care to complain against Class IV servants probably because the corruption in their case is of a petty nature.

(c) Statistics of disposal of complaints

(For statistical purposes a complaint against one Government servant is treated as one complaint.)

I. Time taken by Reporting Authorities

36. Complaints in which reports from the authorities have been received.—The Commission had, till the 31st March 1966, received reports in respect of 175 complaints which were referred for enquiry to the Anti-Corruption Bureau, Secretariat Departments and Heads of Departments. The time taken by those authorities in making enquiries and sending reports to the Commission in the 175 complaints referred to above was—

Over 6 months		42
From 3 to 6 months		61
From 1 to 3 months		42
Less than 1 month	774	30
· Total	THE	175

The break-up of 42 complaints delayed over 6 months is as under:—

as	uliuei.—		
	Name of the Reporting Authority	Number of complaints	Number of cases
1.	Anti-Corruption Bureau	33	24
2.	Agriculture and Co-operation Depart-	1	1
	ment.		
3.	Buildings and Communications	1	1
	Department.		
4.	Collector of Osmanabad	2	1
5.	Collector of Ahmednagar	2	1
6.	District Superintendent of Police,	1	1
	Poona.		
7.	Director of Education	1	1
8.	Commissioner, Nagpur Division	1	1
	Total	42	31

- 37. Out of 42 complaints mentioned above, reports in respect of 3 complaints, i.e., three individuals dealt with in two cases were received after a year from the Anti-Corruption Bureau.
- 38. Complaints in which reports from concerned authorities are awaited.—The 293 complaints which were pending for receipt of the inquiry report as on the 31st March 1966 either from Secretariat Departments, Anti-Corruption Bureau or the Heads of Departments, as the case may be, give the following analysis:—
 - 1. Number of complaints pending for over 73 6 months.
 - 2. Number of complaints pending for 3 to 62 6 months.
 - 3. Number of complaints pending for 1 to 58 3 months.
 - 4. Number of cases pending for less than 100 one month.

Total ... 293

39. The break-up of 73 complaints pending over six months with reporting authorities is as under:—

	Name of the Reporting Authority	Number of complaints	Number of cases
1.	Anti-Corruption Bureau	35	28
2.	General Administration Department.	1 ,	1
3.	Revenue and Forests Department.	1	1
4.	Buildings and Communications Department.	1	1
5.	Urban Development, Public Health and Housing Department.	18	2
6.	Rural Development Department	1	1
j	H 36 con-3		

	Name of the Reporting Authority	Number of complaints	Number of cases
7.	Chief Executive Officer, Zilla Parishad, Aurangabad.	1	1
8.	Commissioner of Police, Bombay.	6	3
9.	Collector of Thana	1	. 1
10.	Collector of Bhir	2	1
11.	District Superintendent of Police, Poona Rural, Poona.	1	1
12.	District Superintendent of Police, Nasik.	1	1
13.	Deputy Inspector General of Police, Bombay Range, Nasik.	2	1
14.	Director of Transport	1	1
15.	Director of Agriculture	1	1
	Total	73	45
	2 11 1967 11 54		

40. Out of 73 complaints, 13 complaints, i.e., complaints against thirteen individuals dealt with in 12 cases were pending with the Anti-Corruption Bureau for enquiry and report and 17 complaints against 17 individuals dealt with in one case were pending with the Urban Development, Public Health and Housing Department for more than a year each. In addition, 2 complaints, against two individuals dealt with in one case on which report from Anti-Corruption Bureau and the Deputy Inspector General of Police, Bombay Range was called for, were pending with the Deputy Inspector General of Police, for more than a year. The case was brought to the notice of Government. Report was received after the 31st March 1966 and the case has since been disposed of.

II. Time taken in the Commission

41. Of the 175 complaints in which final reports were received by the Commission an analysis of the time taken in the office of the Commission for the scrutiny of 113 complaints which were disposed of, excluding the day of the receipt of the report but including the day of despatch of the Commission's recommendation gives the following break-up:—

1.	Less than 1 week	•••	24
2.	Over 1 week but less than 2 weeks	•••	12
3.	Over 2 weeks but less than 3 weeks	•••	12
4.	Over 3 weeks but less than 4 weeks	•••	20
5.	Over 4 weeks but less than 5 weeks		8
6.	Over 5 weeks but less than 6 weeks	•••	14
7.	Over 6 weeks but less than 7 weeks	•••	2
8.	Over 7 weeks but less than 8 weeks	•••	?
9.	Over 8 weeks	•••	14
	Total	••• ·	113

The remaining 62 complaints were under scrutiny as on the 31st March 1966.

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42. The average time taken for disposal in the office of the Commission for a complaint was 4.2 weeks which is not satisfactory. Had the additional staff asked for on the basis of the work statistics been timely sanctioned, the duration could have been reduced appreciably.

III. Time taken by the disciplinary authorities in taking decisions on the opinion of the Commission

43. On 18 complaints, the Vigilance Commission tendered advice to the disciplinary authorities concerned. Their decision has been received in 12 cases. In one complaint, part of the advice has been accepted and the remaining part is under H 36-3a

consideration of the disciplinary authority. The time taken in each case will be apparent from the following table:—

Sr. No.	Date of Commission's advice	Date of decision of Disciplinary Authority	Time taken
1.	1st July 1965	alustr-matay	
2.	20th July 1965	22nd November 1965.	4 months.
3.	10th August 1965		
4.	16th August 1965	24th February 1966*	$6\frac{1}{4}$ months.
5.	1st September 1965	11th March 1966	$6\frac{1}{4}$ months.
6.	1st October 1965	4th November 1965.	1 month.
7.	17th November 1965.	19th May 1966	6 months.
8.	22nd November 1965.		
9.	22nd November 1965.	·—	
10.	27th November 1965.	28th September 1966.	10 months.
11.	9th December 1965	11th April 1966	4 months.
12.	11th December 1965.	4th August 1966	$7\frac{3}{4}$ months.
13.	11th December 1965	28th December 1965.	$\frac{1}{2}$ month.
14.	18th December 1965.	15th September 1966.	9 months.
15.	3rd January 1966	13th April 1966	$3\frac{1}{4}$ months.
16.	17th February 1966	(() <u>+1</u> ()	
17.	17th February 1966	17th May 1966	3 months.
18.	2nd March 1966	18th March 1966	$\frac{1}{2}$ month.

^{*} In this case the Disciplinary Authority has taken decision on some part of the Commission's advice and the other part is still under its consideration.

(d) Prosecution of persons found to have made false complaints

44. Paragraph 7 of the Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964, provides that the Commission will take initiative in prosecuting persons who have made false complaints of corruption or lack of integrity against public servants. During the period under report, there was no complaint in which the Commission considered it advisable or feasible to prosecute its originator.

(e) Modes of Corruption noticed

- 45. A list of the various modes of corruption noticed by the Commission in the course of the scrutiny of the complaints and cases received by it is given below:—
 - 1. Misappropriation of public funds.
 - 2. Claiming of false Travelling Allowance, House rent, etc. or pay not due.
 - 3. Acquiring of assets by illegal means.
 - 4. Purchase of immovable property, etc., without prior permission of or intimation to the competent authority.
 - 5. Granting favours in recruitment, postings, transfers, promotions, etc.
 - 6. Employment of Government servants or others for personal work without paying them.
 - 7. Immoral Conduct.
 - 8. Acceptance of gifts without sanction of the competent authority.
 - 9. Unauthorised occupation or subletting of accommodation provided by Government.
 - 10. Acceptance of sub-standard goods from contractors for a consideration.
 - 11. Misappropriation of Government property.
 - 12. Giving favoured treatment to parties in violation of the rules and established practices of the office.
 - 13. Tampering with Government record so as to facilitate granting of favours to parties.
 - 14. Use of Government vehicles for private work.
 - 15. Preparation of false records for personal gain.
 - 16. Acceptance of illegal gratification for doing one's duty or refraining from doing it.

- 17. Recording of false measurements, not keeping proper account of materials, keeping tenders deliberately vague, framing specifications so as to keep tenders within the jurisdiction of lower officers.
- 18. Extracting money from accused persons arrested in bailable offences.
- 19. Accepting bribe for issuing passes for removing forest produce, for issuing grazing passes and for overlooking offences of illegal cutting of forest trees.
- 20. Doing medical practice under a false name.
- 21. Misappropriation of a share of the wages paid to labourers on the Canal Work.

22. Endorsing bogus ration cards as in order by accepting a bribe.

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SECTION V

CASES AND ENQUIRIES

(i) Departmental Enquiry Cases

- 46. Paragraph 3(viii) of Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964, empowers the Commission to require that the oral enquiry in any departmental proceedings, except in petty cases, should be entrusted to one of the Officers for Departmental Enquiries. It also provides that a suitable number of Officers for Departmental Enquiries should be attached to the State Vigilance Commission. The Commission had no occasion, during the period under report, to direct that the oral enquiry in any departmental proceedings should be entrusted to one of the Officers for Departmental Enquiries. Government has, however, ruled that irrespective of what the Government Resolution has provided, the Commission has no power to order any such enquiry itself for the reason that the Commission is not the authority to take disciplinary action against Government servants. In view of the ruling the provision in the Government Resolution needs to be amended. As for attaching to the Commission a suitable number of Officers for Departmental Enquiries the Commission proposed and Government agreed that it was not necessary at present to sanction any new posts of Officers for Departmental Enquiries but that the services of the two Special Officers for Departmental Enquiries, one functioning for the Bombay and Poona Divisions and the other for the Nagpur and Aurangabad Divisions working under Government may be utilised by the Commission.
- 47. Paragraph 3(ix) of the Government Resolution, dated the 12th August 1964 provides that the reports of the Officers for Departmental Enquiries will, in all cases, be submitted by the Officers to the Commission which will examine them and advise the disciplinary authority concerned as to further action. In detailing the procedure in this behalf, at the instance of the Commission, Government on the 5th December 1964 issued orders that reports of the Special Officers for Departmental

Enquiries which are sanctioned on the basis of the enquiries made by the Anti-Corruption Bureau or the State Vigilance Commission only should be routed by the Special Officers to the administrative Departments concerned through the Vigilance Commission which will examine the reports and tender its advice to Government as to whether the charges have been brought home to the delinquents and what punishment would be appropriate.

The particulars of the cases of departmental enquiries routed by the Special Officers for Departmental Enquiries are given in paragraphs 49 to 52 below.

- 48. It was noticed by the Commission that the procedural orders of Government referred to in the foregoing paragraph leave a lacuna inasmuch as some reports on cases of departmental enquiries on charges relating to corruption are not required to be routed through the Commission as the enquiries are sanctioned not on the basis of investigation conducted by the Anti-Corruption Bureau but by the normal police staff or by the departmental authorities. Again, as all departmental enquiries against gazetted officers are not necessarily entrusted to the Special Officers for Departmental Enquiries, the reports on departmental enquiries conducted by the departmental officers are not required to be routed through the Commission. The powers of the Commission have thus been curtailed. This has, perhaps, been done inadvertently. Government was therefore moved on the 22nd January 1966 and the 28th February 1966 to issue a clarification that reports of Enquiry Officers whether of Special Officers for Departmental Enquiries or Departmental Officers in all cases against Class I and II Officers on charges falling within the purview of the Commission, whether investigated by the Anti-Corruption Bureau or other agencies should be referred to the Commission for advice. The matter has recently been discussed with the Chief Minister and revised orders of Government are expected to issue shortly.
- 49. During the period under report, the Commission received 14 cases of Departmental Enquiries, involving 21 officers from

the two Special Officers for Departmental Enquiries, some of the Departments of the Secretariat, and one from a Head of Department, for advice. Four of these were from the Special Officer for Departmental Enquiries, Poona, 2 from the Special Officer for Departmental Enquiries, Nagpur, 7 from the Secretariat Departments, and 1 from the Commissioner, Nagpur Division.

50. Out of the 14 cases, the Commission disposed of 8 involving 8 officers upto the 31st March 1966. In 6 cases involving six Officers the Commission examined the reports of the Special Officers and tendered its advice to the disciplinary authorities. So far as the Special Officers' findings in these 6 cases were concerned, the Commission broadly agreed with the Special Officers in two cases and partially in three cases. In the sixth case, the Special Officer had originally held the charge as not proved but, subsequently, on making further enquiry as directed by the Commission, he considered the conduct of the delinquent as suspicious. The Commission, however, held the charge proved. The Commission recommended imposition of a major penalty on 3 officers, minor penalty on 2 officers and the issue of a severe warning to 1 officer. As for the remaining two cases disposed of, the Commission forwarded them to the disciplinary authorities without tendering any advice. In one of these, Government had already decided to hold a Departmental Enquiry before making a reference to the Commission. Government was, therefore, advised that there was no point in consulting the Commission after having taken a decision. In the other case, the Vigilance Commissioner had expressed his opinion on it previously in his capacity as Chief Secretary to Government and, therefore, did not consider it proper for him or fair to the delinquent to express his opinion in his capacity as Vigilance Commissioner, particularly in view of the fact that ordinarily Government will accept the advice or recommendation of the Commission.

- 51. Of the 6 cases on which the Commission tendered its advice, Government had issued final orders in respect of five, accepting the advice of the Commission, up to the time of writing this report. The salient features of these five cases are given in Appendix XI. The details of the remaining one case are not being stated as Government's final orders are still to issue.
- 52. A statement showing the Department-wise and Class-wise break-up of the number of Government servants involved in the Departmental Enquiry cases received by the Commission, is given in Appendix XII. A break-up according to the districts and the classes of service is given in Apendix XIII.

(ii) The cases received from the Anti-Corruption Bureau

- 53. The scheme of the Vigilance Commission enjoins that the Anti-Corruption Bureau should forward to the Administrative Department of the Secretariat through the Vigilance Commission the final report in all cases investigated by the Bureau in which it considers that prosecution should be launched provided that the sanction for such prosecution is required under any law to be issued in the name of the Governor. The Bureau should simultaneously send a copy of the Report to the Head of the Department concerned for any comments which he may wish to forward to the Vigilance Commission. It is the experience of the Commission that usually Heads of Departments do not send any comments. The Commission has thereafter to advise the Administrative Department concerned without their comments whether or not prosecution should be sanctioned.
- 54. The cases in which the authority competent to sanction prosecution is other than the Governor, are required to be referred to the Commission only if the competent disciplinary authority does not propose to accord sanction for prosecution sought by the Anti-Corruption Bureau.
- 55. During the period under report, the Commission received 27 cases from the Anti-Corruption Bureau. Of these, 13 were

returned to the Bureau as it was not necessary to route them through the Commission, for the reason that the authority competent to accord sanction to the prosecution in those cases was other than the Governor. In one case the Anti-Corruption Bureau had not recommended prosecution. As, according to the Government orders, such cases are excluded from the purview of the Commission it was returned to the Bureau for direct submission to Government.

- 56. The remaining 13 cases, involving 27 Government servants, required advice to be given by the Commission. Out of them, 8 cases, involving 8 Gazetted officers and 1 non-Gazetted Government servant were disposed of by the Commission during the period under review. (Details given in Appendix XIV). While the Bureau had recommended prosecution against all the 8 Gazetted officers and 1 non-Gazetted Government servant, the Commission advised prosecution against 7 Gazetted officers and 1 non-Gazetted Government servant. Regarding the 8th Gazetted Officer, it held that there was no case for prosecuting him. The competent disciplinary authorities were advised accordingly. The remaining 5 cases, involving 18 persons, were under scrutiny in the Commission as on the 31st March 1966.
- 57. Out of the 8 Gazetted officers and 1 non-Gazetted Government servant in regard to whom the Commission tendered advice, Government had accepted it in respect of 4 Gazetted officers till the 31st March 1966 and accorded sanction to prosecute. The intimation regarding action taken by Government was received in the case of 3 Gazetted officers and one non-Gazetted Government servant (in 3 cases) after the 31st March 1966. A gist of the cases against these 7 Gazetted officers and one non-Gazetted Government servant is given below:—
- (i) In the investigation carried out by the Anti-Corruption Bureau it was found that there was a prima facie case against an officer of the Publicity Department for temporary misappropriation of Government funds and obtaining for himself pecuniary advantage by corrupt or illegal means or by otherwise abusing his position as a public servant. The Anti-

- Corruption Bureau recommended prosecution of the officer. The Vigilance Commission endorsed the recommendation and forwarded it to Government on the 30th September 1964. The Commission's advice was accepted and order sanctioning prosecution was issued by Government on the 22nd December 1964. The officer was, however, acquitted by the Court. Government had appealed against the acquittal, but the appeal was dismissed. The officer has been allowed to resign his post.
- (ii) An officer of the Social Welfare Department was found, on investigation, to have cheated Government by submitting a false pay bill and to have contrived to get the muster roll of the office forged. The Anti-Corruption Bureau recommended prosecution of the officer. Agreeing with the Bureau that there was a *prima facie* case against the officer, the Commission recommended to Government on the 10th July 1965 that he be prosecuted. Government accorded the requisite sanction on the 5th October 1965.
- (iii) An officer of the Industries Department was arrested by the Anti-Corruption Bureau for accepting illegal gratification as a motive or reward for showing favour to an applicant for G. C. sheets and a loan from Government. As the Commission was satisfied that there was a *prima facie* case for prosecution, it advised Government on the 22nd April 1965 to accord sanction to the prosecution of the officer. Government accepted the advice of the Commission and issued necessary orders on the 4th August 1965.
- (iv) A medical officer was arrested by the Anti-Corruption Bureau for accepting bribe from a patient for giving him free treatment at a Civil Hospital. Accepting the Bureau's recommendation, the Commission advised Government on the 16th July 1965 to prosecute the officer under the relevant provisions of the Indian Penal Code and the Prevention of Corruption Act. The Commission's advice was accepted and an order according sanction to the prosecution was issued by Government on the 10th March 1966.
- (v) In the investigation carried out by the Anti-Corruption Bureau it was found that two officers of the Education and Social

Welfare Department had disposed of surplus cloth belonging to Government, without authority and without calling for tenders or obtaining any receipts or maintaining proper account, for a sum which, prima facie, appeared to be well below the market value. These officers dishonestly and fraudulently misappropriated the proceeds obtained by the sale of the surplus cloth and thereby obtained for themselves pecuniary advantage by corrupt or illegal means. The Anti-Corruption Bureau recommended prosecution of these officers. The Commission endorsed the Anti-Corruption Bureau's recommendation and advised Government on the 11th October 1965 to prosecute them. Government accepted the Commission's advice and accorded its sanction on the 12th May 1966.

