

दक्षिण मध्य रेलवे
SOUTH CENTRAL RAILWAY

सतर्कता बुलेटिन
VIGILANCE BULLETIN - 2016

Issue No.49



रवीन्द्र गुप्ता
Ravindra Gupta



भारत सरकार Govt. of India
रेल मंत्रालय Ministry of Railways

महाप्रबंधक
दक्षिण मध्य रेलवे
रेल निलयम, सिकंदराबाद - 500 071
General Manager
South Central Railway
Rail Nilayam, Secunderabad - 500 071



MESSAGE

As per the directives of the CVC and Railway Board, South Central Railway is observing Vigilance Awareness Week from 31st October to 05th November 2016. The theme for current year as chosen by CVC is "Public Participation in Promoting Integrity and Eradicating Corruption".

South Central Railway has been outreaching its stake-holders to provide better services in the following ways:-

- (i) Having customer meets at regular intervals especially with the parties who are giving bulk traffic to the Railways.
- (ii) Having structured meetings with Hon'ble Members of Parliament & State Legislative Assembly, State Government Officials, Zonal and Divisional Railway Users' Consultative Committees.
- (iii) Having a user-friendly website wherein Citizen Charter defines the service levels expected to be provided to the customer. Information generally required by Railway Users is also made available on the website.
- (iv) Registering and redressal of public complaints and employee grievances through web-based complaints, SMS and Application based.
- (v) e-tendering for supply and works contracts.
- (vi) Using social media like facebook and twitter to post real time progress of important milestones reached and updates of information required by the customers.

Apart from the above measures South Central Railway will find innovative ways of involving the public in its efforts to carry out its activities in an ethical and transparent manner.

I congratulate the Vigilance Department in bringing out 49th issue of Vigilance Bulletin and wish all success for the observance of Vigilance Awareness Week.

Date: 21.10.2016
Place: Secunderabad


(Ravindra Gupta) 21/10/16
General Manager

ए.के. गुप्ता आईआरएसई
अपर महाप्रबंधक
A.K. GUPTA IRSEE
Additional General Manager



दक्षिण मध्य रेलवे
South Central Railway
प्रधान कार्यालय, रेल निलयम्
Headquarters, Rail Nilayam
सिकंदराबाद (टी.एस.)
Secunderabad - 500 071. (T.S.)



Message

This year's theme for observance of Vigilance Awareness Week is "Public Participation in Promoting Integrity and Eradicating Corruption".

Railway is an organization which has the onerous task of providing uninterrupted service to the public through the year. Railways have been putting in lot of efforts to bring about transparency, accountability and exchange of information with the stake-holders.

The Public Complaints Redressal and Staff Grievance Redressal System have been working well. In the current year on an average 265 Public complaints and employee complaints have been dealt on South Central Railway per day. The endeavour is to eliminate the root cause of the complaints. With increased competition, the service levels expected by the travelling public are high. Customers are always comparing service being provided with Airlines and Road Transport. In the face of competition, public participation in eliminating malpractices and adopting best practices will make the organization vibrant.

I am sure that the Vigilance Awareness Week on the theme of 'Public Participation in Promoting Integrity and Eradicating Corruption' will generate new ideas amongst our own employees and stake-holders for continuous improvement.

I congratulate the Vigilance Department in bringing out the 49th issue of Vigilance Bulletin.


(A.K. Gupta)
Addl. General Manager



भारत सरकार
रेल मंत्रालय, (रेलवे बोर्ड)
रेल भवन, नई दिल्ली-110001
GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
(RAILWAY BOARD)
RAIL BHAVAN, NEW DELHI-110001

MESSAGE

The theme for observance of the Vigilance Awareness Week - 2016 as chosen by the Central Vigilance Commission is ***"Public Participation in Promoting Integrity and Eradicating Corruption"***. Railways are a public utility service functioning 24x7. Over the years, Indian Railways have done a commendable job in simplifying procedures in customer interaction areas with the use of Information Technology. A large amount of information required by stake-holders i.e. travelling public, contractors, suppliers and employees is available on the Net. Railways have also got a comprehensive public complaints redressal mechanism for speedy response.

The Vigilance Organisation of the Indian Railways has been putting in efforts towards bringing about System Improvements for ensuring transparency, fairness, competitiveness and accountability in day to day working.

I congratulate the Vigilance Department of South Central Railway for spreading vigilance awareness by organising Seminars and Case Study presentations throughout the year. The work done by the Railway on Management of Service Contracts which are of recent origin, is highly commendable.

I convey my good wishes for the conduct of the Vigilance Awareness Week and for bringing out the 49th issue of Vigilance Bulletin.


