



GOVERNMENT OF KERALA

Vigilance (E) Department

CIRCULAR

No. 2266/E2/08/Vig.

Dated, Thiruvananthapuram, 23rd May, 2008.

Sub—Vigilance Department—Working and Procedures—Further Instructions issued.

Ref—1. G. O. (P) No. 65/92/Vig. dated 12-5-1992.

2. G. O. (P) No. 18/97/Vig. dated 5-4-1997.

The objective of the Vigilance Department is to combat effectively corruption and misconduct on the part of Government servants and public servants particularly at the higher levels. Government have issued revised orders regarding the set up, working and procedures relating to the investigation and enquiries by Vigilance Department vide Government Orders read above.

In the Government Order read as 1st above, vide para 6 it is specifically ordered that Vigilance Department shall take up cases of the following categories for enquiry/investigation:

- (i) Offences of criminal misconduct by public servants as defined in the Prevention of Corruption Act, 1988;
- (ii) Any dishonest or intentionally improper conduct on the part of a public servant or abuse of powers as a public servant;
- (iii) Gross negligence or dereliction of duty;
- (iv) Misuse of any public money or property;
- (v) Misappropriation involving Government or public servants in which the amount exceeds Rs. 50,000. All other cases of defalcation of public money and properties including funds of co-operative societies, irrespective of the amount involved will be dealt with by the regular police;
- (vi) Abetment of the above offences.

It is also specified that the Heads of Departments and Vigilance Officers of the Various Departments shall not ordinarily depend upon the Vigilance Department for making any enquiry with regard to matters to be examined and dealt with by them.

- (a) They will themselves deal with the following matters without referring them to the Vigilance Department:
 - (i) Nepotism;
 - (ii) Causing avoidable delay in the disposal of Government business;
 - (iii) Violation of departmental standing orders.
- (b) Where there is strong suspicion regarding the Commission of an offence under the Prevention of Corruption Act, the information should be furnished to Government for follow up action by the Vigilance Department.
- (c) Other cases in which the assistance of the Vigilance Department is considered necessary, will also be referred to the Government in the Vigilance Department which will issue necessary instructions to the Director of Vigilance and Anti-Corruption Bureau.
- (d) When cases are referred to the Vigilance Department by other Departments of the Secretariat, the Secretaries of the Department concerned will record specific reasons in the file, why the particular case cannot be effectively and adequately investigated by the Head of Department/a senior officer of the Department, and why it is necessary for the case to be investigated by the Director of Vigilance and Anti-Corruption Bureau. Proposals for Vigilance Investigation without the specific remarks of the Secretaries concerned will not be entertained by Vigilance Department.

However it has come to the notice of this Department innumerable instances where the cases referred by the Administrative Departments to Vigilance Department for enquiry by Director, Vigilance and Anti-Corruption Bureau prima facie do not conform to the guidelines issued vide Government Orders read above/as cited in the above paras. It is sometimes seen petitions, even anonymous and pseudonymous petitions are endorsed to Vigilance Department for taking up enquiry. Enquiry of such cases by Director, Vigilance and

Anti-Corruption Bureau will divert the attention of this department from concentrating on more serious cases of corruption.

In the circumstances, all Administrative Departments are requested to strictly adhere to the above guidelines while referring the cases for vigilance investigation/enquiry.

TOM JOSE,

Secretary to Government.

To

All Secretaries to Government.

All Heads of Department.

All Departments and sections in the Secretariat.

Private Secretary to Chief Minister } along with a copy each of G. O. (P)
Private Secretaries to all Ministers } No. 65/92/Vig. dated 12-5-1992 and
G O. (P) No. 18/97/Vig. dated 5-4-1997.