(vi) The Director, Anti-Corruption Bureau had trapped one medical officer while accepting Rs. 50 from a workman for issuing him a certificate of injuries caused in a factory accident. The Anti-Corruption Bureau had recommended the prosecution of the officer on a charge of bribery. The Commission, on a scrutiny of the rules applicable to the Medical Officer who came from ex-Madhya Pradesh State and the circumstances of the case found that acceptance of the amount by the Medical Officer did not constitute an act of bribery. It was only to be seen whether it amounted to a breach of the departmental rules. The Commission, therefore, advised Government on the 18th December 1965 that there was no case for prosecution of the Medical Officer in a Court of Law and that the question of taking departmental action, if any, against him may be deferred till all the information which was wanting in the case was received. The Commission also advised Government to consider whether it was necessary to continue the Medical Officer under suspension in the light of the Commission's advice. Government has informed the Commission on the 10th October 1966 that it has accepted the Commission's advice not to prosecute the officer and that it has also decided to drop the question of taking any departmental action against him as he did not commit any breach of the departmental rules applicable to him.

Government issued orders on the 22nd July 1966 reinstating the Medical Officer in service as advised by the Commission.

- (vii) The Director, Anti-Corruption Bureau, had sought sanction to prosecute two officers of the Narcotics Department of the Government of India and one Sub-Inspector of Maharashtra Police, on a charge of allowing the principal accused in a Smuggling Case to escape prosecution for consideration. The Narcotics Commissioner granted sanction to prosecute the two officers of that Department but the Inspector General of Police, Maharashtra. State had refused to do so holding that no prima facie case was disclosed against the Police Sub-Inspector. The Director, Anti-Corruption Bureau referred the case to the Commission to move Government to accord sanction for prosecution of the Police Sub-Inspector if the Commission agreed with his recommendation. On a scrutiny of the case the Commission found that there was an over-whelming, prima facie, case against the Police Sub-Inspector also. It, therefore, advised Government on the 25th February 1966 to prosecute the Police Sub-Inspector and to suspend him in the meantime. Government has accepted the Commission's advice on the 6th May 1966 and has issued orders suspending the Police Sub-Inspector and according sanction to his prosecution.
- (viii) In the remaining 1 case involving 1 officer the Commission's advice was tendered to Government on the 28th February 1966. Orders of Government on this case were awaited as on the 31st March 1966. The details are, therefore, not being stated.
- 58. No cases of non-Gazetted officials were received during the period under report, from the disciplinary authorities declining to accept the Anti-Corruption Bureau's proposal for prosecution. However, there was one such case, mentioned in paragraph 57 where, instead of the disciplinary authority obtaining the Commission's advice before taking a decision, the Anti-Corruption Bureau referred the case to the Commission after being informed of the former's decision negativing the recommendation. The case has therefore been included among the 13 cases mentioned in paragraph 56 above.

SECTION VI

REVIEW OF PROCEDURES AND PRACTICES

- 59. In order to eliminate corruption or even to reduce it significantly, it is essential to plan and implement preventive measures in a sustained and effective manner. One of such preventive measures recommended by the Committee on Prevention of Corruption is that a thorough study should be made in each Government Department of the extent of the possible scope for and modes of corruption, preventive and remedial measures prescribed, if any, and their effectiveness. It further requires that such studies should be started on a priority basis in respect of each department and that the Vigilance Commission should attend to this important work for which purpose Government should provide the necessary staff and other facilities to it. Although it was in September 1965 that the recommendation was specifically and formally accepted by Government and its acceptance was communicated to the Commission, the study of procedures and practices of administration in Government offices was included in a general way among the functions of the Commission in the Government Resolution of 12th August 1964 constituting the Commis-Sub-paragraph (xi) of paragraph 3 of the resolution describes the function as follows:
- "To initiate at such intervals as it considers suitable, a review of procedures and practices of administration in so far as they relate to the maintenance of integrity in administration".
- 60. In view of only nucleus staff at the disposal of the Commission, it was not possible to assign more than a Superintendent and an Assistant to the laborious task involved in the performance of the Commission's function noted above. The study team has to spend about a couple of months in a large-sized office which is taken up for study by making daily visits to it and the Secretary has to supervise the work as it progresses in the limited time he can spare owing to his other

duties in the Commission as well as in General Administration Department, at times. The Commissioner himself has also to give guidance to the staff from time to time. A number of case studies have to be undertaken. The preparation of the preliminary report and its finalisation after detailed discussion with the Head of the Office takes further about two months. As the offices are situated at a distance, much time is lost in transport as the Commission has no conveyance.

- 61. The Commission is anxious to take up as many offices and departments as possible for study in order to show some tangible results. However, it cannot do so with the present staff allotted to it. It had, therefore, moved Government to sanction additional staff—of one more Unit consisting of a Superintendent and an Assistant and also an Assistant Secretary—but it was However, subsequently the post of Assistant not agreed to. Secretary only was sanctioned. In view of the emergency and need for economy, the Commission could not press for the other staff. It, however, kept Government informed of the position that in view of the inadequate staff and considering the heavy responsibility assigned to the Commission (without consulting it previously), the Commission could perform this part of its function only to a very limited extent. The need for additional staff for this work has again been pressed and Government is reconsidering the proposal. Its orders are still awaited.
- 62. During the period under report, a review of procedures and practices obtaining in (i) the Office of the Controller, Iron, Steel and Cement, Bombay (so far as distribution of cement was concerned), (ii) the Office of the District Supply Officer, Poona and (iii) the Office of the District Supply Officer, Kolaba, was undertaken and completed by the Commission. Most of the recommendations made were accepted and implemented by the Heads of the Offices concerned. The others were accepted with some modifications, with the approval of the Commission. Copies of the Inspection Reports have been sent to the appropriate Government Departments for information and orders.

- 63. As a result of the review of procedures of the offices mentioned above, the Commission made numerous suggestions. Most of them deal with specific problems of the offices concerned. Such of them as are important and might be of general interest are mentioned in Appendix XV.
- 64. A fourth Study of the procedures of the offices of the Administrative Medical Officer, Employees' State Insurance Scheme has since been completed, and the Commission's Report and recommendations after discussion with the Head of Office is being submitted to Government.
- 65. In the course of the study of procedures and practices it was found that in one case the head of office concerned and, in another, an officer dealing with the distribution of controlled commodities had, prima facie, failed in proper discharge of their duties, made improper use of discretion and indulged in discriminatory treatment to favour certain persons. The explanations of the Officers concerned were called for. They have been received and appropriate action will be taken after considering them.

In a third case it was noticed that a ready reckoner prepared by a private association of contract agencies was used for checking the bills prepared by those agencies. That ready reckoner was found to contain mistakes resulting in possibilities of over-payment to those agencies. It was, therefore, recommended to Government that the whole question may be entrusted to Special Audit by the Accountant General for examination. Government accepted the recommendation.

SECTION VII

RETURNS PRESCRIBED BY THE COMMISSION

- (A) Watch over cases decided by Government Officers in exercise of their discretionary powers
- 66. The exercise of discretion by Government officers gives some scope for corrupt or improper conduct if they are so disposed. Discretion is exercised whenever exceptions are made to the Rule, Policy or practice laid down by Government or other competent authority. The orders issued or decisions taken by Government officers which are in the nature of exceptions deserve, therefore, to be subjected to special scrutiny. The Vigilance Commission considered it necessary to make a scrutiny in respect of such orders issued by the Heads of Departments and Heads of Offices and the gazetted officers working under them. For this purpose it has prescribed a monthly return in exercise of the functions and powers conferred on it by sub-paragraphs (iii), (x) and (xii) of paragraph 3 of Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964 (Appendix I). A copy of the form of Return prescribed will be found in Appendix XVI. The Return has been prescribed for certain offices only in which the scope for exercise of discretion is large. It is also not intended to go into cases of the type where any Rule or Law itself gives absolute discretion to the Officer to take a decision or into cases pertaining to service matters. The return prescribed does not require inclusion of information regarding such cases. The returns are to be consolidated by the Head of Department before being transmitted to the Commission and it is intended that they should scrutinise any cases in the returns which prima facie appear to need scrutiny. The Commission would also scrutinise the Returns and either examine itself or get examined by the Heads of Departments, cases requiring attention.
- 67. During the period under report, returns were received from most of the Heads of Departments for the period from October

1965 to March 1966. No case in which discretion was used in exception to a rule or policy laid down by Government or other competent authority was reported by any of them. This is rather surprising and one wonders whether correct reports are being sent to the Commission. The Commission has since decided to conduct sample checks in a few offices to verify the correctness of the reports.

- (B) Watch over disposal of complaints or cases of corruption arising in Administrative Departments and Heads of Departments and Offices
- 68. Complaints or information about corruption, misconduct, etc., or cases arising in Administrative Departments and Heads of Departments and Offices are ordinarily dealt with by them only. The O. & M. Officers in the Sachivalaya Departments and other major departments have been appointed by Government as Vigilance Officers to ensure prompt disposal of such The Vigilance Commission, however, has the responsibility for generally co-ordinating the work of and advising the Departments in respect of all matters pertaining to maintenance of integrity in administration as laid down in paragraph (6) of the Government Resolution, dated 12th August 1964. It has the power to call for reports, returns and statements from all Departments so as to enable it to exercise a general check and supervision over the Vigilance and Anti-Corruption work in the departments. It can also take over under its direct control such complaints, information or cases as it may consider necessary for further action. In order to enable the Commission to discharge its functions in these respects and to keep it fully informed about the cases of corruption dealt with in the various departments, the Commission has required all Sachivalaya Departments to furnish the quarterly returns mentioned below: -
 - Statement showing disposal of complaints regarding corruption, misconduct, lack of integrity or other kinds of malpractice or misdemeanour (including complaints

- received from all internal or external sources such as inspection reports, audit reports, court judgments, letters from other departments, etc.).
- II-A. Statement showing particulars of cases mentioned in column 4 of Statement I (Gazetted Public Servants only).
- II-B. Satement showing particulars of cases in which Departmental Enquiry was ordered (vide column 8 of the Statement II-A) (Gazetted Public Servants only).
- II-C. Statement showing particulars of cases in which prosecution was ordered (vide column 8 of Statement II-A) (Gazetted Public Servants only).
- 69. A copy of the forms of these returns is attached as Appendix XVII. The Circular prescribing the returns was issued almost at the end of the period under review. The first return for the quarter ending the 31st December 1965 was due to be received from the Secretariat Departments by the 7th February 1966. However except for one Department the returns were not received by that date. At the request of the Commission, Government has issued instructions to the Secretariat Departments to send the returns by due dates.

SECTION VIII

ORDERS ISSUED BY THE COMMISSION

- 70. Newspaper Reports.—Reports containing allegations of corruption against State Government employees, with or without comments, appear in the Press from time to time. In order to enable the Commission to institute enquiries, where necessary, into such reports in respect of State Government servants, the Commission has issued instructions to the Officers of the Publicity Department to forward to it cuttings or extracts or extracts of all such reports.
- 71. Authentication of important communications.—Sometimes, the Commission sends a complaint to the Head of Department concerned for enquiry and report or addresses him on points requiring clarification or additional information in connection with the enquiries handled by it. It was noticed that in some instances the Head of Department or Office was not aware of the reply given by his office to the Commission. In view of the importance of these communications on the basis of which the Commission forms its opinion about the guilt of the delinquent Government servant, all Heads of Departments and Offices and Collectors of Districts have been requested in the Commission's Circular No. CMP-1364/161, dated the 8th July 1965 to ensure that the final replies to such communications from the Commission are approved and signed by them. cases where it may not be possible for them to sign the fair copy of the reply without delaying it, it may be signed by another officer, but it should be indicated that the office copy was approved by the Head of Department/Office or the Collector as the case may be.
- 72. Enquiry Procedure.—It was complained to the Commission that in one case, an officer of the Anti-Corruption Bureau called some villagers to his headquarters three or four times during the busy agricultural season for making enquiries and recording their statements. The Commission agreed with the

contention that if the persons reporting cases of corruption were asked to visit the Anti-Corruption Bureau officers like this, they would be dissuaded from making complaints. On enquiry, it was found that the complaint in the particular case mentioned, was true. The Commission, therefore, requested the Director, Anti-Corruption and Prohibition Intelligence Bureau, Bombay, to instruct all his officers to visit the places where the witnesses reside and not ask them to attend at the officer's head-quarters except, of course, for good and sufficient reasons, such as for identifying the accused. He has done so.

73. Disclosure of Complainant's Identity.—The complainants are generally reluctant to disclose their identity for fear of harassment or victimisation at the hands of those complained against. Whenever occasion arose, therefore, the Commission assured the public that the names of complainants would not be divulged. It was, however, observed that the Anti-Corruption Bureau Officers generally informed the witnesses and even the persons complained against, of the name of the complainant, unless there were specific instructions to the contrary from the authority entrusting the enquiry to the Bureau. The Commission, has, therefore, asked the Director, Anti-Corruption and Prohibition Intelligence Bureau, to issue instructions that the identity of the complainants in the cases referred to the Bureau by the Commission should not be divulged unless strictly necessary.

SECTION IX

PROTECTION TO GOVERNMENT SERVANTS AND COMPLAINANTS/INFORMANTS

- 74. In order that the persons who furnish information against corrupt Government servants may feel reasonably secure in so doing, Goevrnment has issued orders from time to time regarding the secrecy to be observed in respect of such information. The Vigilance Commission has also issued instructions to the concerned authorities that the identity of the complainants whose complaints are forwarded to them by the Commission for enquiry should not be divulged. The staff of the Commission has also been directed to maintain strict secrecy about the contents of the complaints received by the Commission.
- 75. Government has issued instructions that if any Government servant wishes to forward to the Commission on his own initiative, any suggestions for eurbing malpractices and corruption in his department/office, he may do so in writing and that the Commission would treat the communication as confidential. Government has also directed that protection should be given to Government servants who bring to notice malpractices in Government offices.
- 76. The Commission does not, as a rule, take cognisance of oral complaints. In view of the assurance of secrecy mentioned above, there should no hesitation on the part of complainants to make a written complaint.
- 77. The Commission is also aware of the need to maintain the morale of Government servants. Honest and upright Government servants should have no apprehension that their good name will be allowed to be tarnished by the machinations of disgruntled favour-seekers. For this reason the complaints received by the Commission are carefully screened. The Commission has been empowered to take the initiative in prosecuting persons who are found to have made false complaints of corruption or lack of integrity against public servants.

During the period under report there was one case in which the Commission had to consider the feasibility of prosecuting the complainant. As it was found that there was not a good chance of a successful prosecution, the matter was not, however, pursued.

78. The point, however, is that in practice, Section 182, Indian Penal Code is most difficult to invoke in view of its strict provisions. Its important ingredient is that 'the information should have been known or believed to be false'. This is by no means easy to establish. For example, in one case, the informant, who was an important public functionary, took the plea that he is a political or social worker and had merely passed on the information to the Vigilance Commission. He admitted that he took no steps whatever to verify even cursorily, the correctness or otherwise, of the gist of the information received. But this may be evidence of negligence on his part and not of knowledge or belief that the information was false. In the result, he escapes liability for laying a false complaint before the Commission and no protection can be afforded to the Government servant assailed.