(Sunil Mathur)
Adviser (Vigilance)

गजानन माल्या

GAJANAN MALLYA

वरिष्ठ उप महाप्रबंधक व मुख्य सतर्कता अधिकारी
Senior Deputy General Manager
& Chief Vigilance Officer



दक्षिण मध्य रेलवे

SOUTH CENTRAL RAIL

महाप्रबंधक का कार्यालय
General Manager's Office
सिकंदराबाद - 500 071.
Secunderabad - 500 071.

दिनांक Date 20/10/2016



Foreword

Central Vigilance Commission observes the Vigilance Awareness Week every year to promote integrity and probity in public life generate public awareness and to publicize the adverse impact of corruption. This year the Vigilance Awareness Week is being observed from 31st October to 05th November, 2016 and the theme chosen by the CVC for this year is "Public Participation in Promoting Integrity and Eradicating Corruption".

Corruption is basically illegitimate private gain through the misuse of one's public position. Corruption can be countered with better Vigilance Management with principles of transparency, effectiveness, competitiveness and accountability.

General measures which have been adopted by organizations in minimizing/eliminating corruption as follows:-

- (i) Simplification of rules and procedures as too many of these make compliance difficult.
- (ii) There is a need to define the service levels which the public departments are offering through Citizen Charter in their official websites so that there is a commitment to provide the services as stated in the Charter.
- (iii) Empower the stake-holders by having user-friendly websites and e-transactions for meeting their requirements. Information which needs to be made public should be available on website.

In the long run, it is best to understand a problem from customer or public perspective so as to eliminate it permanently. Generally organizations spend a lot of time in fixing the problems rather than understanding them.

The Vigilance Bulletin-49th issue is an outcome of the work done by the Vigilance Team of SCR during the current year. Articles which are general in nature and some actual case studies are included. It is hoped that the case studies shall be found useful by the Officers and Field Supervisors.

(GAJANAN MALLYA)
Sr.Deputy General Manager

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टिप्पणी

इस बुलेटिन का प्रयोजन पूर्ण रूप से दिशा-निर्देश देना है और यह केवल सरकारी उपयोग के लिए है तथा इसे किसी भी सरकारी संदर्भ में प्राधिकारी के रूप में उद्धृत न किया जाए और न ही किसी अदालत में प्रस्तुत किया जाए. जब कभी आवश्यक हो इस विषय पर मूल आदेशों को देखा जाए

NOTE

This Bulletin is purely for the purpose of providing guidelines and is intended for official use only and should not be quoted as authority in any official reference or produced in a court.

A reference, whenever necessary, should always be made to the original orders on the subject.

**ARTICLES ON VIGILANCE
MANAGEMENT**

1.1 KEEPING A HAWKS EYE TO ENSURE GOOD GOVERNANCE

*Sri Gajanan Mallya
SDGM/S.C.Rly.*

1.0 Vigilance Department is an integral part of Railway Management and has been constituted as per Railway Board's decision in April, 1948 soon after the Recommendations of the Indian Railway Enquiry Committee constituted for the purpose of examining the issue of corruption in Railways had given their recommendations.

2.0 Vigilance has the onerous task of keeping a watchful eye on various activities of the organisation to promote clean ethical and transparent governance, efficiency, enhancement of credibility/image of the organisation in the public domain and improvement of Morale within the organisation. It also assists in system improvements which curbs opportunities for corruption.

3.0 Vigilance has been looked upon as an organisation whose job is to catch employees doing wrong and suggest punitive action against them. However with the growing activities of the organisation there has been a change in philosophy. It has become more of preventive vigilance duly making use of IT for bringing about good governance.

4.0 Vigilance constantly looks for irregularities in various activities of the departments, violation of rules and procedures, malpractices and misuse of powers. There is a system of preventive checks in certain thrust areas which have been identified based on experience and mass contact area. There is another big area

within the organisation i.e. employee contact area which is susceptible to corrupt practices. Any discrepancies/irregularities observed during vigilance checks have to be assessed from the point of view of whether it has a vigilance angle or not.

4.1 Vigilance angle covers the following aspects:

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

5.0 Besides preventive checks which are conducted suo-moto the department receives complaints through phone calls on Mobile and Land line, SMS, CP Grams, E-mail or ordinary/registered letters. The complaint could be Genuine, pseudonymous/anonymous. After verification of Genuinty, Genuine complaints are

investigated. As per CVC guidelines no action is required to be taken on pseudonymous/anonymous complaints. However certain facts may be brought out in complaints which need to be verified. This is done separately and based on the outcome further necessary action will be taken.

5.1 Sources Information from individuals who do not wish to be involved in the investigation process but are sort of informers also received and acted upon.

5.2 Information appearing in the media, matters raised by Hon'ble Members of the Parliament, Audit Reports and Departmental Inspection reports are also potential area to be closely looked at by vigilance. Scrutiny of transactions reported under Railway Service (Conduct) Rules or Scrutiny of immovable and movable property returns by employees is also done to detect whether individuals have derived undue benefit in the conduct of their official dealings.

