



GOVERNMENT OF KERALA

Abstract

Vigilance Department – Organisation, Control and Supervision of Vigilance & Anti-Corruption Bureau - Preparation of various enquiry reports by Vigilance & Anti-Corruption Bureau with regard to existing norms/instructions - Guidelines specified – further instructions -orders issued.

VIGILANCE (E) DEPARTMENT

G.O(P)No.09/2017/Vig

Thiruvananthapuram, Dated 29/03/2017

- Read 1) GO(P)No.65/92/vig dated 12/05/1992
2) GO(P)No.18/97/Vig dated 05/04/1997
3) GO(P)No.34/97/Vig dated 11/06/1997
4) GO(P)No.46/97/Vig dated 31/07/1997
5) Circular No.2266/E2/08/Vig dated 23/05/2008
6) Circular No.6621/E3/14/Vig dated 14/10/2014
7) GO(P)No.47/15/Vig dated 29/12/2015

ORDER

The Vigilance & Anti-Corruption Bureau is functioning as a separate department since 1964 to deal with cases coming under the Prevention of Corruption Act 1988. All the twenty three Vigilance units of Vigilance & Anti-Corruption Bureau are notified Police Stations, having the power to conduct preliminary enquiries and register FIRs. Since the Vigilance & Anti-Corruption Bureau Directorate is no longer a Police Station as notified with effect from 08/05/2015, all petitions are enquired into and acted upon in the District Units and Special Units of the Bureau.

2) Time limits for the completion of enquiries, verification related matters and checks have been stipulated in the Government order read as 1st cited. As per Government order read as 7th paper above, it has been instructed to conduct periodical review of pending enquiries with recommendations utilising a centralised storage system.

3) It has come to the notice of Government that owing to a large number of petitions/complaints being received in the Directorate of Vigilance & Anti-Corruption Bureau and its Unit offices, the Director, Vigilance & Anti-Corruption Bureau had permitted the unit officers to take action at unit level on the petitions received directly by conducting Quick Verifications, Confidential Verifications and Surprise Checks and also registration of Vigilance Cases based on enquiries underway and such other verifications and checks. In this context, it is felt that streamlining of enquiry and verification procedures is essential for eliminating contradictions in orders and circulars issued from time to time and duplication of work in this regard. After examining this matter in detail, Government have decided to issue the following directions for strict compliance.

- i. All petitions/complaints directly received in the various offices under Directorate of Vigilance & Anti-Corruption Bureau, viz; fourteen District Units, four Range Offices, two Special Investigation Units (SIUs) and three Special Cells will be scanned and then mailed to the Director, Vigilance & Anti-Corruption Bureau without delay.
- ii. All such petitions/complaints received in the Directorate including those directly received in the Directorate, will be examined in the Petition Section which if disbanded will be re-

established as before and put up to the Superintendent of Police (Intelligence). The Supdt of Police (Intelligence) will suggest to the Director on each petition/complaint, an appropriate course of action on any one of the lines as given below:

- (a) *Preliminary Enquiry (PE)*
 - (b) *Quick Verification (QV)*
 - (c) *Confidential Verification (CV)*
 - (d) *Surprise Check (SC)*
 - (e) *Recommendation to Vigilance Department in Government for sanction to conduct a formal Vigilance Enquiry (VE)*
- iii. Orders from the Director for conduct of Quick Verification/Confidential Verification/ Surprise Check and for follow up action will be promptly communicated to the respective unit office/office concerned.
 - iv. Petitions, which have no Vigilance angle or those which do not disclose offences under the Prevention of Corruption Act 1988 which need to be dealt with by the department concerned, will be forwarded to Vigilance Department in Government for appropriate action. In the event of the same petition being received at different units and forwarded to the Vigilance & Anti-Corruption Bureau Directorate, the unit which will enquire into or verify the matter will be decided by the Director.
 - v. As regards petitions/complaints received by Heads of Departments (HODs) having Vigilance angle, the same will be forwarded to the Administrative department in Government and after due examination, the same will be transmitted to the Vigilance Department in Government with appropriate recommendations. Such recommendations should be in accordance with Para 36 (I)(II)(III) of chapter VI of the Vigilance Manual and also as stipulated in Para 12(d) of GO read as 1st paper above.
 - vi. If departmental action is recommended by an enquiry officer in a Confidential Verification, Surprise Check or Quick Verification such report should be sent to the Director Vigilance & Anti-Corruption Bureau, who after evaluating the same on the basis of scrutiny Reports/Legal advice will communicate the same to Vigilance Department in Government for further action
 - vii. If during the course of any Enquiry or at its conclusion, it is felt that there is sufficient material for registration of a Vigilance Case (VC) the Enquiry Officer will seek the sanction of the Director, Vigilance & Anti-Corruption Bureau following instructions given in para 56 of chapter VII of the Vigilance Manual and Para(8) of GO read as 1st paper above. In other words, the procedure of submitting enquiry reports, writing of scrutiny notes and speaking sanction orders will be observed scrupulously as per the provisions contained in the Vigilance Manual. The Director, Vigilance & Anti-Corruption Bureau before granting or turning down such requests may seek legal advice if so desired. These directions are, however, not applicable in launching of Trap Cases or in the matter of enquiries or verification ordered by any competent court of law.
 - viii. The practice of conducting preliminary enquiries prior to the registration of cases under the Prevention of Corruption Act 1988 has been upheld in various judgments of the Honb'le Supreme Court. In the landmark judgment in Lalithakumari Vs State of UP (AIR 2014 SC 187), the Apex Court has categorised corruption case as one of the five types of cases where preliminary enquiry may be made. The scope of the preliminary enquiry is not to verify the veracity or otherwise of the information recieved, but only to ascertain whether the information reveals any cognisable offence. While ensuring and protecting the rights of the accused and the complainant, a preliminary enquiry should be timebound and shall not exceed 42 days. The facts of such delay and causes of it must be reflected in the General Diary maintained in the office concerned.

- ix. In the case of enquiries/verifications ordered by Vigilance Special Courts, no sanction is required from the Vigilance Department in Government for conducting such enquiries or verifications. However, the Vigilance Department in Government should be intimated of the fact promptly for record.
- x. Before filing of Final Reports in the Vigilance Courts, the findings of the investigating Officer shall be scrutinised through proper channel and put up to the Director, Vigilance & Anti-Corruption Bureau for final orders as envisaged in Para 72(1) of the Vigilance Manual.
- xi. Once an FIR is registered and copy sent to the Court concerned, the entire matter comes under the purview of the court. In this circumstance, if an accused (figuring in the FIR) has any grievance, he/she should approach the court concerned for redress. No such grievance will be entertained in Government.
- xii. All post FIR registration formalities will be strictly observed as laid down in the Vigilance Manual and as stipulated in Para (8) of GO read as 1st paper above.
- xiii. Cases should be closed only after obtaining sanction from the Director, Vigilance & Anti-Corruption Bureau who will satisfy himself that there is sufficient grounds for doing so.
- xiv. Examining and passing value judgments at various levels of Government on the merits or demerits of a case, which is before a competent court and under investigation, is plain and simple unwarranted interference in the criminal-judicial process underway. Such exercise which is administratively prejudicial and legally unethical should be eschewed at all costs.

4) These directions which already exist in the Vigilance Manual duly authorised by Government and other Government Orders in force are being reiterated in the wake of large number of petitions/complaints being received/entertained at multi-levels in administration resulting in duplication of orders, contradictions and decisions being taken at inappropriate levels, the net result being colossal waste of time and resources, apart from administrative confusion and erosion of centralised command and responsibility.

5) The duly authorised Vigilance Manual and Government Orders (GOs) issued by the Vigilance Department in Government thereafter will prevail over any Circular or Directive in the Vigilance & Anti-Corruption Bureau.

**By order of the Governor,
NALINI NETTO
Additional Chief Secretary to Government**

To

~~The~~ Director, Vigilance & Anti-Corruption Bureau, Thiruvananthapuram
The Member Secretary, Administrative Reforms Commission, Kerala
All Heads of Department/All District Collectors
All Officers and Sections in the Secretariat including Law and Finance
The Web & News media to publish in the website
The Stock file /Office copy

Forwarded By Order



Section Officer