Prosecution for an offence against Section 211 of the Indian Penal Code is also not feasible as it requires that 'criminal proceedings should be either instituted or caused to be instituted'. It will be doubtful whether a person approaching the Vigilance Commissioner with an allegation of corruption against a public servant could be said to cause criminal proceedings to be instituted. As a result of the enquiry likely to be made by the Commission, a criminal case may be filed but not necessarily so. Moreover, it would be open to the complainant to maintain that he merely reported the facts stating his suspicion. In such a case, the Allahabad High Court has taken the view that the complainant was not making a charge under Section 211 (Emperor versus Kashi Ram, I.L.R. XLVI—Allahabad—906).

It is felt that the law should afford greater protection to public servants against false complaints than it does at present.

SECTION X

SUGGESTIONS MADE BY NON-OFFICIALS AND OFFICIALS

79. Soon after the Vigilance Commissioner took charge of his office, general suggestions were made to him by prominent non-officials and officials regarding eradication of corruption. Some suggestions were received by post also. Some of these suggestions with the Commission's remarks are mentioned in Appendix XVIII.



SECTION XI

CONFERENCE OF VIGILANCE COMMISSIONERS

- 80. The jurisdictions of the Central Vigilance Commission and the various State Vigilance Commissions are mutually exclusive. Even so, the problem they have to tackle being the same, viz., eradication of corruption from the public services, their difficulties and handicaps are common to some extent. It is also obvious that while the various Vigilance Commissions operate within their respective spheres, it is of advantage to have harmony and understanding among them and to establish proper conventions and traditions between the Commissions on the one hand and the administrative machinery on the other. Besides, many questions of importance and delicacy had arisen in the course of their functioning. For all these reasons, it was thought that it would be very helpful if the Vigilance Commissioners could meet to exchange notes about their experiences. to discuss the problems that had arisen and to consider appropriate solutions.
- 81. A conference of State Vigilance Commissioners was, therefore, held at Bangalore from the 9th to 11th June 1965 under the Chairmanship of Shri Nittoor Sreenivasa Rau, Central Vigilance Commissioner. It was inaugurated by Shri V. V. Giri, Governor of Mysore. The Vigilance Commissioner, Maharashtra, participated in the conference along with eight other State Vigilance Commissioners.
- 82. The conference proved very useful. It had an agenda of 42 items, 13 of which were contributed by the Vigilance Commissioner, Maharashtra. The proceedings of the conference were confidential. Some of the important topics discussed were, however, the need for giving statutory footing to the Commissions, adoption of a uniform pattern, as far as possible. in regard to the matters relating to the powers and functions

of the Commissions, provision of training courses for the Vigilance Officers and steps necessary to carry out enquiries against public servants speedily and effectively. A copy of the full proceedings of the conference and the summary of its recommendations has been forwarded to the State Government.

A second conference of Vigilance Commissioners was held in Jaipur in the first week of October 1966.



SECTION XII

PUBLICITY AND PROPAGANDA AGAINST CORRUPTION

- 83. It has been the experience of the Commission that people in general have only a vague idea about the existence or the functions and powers of the Vigilance Commission.
- 84. Persons who are victims of corrupt practices are unwilling to come forward with a complaint lest they should be harassed unnecessarily or victimised by the office or parties concerned in their future dealings with them. Further, it is extremely difficult to prove a charge of corruption as there is rarely any direct evidence of it. Corruption 'by consent' is far more difficult to prove as the party favoured has no cause to complain and would not like to harm his benefactor. Ordinarily, people have also little inclination or time or the means to pursue such cases. They also, at times, feel a moral compunction in being instrumental in depriving an official of his bread, which may be the result of their complaint. If they feel confident about the ability of the Vigilance Commission to give them prompt redress, protect them against harassment or victimisation and if they are educated as to the correct moral attitude and their social obligations in this matter, much of the hesitation in lodging genuine complaints might disappear.
- 85. There is also the aspect of protecting Government servants against indiscriminate complaints aimed at "character assassination" and spiteful "settling of old scores". Government servants must not feel that their reputation, their career or their good name is at stake at the hands of disgruntled applicants, upbraided subordinates or unsuspected enemies. They must feel assured that they will get justice and a fair deal at the hands of the Vigilance Commission and Government.
- 86. For these reasons it is essential that the scheme of the Vigilance Commission receives wide publicity. The following steps were taken by the Commission for this purpose:—
- (i) The Commission has issued Press Notes from time to time. These are reproduced in Appendix XIX.

(ii) The Commission visited the following places on the dates mentioned against them and addressed the District Anti-Corruption Committees:—

1. Nasik 13th October 1964. 2. Sholapur ... 22nd January 1965. 3. Aurangabad 22nd March 1965. 4. Ahmednagar 26th March 1965. 5. Nagpur 28th October 1965. 6. Amravati 2nd November 1965. 7. Alibag 20th December 1965. 8. Poona 27th December 1965.

The important suggestions of general interest arising out of these meetings are mentioned in Appendix XX. The proceedings of the meetings were submitted to Government from time to time for consideration of the sugestions. In addition, the Commission visited one Tahsil Head-quarters at Saswad in Poona District on the 28th December 1965.

- (iii) Arrangements were made to give publicity to the Commission's visits to the District places in advance and definite time was allotted for the members of the public wanting to meet the Commission. The Commission also met representatives of the Press informally to acquaint itself with the public feelings on the subject of corruption and the non-official assessment of the extent of corruption in local offices. For this purpose, the Vigilance Commissioner also made it a point to contact leading non-officials.
- (iv) The Commission has suggested to Government that production of documentary films on the subject may be undertaken, the scripts being shown to the Commission previously.
- (v) The Commission has further suggested that a small pamphlet should be got printed and broadcast in the principal villages in the State explaining the scheme of the Vigilance Commission in general emphasizing also that persons who deliberately make false complaints would be liable for action.

87. As at present constituted, publicity for the anti-corruption campaign or propaganda against corruption is not the function of the Vigilance Commission. The Commission has however, been doing this work to the limited extent of making the public and the Services conscious of its existence, jurisdiction, powers and functions and the protection it affords to genuine complainants as well as to Government servants. In its wider aspect publicity and propaganda will mean educating the public and promoting better moral and ethical standards among them, including the public services. This is a difficult and a delicate task.



SECTION XIII

SUGGESTIONS AND RECOMMENDATIONS

- (i) For improving the scope and efficiency of the Vigilance Commission
- 88. The scheme of the Vigilance Commission as operating in the State suffers from certain limitations and shortcomings. These have been brought to the notice of Government from time to time. Some of them are mentioned below:

(a) Status

- 89. It is necessary to emphasise the independnce of the Commission to indicate that it is not just a subordinate department of Government. The Government of India and all States have, threfore, provided that the Commission shall have the same measure of autonomy and independence as the Public Service Commission. The Maharashtra Government Resolution, perhaps, inadvertently, omitted to make such a provision. Government was, therefore, requested soon after the Vigilance Commissioner took charge of his office to make a similar provision. Government has recently agreed to the proposal.
- 90. It is equally necessary to establish a convention that no changes in orders concerning the powers, functions and jurisdiction of the Vigilance Commissioner or matters relating to the procedure for consultation with him should be made without previous consultation with the Commissioner. This proposal is a corollary to the proposal above. Such a convention is necessary in view of the high status of the Commission. The Central Government follows such a convention in regard to the Central Vigilance Commission. A reference was made to Government in the matter and in reply it was said that the

proposal was linked with the proposal regarding the conferment of the status of the Public Service Commission on the Commission and would be considered along with it. This has also now been approved by Government with the former proposal.

91. In its Report the Santhanam Committee made a number of recommendations regarding prevention of corruption. State Government has been considering these recommendations and passing suitable orders. The Commission had suggested to Government in October 1965 that orders on such recommendations of the Santhanam Committee may be issued after consulting the Commission. Government replied in December 1965 that it would consult the Commission only in respect of those recommendations on which it considers that the advice of the Commission would be useful. It was pointed out to Government in January 1966 that the implication of this was that there might be recommendations of the Committee in which Government might consider it redundant to consult the Commission. It was further submitted to Government that the decision of Government went counter to the spirit of the Government Resolution constituting the Commission. Paragraph 6 of the Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964 lays down inter alia that the State Vigilance Commissioner will be responsible for generally co-ordinating the work of and advising the departments in respect of all matters pertaining to maintenance of integrity in administration. This is a very wide provision and puts the Vigilance Commissioner in the position of Anti-Corruption Adviser to Government. Santhanam Committee was also appointed for devising measures to minimise corruption and maintain integrity in administration. It follows therfore that when considering the Committee's recommendations, the Commission should be consulted not in the qualified manner stated by Government but unreservedly in all matters pertaining to integrity in administration. Commission's view has now been acceped by the Government.

(b) Jurisdiction

- 92. The jurisdiction of the Central Vigilance Commission and a number of State Vigilance Commissions extends to the employees of Statutory Boards and Corporations in addition to the Central and State Government employees respectively. March 1965, it was suggested to Government that these bodies such as the Maharashtra Housing Board, the Maharashtra State Financial Corporation, the Maharashtra State Road Transport Corporation, etc., which are wholly or partially controlled and financed by Government be included in the scheme of the Vigilance Commission. It was pointed out from the complaints received by the Commission it appeared that there was large scope for corrupt practices in these As they are mainly financed out of public funds and are controlled by Government to a large extent, the public approach the Commission for redress of their grievances against these bodies in matters relating to corruption. Government's initial reaction was favourable to the proposal, it ultimately informed the Commission in January 1966 that it did not consider it feasible to extend the scope of the Commission to these bodies for the present. After a personal discussion with the Chief Minister the Commission's proposal has been accepted by Government.
- 93. The question of including autonomous Local Bodies, like the Bombay Municipal Corporation particularly, within the purview of the Commission was also taken up with Government, following on the lines of the Government of India which have included the employees of the Delhi and New Delhi Municipal Corporations within the scope of the Central Vigilance Commission with their consent. Meanwhile, the Bombay Municipal Corporation adopted a resolution in October 1965, moving Government to give approval to the State Vigilance Commission taking cognisance of cases of corruption relating to its staff. Government informed the Municipal Commissioner in January 1966, that it did not consider it feasible to entrust to the Vigilance Commission additional work outside Government Departments and offices for the present.

94. The Commission's jurisdiction extends at present to complaints of corruption, misconduct, lack of integrity or other kinds of malpractices or misdemeanour on the part of State It does not extend to complaints Government servants. regarding administrative delays, discriminatory treatment and improper exercise of discretionary powers not involving corruption. The latter type of complaints, whenever received, are being sent by the Commission to the administrative departments for disposal. In some cases the complainants approach the Commission after having addressed the department concerned and supposedly failed to obtain redress. Besides, the dividing line between complaints of corruption and those of delay, is thin. The elimination of delays in administration is a sine qua non for reducing the scope for corruption. The Government of India have recently appointed a Commissioner for public grievances for the purpose. This question had also been considered by the State Administrative Reorganisation Committee consequent on the recommendation of the Santhanam Committee. The Commission, therefore, suggested to Government in December 1964, that the Commission's jurisdiction might be extended to cover administrative delays, discriminatory treatment and improper exercise of discretionary powers not involving corruption. It was also proposed that establishment officers, who are also the O. & M. Officers in the Secretariat Departments and in the offices of Heads of Departments, may be appointed as Complaints Officers to serve as a link between the Commission and the Departments. Government informed in March 1965 that the concept of Ombudsman was different from that of the State Vigilance Commission and that since the Commission had been set up recently and its jurisdiction was sufficiently wide, it was not necessary to extend it so soon. The Commission did not therefore press the issue. ment, however, appointed the Establishment-cum-O. and M. Officers as Public Relations Officers-cum-Vigilance Officers in Secretariat Departments and in the offices of major Heads of Departments to deal with the types of complaints mentioned above and also complaints of corruption.

- 95. The Commission had further proposed that the Public Relations Officers who are the Vigilance Officers of the departments, should be appointed with the approval of the Commission and the Commission should write their confidential reports in so far as their Vigilance Work was concerned, as obtains at the Centre and in some States which have Vigilance Officers. This was suggested with a view to ensure adequate performance of their duties as Liaison Officers between Government Depart-They have to guard against ments and the Commission. delays in enquiries on complaints of corruption received in the department and to study and examine the current procedures and practices in the department with a view to eliminate factors which lead to delays and/or corruption. The Commission has been given responsibility of exercising a general check and supervision over the vigilance and anti-corruption work in Government departments and generally co-ordinating the work of and advising the departments in respect of matters pertaining to maintenance of integrity in administration. This function can best be performed by the Commission through the Vigilance Officers who have been appointed for that purpose If the Commission were to undertake this function independently there would have to be unnecessary duplication of staff. After some correspondence and personal discussion with the Chief Minister the Government has recently agreed that the Vigilance Commissioner should be empowered to write confidential reports on the work of Vigilance Officers.
- 96. The Commission submitted a detailed Scheme to Government that the Commission might be entrusted with the function of watching the implementation of O. and M. orders. It was pointed out that O. and M. had not produced the desired results mainly because of lack of implementation and failure to operate it at a sufficiently high level. Efficiency in administration and rooting out corruption being closely inter-related, if delays could be minimised, half the battle against corruption would be won. It is necessary for this purpose not merely to deal with individual complaints of delay but to keep a continuous watch over delays, lethargy and indifference in Administration. The

Vigilance Commission could be the appropriate authority to keep such a watch on implementation of O. and M. orders. It was stressed that this would not detract from the responsibility of Government departments themselves for the efficient running of administration as all decisions will continue to be taken by them and the Commision would act in only an advisory capacity like the Audit. The Government departments themselves will enforce the O. and M. Orders and the Commission would keep them informed through the machinery which had been suggested to Government, how far this was being done effectively. Government thought that the Scheme might ultimately result in the Commission taking over the O. and M. work from Government. The Scheme, however, aimed at an altogether different purpose, viz., to watch the implementation of O. and M. orders by the departments themselves and to bring to the notice of Government any lapses in that respect. This was pointed out to Government, but the Scheme was not pressed thereafter.

(c) Powers

97. As mentioned earlier, in regard to the cases investigated by the Anti-Corruption Bureau on its own or at the instance of a department of Government it is provided in the Resolution setting up the Commission that the Anti-Corruption Bureau should forward its report to the Commission in the case of gazetted officers only if it considers that prosecution should be launched against the Government servant concerned. If the Anti-Corruption Bureau considers that prosecution is not necessary and that only departmental action would do, or no action should be taken, it is not required to submit its report through the Vigilance Commission. Thus, the initiative to decide whether a case is fit for a prosecution lies at present with the Anti-Corruption Bureau and Government. This is not a happy position as thereby the Commission may and can be by-passed. The number of cases which actually pass through the Commission is also quite insignificant compared with the total number

of cases investigated by the Anti-Corruption Bureau. This could not obviously be the intention in creating the Commission which is required to give its objective advice to Government in all cases of corruption. The Commission feels that even if the Anti-Corruption Bureau considers that no action is necessary or only departmental action will do against the Government servant concerned, that view should be subject to the Commission's scrutiny. It was, therefore, proposed to Government in January 1965, that report in all cases investigated by the Anti-Corruption Bureau should be forwarded by it through the Vigilance Commission to the department concerned, no matter what the recommendation of the Anti-Corruption Bureau Such a position obtains at the Centre and in many All cases investigated by the Central Bureau of Investigation are routed through the Central Vigilance Commission. The proposal was recently agreed to by Government.

98. Complaints of corruption received in the Departments of Government are normally dealt with by them. It is, however, provided in paragraph 3(iv) of the Government Resolution dated the 12th August 1964 that if, in any case, the Commission considers that a complaint, information or case should be taken over under its direct control, it may do so after consulting the department concerned. The stipulation detracts from the independent status of the Commission, vis-a-vis Government departments. It will also lead to correspondence back and forth and to delay. Further, the logical implication of this stipulation is that it will be open to a department not to make over a case to the Commission called for by it if it chose to do so. Such a stipulation has not been made by the Government of India or any State Government. If the Commission, for its own reasons, in a rare case, wishes to take over a complaint of corruption under its own control, the Department should not, even theoretically, be in a position to object to it. Government has accepted the proposal after a personal discussion by the Vigilance Commissioner with the Chief Minister.

(ii) On Other Matters.