6.0 A summary of PCs & complaint investigations carried out in the last 3 years on South Central Railway is appended below:

Year	Preventive Checks		Complaints	
	Thrust Areas	Mass Contact Areas	OB + Received	Closed
2013-14	912	147	843	691
2014-15	787	248	916	804
2015-16	829	283	1024	930
2016-17 (April-July)	275	78	392	308

7.0 The Vigilance Department has taken the following measures on Preventive Vigilance to improve the awareness amongst the officers & staff in areas where they are prone to make mistakes and how to avoid them –

- i. Training of Vigilance Inspectors & Officers.
- ii. Organising Seminars with presentations of case studies for the benefit of field supervisors and offices at Headquarters and all Divisions to prevent them from making common mistakes.
- iii. Circulation on Do's & Don'ts for various activities in each department.
- iv. Educative posters placed in public areas/office.
- v. Notice Boards for reporting against corruption/bribery provided in public places such as booking offices, parcel offices.
- vi. Leveraging Technology.
- vii. Circulation of Vigilance Quarterly Magazine 'Sachetan', brought out in highly readable printed format and also Published on Web site in Hindi and English.
- viii. Vigilance Bulletin published annually which is informative on case studies and articles on the theme for Preventive Vigilance as decided by CVC.
- ix. Sending SMS alert to focus groups of officers/staff for being aware of malpractices/irregularities in their area of work.
- x. Preparing agreed list/secret list for gazetted employees and list of suspected Non-gazetted staff.
- xi. Monitoring of staff working in sensitive posts for more than 4 years.

8.0 The Vigilance Department has also taken proactive steps to eliminate corruption from the grass root level. Some of the measures taken are as follows–

- i. Spreading message on ethics and moral values in schools and colleges during the Vigilance Awareness Week.
- ii. Workshop on service contracts organised in all Divisions and Headquarters – a book on service contracts, compendium on legislation related to service contracts published. This pioneering effort of SCR was appreciated by Board and a presentation was made for all the CVOs of Indian Railways at New Delhi and attended by Advisor/Vigilance and Advisor/EnH.
- iii. Carrying out field inspections and suggesting system improvement in the last 3 years a lot number of Seminars have been organized throughout the Railway including Headquarters/Divisional/Field Offices & Workshops.

Year	System Improvements		Seminars Conducted
	Suggested	Implemented	
2013-14	15	4	10
2014-15	17	14	12
2015-16	29	24	26
2016-17 (Apr.-Jul.)	13	4	8

9.0 Major System Improvements Implemented during recent years:

- i) Uniform adoption of Tender Conditions including eligibility criteria by all Engineering Units of South Central Railway.
- ii) Placing of Experience Certificate, Permission of Way leave facility, NOC for construction of private structure, contract bills on website as a part of leveraging of technology. Implementation of e-tendering for stores procurement.
- iii) Implementation of New drug-policy and a step ahead-e-tendering for procurement of Medicines and iMMIS for management of .procurement, stocking and issue of medicines in Headquarters & Divisions.
- iv) A System Improvement was suggested to CSTE & CWM that in cases where technical advancement of equipment gets noticed at a later stage of the Agreement, particular Schedule item shall not be operated and latest equipment is to be proposed as Non-schedule item as a variation duly studying the financial implication.
- v) A system improvement was suggested for standardisation of contractual conditions across the divisions as certain deficiencies are noticed in the Agreements pertaining to Cleaning contracts. A multi disciplinary committee of 4 SAG officers was nominated and their recommendations accepted.
- vi) To avoid malpractices, it was suggested to monitor the conduct of Exam through CCTV/video recording. This is being implemented across all the Divisions of South Central Railway.

- vii) In a similar way, the working of Parcel office at Secunderabad is being monitored through CCTV Mobile app. Major ballast depots of S.C.Railway is also being planned for better monitoring at Higher levels.
- viii) Bio-metric attendance system and CCTV monitoring through Mobile app is implemented in Central Hospital at Lallaguda, Secunderabad. It is monitored at Highest levels.
- ix) Guidelines for Internal checking of Re-imbursement of Tuition Fee claims were issued by FA&CAO for all the units.

In the end I would like to conclude that Vigilance Dept. would justify its existence if it works towards creating a brighter future. In the words of Mahatma Gandhi "if every citizen follows the philosophy you must be the change you want to see in the world, the organisation will prosper".

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1.2 ANONYMOUS, PSEUDONYMOUS, FRIVOLOUS AND VAGUE COMPLAINTS

- ❖ Any complaint that does not bear the name and address of the complainant is an anonymous complaint.
- ❖ A complaint which does not bear the full particulars of the complainant or is unsigned or is not subsequently acknowledged by a complainant as having been made is a pseudonymous complaint.
- ❖ Complaint from an unreliable complainant are treated as frivolous complaints.
- ❖ Complaints containing vague allegations, i.e. allegations that do not have verifiable facts are vague complaints
- ❖ As per DoPT Letter No. 104/76/2011 AVD-I dated 18.10.2013 no action need to be on Anonymous/Pseudonymous Complaints.