- 99. A number of other recommendations have been made to Government from time to time. A gist of some of these is given below:
- 100. Access to records.—In order to enable the Commission to discharge its function of review of procedures and practices of administration in so far as they relate to maintenance of integrity in administration, it becomes necessary for the Commission to go through records which are not related to any complaint of corruption. The Commission, therefore, moved Government to issue orders enabling it to call for such records. Government has issued orders to all Secretariat Departments and Heads of Departments and Offices that whenever the State Vigilance Commissioner calls for any record which he considers necessary for the purpose of undertaking such a review it should be made available to him unless the files are secret or pertain purely to administrative matters.
- 101. The Commission had further suggested to Government that any records of Government required by it for consideration of a specific case of corruption, misconduct and lack of integrity should also be made available to it unreservedly. Such a position obtains in the Government of India and in all other States. The Government did not, however, agree to this and decided that only self-contained notes or memoranda should be sent to the Commission and not the departmental files.

The Commission represented to Government that these orders will result in delay and avoidable correspodence and will not keep the Commission fully in the picture without which it will be handicapped in giving its considered advice to Government. After a personal discussion with the Chief Minister it has now been agreed that on receiving specific requests from the Commission for being shown the departmental files in particular cases under its consideration, the departments will

give due weight to such requests and make the files available to the Commission if there is no serious objection in doing so.

- 102. Making Government servants corruption-conscious.—The Commission felt that its work and the object of eradication of corruption from Government offices would be greatly facilitated if the role and responsibility of Government departments in this matter were specially brought to their notice and the ways in which they could help the Commission were indicated to them. The awareness of the existence of the Vigilance Commission and of the importance which Government attaches to it would have salutory effect in making Government servants corruption-conscious. The Commission, therefore, requested Government to issue a circular on the subject on the lines indicated by it. Government readily did so. A copy of the circular dated the 11th May 1965 will be found in Appendix XXI.
- 103. Expeditious disposal of enquiries.—The Commission noticed that in a large number of cases referred by it to the Anti-Corruption Bureau, Secretariat Departments, Heads of Departments for enquiry, their reports were not received within a reasonable time. In order that its work should receive impetus at the highest level, the Commission made a suggestion that the Ministers and Deputy Ministers may take interest in the speedy disposal of pending enquiries about corruption in their respective departments and keep track thereof. The Commission was advised that it may write to the Minister/Deputy Minister concerned whenever any case appeared to the Commission to require his special attention on account of avoidable delay at any stage of the case or for any other reason.
- 104. Soliciting donations to funds.—It was represented to the Commission that some State Government officers bring pressure on members of the public in the name of Ministers and Deputy Ministers, to donate to certain funds or to give advertisements

to educational or other institutions. Under the existing Conduct Rules, Government servants are prohibited from soliciting subscriptions in aid of any funds, without the specific sanction of Government. Apart from violating the Conduct Rules, the practice complained against gives scope to undesirable practices. The Commission, therefore, suggested that the orders of Government in this respect may be made public so that the people whom the defaulting Government servants approach would know the correct position. Government has agreed to issue a press-note on the subject.

105. Appointment of Vigilance Officers.—The size and spread of the problem of corruption are such that a simultaneous, concerted and sustained drive against it is necessary in every department and office of Government. Under the Government of India there are Vigilance Officers assisted by a Unit in every Ministry/Department to assist the Secretary or the Head of Department in the Vigilance Work. The Commission considered that it may be useful to have, more or less on the same pattern, Vigilance Officers to deal with vigilance work in every Department of the Secretariat and in the Offices of Major Heads of Departments and made a proposal to Government accordingly. Government was pleased to designate the O. and M. officers in the Departments of the Secretariat and in the Offices of Major Heads of Departments as Vigilance Government Resolution, General Administration Department, No. VGC-1065-DI, dated the 13th March 1965 and Government Resolution, General Administration Department, No. CDR-2065/Recommendation No. 65/D-1, dated the 17th June 1965 in Appendix XXII enumerate the duties of the Vigilance Officers.

106. Case-Studies by Vigilance Officers.—The Commission had also moved Government to instruct the Departments to forward to it a copy of the report of the departmental O. and M.-cum-Vigilance Officer of any 'Case study' undertaken by him in pursuance of the orders contained in Government

Resolution, General Administration Department, No. CDR-2065/Recommendation No. 65/D-I, dated the 17th June 1965 if the study revealed a prima facie case of corruption, misconduct, lack of integrity or other kinds of malpractice or misdemeanour on the part of a Government servant. Government has issued suitable instructions accordingly. No such report was received by the Commission up to the time of writing this report.

107. Special Measures in Certain Areas.—In the course of the study of statistics relating to complaints of corruption received by the Commission it was noticed that there are more number of complaints against officials of certain Departments/Districts. It was, therefore, suggested to Government that this fact may be brought to the notice of the respective District Anti-Corruption Committees and the Departmental Anti-Corruption Committees which should take special measures to minimise corruption. Government was also requested to instruct the Vigilance Officers of such Departments to perform intensively, the functions entrusted to them, especially the corrective ones. Government has accepted these suggestions.

108. Scrutiny of Property Returns.—It was suggested to Government that the duty of ensuring that the property returns are furnished by Government servants concerned as required under the Rules and are properly scrutinised should be assigned to the Vigilance Officers and that they should report to the Vigilance Commissioner the cases in which there is a prima facie suspicion of acquisition of property by improper means. Government has deferred consideration of this suggestion pending revision of the Coduct Rules on the lines of the revised Rules of the Government of India taking into account the recommendations made by the Santhanam Committee.

109. Reports on functioning of the Vigilance Organisation.— The orders appointing the Vigilance and Public Relations Officers referred to above provided that the Secretariat Departments and Heads of Departments concerned should watch the experiment for six months and report its working to Government in the General Administration Department. As the Commission was interested in knowing how the Vigilance Organisation in the State was functioning in respect of matters with which the Commission is concerned, it requested Government to send to it extracts from the reports in respect of such matters showing how the Vigilance and Public Relations Officers have worked. The reports are still awaited.

- 110. Publicity for the Vigilance Commission.—During its tours, the Commission noticed a striking ignorance about the existence and functions of the Commission. It has, therefore, been suggested to Government that wide publicity should be given in the principal villages of the State explaining the duties, functions and advantages of the Commission emphasizing that persons who deliberately make false complaints are liable to be prosecuted but assuring the genuine complainants that their identity will not be disclosed. It has also been suggested that the Sadachar Samiti and the Publicity Department of Government could undertake propaganda with a view to making the officials corruption-conscious and also enlightening the public about the avenues now open to them for seeking redress of their genuine grievances in matters of corruption.
- 111. Revision of Conduct Rules for State Government servants.—In November 1964 the Government of India issued revised Conduct Rules for the Central Government employees with a view to improving integrity in Administration. Soon after, the Commission enquired with the State Government whether the Conduct Rules for the State Government servants were being reviewed in the light of the revised rules of the Government of India. Government replied in the affirmative. Certain suggestions made by the Commission regarding the Conduct Rules are being considered by Government in connection with this revision.

112. Premature retirement of Government servants of doubtful integrity.—The State Government had in the past decided to frame rules for premature retirement of officials against whom suspicion exists regarding their integrity. The Commission enquired with Government about the position in regard to that decision. The Commission was informed that Government had decided to frame such rules on receipt of similar rules reportedly being framed by the Government of India.



SECTION XIV

GENERAL

113. While concluding a few general remarks may be offered.

The Commission has been in existence for a little over 19 months. The scope of its activities is strictly limited, being confined to complaints of corruption against Government servants. Corruption in the political field is outside its scope. Complaints regarding administrative delays or against servants of Government-financed bodies and Corporations or of local bodies like Municipalities, Municipal Corporations or Zilla Parishads are also outside its jurisdiction. Its activities are centralised at the headquarters of the State and has no regional or sub-offices. It is, therefore, not likely that it could have made any noticeable impact on the problem of corruption. Yet, as a result of its activities, there has been a growing awareness, albeit slow, on the part of Government servants, on the one hand, of the need for integrity and rectitude in official conduct and on the part of the general public, on the other, of the necessity and opportunity to expose corrupt practices of The District Anti-Corruption Com-Government officials. mittees visited by the Vigilance Commissioner have begun to show greater enthusiasm in their work. It can be said. therefore, that the Commission has done some field-work in the matter even though it has touched only the fringe of the problem.

114. The Commission has tried to establish wholesome traditions and has created confidence in the minds of the citizens. This fact is evident from the numerous petitions that are addressed to the Vigilance Commission from urban as well as rural areas, not only dealing with allegations of corruption but also regarding redressal of public grievances. The institution of the Vigilance Commission can be made far more effective if, as recommended by the Santhanam Committee, its organisation

can be made more broad-based to perform the dual function of redressal of public grievances as well looking into cases of corruption or lack of integrity.

- 115. For the campaign for eradication of corruption to gather momentum, adequate publicity and propaganda are essential. The Commission's efforts in this respect have been mentioned elsewhere in the report. It must be stressed that it is not for the Commission which functions as a quasi-judicial authority, to undertake any direct propaganda against corruption. The Commission has, however, been giving publicity to its own work and members of the public have also been exchanging views which the Vigilance Commissioner in his office at Bombay as well as when he is on tour. The Commission feels confident that Government will undertake intensive propaganda by creating suitable machinery to give a fillip to its Anti-Corruption drive. Unless the Vigilance Commission's efforts are supplemented by such a concerted drive, little head-way can be made in grappling with this deep-rooted canker.
- 116. Most of the complaints received by the Commission emanated from the aggrieved parties. However, a few were received, not from any aggrieved party (either because there was no aggrived party or because the party affected did not know that its claims were discounted by the corrupt official concerned) but by knowledgeable persons in possession of the facts of a case, in a spirit of Service, either anonymously or even in their own name. Two of such complaints were instrumental in exposing the corrupt conduct of high officers of Government. In one case the officer had gone out of his way to show favour to certain parties in flagrant disregard of Government's policy directives. In the other (reported anonymously) the officer had allegedly resorted to an ingenious way of favouring a party at Government's cost, obviously with a corrupt motive. He is alleged to have diverted the stock of sub-standard material supplied by a firm to another destination and after some time manoeuvred to bring it back to the original office, the supplier having been paid in the meantime at the rate fixed for the

- superior quality. Government lost thousands of rupees in the bargain. The Commission has recommended suitable action against the officer concerned and his accomplices.
- 117. In regard to anonymous/pseudonymous complaints the policy of the Commision has been generally to overlook them as they are in the nature of a stab in the back and the complainants have not the courage of their conviction. It has also been the experience of the Commission that such complaints rarely succeed. However, in some cases there may be good reasons for the complainants to remain anonymous and yet the facts disclosed may be specific and verifiable. In certain cases what really matters is the nature of the disclosure rather than the person giving the information, e.g. in the case mentioned above.
- 118. Another note-worthy feature is that on investigation the majority of complaints were found unsubstantiated, not necessarily being based on ill-will, malice or prejudice requiring prosecution of the complainant for making a false complaint, but on inadequate or wrong or hearsay information, or unconvincing or insufficient evidence, or because of an alleged grievance. This is significant. It clears the air against the officers complained against and also exposes, to some extent, the fallacy of the widespread belief that corruption is rampant amongst Government officials.
- 119. It is satisfactory to note that quite a few important persons made suggestions to the Commission for eradication of corruption from administration. The Commission would like to thank them for the public spirit they have evinced. Such suggestions are welcome and will receive due consideration from the Commission.
- 120. The Commission would like especially to point out that in some cases it has recommended reduction of the punishment proposed by the enquiry officers or has held the persons not guilty of certain charges. While the Commission has not hesitated to recommend the severest punishment in cases of proved corrupt conduct it has taken precautions to see that

there should be the fullest assurance to the honest officials that all cases will be viewed by the Commission objectively and without any departmental bias.

121. The Commission thanks all the departments and offices of the Maharashtra Government with whom it had occasion to deal, for their co-operation in readily making the necessary papers available and taking prompt action generally on the references made to them.

Special mention must be made of the General Administration Department which readily met the demands of this new office, for furniture, stationery, personnel and in other matters from time to time and helped the Commission to tide over its initial difficulties.

The Vigilance Commissioner is grateful to the Chief Minister for taking a keen and personal interest in the working of the Commission from time to time and readily solving the problems it faced.

Thanks are also due to the members of the Press who gave to the Commission the benefit of their own knowledge of conditions regarding corruption prevailing in the districts.

The Commission would like to take this opportunity to thank the Central Vigilance Commission for the courtesies extended by it and the willing exchange of views and information from time to time.

Lastly, the Commission thanks the Secretary and all the members of the staff for their co-operation and devotion to duty. The Secretary Shri Virkar has had to shoulder a heavy burden as he had been the only gazetted officer during the period under report to assist the Commissioner and had other duties to perform in the General Administration Department, though occasionally. The two Superintendents also deserve special mention. They spared no pains in performing their duties well and assiduously. The typist has had to work hard and single-handed. He acquitted himself well.



सन्यमेव जयते

APPENDIX I

(Vide Paragraphs 3 and 64)

State Vigilance Commission:

Setting up of — in the State of
Maharashtra.

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Resolution No. VGC-1064-D

Sachivalaya, Bombay-32 BR, 12th August 1964. Sravana 21, 1886.

RESOLUTION OF GOVERNMENT

Government have had under consideration for sometime past the question of setting up a Vigilance Commission in the State of Maharashtra on the lines of the Central Vigilance Commission set up by the Government of India. Government have now decided to set up such a Commission which will be headed by the State Vigilance Commissioner.

- 2. The State Vigilance Commission shall be attached to the General Administration Department.
- 3. The powers and functions of the Vigilance Commission, the procedure to be followed by it, its organisation etc. will be as follows:—

The State Vigilance Commission will have jurisdiction and powers in respect of matters to which the executive powers of the State extends,—

- (i) to undertake any enquiry into any transaction in which a public servant is suspected or alleged to have acted for an improper purpose or in a corrupt manner;
 - (ii) to cause an inquiry or investigation to be made into;
 - (a) any complaint that a public servant had exercised or refrained from exercising his powers for corrupt purposes;
 - (b) any complaint of corruption, misconduct, lack of integrity or other kinds of malpractice or misdemeanour on the part of a public servant;

Note.—The scope of the Commission's enquiry or investigation will not extend to Ministers, Deputy Ministers, the Speakers and the Deputy Speaker of the Legislative Assembly and the Chairman and Deputy Chairman of the Legislative Council, the Judges of the High Court, other Judges belonging to the State Judicial Service, Members of the Class III and Class IV services in the Judicial Department, elected officials of the Zilla Parishads and employees of Zilla Parishads under the disciplinary control of the Parishads.

The scope of the Commission's inquiry or investigation will also extend to Government servants on deputation to local bodies etc.

(iii) to call for reports, returns and statements from all Departments so as to enable it to exercise general check and supervision over the vigilance and anti-corruption work in the Departments;

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APPENDIX I-contd.

- (iv) to take over, after consultation with the Department concerned, under its direct control such complaints, information or cases as it may consider necessary for further action which may be either—
 - (a) to ask the Anti-Corruption Bureau to register a regular case and investigate it;

or

- (b) to entrust the complaints, information or case for inquiry—
 - (1) to the Anti-Corruption Bureau, or
 - (2) to the Department concerned;
- (v) in cases referred to in paragraph (iv) (b) above the report of the inquiry will be forwarded to the Commission so that on a consideration of the report and other relevant records it may advise the concerned Departments as to further action;
- (vi) the Anti-Corruption Bureau will forward to the Department concerned through the Vigilance Commission the final report in all cases investigated by the Bureau in which it considers that a prosecution should be launched, for any comments which it may wish to forward to the Commission;
- (vii) (a) the Commission will advise the department concerned after examining the case and considering any comments received from the concerned Department whether or not prosecution should be sanctioned. (Orders will thereafter be issued by the authority in whom the power to accord such sanction is vested);
- (b) in cases where an authority other than the Governor is competent to sanction prosecution and the authority does not propose to accord sanction sought for by the Anti-Corruption Bureau the case will be reported to the Vigilance Commission and the authority will take further action after considering the Commission's advice;
- (viii) the Commission will have the power to require that the oral enquiry in any departmental proceedings, except in petty cases, should be entrusted to one of the Officers for Departmental Enquiries. (A suitable number of officers for Departmental Enquiries will be attached to the State Vigilance Commission);
- (ix) the Commission will examine the report of the Officer for Departmental Enquiries, which will in all cases be submitted by the Officer for Departmental Enquiries to the State Vigilance Commission, and the Commission will forward the record of the case to the appropriate disciplinary authority with its advice as to further action;
- (x) in any case where it appears that discretionary powers had been exercised for improper or corrupt purposes, the Commission will advise the Department that suitable action may be taken against the public servant concerned; and if it appears that the procedure or practice is such as affords scope or facilities for corruption or misconduct, the Commission may advise that such procedure or practice be appropriately changed, or changed in a particular manner;
- (xi) the Commission may initiate at such intervals as it considers suitable review of procedures and practices of administration in so far as they relate to maintenance of integrity in administration;
- (xii) the Commission may collect such statistics and other information as may be necessary;
- (xiii) the Commission may obtain information about action taken on its recommendations;

APPENDIX I-concld.

- (xiv) the Commission will submit an annual report to Government about its activities, drawing particular attention to any recommendation made by it which had not been accepted or acted upon; and a copy of the report together with a memorandum explaining the reasons for non-acceptance of any recommendations of the Commission will be laid down by the Government before the Legislature.
- 4. The State Vigilance Commission will be provided with such staff as may be necessary for the proper discharge of its duties and responsibilities.
 - 5. The Head of the Commission-
 - (a) will be designated "State Vigilance Commissioner";
 - (b) will be appointed by the Governor by warrant under his hand and seal;
 - (c) will be removable in the same manner as the Chairman or Member of the State Public Service Commission;
 - (d) will hold office for a term of 5 years or till he attains the age of 65 whichever is earlier;
 - (e) on ceasing to hold the office of the State Vigilance Commissioner shall be ineligible for any further employment under the Union or State Governments or for holding any political public office;

Provided that the condition laid down in clause (d) above may not be observed in the case of the first Vigilance Commissioner but the term of his appointment and the maximum age upto which he may hold office may be determined by Government and a special order issued fixing his term.

- 6. The State Vigilance Commissioner will be responsible for the proper performance of the duties and responsibilities assigned to the Commission and for generally co-ordinating the work of and advising the Departments in respect of all matters pertaining to maintenance of integrity in administration.
- 7. The State Vigilance Commission will take the initiative in prosecuting persons who are found to have made false complaints of corruption or lack of integrity against public servants.

By order and in the name of the Governor of Maharashtra,

L. G. RAJWADE.

Special Secretary to Government.

To

The Secretary to the Governor,

The Private Secretary to the Chief Minister,

The Prothonotary and Senior Master, High Court, Bombay,

The Registrar, High Court, Appellate Side, Bombay,

The Inspector General of Police, M. S., Bombay,

The Director, Anti-Corruption Bureau, Bombay,

All Deputy Inspectors General of Police,

All Commissioners,

All Collectors of Districts,

All District Superintendents of Police,

All other Heads of Departments and Heads of Offices under the Several Departments of the Secretariat,

All Department's of the Secretariat.

No.

of 1964.

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APPENDIX I-A

State Vigilance Commission:

Setting up of — in the State of Maharashtra.

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Resolution No. VGC-1065-D-I.

Sachivalaya, Bombay-32 (BR), 21st April 1965.

Read—Government Resolution, General Administration Department No. VGC-1064-D, dated the 12th August 1964.

RESOLUTION.—Government is pleased to direct that the following amendments should be made to paragraph 3 of Government Resolution, General Administration Department No. VGC-1064-D, dated the 12th August 1964:—

- (1) In the Note below sub-paragraph (ii) (b),—(1) In the list of public servants to whom the scope of enquiry or investigation of the State Vigilance Commission will not extend, the names of the Chairman and the other Members of the Maharashtra Public Service Commission should be added,
 - (II) The following sentence should be added at the end of the Note:
 - "Complaints of corruption against the staff of the Maharashtra Public Service Commission though within the cognisance of the Vigilance Commission should be dealt with by it in consultation with the Public Service Commission."
- (2) In sub-paragraph (iv)(b)(2).—For the expression "Department concerned", the expression "authority competent to take disciplinary action" should be substituted.
- (3) In sub-paragraph (v).—For the expression "concerned Departments" the expression "authority concerned" should be substituted.
- (4) Sub-paragraphs (vi) and (vii).—For these sub-paragraphs the following should be substituted:—
 - "(vi) (a) the Anti-Corruption Burcau will forward to the Administrative Department of the Secretariat through the Vigilance Commission the final report in all cases investigated by the Bureau in which it considers that a prosecution should be launched, provided that the sanction for such prosecution is required under any law to be issued in the name of the Governor; and the Bureau will simultaneously send a copy to the Head of Department concerned for any comments which he may wish to forward to the Commission;
 - (b) The Commission will advise the Administrative Department concerned, after examining the case and considering any comments received from the Head of Department concerned whether or not prosecution should be sanctioned. Orders will thereafter be issued by the authority in whom power to accord such sanction is vested;

APPENDIX I-A-contd.

(vii) where an authority other than the Governor is competent to sanction prosecution and the authority does not propose to accord sanction sought for by the Anti-Corruption Bureau, the case will be reported to the Vigilance Commission and the authority will take further action after considering the Commission's advice."

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI,

Deputy Secretary to Government.

To

The Secretary to the Governor,

The Private Secretary to the Chief Minister,

The Prothonotary and Senior Master, High Court, Bombay, (by letter),

The Registrar, High Court (Appellate Side), Bombay, (by letter),

The State Vigilance Commissioner, Maharashtra State, Bombay,

The Secretary, Maharashtra Public Service Commission, Bombay,

The Inspector General of Police, Maharashtra State, Bombay,

The Director, Anti-Corruption Bureau, Bombay,

All Deputy Inspectors General of Police.

All Commissioners of Divisions,

All Collectors of Districts,

All Superintendents of Police,

All other Heads of Departments and Heads of Offices under the several Departments of the Secretariat,

All Departments of the Secretariat.

No.

of 1965.

Copy forwarded for information and guidance to-

APPENDIX II

(Vide paragraph 8)

Statement showing the sanctioned strength of the establishment of the State Vigilance Commission, as on 31st March 1966

1. Vigilance Commissioner.

		Sanctioned strength.	Number in position on 31st March 1966	Remarks.
	(a) Gazetted			
1.	Secretary, State Vigilance Commission (Class I).	mis- 1	1	
	(b) Non-Gazetted			
1.	Superintendents	2	2	
2.	Assistants	1128/2	5	
3.	Stenographer (Higher Grade)	1	1	
4.	Stenographer (Lower Grade)	1	1	
5.	Accountant-cum-Cashier	1	1	
6.	Clerks	4	3*	*(One post kept vacant as an
7.	Typist (English)	1	1	economy measure)
8.	Typist (Marathi)	1	1	
9.	Naik	सद्यमेव जयते	1	
10.	Peons	5	5	

APPENDIX III

(Vide paragraph 13)

Statement showing budget grant sanctioned for the Vigilance Commission for 1964-65 and 1965-66 and expenditure incurred from the 18th August 1964 to 31st March 1966

Budget Head... For 1964-65:19-General Administration—C-Secretariat and attached offices—K-Civil Secretariat K-2(b)-G. A. D.

For 1965-66:71-Miscellaneous—C-Special Commission of Enquiry—General Administration Department—(IV)-State Vigilance Commission.

Serial No.	Primary Unit	Period	Sanctioned grant	Actual expenditure in whole rupees
1	. 2	3	4	5
(i)	Pay of Officers	18th August 1964 to 31st March 1965.	28,100	26,003
	9	1st April 1965 to 31st March 1966.	44,900	44,877
(ii)	Pay of Establishment	18th August 1964 to 31st March 1965.	22,800	8,454
	11	1st April 1965 to 31st March 1966.	44,600	43,702
(iii)	Allowances and Honoraria	18th August 1964 to 31st March 1965.	6,100	3,905
	स्या	1st April 1965 to 31st March 1966.	14,300	12,864
(iv)	Contingencies	18th August 1964 to 31st March 1965.	15,000	727
		1st April 1965 to 31st March 1966.	10,800	10,748
	Total	18th August 1964 to 31st March 1965.	72,000	39,089
		1st April 1965 to 31st March 1966.	1,14,600	1,12,191

^{*}This represents final sanctioned grants after reappropriation.

APPENDIX IV

(Vide paragraph 14)

Break-up of the 705 complaints according to the action taken on them

Total of those disposed of and pending (Column 4+7)	8	71	117	468	16	ຸຕ	30	705
Total pending disposal (Column 5+6)	7	:		355	13	:	12	380
Pending with other authorities/ complai- nants	9	:	:	293	:	:	12	305
Under scrutiny in the Commis-sion's office	5	:	:	62	13	:	:	75
Number of Disposed of complaints	4		117	113	13	т	18	325
Number of complaints	3	11	117	468	16	ю	30	705
Category of action	2	1 Complaints filed after preliminary scrutiny	2 Complaints sent to other authorities for disposal	3 Complaints forwarded to other authorities (including the Anti-Corruption Bureau for enquiry and report.	4 Complaints which the Commission decided to investigate by itself.	5 Complaints on which the Commission did not consider investigation necessary but tendered advice.	6 Complaints on which additional information was called for from the complainants.	Total
Serial No.	1	-	7	m	4	ν,	9	

Note.—For statistical purposes a single communication containing allegations against say, four individuals is treated as four complaints but as a single case. Similarly. if there are four communications against the same person they are treated as one complaint and one case provided they pertain to the same subject.

APPENDIX V

(Vide paragraph 18)

Class-wise break-up of State Government servants against whom complaints of corruption etc. were received by the Commission

Class I	Class II	Class III	Class IV	General	Total
1	2	3	4	5	6
79	148	311	5	162*	705

^{*}Note.—Complaints, which were not against any specific Government officials but against Government officials in general.



APPENDIX VI

(Vide paragraphs 18 and 30)

Department-wise and Class-wise break-up of Government servants against whom complaints of corruption were received by the State Vigilance Commission

Serial No.	Name of the Departmen of Government	Class I	Class II	Class III	Class IV	General	Total
1	2	3	4	5	6	7	8
1	G. A. D	. 1		4	1		6
2	Н. D.	. 6	29	94	••	53	182
3	R. & F. D	. 14	31	76	1	26	148
4	A. & C. D	. 5	15	16	• •	16	52
5	E. & S. W. D	. 6	13	8		8	35
6	U. D., P. H. & H. D.	. 15	35, 11	24		11	61
7	F. D	. 1	3	17		2	23
8	B. & C. D	. 12	8	17	1	4	42
9	I. & P. D	.] 8	6	9	1	9	33
10	L. & J. D	. 4	TAT	2	••	2	8
11	I. & L. D	. 2	13	12	1	7	35
12	R. D. D	. 2	6	6	•••	4	18
13	F. & C. S. D.	. 3	13	26		16	58
	General*	सद्यमे	व जयते		••	4	4
	Total .	. 79	148	311	5	162	705

^{*}These complaints are not against Government officials of a particular department but are against Government officials in general.

79

APPENDIX VII

(Vide paragraphs 18 and 30)

District-wise and Class-wise break-up of Government servants against whom complaints of corruption were received by the State Vigilance Commission

Serial No.	Name of Distric		Class I	Class II	Class	Class IV	General	Total
1	2		3	4	5	6	7	8
1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26	Bombay Thana Kolaba Ratnagiri Nasik Dhulia Jalgaon Ahmednagar Poona Satara Sangli Sholapur Kolhapur Aurangabad Parbhani Bhir Nanded Osmanabad Buldhana Akola Amravati Yeotmal Wardha Nagpur Bhandara Chanda General*		2 2 1 4 4 3 3 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	37 11 3 1 4 3 7 3 18 3 3 8 8 3 2 5 1 2 1 4 1 5 1 1 2 1 1 1 2 1 1 1 1 1 1 1 1 1 1 1	70 20 4 5 17 1 10 5 46 3 2 9 10 11 9 8 4 3 2 10 11 4 7 30 3 7	2 2	44 9 1 4 6 1 2 3 20 3 2 7 4 3 1 1 3 6 1 2 1 1 1 1 1 1 1 1 1 1 1 1 1	171 42 10 11 33 5 22 11 102 10 5 20 23 25 16 12 11 3 4 17 20 6 14 70 9 15
		Total	79	148	311	5	162	705

^{*}These complaints are not against officials of any particular District but are against officials of a Department.

APPENDIX VIII

(Vide paragraphs 19, 22 and 23)

Advice tendered by the Commission on complaints (other than those investigated by the Commission Uself)

Remarks regarding the action taken by the disciplinary authorities concerned	4	Government has decided to retire the Government servant concerned from service and to pursue the question of reducing his pension suitably, immediately after his retirement is notified in the Gazette.
Advice tendered by the Vigilance Commission	3	Termination of service as the Government servant was on extension and reduction in his pension recommended to Government.
Nature of allegations	2	(i) Allowing misuse of office furniture by the Termination of service as the Government Government has decided to retire the subordinate staff. Subordinate staff. Servant was on extension and reduction Government service and to pursue the question of in his pension recommended to Govern service and to pursue the question of ment. The control of t
Serial No. of Com- plaint	-	1 (

servant was on extension and reduction in his pension recommended to Government. subordinate staff.

(ii) Failure in reporting to Government temporary misappropriation of Government money by a subordinate. (iii) Purchase of technical books at the expense of the school library, for private use.

(iv) Misuse of Government postage stamps.

Departmental action recommended to the Head of Department concerned. 2 Demand for and acceptance of illegal gratification ...

Departmental enquiry was held by the competent authority. The charge was not proved in the Departmental Enquiry. (The Commission has called for the papers from the competent authority).

	3 Misconduct	As enquiries revealed that there was sub- Does not arise in view of Column 3. stance in the allegation, the concerned disciplinary authority was advised to take such action as it deemed fit. The concerned Head of the Department Reply from the authority is awaited.	Does not arise in view of Column 3. Reply from the authority is awaited.
, –	(i) Failure to bring huge arrears to the notice of his superiors, and	was advised to issue a severe warning to the Government servant and to enter it in his Character Roll. Suitable action recommended to the Head of Department concerned.	Do. Do.
<u> </u>	 (ii) Delay in taking action in one case (i) Misuse of office furniture and newspapers, and A Character Roll warning recommended to He has been warned. (ii) Construction of a house without prior permission 	A Character Roll warning recommended to Government.	He has been warned.
<,	of Government. Acceptance of a tender which resulted in avoidable Government was advised to order a tholoss to Government.	Government was advised to order a thorough probe in the matter.	Government has ordered a thorough probe in the matter.
$\overline{}$	(i) Hushing up of a Departmental Enquiry case after accepting a bribe, and	The case was referred to the Department concerned. In view of the bad reputation of the officer his transfer was recommended to Government.	He has been ordered to be transferred.
ij	(ii) Amassing wealth by corrupt means.		

9 Corrupt practices in connection with supplying of The allegations against the Government He has been blacklisted. extracts of Record of Rights.

servant were not substantiated. However, during enquiry his conduct was considered to be not above board and, therefore, his name was recommended for inclusion in the black-list.

APPENDIX VIII—contd.

Remarks regarding the action taken by the disciplinary authorities concerned	4	Government replied that the practice followed in this case was according to rules and hence it was not necessary to issue any instructions.	He has been ordered to be transferred.	Government informed that there have been no complaints regarding corrupt practices of the officers concerned in issuing income certificates under the E. B. C. Scheme. The existing procedure provides adequate facilities for the students in getting their certificates signed by competent authorities without difficulty. It is not, therefore, necessary to change the existing procedure.	Government has accepted the Commission's advice and issued instructions to the officers concerned.
Advice tendered by the Vigilance Commission	3	The allegation was not substantiated. However, it was recommended to Government to issue suitable instructions to the Buildings and Communications Department/Irrigation and Power Department authorities regarding filling posts on work-charged establishment of a temporary nature, if the alleged practice is irregular.	Government was advised to transfer the Government servant.	The Commission suggested to Government that the existing method of issuing income certificates to students eligible to the free education facilities may be modified and simplified so as to eliminate delays and remove the difficulties and inconveniences caused to the applicants.	The Commission advised Government to issue instructions to the officers concerned to examine whether there are any cases of the type referred to in the allegation and, if so, to take suitable action in the matter.
Nature of allegations	2	Non-consultation with the Employment Exchange while filling a temporary post on work-charged establishment.	Vague charges of corruption and holding the same post for more than 5 years.	Delay in getting income certificates by the students or their guardians for claiming the free education facilities would lead to corrupt practices on the part of officers concerned.	Fair Price Shops in many cases were alloted to persons who actually did not deal in these commodities but who wanted to make money by unfair means and hence black-marketing in these commodities issued to the Fair Price Shops was rampant.
Serial No. of com-	1	10	11	12	13

Reply from the authority is awaited.			Government has accepted the Commission's advice.		Adverse entry has been taken in the service sheet of the delinquent.
Allegation (i) was found not substantiated. However, there was substance in the remaining allegations. Hence the Head of office concerned was advised to take departmental action against the six members of the supervisory staff.			The case being sub-judice, Government was advised to take suitable action after the dicision of court is known.	3	It was found that there was circumstantial evidence to infer that there was substance in the allegation. The disciplinary authority was therefore advised to take necessary action against the Government servant.
(i) Registration of two Co-operative Societies was got done by preparing false documents and the Government office concerned failed to make propoer enquiries before sanctioning the registration.	(ii) The handloom and the production of cloth was shown bogus and the rebate thereon was claimed with the connivance of the staff of the Government office concerned.	(iii) The supervisory and inspectorial staff of the office concerned indulges in corrupt practices and comives at the illegal activities of the two Co-operative Societies.	5 (i) Tampering with Revenue records	(II) Denialiu ioi anu acceptance oi circe	6 Snatching away Rs. 35 from the complainant

APPENDIX IX

(Vide paragraphs 19 and 23)

Gist of cases investigated by the Commission itself.