1.3 INFORMATION AND COMMUNICATION TECHNOLOGIES (ICTS) TO CREATE A CULTURE OF TRANSPARENCY

-- Sri B. Vishwanath Eerya
Dy.CVO/Engg.

“Success is in the big things. Happiness is in the small things. Meditation is in nothing and God is in everything”

E-government and social media as openness and anti-corruption tools for societies.

In recent years, many governments have worked to increase openness and transparency in their actions. Information and communication technologies (ICTs) are seen by many as a cost-effective and convenient means to promote openness and transparency and to reduce corruption. E-government, in particular, has been used in many prominent, comprehensive transparency efforts in a number of nations. While some of these individual efforts have received considerable attention, the issue of whether these ICT-enabled efforts have the potential to create a substantive social change in attitudes toward transparency has not been widely considered.

a). Transparency, Information, and Society:-

As an international issue, transparency came to prominence after World War I in the post-war negotiations . It took considerable time for many nations to pursue transparency. In the mid-1980s, only 11 nations had freedom of information laws, but by the end of 2015, increased to 100 nations. Transparency and the right to access government information are now internationally regarded as essential to democratic

participation, trust in government, prevention of corruption, informed decision-making, accuracy of government information, and provision of information to the public, companies, and journalists, among other essential functions in society.

Government transparency generally occurs through one of four primary channels :

- 1.Proactive dissemination by the Government;
2. Release of requested materials by the Government;
- 3.Public meetings; and
- 4.Leaks from whistleblowers.

In a recent study, it is found that, countries with dedicated transparency laws were three times more likely to respond to requests for information, with countries lacking transparency laws acknowledged less than half of the requests .Countries that embrace transparency tend to produce more information than other governments and are more likely to share this information. More than 41 countries have even established a national-level, centralized anti-corruption agency. Transparency ultimately serves to keep government honest—"Good government must be seen to be done". In terms of international practices in transparency, the Internet has greatly reduced the cost of collecting, distributing, and accessing government information. As a result of these capacities, recent years have seen trends toward using e-government for greater access to information and for promotion of transparency, accountability, and anti-corruption goals.

b). Traditionally, there are three types of anti-corruption approaches:

1) Administrative reform: Administrative reforms are the most commonly used approaches, primarily through

the enhancement of the quality of government bureaucracies to ensure that a watchdog agency or structure exists to officially monitor government behaviour.

2) Law enforcement: Law enforcement approaches often compliment administrative reforms to ensure that an appropriate system for punishing corruption is in place. While administrative reform lowers opportunities to take bribes, law enforcement greatly increases the potential costs and punishments for taking bribes. Prosecution of corruption cases makes an example to all government employees, while also helping to clarify and reinforce expected standards of behaviour for government employees.

3) Social change: The social change approach is based in the idea of reform through social empowerment of citizens by allowing them to participate in institutional reform movements and by cultivating a civil, law-based society as a long-term deterrent to corruption .By changing cultural attitudes that have been accepting of corruption, citizens can ultimately protect themselves from corruption .

In each of these areas, the provision of information to citizens and the ability of citizens to monitor the activities of the government play an important role, both key areas in which e-government and other ICTs can be used to battle corruption. The influence of culture often makes social change the largest challenge in openness and anti-corruption initiatives.

c). ICTs and Transparency Initiatives:-

ICTs offer Indian railways a new approach to creating transparency and promoting anti-corruption. Many nations with transparency laws have directly tied

the implementation of these laws to the implementation of ICT-based initiatives, often through e-government. ICTs can reduce corruption by promoting good governance, strengthening reform-oriented initiatives, reducing potential for corrupt behaviors, enhancing relationships between government employees and citizens/customers, allowing for citizen tracking of activities, and by monitoring and controlling behaviors of government employees . To successfully reduce corruption, however, ICT-enabled initiatives generally must move from increasing information access to ensuring rules are transparent and applied to building abilities to track the decisions and actions of government employees .

Many governments envision the use of ICTs as a means to promote efficiency and transparency at the same time . ICTs in general show promise as an effective means of reducing corruption, but social attitudes can decrease the effectiveness of ICTs as an anti-corruption tool.

d). Following are the few examples of preventive vigilance by which transparency has been achieved through leveraging technology on South Central Railway Website:

- **Computerized online contract management system:** Uploading of tender documents on the day of tender invitation and tenderers can submit their quotations through the South Central Railway website. It can be monitored right from tender processing including E-tendering to completion of work can be monitored on line and all the payments like EMD, SD and all CC bills are being paid on line . Position of CC bills preparation to passing of bills is monitored on SC Railway web portal. With the result the

number of complaints on these issues reduced considerably. This System Improvement has helped in curbing Ring Formation, threats from Factionists, anti – social elements etc.