I

A District Supply Officer was alleged to be extracting money by delaying cases. A few cases delayed by the officer were brought to the notice of the Commission. It was also reported that middlemen were used to give a hint that unless money was paid the cases would not be decided.

Investigation disclosed that the officer had kept the cases undisposed for nearly four months without any valid reasons.

The Commission was satisfied that the unreasonable delay raised a presumption of suspicious conduct on the part of the officer concerned. It, therefore, recommended to Government that appropriate action be taken against him. The recommendation was still under the consideration of Government at the time of writing the report.

II

A complainant brought to the notice of the Commission that he had applied for a controlled commodity to the office concerned a long time ago. The application was also recommended by another concerned office of the State Government. In spite of this, the application was alleged not to have been considered for about four years. The delay was alleged to be motivated.

On investigation it was first noticed that some applicants who had applied for the same commodity much later than the complainant had their requests granted. The Commission called for the explanation of the officer concerned for indulging prime facie in discriminatory acts and favouritism. On scrutiny of the explanation it was found that there was no truth in the complaint. The applicant has been informed accordingly

Ш

A complainant reported that a trader was given disproportinately large quota of a controlled commodity and requested the Commission to investigate why such an action was taken and whether the officials concerned has not accepted illegal gratification for granting the disproportionately large quota.

On investigation, the Commission found that the complaint, so far as it related to the grant of a disproportionately large quota, was true. It, therefore, called for the explanations of the persons concerned. The explanations were scrutinised and it has been recommended to Government that the next increment of persons concerned be withheld for one year without effect on future increments.

IV

A high ranking officer was alleged to have misused discretionary powers in allotment of quotas of controlled commodities.

APPENDIX IX-contd.

On investigation, the complaint was found to be true. The explanation of the officer was not considered satisfactory. The Commission, therefore, recommended to Government on the 16th August 1965 to—

- (i) take appropriate disciplinary action against the officer,
- (ii) cancel the nominations of those traders and bodies who were given the same irregularly and to re-grant them to those rightfully entitled, and
- (iii) direct him to abide strictly by the rules laid down by Government and not to deviate from them without previous concurrence of Government.

Government has intimated that the nominations of the traders and the bodies concerned have been cancelled and granted to co-operative nominees.

The remaining part of the recommendation is still under the consideration of Government.

V

A complainant alleged that his application for certain certificates to enable him to get supplies of controlled commodities was delayed by an officer by creating un-necessary obstacles. He further alleged that the delay was motivated.

The Commission called for all relevant papers from the office concerned and after scrutiny, called for the explanations of the officers involved. The explanations received from these officers are being scrutinised.

VI

A complaint was received that a particular individual had been getting certain controlled commodities though they were not being put to proper use by that person. It was further alleged that the individual in question was able to get the quotas by unduly influencing the officers concerned.

The Commission called for the relevant papers from the office concerned. They had not been received till the date of writing the report.

VII

A complaint was received by the Commission against a highly placed Government officer alleging misuse of official position for buying agricultural land within his jurisdiction. On the scrutiny made by the Commission, the allegations were found to be not substantiated. No further action was, therefore, considered necessary.

VIII

A complaint was received against a high ranking officer that he had acted in a questionable manner while planning a public project and while inviting tenders and entering into a contract with a firm in that connection. The complaint was enquired into by the Commission itself. During the period under report the complaint was under investigation by the Commission. Subsequently, on a careful scrutiny of all relevant papers and oral examination of concerned witnesses, the Commission came to the conclusion that there was no evidence or any indication of lack of integrity on the part of the officer as alleged by the complainant. There were certain minor lapses regarding observance of the correct procedure which did not, however, call for any action against the officer.

APPENDIX IX—concld.

IX

A complainant brought to the notice of the Commission that he had applied for a particular raw material, long time ago. Repeated efforts made by the complainant to obtain the material proved futile.

The Commission called for all the relevant papers from the office concerned and on scrutiny, found that there was no truth in the complaint made. The applicant has been informed accordingly.

X

A complaint was received against a high ranking officer that he had acted in a questionable manner in distribution of a controlled commodity in certain cases pointed out in the complaint.

The Commission called for the relevant papers from the office concerned and after scrutiny has called for the explanation of the officer involved.



APPENDIX X

(Vide paragraph 30)

Class-wise percentage of Government servants, complained against, vis-a-vis the total number of Government servants in the State in each

Class of Service.

Class of	Service	Government s	of Number of Gov- er- ernment servants tate complained against.	es in Column 3 to
1		2	3	4
Class I	••	1,411	79	5.599
Class II		5,295	148	2·795
Class III		1,70,129	311	0.183
Class IV	•••	41,061	5	0.012
Total		2,17,896	543†	0.249

^{*}The 162 general complaints which are not against any specified Government official/officials are not included in this number.

Note.—It may be noted that while the figures in column 2 of the Statement pertaining to the total number of Government servants in each class of Service are inclusive of the Government servants under the Judiciary, the figures in Column 3, giving the number of Government servants complained against, is exclusive of the latter, as they are outside the purview of this Commission. The total number of Government servants in each class, exclusive of the Judicial Department, could not be had readily. Consequently, the percentages mentioned in Column 4 of the Statement do not reflect the true volume of complaints and are useful only for purposes of comparison.

[†] This represents the Number of State Government servants as on the 1st July 1961 which is the latest available figure.

APPENDIX XI

(Vide paragraph 51)

Gist of the Departmental Enquiry cases on which the Commission tendered advice and Government issued orders.

(1) An officer of the Medical Department was charged with (i) claiming false Travelling Allowance and (ii) committing irregularities in the matter of acceptance of tenders for the supply of drugs.

The Commission, agreeing with the Special Officer, held the delinquent guilty of both the charges and, as suggested by the Special Officer recommended to Government that the delinquent may be dismissed from service after following the proper procedure. The Government accepted the Commission's advice and further action is being taken.

(2) In a departmental enquiry against a Sales Tax Officer, he was charged with (i) knowingly passing illegal Assessment Orders in a Sales Tax case resulting in an inadmissible refund to the assessee (who, in fact, owed to Government an additional amount on account of arrears of tax for the same period) and (ii) wilfully tampering with the relevant assessment records. The charges were held proved by the Special Officer for Departmental Enquiries.

The Special Officer recommended compulsory retirement of the officer in view of his long (17 years) service and his being an ex-serviceman. The disciplinary authority concerned considered that dismissal would be the appropriate punishment and sought the Commission's advice.

The Commission did not consider that the two grounds given by the Special Officer for Departmental Enquiries justified a lenient view in cases of corruption. It, therefore, recommended dismissal of the officer from Government service. The officer has since been dismissed.

(3) In a departmental enquiry against a Treasury Officer, the charges were that he (i) sublet a house allotted to him for residence by the Collector and failed to pay its rent for about 8 months, (ii) borrowed 15 zink sheets from another Government department in his official capacity without any apparent official requirement, (iii) utilised the services of his peon and the office sweeper for his private work at his residence and (iv) employed under him his two relatives as Clerks in short-term vacancies without the recommendation of the local Employment Exchange. The charges were held proved by the Special Officer and he recommended reduction in rank of the officer to a non-gazetted Class III post.

The Commission, however, held as proved only the first three charges and did not consider any of them so serious as to call for any major punishment. It, therefore, recommended stoppage of one increment, without effect on the officer's future increments. The Commission did not agree with the Special Officer that charge No. (iv) had been made out.

The Commission's advice was tendered on the 3rd September 1965. Government's orders, accepting the Commission's advice were issued on the 27th January 1966.

(4) An Officer of the Directorate of Publicity was charged with misusing a Government vehicle for his own private work, and neglecting his official duty in respect of proper maintenance of the logbook of the vehicle.

The Special Officer for Departmental Enquiries held the officer guilty of the first charge and not guilty in respect of the second charge. The Commission, however, held that the first charge was not proved while the second was proved. As regards

APPENDIX XI-contd.

punishment, the Commission held that severe warning to be careful in future in this respect would be adequate punishment as the enquiry against the delinquent was pending for a number of years, during which period he was superseded by many of his juniors.

The Commission noticed in the course of the scrutiny of this case that the Anti-Corruption Bureau had recommended that an enquiry might be held against the officer on the charge of claiming false travelling allowance also. The Commission was not satisfied that either sufficient enquiries were instituted or due care exercised in omitting this charge from the charge sheet. Considering, however, that the matter was very old the Commission recommended that it may not be pursued.

The Commission's advice was communicated to Government on the 23rd September 1965. Government accepted the advice and issued necessary orders on the 31st December 1965.

(5) A Block Development Officer was charged with having cheated Government by preferring a false T. A. claim for the transport of his personal effects on his transfer to another place of posting. The S. O. had originally recommended that the charge was not proved. The Commission, after examining the report, directed a further enquiry to be made on certain points. The S. O., on doing this, considered the conduct of the officer suspicious and recommended the issue of a warning to him.

The Commission, however, held the charge proved and felt that the delinquent deserved a more severe punishment than a mere warning. It, therefore, recommended withholding of two increments (including the one which was already withheld for a period of 2 years without effect on future increments, as a result of an enquiry held against the delinquent earlier for a similar offence) for a period of two years, with permanent effect on his future increments.

The Commission's advice has been accepted by Government on 8th September 1966.



APPENDIX XII

(Vide paragraph 52)

Department-wise and class-wise break-up of the Government servants involved in the cases of Departmental Enquiries received by the State Vigilance Commission

Number of Government Servants in Departmental Enquiry cases received

Serial No	Name of the Govern- ment Department	Class I	Class II	Class III	Class IV	Total
1	2	3	4	5	6	7
1	G A D	••	1	•••		1
2	H. D		1	1	••	2
3	R. & F. D	••	3	••		3
4	A. & C. D	~ F		••		
5	E. & S. W. D	E SE				1
6	U. D., P. H. & H. D	2		••		2
7	F. D	WHE	3		••	3
8	B. & C. D	1/// 1	1	••		2
9	I. & P. D		2	4		6
10	L. & J. D	1			••	• • • • • • • • • • • • • • • • • • • •
11	I. & L. D	((clis))/	2/20124			
12	R. D. D	सहयमे	व जयते			1
13	F. & C. S. D	• •	• •			• • • • • • • • • • • • • • • • • • • •
	Total	3	13	5		21

APPENDIX XIII

(Vide paragraph 52)

District-wise and Class-wise break-up of Government servants involved in cases of Departmental Enquiries received by the State Vigilance Commission

Number of Government servants in Departmental Enquiry cases received

erial No.	Name O	of the trict	Class I	Class II	Class III	Class IV	Total
1	2		3	4	5	6	7
1 2 3 4 5 6 7 8	Bombay Thana	• •	1	2			3
3	Kolaba		• •	• • •	••	• •	• •
4	Ratnagiri	::	••	i	::	• •	'i
5	Nasik	::1	::	2	4	• • • • • • • • • • • • • • • • • • • •	6
6	Dhulia						
7	Jalgaon		100	33) I			1
8	Ahmednagar	• •	50003	8150	• •		
9	Poona	• •	(ZN3)	56.053	••	• •	• •
10 11	Satara	• •	i	10	••	• •	٠:
11 12	Sangli Sholapur	• •	CHE!	3886	• • •		2 1
13	Sholapur Kolhapur	• •	VS CHARGE	SSSFAT	• •	••	1
14	Aurangabad		A AREA	SPPRE.	• •	*	i
15	Parbhani		31 N. if	î î	i	:: 1	2
16	Bhir		1.40 Y	Y.W.Y.			
17	Nanded		. a 6:3	1958 Av.			'n
18	Osmanabad		W. V. 1975	DON'T STATE	1	• • •	
19	Buldana	• •	1000	38111	••		
20	Akola	• •	III and I	2200.20	• •	!	• •
21 22	Amravati Yeotmal		• •	See 111.	•••	••	• •
23	Wardha	::[सरापे	322	:: 1		ż
24	Nagpur		i	1 -1-12		:: 1	ĩ
25	Bhandara					1	
26	Chanda	• •]	• •	••		• •
		Total	3	13			
}		Total	3	13	5	i	21

APPENDIX XIV

(Vide paragraph 56)

Particulars of prosecution cases of Government servants on which advice was tendered by the Commission

Serial No. of cases	Name of the Department of the official involved				servants	Nature of advice tendered by the Commis- sion			
				involved	Prosecution recom- mended	Prosecution not recom- mended			
	General Adminis	tration De	epartment			***************************************			
1	Class I	••	••	••	••	• •	••		
	Class II	• •	• •	••	1	1	••		
	Urban Develop Housing Depa	ment, Pu ertment	blic Health	and					
2	Class I	• •	• •	• •	1	1	• •		
	Class II		C Miggs	ha	••	• •	• •		
3	Class I		GINE.		3		••		
	Class II		7.		1	••	1		
	Industries and La	abour Depo	artment						
4	Class I		THE C	11	••	••	••		
	Class II		121	MT	1	1			
	Education and S	ocial Welfa	are Departmen	nt					
5	Class I	• •	(in)			• •	. • •		
	Class II	• •	संद्यमेव	जयने	1	1	• •		
6	Class I	••	41-4-14	-1-6-1	••	• •	• •		
	Class II		••	• •	2	2			
i	Home Departme	ent							
7	Class I		••	• •	• •	••	••		
	Class II	• •	••		• •	• •	••		
	Class III		••		1	1	••		
ı	Revenue and Fo	rests Depo	artment						
8	Class I	••	••	••	••	••	••		
	Class II	••	••	••	1	1	••		
otal	Class I		••	•••	1	1	• •		
	Class II	••	• •	• •	7	6	1		
	Class III		••	••	. 1	1	••		
Frand	Total	••	• •		9	8	1		

APPENDIX XV

(Vide paragraph 63)

Some important recommendations made by the Commission as a result of review of procedures and practices of administration in three offices

DISPOSAL OF CASES

- 1. Applications for grant of quotas or allotments of controlled commodities should be scrutinised in a given time-limit in the order in which they are received, as a rule.
- 2. Whenever reports are required to be called for from subordinate organisation, a time-limit for submission of these should be set and got adhered to.
- 3. All particulars necessary for the consideration of applications should be asked for from the applicants along with the applications themselves. Wanting details, if any, should be obtained without loss of time.
- 4. The applicants should be kept informed in writing, wherever possible, and from time to time, of the position regarding their applications. They should not be required to visit the office off and on to enquire about the progress of their applications.
- 5. Ordinarily, no exceptions or special cases should be made. Whenever they are made, full facts of the case should be reported to the Government.
- 6. Permits for controlled commodities should be issued at regular intervals with prior intimation to the allottees. Uncertainties of any kind in this connection should be avoided as far as possible.
- 7. The practice of giving oral orders on files is objectionable. If oral orders are given for unavoidable reasons, the person giving them should reduce them to writing thereafter. Those acting on such orders should also take care to get them confirmed in writing from the person who gave them.
- 8. As far as possible, in any given area, only one authority should be competent to issue permits or licences in respect of controlled commodities.
- 9. The validity period of licences, permits etc., should be as long as practicable.
- 10. (i) In cases where distribution of controlled commodities is done on the advice of a Committee appointed for the purpose, the decisions of the Committee should be intimated to the persons concerned soon after they are taken.
- (ii) Whenever action is taken in anticipation of the approval of the Committee, its post-facto sanction should invariably be obtained.
- (iii) Whenever decisions of the Committee are not implemented or there are deviations from them, the *post-facto* approval of the Committee should invariably be obtained.

FIELD WORK

- 11. The field staff engaged in inspections and enquiries should be required to do them in chronological order, within specified time-limit and in the correct manner. Whenever necessary and possible, a programme of inspection should be drawn up and adhered to.
- 12. The superior officers should make surprise checks of the work done by the field staff.
- 13. Submission of wrong and/or misleading reports should be dealt with sternly.

APPENDIX XV-contd.

INTERVIEWS

14. The visitors should be interviewed by officers only. They should not have to wait unduly long and should, in no case, be allowed to approach the lower staff.