Monitoring of Contractor's bills process starting from recording of measurements in Measurement Book to passing of bills by accounts department and on line payment to the agencies avoided huge number of complaints being a Thrust Prone Area.

- **Digitalized Land management system:** All the land plans of SC railway are digitalized duly certified by the Land Revenue / Railway authorities and uploaded in online Track Monitoring System. This has resulted into protection of the Lands in a very effective way from encroachments.
- **Installation of CC cameras at major ballast depots duly connecting with web:** This is proposed as a system improvement to monitor the misplacement / tampering / progress of ballast stacks collection for trucking on line right from the lowest level to headquarter level officials.
- **Implementation of use of machine numbered level books issued by SCR printing press:** Issue of Machine numbered Level Books to the field staff for recording initial / final levels with which tampering can be curbed and transparency can be increased. The same is implemented 100% with the intervention by Vigilance department after it had gone into disuse some years ago. While recording CC

bills for earthwork in Measurement Books, reference level books numbers and its page numbers shall be incorporated in the Measurement Books to have better transparency.

- Uploading of experience certificates, Uploading of Way Leave Facilities over SCR Zone (Testing), NOC's issued for Construction of Pvt. Structures (Testing), Crossing of Overhead Electrical Transmission Lines (Testing), Telephone & Electrical cables (Testing).
- **Track Monitoring System:** The total Track Management System is monitored online by feeding the daily activities of Track works like welding, tamping of track, weld failures and other track works. This system has resulted into effective management of track & reduced complaints regarding shortage of materials, hence, need based work can be done.
- **Monitoring of progress of the works carried out at construction worksites at remote locations on real time basis using GPS technology:** This method of monitoring worksites will eliminate lot of doubts which arise during investigation of complaints and preventive check regarding quantity and quality of work and provide evidence for fixing responsibility. This will also dissuade individuals from indulging in short-cuts and keep a check on the quality of work. Considering that the cost of works runs into several crores the expenditure is worthwhile. It is learnt that photographs are compressed before being stored on the Server.

- Deduction of various taxes levied by state / central government bodies directly by railways from the Contractor's bills resulted into 100% tax payments and remit to the state government authorities.

And these are just examples of the numerous approaches to use of e-governance to promote transparency and reduce corruption.

e). These approaches offer the possibility of short-term gains with longer-term strategic objective attainment. This paper demonstrates, with regard to transparency and anti-corruption in particular. Though there are challenges and barriers to implementation, the specific applications discussed in this regard demonstrate that it is possible to overcome these challenges through a combination of political will and technology. The extent to which ICTs can create a culture of transparency and openness is unclear; however, initial indications are that ICTs can in fact create an atmosphere of openness that identifies and stems corrupt behavior.

“Money in the hands of a good human being will be used to create a better world, while the same in the hands of the evil minded human being will be used to destroy the existing world. The only way to vanquish bad from the world is to make bad people financially poor. The only way to achieve that is by ensuring good people become financially rich. So, every good human being has the moral responsibility to be rich.”

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1.4 DO's & DON'Ts OF ENGG. DEPARTMENT

Works-General

- Get Schedule & Conditions before starting the work. Read special conditions.
- Maintain the requisite registers for the work – List given in PCE Ir. Dt.27-05-05
- Take proper inventory of material to be released and obtain contractor's signature
- Ensure that contractor's representative is nominated in writing.
- Departmental tools & plant to be given to contractor as per agreement conditions on hire basis.
- Beware of Vitiating due to non-operation of unworkable items or Excess operation of high value items.
- Obtain contractor/representative signature in the registers and while issuing p.way material.
- Get test certificates of material wherever prescribed.
- Ensure Test checks are done as prescribed.
- Do not use departmental labour along with contractor's labour.
- Ensure that released p.way material is brought back to the required point and neatly stacked by the contractor.
- Transportation of material – Ensure Proper gate passes & correct leads.
- Painting works – Check quantity of paint used by the contractor. Ensure stage-wise thickness.
- *Drawing p.way material from depots & accountal: Follow the instructions issued by CTE vide JPO No.1/TS/2008.*
- *Scrap: Strictly follow the instructions of JPO No.1/2013 in accountal and disposal.*
- Follow latest guidelines & specifications (Engg. Standing Order dt. 03-09-07).

Ballast Supply:-

- Control quality at the source by checking the quarry.
- Depots: Ensure 3 days between bill passing & hopper loading. Ensure 3 days between ground clearance & further collection.
- Ensure receipt of ballast test report from laboratory before taking measurements. Accept the ballast only results are within the specified limits.
- Depots: Account the left over quantity after theoretical measured quantity is exhausted. Bulkage above 5% to be investigated.
- BT working: Ensure full loading up to brim (40.3 Cum.); Send 6 copies of challans along with the BT.