AGENCIES FOR DISTRIBUTING CONTROLLED COMMODITIES

- 15. Whenever agencies for distributing controlled commodities are to be appointed, due publicity should be given to afford a chance to all those interested in getting appointments so as to widen the field of selection. The selection should be made on objective and uniform criteria.
- 16. Persons who were in business prior to a commodity being brought under control should, as far as possible, be considered for nomination as a distributing agency after imposition of control. Hardship due to loss of business to established traders should be avoided as far as possible.
- 17. The officers concerned with the distribution of controlled commodities should not have at their disposal, a part of the quota for being disposed of at their discretion.
- 18. At Government godowns, the traffic of in-coming and out-going vehicles should be regulated by a system of gate-passes.

GENERAL

- 19. The practice of calling applicants to the offices to take delivery of letters, licences, permits, etc., should be discontinued. They should, as far as possible, be sent by post immediately after they are ready.
- 20. The fact that understaffing is a pro-corruption factor should be borne in mind and adequate staff should be asked for if justified.
- 21. Allotments of controlled commodities to subordinate supply offices may be made regularly even though the quotas may be small.

सत्यमेव जयते

APPENDIX XVI

(Vide para. 66)

Accompaniment to Government Circular, No. PDR.-1165, dated the 16th August, 1965

FORM OF RETURN

Returns of cases decided by Gazetted Officers of the Heads of Departments and Offices in exercise of their discretionary powers

Name of Head of Department:

Return for the month of:

Serial No.	No. of the case	Subject matter	Name of the party	Nature of orders passed	Reasons for making exception	Name and designation of the officer passing the order
(1)	(2)	(3)	(4)	(5)	(6)	(7)
			141	777		
			A. C.			
			TENTE	.and		

(Signature of Head of Department).

Copy to Department with reference to paragraph 2 of Vigilance Commission's Circular, No. PDR.-1165, dated 16th August, 1965.

APPENDIX

(Vide

·I,

Statement showing disposal of complaints regarding Corruption, misconduct, lack of integrity all internal or external sources such as inspection reports,

Quarter ending

**************************************	No	o. received		No. on	which	action was
Category of Government servant	Pending at end of previous quarter	Received during quarter under report	Total	Dropped without enquiry	Dropped after enquiry	Taken up for Depart- mental action
1	2	3	4	5	6	7

- 1. Gazetted-
 - (a) Complainant identifiable
 - (b) Complainant anonymous/ pseudonymous
- 2. Non-Gazetted-
 - (a) Complainant identifiable
 - (b) Complainant anonymous/ pseudonymous



Forwarded with compliments to the Secretary, State Vigilance Commission, with reference

No.												
Date												

XVII

para. 69)

or other kinds of malpractice or misdemeanour (including complaints received from audit reports, Court judgments, letters from other departments etc.).

Department

complete	ed during qu	arter under	report	No. po	Damarko		
Put in Court	Referred to A.C.B.	Other action (Specify action in Col. 15)	Total	Under 6 months	Over 6 months	Total	Remarks, if any
8	9	10	11	12	13	14	15



to the Commission's Circular No. PDR.-1265, dated the 24th December 1965.

(Sig.)

(Desig.)

(Deptt.)

II.A

Statement showing particulars of cases mentioned in Column 4 of Statement No. 1 in respect of Gazetted Public Servants only

ithout any enquiry. was made. reliminary enquiry. clease indicate which) A.C.B. ry was ordered. lered. te which].	Department	Further action taken If pending reasons after preliminary in brief enquiry, and date of orders	6
 6 below, indicate— 'F' Where complaint was filed without any enquiry. 'P' Where preliminary enquiry was made. 8 indicate— 'F' Where case was filed after preliminary enquiry. 'M' Where minor punishment (please indicate which) was inflicted. 'A' Where case was referred to A.C.B. 'D' Where departmental enquiry was ordered. 'C' Where Prosecution was ordered. 'O' Other action (please indicate which). 		Further action taken after preliminary enquiry, and date of orders	88
[N.B.—In Column 6 below, indicate— 'F' Where complain 'P' Where prelimi In Column 8 indicate— 'F' Where case wa 'M' Where minor p was indicted 'A' Where asse wa 'D' Where departt 'C' Where Prosecu		Whether Public Servant suspended, if so, date of suspension order	L AND L
[<i>N.B.</i> —	8	Action taken and date of order	9
		Allegations in brief	5
		Name and Designation of Public Servant complained against	4
	ding	Name and t Address of Complainant	3
	Quarter ending	Serial Date of No. complaint	2
•		Serial No.	-

Forwarded with compliments to the Secretary, State Vigilance Commission, with reference to the Commission's Circular No. PDR.-1265, dated the 24th December 1965. (Signature)

No.

Date

(Designation)
(Department)

II-B

Statement showing particulars of cases in which Departmental Enquiry was ordered (vide Col. 8 of Statement II-A)

(Gazetted Public Servants only)

Department

If cases pending reasons in brief œ Date of appeal, if any, and result 7 not removed or suspension and dismissed or compulsorily reinstatement if under Date of retired 9 (b) date of order punishment If punished— (a) nature 5 (a) date of order,(b) date or reinstatement if under suspen-Whether Public If exonerated-exonerated or punished Servant was m of Enquiry
Officer's report
through Vigilance Date of receipt Commission (1) Serial No. in Statement II-A

Forwarded with compliments to the Secretary, State Vigilance Commission with reference to the Commission's Circular No. PDR.-1265, dated the 24th December 1965.

nii Localitori 1705.

No.

·

Date

(Signature)

(Designation)

(Department)

(g.c.p.) H 36 $\cos -8 (1,000-9.68)$

Quarter ending

II-C

Statement showing particulars of cases in which Prosecution was ordered vide Col. 8 of Statement II-A (Gazetted Public Servants only)

	Quarter ending		Department					
Serial No in State- ment II-A	Result of Prosecution and date of judgment	Further action if any and date of final orders	Date of reinstatement if Public Servant was not dismissed, removed or compulsorily retired	If pending, reasons in brief				
1	2	3	4	5				



Forwarded with compliments to the Secretary, State Vigilance Commission with reference to the Commission's Circular No. PDR.-1265, dated the 24th December 1965.

	(Signature)
No	(Designation)
Date	(Department)

APPENDIX XVIII

(Vide paragraph 79)

Suggestions received from members of the Public regarding eradication of corruption

Suggestion made	Remarks
(1)	(2)
1. The Vigilance Commissioner's jurisdiction may be extended to all public servants including Municipal and local bodies staff, and office bearers and members of co-operatives, Government corporations and statutory bodies.	A proposal in this regard was made to Government and it has been accepted so far as Government Controlled Bodies are concerned.
2. The Vigilance Commissioner should visit different places in Bombay and in districts to receive complaints after announcing the date and time.	Visits of the Vigilance Commissioner are not arranged specially for receving complaints. However, programmes of Vigilance Commissioner's visits to district places to meet the District Anti-Corruption Committees, are given publicity in the local Press and specific time is reserved for members of the public who wish to see the Vigilance Commissioner. The press representatives are also invited to meet the Commissioner.
3. Effective steps may be taken to check corruption in distribution of cement, iron and steel.	A review of the procedures and practices followed in the office of the Controller of Iron, Steel and Cement, Bombay, office of the District Supply Officer, Poona and Office of the District Supply Officer, Kolaba was made by the Commission. Steps to plug the loopholes noticed and to improve the procedures were suggested. Control on cement has been lifted, since.
4. 5 per cent. to 10 per cent. Government servants who are suspected to be corrupt may be weeded out every year by compulsory retirement.	It would not be correct to base removal on mere suspicion but the activities of such persons could be watched very closely and stringent action taken if proof of corruption was obtained. Also, severe punishment might be imposed on such officials if they were found guilty in any enquiry regarding corruption or slackness held against them. The screening for the purpose may be made on the basis of property returns.
5. The work of distribution of quotas, licences and permits may be entrusted to a committee of five instead of giving the discretion to individual officers.	This is being looked into during the course of review of procedures and practices of supply offices.

APPENDIX XVIII-contd.

Suggestion made Remarks (1) (2)6. The departmental enquiry procedure may be Government has appointed Vigilance quickened. Officers who are expected to see, among other things, that departmental enquiries are conducted with all possible speed consistent with due observance of procedural requirements. 7. The Vigilance Commission should be empowered-(i) Government has issued the (i) to call for necessary records; necessary order in respect of a part of the Commission's work. (ii) to send for any officers of the Department (ii) It is not considered necessary at this stage to ask for these powers. to explain the case. 8. Cases referred to the Anti-Corruption Bureau or Government Departments by the Vigi-Action has been taken to ensure this. lance Commission should be looked into and reported on expeditiously by them. 9. A police officer of the rank of Superintendent of Police or Deputy Inspector General of Police should be attached to the Vigilance Commis-This is not considered necessary at this stage. sion to act as a Liaison Officer between the Vigilance Commission and Anti-Corruption Bureau and to make independent and direct enquiries when required. Government has appointed Vigilance-10. Vigilance-cum-Complaints officers may be appointed in Government Departments and in cum-Public Relations Officers in the offices of Heads of Departments and they should Departments of the Secretariat and the offices of major Heads of Departact as Liaison Officers with the Commission. 11. The Departmental Enquiry Officers may be The services of the Special Officers for placed under the Vigilance Commissioner. Departmental Enquiries, Poona and Nagpur are being utilized by the Vigilance Commission. 12. Deterrent punishment may be inflicted in This is outside the scope of the Commission. cases of gross delays or slack supervision. 13. If a few worst type of cases are selected Please see the remarks against Serial from the annual list of personnel suspected to be Number 4 above. corrupt and deterrent punishment is inflicted on the smallest excuse it may help to shake up the rest. 14. Only complaints in writing should be enter-Persons who make oral complaints are advised to send them in writing tained. and under their signature.

The Vigilance Commissioner has been

meeting individuals and deputations

and the Research and other sub-Committees of the Sadachar Samiti.

15. The Vigilance Commissioner may meet

individuals or deputations for their suggestions.

He may also keep himself in touch with the Research

Sub-Committee of the Samyukta Sadachar Samiti.

Suggestion made Remarks 2 1 The Vigilance Commissioner This is being done whenever necessary 16. may meet Secretaries to Government either all together or and possible. individually and discuss the modus operandi of corrupt practices in their respective Departments with them and/or with their subordinates. The jurisdiction of the Stores Verifica-The N. C. C. organises camps for its three tion wing of the Directorate of Accounts and Treasuries has been wings, the Army, the Navy and the Air Force and purchases a large quantity of stores for the purpose. extended by Government to the In these dealings a lot of corruption takes place. The Vigilance Commission should take steps to N. C. C. organisation at the instance root out corruption from the N. C. C. of the Commission. 18. Corruption in the Electrical Engineer's Organisation which was confined to lower levels The suggestion has been noted. The office in question will be taken up has spread to higher levels. The Inspectors have for study in due course. to check and certify the electrical installations not only in Government Buildings but in private buildings also and this gives scope to them to make money. 19. The Vigilance Commission might authorise The suggestion is not acceptable as it about 50 J. Ps. in different wards of Bombay City does not fit in with the scheme of the to receive people's complaints regarding corruption Vigilance Commission. and to forward such of them, after screening, to the Vigilance Commission or the Sadachar Samiti as deserved to be enquired into. 20. A scheme for vigilance activities in the Buildings and Communications Department and Irrigation and Power Department in the Marath-The Buildings and Communications Department and Irrigation and Power Department already have an organisation for carrying out wada region-A unit with a Deputy Engineer at its head may be established to carry out spot inspecinspection of works in progress. It tions of various works in progress, to check execuis being studied how far those orgation with specifications and to obtain explanations nisations serve the purpose. for bad quality of work or use of inferior materials and send reports to the Vigilance Commission for action. 21. Suitable rewards in kind may be given to The suggestion is not acceptable. informants who give vital information regarding malpractices in respect of controlled commodities. Government has already issued requi-(i) Employees who give information about site orders. corruption practices should be given protection. (ii) May be awarded prizes or encouraged No action was considered necessary. by giving promotion. 23. The Vigilance Commission should take This is outside the scope of the Comaction against corrupt officers by finding them out through a Special machinery. Commission mission. should not wait for people to lodge complaints. 24. Production of documentaries against The suggestion is being pursued. " Corruption ". 25. Suggestions regarding preventive measures The suggestions are under considerato check the misuse of Government Vehicles by tion.

Government servants.

APPENDIX XIX

(Vide paragraph 86)

PRESS NOTE DATED THE 8TH SEPTEMBER 1964

Vigilance Commissioner's Office

Shri N. T. Mone, I.C.S., Vigilance Commissioner, Maharashtra State, has set up his office on the ground floor of "The Majestic", opposite Museum, Bombay. The Vigilance Commissioner's Office Telephone No. is 214267.

Press Note dated the 11th December 1964

429 complaints to Vigilance Commission

The State Vigilance Commission of Maharashtra received 429 complaints upto December 10. All of them were not relating to corruption. Out of these, 129 were found to require no action and 220 were such as to be sent to the Anti-Corruption Bureau or the Government Departments concerned for disposal. In 56 complaints reports have been called for by the Commission either from the Anti-Corruption Bureau or from the concerned departments. Three complaints have so far been finally disposed of and the remaining 21 complaints are under scrutiny in the Commissioner's office.

An important function of the Vigilance Commission is to undertake a review of procedures end practices of administration in so far as they relate to maintenance of integrity. The Vigilance Commission has commenced a review of the Office of the Controller of Iron, Steel and Cement, Bombay. The Secretary to the Commission has been visiting the said office for this purpose in the mornings on working days.

PRESS NOTE DATED THE 24TH JULY 1965

Jurisdiction of Vigilance Commission

The State Vigilance Commission is receiving complaints, some of which are not within its jurisdiction. Also, some of them are vague and contain allegations of a general nature. It is, therefore, stated for the information of the public that the jurisdiction of the Commission extends only to the State Government servants, whether working directly under Government or on deputation, except those belonging to the Judiciary. Employees of the statutory corportions and boards also do not fall within its jurisdiction.

The Commission cannot take any action on complaints received by it which are not specific and do not give concrete verifiable instances of the alleged corrupt conduct of the Government servants complained against.

APPENDIX XX

(Vide paragraph 86)

Suggestions arising out of the meetings of various District Anti-Corruption
Committees held by the Vigilance Commissioner

I. GENERAL

- 1. The Anti-Corruption Committee should serve as an important forum for fighting corruption. It should therefore be revitalised and should function as a strong, powerful and effective organisation. At present it is practically dormant and doing post-corruption work, i.e., only reviewing the progress of departmental enquiry cases which had been detected and the preventive work, i.e., the measures for reducing or attention. The Committee should concern itself with pre-corruption factors and not only post-corruption matters.
- 2. Notices that giving or accepting a bribe is an offence should be prominently displayed in all offices.
- 3. Everybody is busy with his own work and has little leisure to lodge a complaint or patience to pursue it. The Committee should, therefore, take the initiative in combating corruption and not merely wait for complaints to come.
- 4. The members of the Committee should discuss with their subordinates the different points in the procedures and practices at which corruption occurs or is likely to occur in their respective Departments; prepare a list of the modus operandi of corruption; study them and put them up before the Committee with suggested, remedies. These should be discussed and suitable remedial action proposed to Government through the Vigilance Commission.
- 5. Factors mainly responsible for prevalence of corruption are (i) delay, (ii) lack of adequate or effective supervision on the part of superior officers and (iii) inaction or lack of actionmindedness on the part of the staff. Where lethargy and slackness have crept in the subordinate staff, a shake-up is necessary. Curtailment of delay would remove 50 per cent. of corruption. Payment of speed-money, a very common form of corruption, is facilitated by delays. Every departmental head should designate one of the senior officers in his office to set apart some time each day, or every alternate day, for ensuring compliance with the O. and M. orders. He should visit the sections, see for himself what is going on, check up registers, returns, pending cases etc. and take corrective measures. He should also bring to the notice of the Head of Department cases of gross delay on which prompt action should be taken. The Head of Department should spare an hour each week to check up what this Officer has been doing and give him guidance.
- 6. One remedy against chronic delays is to fix time-limits for the disposal of various types of cases wherever possible and enforce strict compliance with them.
- 7. The cases should be taken up for disposal in the chronological order as far as possible.
- 8. Harassment of contractors is one of the form of corruption in the Buildings and Communications Department. Surprise checks by superior staff and ensuring prompt payment of their bills in the order in which they are received would reduce such harrassment.
- 9. The staff in the offices, particularly at lower levels, is many a time so raw that delay is likely to occur despite compliance with instructions issued by the O. and M, due to lack of experience. This could be remedied by opening training classes and by recruiting staff at intermediate levels also.