Works - Buildings & Bridges:-

- Cement, Steel: Obtain lab test certificates & purchase bills before making payments.
- Bricks, Sand, Aggregate, Moorum etc., - Check quality at site & send for lab testing
- Tiles, Paints, Sanitary fittings etc., - Approve the sample after checking the specifications.
- Earth work: Follow instructions given under ESO.51/2006 – Use only printed books supplied by railways.
- Level books shall be treated on par with MBs. Initial levels shall be recorded before commencement of work and copy of the Initial Level book to be submitted to the divisional office.
- Pipe line works: Follow instructions given under ESO.49/2006 – Wt. tolerance: 10%, Accountal of pipes after check etc.
- Concrete – No volume based batching in design mixes. Use vibrators for compaction. Use leak proof shuttering to prevent honey combing. Record test cube results. Ensure adequate Curing.

- Aggregate: Use graded aggregate. Conduct sieve analysis and record results.
- Sand: Conduct sieve analysis to determine grading (Zone-I,II,III or IV) for appropriate usage
- Stone masonry: Read specifications for CRS & UCRS masonry. Ensure adequate bond stones.
- Cement: Check grade of cement used (33,43,53). Consumption & Progress of work should tally.
- Roof leakage: Indicates poor quality of concrete and workmanship.

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1.5 ESSENTIALS OF A SERVICE CONTRACT FROM LABOUR LAWS PERSPECTIVE

*--Sri Shailendra Singh,
Dy.CVO/S&T*

Indian Railways is a labour intensive industry. It has around 700 categories of staff for carrying out its core business of transporting men and materials all over the country. It spends nearly half of its gross expenditure on staff wages. The rising staff cost and need for improving productivity have pushed the Organization towards outsourcing of non-core activities and even core activities, in exigencies. Over the past few years, service contracts have thus proliferated into almost all spheres of Railway working viz. Trains, Stations, Running Rooms, Workshops, Laundries etc. Such contracts are meant for works of perennial nature. They are labour oriented contracts and many of them require deployment of 20 labours or more and thereby the Railway Establishments awarding such contracts come within the purview of the Contract Labour (Regulation and Abolition) Act, 1970, hereinafter referred to as 'Act'.

The aim of the Act is to prevent exploitation of contract labour by regulating employment of contract labour so as to place it at par with labour employed directly. Our service contracts have paras referring to this Act and putting onus on the contractor to comply various provisions of the Act. However, that is proving inadequate since complaints are being received about less payment of Wages and contribution towards PF & ESI. Railway supervisors lack in understanding the provisions of Act and the stipulations regarding checks to be done by Railway Officials before passing contractual payments are missing from the Contract

Documents. This is a vital omission from a service contract document since contractual payment is mainly for the disbursement of wages to the contract labour. It needs correction to avoid possibility of disputes.

The Act enjoins joint responsibility on the Principal Employer and the Contractor. The Principal Employer has to ensure that the Contractor (a) Pays the Wages as fixed by the Government or the Commissioner of Labour, (b) Provides facilities viz. Canteen (if employing 100 or more workmen in one place and if the work is likely to last for 6 months or more), Rest rooms (where the workmen are required to halt at night and the work is likely to last for 3 months or more), Requisite number of latrines and urinals - separate for men and women, Drinking water, Washing, First Aid, Crèche, (c) Maintains various registers and records (d) Displays notices, abstracts of the Acts, Rules etc. (e) Issues employment card to his workmen, etc.

Railway Establishments are the principal employer in all service contracts. They should execute well drafted contract agreement so that the responsibilities of the contractor are clearly listed out. Following items can be issued as check list for Contractor:-

1. Obtaining licence (Valid for one year only) and its renewal if the contract period is more than one year.
2. Maintenance and preservation of Register of Workmen employed by contractor, Muster Roll, Register of Wages, Register of Fines, Register of Deductions for damage or loss, Register of Advances & Register of Overtime.

3. Display of Notices at the Workplace for - Rate of Wages, Hours of Work, Wage Period, Date of payment of Wages, Name & Address of the Labour Inspector.
4. Issuance of the Employment Card.
5. Provision of the facilities to the labour.
6. Service Certificates.
7. Filing of Half-Yearly Return to the Licensing Officer.

Railway Establishments should keep following items in their check list while engaging Contractors:-

1. Registration of the Railway Establishment.
2. Display of the Notices at the Workplace for – Rate of Wages, Hours of Work, Wage Period, Date of payment of Wages, Name & Address of the Labour Inspector.
3. Maintenance and preservation of Register of Contractors.
4. Supervising the responsibilities of Contractor to avoid enjoining of the liabilities.
5. Ensuring provision of the facilities to the labour either directly or through contractor.
6. Notice of commencement and completion of contract.
7. Filing of Annual Return to the Registering Officer.
8. Ensuring that the Contractor has his own code numbers under the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 and the Employees' State Insurance Act, 1948.

The payment of wages to the labour employed by contractor without disputes is the key for success of any service contract. Therefore, contract documents should have stipulation that the contractor himself or his

nominee would pay the wages to the labour as per the wage period, not exceeding one month, displayed at the workplace and that the representative of Railways would witness the payment and record under his signature a certificate at the end of the entries in the Register of Wages in the following form:

“Certified that the amount shown in column No. ... has been paid to the workman concerned in my presence on at”.

In case of cheque/ bank payment, verification of Register of Wages by representative of Railways would suffice. In case the contractor fails to make payment of wages within the wage period or makes short payment, then the principal employer becomes liable to make payment of wages in full or the unpaid balance due, as the case may be, to the contract labour employed by the contractor. The contract document should have stipulation in this regard and about the recovery of amount so paid from the contractor either by deduction from any amount payable to him or as a debt payable by the contractor.

Likewise, the pro-forma of the Registers to be maintained by the contractor and Employment Card as given in the Act, can be incorporated in the contract documents. The aforesaid stipulations will bring clarity in the minds of Railways Supervisors and improve their understanding about the provisions of Act thus lay ground for better enforcement of the Act at grass root level and minimize possibility of disputes.

Contract documents not only set boundaries within which people may act, they also create incentives to act or refrain from doing so. Badly drafted contracts can have unintended consequences, which make them

counterproductive. It is another matter that this Act, drafted at a time when India was more of a command and control economy, has long been in need of change. Faced with economic onslaught unleashed by multinationals and introduction of policies of economic liberalization, Indian Employers have been clamouring for more and more flexibility in the provisions of Contract Labour (Regulation & Abolition), Act, 1970. Anyway, Railway Establishments need to realign their contract documents in consonance with contemporary labour laws.

“All models are wrong but some of them are useful”

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This is a table with modified 'Drawer'...This opens on both sides. You may drop the amount there itself...

1.6 DO's & DON'Ts of S&T DEPARTMENT

DO's

- ✓ Actual measurements should be recorded in the M.B. While recording Measurement Book follow the Engineering Codes 1315 and 1322.
- ✓ Ensure proper invoice bills and test reports as per inspection clause / specification before accepting the materials.
- ✓ As per stores manual, each stock holder to verify his stocks once in 6 months. At officer level (JS/SS) test check to be done once in 6 months and once in a year by BO.
- ✓ Always insist for qualified Technical supervisor as per agreement conditions at the time of commencement of work otherwise communicate immediately to the officer concerned and record the same in M-book certification to enable recovery.
- ✓ DMTR transactions must be closed on every day and initial the DMTR once in a week and send the statement to the Divisional Headquarters every month.
- ✓ Insist for warranty certificate as per terms of rate contract while passing bills for RC items
- ✓ Verify inspection certificate and emblem for RDSO inspection materials or hologram for RITES inspected materials as per contract conditions.
- ✓ Maintain separate account of uncharged and charged cells.
- ✓ On completion of the work, site order and field books should be handed over to Divisional office.
- ✓ If any RITES / IRCON inspection is changed to consignee inspection with competent authority's approval, 1% inspection charges are to be deducted from the contractor's Bills.

- ✓ Joint inventory to be done before commencement of replacement works.
- ✓ Before signing on AMC checklist reports ensure the format is as per the agreement.
- ✓ Always insists the authority letter from the Service Engineers who are attending AMC's of all Electronic Interlocking Systems.
- ✓ Field supervisors insist for agreement copies and refer the specifications & drawings thoroughly with latest amendments as mentioned in the agreement.
- ✓ Issues of materials to contractor representative for execution should be done duly after receipt of requisition on firm's requisition and after submission of INDEMNITY bond.
- ✓ Electrical contractor license validity to be ensured during execution of the work.
- ✓ Allow adequate and reasonable minimum time for opening the Tenders to encourage proper response.
- ✓ During tender opening all pages to be signed by both Railway accounts and executive officials.
- ✓ Late tender / Delay tender time to be clearly mentioned on the tender and the tender register.
- ✓ Validity of the tender offer to be ensured before awarding the contract.
- ✓ Uniform / consistent approach to be adopted while awarding the work.
- ✓ Past history of the discharged / recalled tenders to be compared in the present tender.
- ✓ PG to be submitted within 30 days from the date of issue of LOA, if it is submitted between 30–60 days – penal interest of 15% to be recovered, if it is beyond 60 days – tender to be discharged.
- ✓ Proper eligibility criteria to be defined as per the PHOD's definition.
- ✓ Technical specification should be clear and there should not be any ambiguity in that.

- ✓ TC minutes to be transparent. If any complaints received during TC stage, the same are to be studied & should be reflected in the minutes.
- ✓ Issue the materials to the contractor as per the site requirement only.