APPENDIX XX-contd.

- 10. The procedures for distribution of different kinds of loans and subsidies and quotas of controlled commodities may be studied by Officers of the Zilla Parishads, the Revenue Department and the Co-operation Department and a report made to the Committee which should consider how the loopholes could be plugged.
- 11. "Sarbarai" by the lower subordinates is one of the causes of corruption. The higher officers should carry out a regular campaign against this evil.
- 12. The various forms required to be filled in by the public should be simplified and standardised.
- 13. Inspections appear to be done in a rather routine manner and, more or less, mechanically. Due to "Sarbarai" of the inspecting officers and staff, it is sometimes embarrassing to the inspecting staff and officers to be completely objective in their inspections. If at the time of inspections attention is paid to cases of gross delays and an exemplary punishment is meted out to those responsible, there would be a distinct check on slackness and corruption.
- 14. The officers on tour should carry out surprise inspections and check the pending files and find out whether they were pending for good reasons. Cases of Corruption or gross delay detected should be vigorously pursued to their logical end. The subordinate officers and staff must feel that their work is being watched. The routine annual inspections are not very effective in this respect because the staff is usually prepared for them.
- 15. Some members of the public are going round as touts for allegdly getting things done from Government offices. They prey upon needy persons on the strength of their supposed influence with officers. The Head of Office should take steps to check touting. Such persons should be carefully watched and brought to book. The Anti-Corruption Bureau would be useful in this drive.
- 16. The members of the public should be barred access to the lower staff.
- 17. In oder to create a proper atmosphere for the anti-corruption drive all inspecting officers should impress on the subordinate staff the importance of the subject and be vigilant in this respect when they tour the rural areas.
- 18. Whenever District Heads of Departments go on tour, they should establish direct contact with the public, look into complaints about corruption and pursue them. They can gather much information about the prevalence of corruption in the lower officials while on tour.
- 19. To lay a State-wide net work for a concerted drive against corruption, one proposal is that for every Police Station area, a Panel of, say, three respectable local persons should be nominated by Government. The Committee should undertake propaganda for anti-corruption, receive complaints of corruption, sift them and forward them to the Vigilance Commissioner, Sadachar Samiti or other authorities for action. They should not, however, interfere in any way with the local administration.

Such a Committee would be an agency near at hand which people could approach easily. There is, however, real danger that unless people above reproach can be found for this purpose, the members might exploit their position to their own ends and brow-beat or black-mail petty officials. The remedy might thus prove worse than the disease. However, an experiment could be tried out in a few selected areas to start with.

APPENDIX XX-contd.

II. GOVERNMENT SERVANTS

- 20. Lack of amenities for Government servants like accommodation, supply of food-grains at reasonable prices, medical aid and educational facilities make for corrupt practices. While the present economic situation is responsible to some extent for corruption amongst the public services, merely increasing the pay scales would not solve the problem as corruption is due to love of money which will persist even if pay scales are increased.
- 21. Very few complaints are received against the higher officers because in their case it is generally corruption by consent and it is a question of "sharing the benefit" rather than causing loss to Government. In such cases or where intermediaries are used, the only effective way to punish or check corruption is to lay traps for such officials and by enquiring into the assets of the suspected officials where they appear to be grossly disproportionate to their known resources.
- 22. A list of officials in the various offices suspected to be of doubtful integrity or having a questionable reputation in the public should be prepared confidentially. Such lists should be brought before the Committee and reviewed from time to time. The persons on the list should be kept under watch. If a person's name continues to remain on the list, suitable action should be taken against him, such as awarding him exemplary punishment even for small defaults which may come to notice, transferring him or retiring him if this can be done. Experience shows that officers, if given a chance, generally correct themselves, particularly when they know that they are being suspected and watched by their superiors. A word of caution from them will go a long way to bring back an erring official to the right path.
- 23. The Anti-Corruption Police should help to collect information regarding the reputation of Government servants and keep a close watch on the activities of those whose integrity is doubtful.
- 24. While it may be partially true that the politicians set the pattern for the officials in the matter of corruption, the former are being tackled as best as could be; but officials should try to set their own house in order instead of pointing their finger at others. Corruption among officials, especially in the lower rungs, hits the masses much more than in the higher-ups.

III. DEPARTMENTAL ENQUIRIES

- 25. In accordance with Government orders top priority should be given to the Departmental enquiries for corruption vis-a-vis enquiries on other counts.
- 26. Whereas in a Court of Law, it is the accused who is given the benefit of doubt, this benefit should weigh in favour of Government as the Employer rather than in favour of Government servants in departmental proceedings.
- 27. When, in departmental proceedings, the main complainant turns hostile on humanitarian or other considerations, the Enquiry Officer should ignore the testimony of the complainant and base his findings on the preliminary enquiry provided the proper procedure laid down for departmental proceedings is followed.
- 28. A Government servant who is acquitted by a Court on technical grounds or by giving him the benefit of doubt should not be proceeded against departmentally without obtaining Government's orders.
- 29. Exemplary punishments should be meted out ruthlessly in cases where the disciplinary authority feels convinced that the delinquents had committed the offence of corruption. This would serve as a deterrent to others; the fear complex works well in fighting this evil.

APPENDIX XX-concld.

IV. SUGGESTIONS TO GOVERNMENT.

- 30. The various orders issued by Government regarding eradication of corruption should be printed in a book form and be made readily available to all Government servants.
- 31. The newly appointed Commissioners of Police at Poona and Nagpur should be appointed as members of the respective District Anti-Corruption Committees.
- 32. There should be Special Officers for conducting departmental enquiries against non-gazetted staff also, to ensure their quick disposal.
- 33. It is alleged that the political set-up of the Zilla Parishads and other Local Bodies exerts a corrupt influence on their employees in the lower echelons. There is a great deal of corruption in the distribution of loans and subsidies by the staff of all the agencies concerned. One solution for combating corruption among the Local Bodies' staff would be to extend the jurisdiction of the Vigilance Commission to them or for them to have a properly constituted Vigilance Organisation of their own.
- 34. In the Zilla Parishads, the grant of income certificates required by the members of the public to avail themselves of the educational concession is allegdly a fruitful source of corruption. 90 per cent, of the student community avails itself of the concession. By adding 10 per cent, or a little more to the present expenditure on the educational concession, Government could eliminate this field of corruption altogether. If the expenditure is unbearable, the concession would be limited to the S. S. C. and separate provision made for giving facilities to poor students of limited means for higher education,
- 35. The practice of maintaining a copy of Pahani Patrak in the Tahsil Office and of supplying a copy of 7/12 extract free of charge to the Khatedar each time he paid his land revenue which was prevalent in the erstwhile Hyderabad State was useful and its re-introduction should be considered in order to eliminate this field of corruption among the lower revenue staff.



APPENDIX XXI

(Vide paragraph 102)

State Vigilance Commission:

Role of Government servants
vis-a-vis.

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT
Circular No. VGC-1065/16830 D-I
Sachivalaya, Bombay-32-BR, dated 11th May 1965
Vaishakha 21, 1887.

CIRCULAR .

Government has been issuing orders from time to time dealing with the measures to be adopted for eradication of corruption from administration. In furtherance of its keen desire to root out corruption, Government has recently constituted a State Vigilance Commission. The powers and functions of the Commission have been specified in Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964. The Vigilance Commissioner will shortly be addressing all Government Offices on matters relating to the work of the Commission vis-a-vis Government Departments and offices and calling for certain returns and statistics to enable him to discharge his functions. Government desires that on receipt of such a communication from the Vigilance Commissioner the officers concerned should comply with his requirements promptly.

- 2. As will be seen from Government Resolution, General Administration Department No. VGC-1064-D, dated the 12th August 1964, the Vigilance Commission has jurisdiction and powers in respect of matters to which the executive power of the State extends. The Commission has to investigate or cause an enquiry or investigation to be made into complaints of corruption, misconduct, lack of integrity or other kinds of malpractices or misdemeanour on the part of Government servants, whether in Government service or on deputation to local bodies, etc. and advise Government on the action to be taken against those found guilty of corrupt motives or practices. At the same time, the Commission gives adequate protection to Government servants by taking the initiative in bringing to book persons who are found to have made false complaints of corruption.
- 3. In pursuance of its preventive functions, the Commission will undertake the study of procedures followed in different offices for specific purposes with a view to reducing the scope for corruption. When such a study is initiated by the Commission in respect of any office, it will welcome any suggestion from the officers and members of the staff for improving the procedures from this point of view. Government desires that all co-operation should be extended to the Commission in this study.
- 4. If any officer or official of Government wishes to forward to the Commission on his own initiative any suggestions for curbing mal-practices and corruption in his department/office, he may do so in writing, and the Commission would treat the communications as confidential.
- 5. The Heads of Departments and Heads of offices should bring the contents of this Circular to the notice of all officers and staff working under them.

By order and in the name of the Governor of Maharashtra,

D. R. PRADHAN,
Chief Secretary to Government.

APPENDX XXII

(Vide paragraph 105)

Appointment of Vigilance and Public Relations Officers in the Departments of the Secretariat and offices of certain Heads of Departments.

GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Resolution No. VGC-1065-DI,

Sachivalaya, Bombay-32 BR, 13th March 1965 Phalguna 22, 1886.

Read—Government Resolution, General Administration Department, No. VGC-1064-D, dated the 12th August 1964.

RESOLUTION.—Government is pleased to direct that the O. & M. Officers in every Department of the Secretariat and in the offices of the Heads of Departments mentioned in the accompanying list should be designated also as Vigilance and Public Relations Officers and that their duties in these capacities should be as follows:—

(1) Duties as Vigilance Officers:—

To see that-

- (i) the existing organisation and procedures are examined with a view to eliminating or minimising factors which provide opportunities for corruption or malpractices.
- (ii) a system of regular inspections and surprise visits is planned and enforced for detecting failures in quality or speed of work which would be indicative of the existence of corruption or malpractices.
- (iii) prompt action is initiated and pursued in all cases where reasonable ground for suspicion of corruption or malpractices exists against any official or person,
- (iv) departmental enquiries are conducted with all possible speed consistent with due observance of procedural requirements,
- (v) returns and statements and other information required by the Vigilance Commission are forwarded to the Commission in time,
- (vi) irregularities in procedure alleged in the complaints sent by the Commission are examined and remedies suggested where necessary, and
- (vii) monthly statements of disposal of cases are scrutinised with a view to ascertaining the extent of chronic delay in disposal of cases and suggesting remedial measures.

(2) Duties as Public Relations Officers:—

- (i) To receive and register complaints sent by the Vigilance Commission or the Sadachar Samiti or received from members of the public about delays, discrimination and improper use of discretionary powers which *prima facie* have no bearing on corruption,
- (ii) To take expeditious action to enquire or get enquiries made into the grievances of the complainant under the orders of the Head of Department or on his own within the powers that may be delegated to him by the Head of Department in this behalf, and
- (iii) To investigate the cause of the grievance such as defective procedure, favouritism, etc. and to take remedial action in consultation with the Head of Department.

APPENDIX XXII-contd.

- 2. The Organisation and Methods Officers should discharge the duties mentioned in paragraph 1 above in addition to their existing duties relating to Organisation and Methods and establishment work.
- 3. The Secretariat Departments and the Heads of Departments concerned should watch the experiment for six months and report its working to Government in the General Administration Department thereafter.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI.

Deputy Secretary to Government.

To

The Secretary to the Governor,

The Private Secretary to the Chief Minister,

The Prothonotary and Senior Master, High Court, Bombay, (By letter),

The Registrar, High Court, Appellate Side, Bombay, (By letter),

The State Vigilance Commissioner, Bombay,

The Inspector General of Police, Maharashtra State, Bombay,

The Director, Anti-Corruption Bureau, Bombay,

All Deputy Inspectors General of Police,

All Commissioners of Divisions.

All Collectors of Districts.

All District Superintendents of Police,

The Industries Commissioner and Director of Industries, Bombay,

The Director of Education, Maharashtra State, Poona.

The Collector of Bombay, Bombay,

The Commissioner of Sales Tax, Maharashtra State, Bombay, The Surgeon General with the Government of Maharashtra, Bombay,

The Director of Agriculture, Maharashtra State, Poona,

The Commissioner of Labour and Director of Employment, Maharashtra State, Bombay,

The Inspector General of Prisons, Maharashtra State, Poona,

The Registrar of Co-operative Societies, Maharashtra State, Poona,

The Chief Conservator of Forests, Poona,

The Settlement Commissioner and Director of Land Records, Maharashtra State, Poona,

The Director of Social Welfare, Maharashtra State, Poona,

The Director of Animal Husbandry, Maharashtra State, Poona,

The Director of Technical Education, Maharashtra State, Bombay,

The Director of Accounts and Treasuries, Maharashtra State, Bombay, The Director of Public Health, Maharashtra State, Poona,

All other Heads of Departments and Heads of Offices under the Several Departments of the Secretariat,

All Departments of the Secretariat.

No. of 1965.

Copy forwarded for information and guidance to-

APPENDIX XXII-contd.

Accompaniment to Government Resolution, General Administration Department, No. VGC. 1065-DI, dated the 13th March 1965

The Inspector General of Police, Maharashtra State, Bombay,

The Surgeon General with the Government of Maharashtra, Bombay,

The Industries Commissioner and Director of Industries, Bombay,

The Commissioner of Sales Tax, Maharashtra State, Bombay,

The Director of Education, Maharashtra State, Poona,

The Registrar of Co-operative Societies, Maharashtra State, Poona,

The Director of Agriculture, Maharashtra State, Poona,

The Commissioner of Labour and Director of Employment, Maharashtra State, Bombay,

The Collector, Bombay and Bombay Suburban District, Bombay,

The Director of Technical Education, Maharashtra State, Bombay,

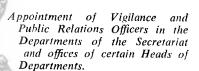
The Director of Social Welfare, Maharashtra State, Poona, The Director of Animal Husbandry, Maharashtra State, Poona, The Chief Conservator of Forests, Maharashtra State, Poona,

The Settlement Commissioner and Director of Land Records, Maharashtra State, Poona,

The Inspector General of Prisons, Maharashtra State, Poona,

The Director of Accounts and Treasuries, Bombay,

The Director of Public Health, Maharashtra State, Poona,



GOVERNMENT OF MAHARASHTRA

GENERAL ADMINISTRATION DEPARTMENT

Resolution No. CDR-2065/Recommendation No. 65/D-I.

Sachivalaya, Bombay-32, 17th June 1965. Jyaistha 27, 1887.

Read-Government Resolution, General Administration Department, No. VGC-1065/ D-I, dated the 13th March 1965,

RESOLUTION.—Government is pleased to direct that the O. & M. officers in their capacity as Vigilance officers should also see that one or 'two case studies' are undertaken by them regularly every month with a view to finding out causes for the delay in the finalisation of the cases, whether the method of disposal was correct, whether there were any general defects, etc. and to suggest remedial measures. They should particularly select for such 'case studies' cases regarding grant of contracts and licenses and assessment, collection and refund of taxes.

By order and in the name of the Governor of Maharashtra,

K. P. NADKARNI, Deputy Secretary to Government.

APPENDIX XXII—concld.

To

The Secretary to the Governor,

The Private Secretary to the Chief Minister,

The Prothonotary and Senior Master, High Court, Bombay, (By letter),

The Registrar, High Court, Appellate Side, Bombay, (By letter),

The State Vigilance Commissioner, Bombay,

The Inspector General of Police, Maharashtra State, Bombay,

The Director, Anti-Corruption Bureau, Bombay,

All Deputy Inspectors General of Police,

All Commissioners of Divisions.

All Collectors of Districts.

All District Superintendents of Police,

The Industries Commissioner and Director of Industries, Bombay,

The Director of Education, Maharashtra State, Poona,

The Collector of Bombay, Bombay,

The Commissioner of Sales Tax, Maharashtra State, Bombay,

The Surgeon General with the Government of Maharashtra, Bombay,

The Director of Agriculture, Maharashtra State, Poona,

The Commissioner of Labour and Director of Employment, Maharashtra State, Bombay,

The Inspector General of Prisons, Maharashtra State, Poona,

The Registrar of Co-operative Societies, Maharashtra State, Poona,

The Chief Conservator of Forests, Poona,

The Settlement Commissioner and Director of Land Records, Maharashtra State, Poona.

The Director of Social Welfare, Maharashtra State, Poona,

The Director of Animal Husbandry, Maharashtra State, Poona,

The Director of Technical Education, Maharashtra State, Bombay, The Director of Accounts and Treasuries, Maharashtra State, Bombay, The Director of Public Health, Maharashtra State, Poona,

All other Heads of Departments and Heads of Offices under the Several Departments of the Secretariat,

All Departments of the Secretariat.

सत्यमव जयन