Don'ts

- ✗ Don't Record measurements without carrying out the work.
- ✗ Don't accept materials supply without proper inspection.
- ✗ Don't operate labour portion without ensuring site requirements.
- ✗ Don't change RDSO/RITES inspection certificate to consignee inspection without approval of Accepting Authority.
- ✗ Don't accept the material without original bills and invoices.
- ✗ Don't Install charged batteries without retentivity test.
- ✗ Don't deviate the location without approval of sanctioning authority of the work.
- ✗ GI pipes not to be taken in to account based on paint mark, it should be tested its specified thickness or specified weight then only to be taken in to ledgers.
- ✗ Do not record the measurements for such works, which are incomplete/defective.
- ✗ Do not extend the temporary power supply to outsiders/contractors without proper authority.
- ✗ Do not accept the materials more than the scheduled quantity without obtaining approval from competent authority.
- ✗ Do not change the supervisors frequently for particular work of large magnitude.
- ✗ Do not record the measurement towards dismantling/releasing work without ensuring proper

accountal of released materials as per contract conditions.

- ✖ Counter signing is not allowed in MB, only test checks to be mentioned.
- ✖ Don't record MB without inspecting the site and without taking the measurements.
- ✖ Consignee inspection materials should not be taken in to account without delivery challan and officer's inspection certificate.
- ✖ Don't execute the item which is not having detail technical specification/drawings in the agreement
- ✖ Different similar nature of works should not be clubbed while floating the tender.
- ✖ Do not change / relax any of the Tender conditions or Scope of the work.
- ✖ Do not overlook the inspection clause or alter the inspection clause.
- ✖ Don't issue credentials before completion of the work.
- ✖ Zonal works and other plan head sanctioned works should not be clubbed.
- ✖ Insufficient EMD tender should not be considered. After tender opening Post correspondence is not allowed.
- ✖ Below JA grade level Officer should not issue any credentials.
- ✖ Don't change the TC members once it constituted, without prior approval of the competent authority.
- ✖ Private firm credentials should not be considered as a credential. Rly, Govt/Quasi Govt. officials credentials only to be considered.
- ✖ Don't transfer the balance of material from one folio to another folio which are different types of material.
- ✖ Without checking the cables insulation and its loop resistance don't take into DMTR.
- ✖ Don't issue the revenue materials to the contractor which are already covered in the agreement.

1.7 DO's & DON'Ts of ELECTRICAL DEPARTMENT

DOs

1. Maintain the site Book and Hind Register in contractual work.
2. Before recording measurement ensure the accountal of released materials as per Contract conditions.
3. DMTR Nos. Must be quoted for released and supply materials in Measurement Book.
4. In Service Contract, ensure PF and ESI subscription payments before passing CC Bills.
5. Maintain the registers which mentioned in the schedule Agreements.
6. Accept the LTUG cables along with Test Certificates as per specification given.
7. All new Contract Materials must enter into DMTR/Ledger.
8. Refer drawings, specifications/Third Party inspections as per Agreement conditions.

DON'Ts

1. Don't record Measurements without visiting site or depending upon other statements.
2. Don't interchange the LT services of wayside stations which are different categories.
3. Don't incorporate Equivalent wording in Tender schedules or NS Indents.
4. Don't record the measurement, where currency of contract was lapsed.

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1.8 TRANSPARENCY IN ADMINISTRATION AND PROBITY IN PUBLIC LIFE

-- Sri B. Vishwanath,
Dy.CVO/Stores

Transparency refers to unfettered access to timely and reliable information on decisions and performance in an organization. It also means knowing the reason, facts, logics and basis of decision taken by the administration. Transparency in public administration in legal terms means that a citizen of India has right (legal or fundamental) to have access to the information about Government's actions. In this connection Supreme Court has rightly pointed out - "In a democratic country like ours, where all the agents of the public must be responsible for their conduct, there can be few secrets, the people of this country have right to know every public act. The denial of the right to know which is derived from the concept of freedom of speech and expression, though not absolute yet is a factor which should make one worry". According to Transparency International's Corruption Perception Index India ranked at 76th shows the pervasive level of corruption. As Kautilya, the author of Arthashastra points out "Just as it is not possible, not to taste honey or poison put on the surface of the tongue, so it is not possible for the Government Servants dealing with money not to taste it in however small a quantity".

Denial of information to the public by the Public Authorities without appropriate reasons would be offence under the law. The corruption thrives in places, where there is lack of transparency and denial of information flow to the public. Corruption has engulfed in all spheres of life. In the political sphere we hear of many scams, the recent one being – commonwealth,

2G, coal and so on. There are also a lot of instances of insider trading such as the one where former MD of McKinsey and a great Economist Mr. Rajat Gupta had to undergo 2 years of punishment for his guilty act, the Harshad Mehta scam, etc. Corruption is one of the prime causes of poverty and inequality. Multi-dimensional Poverty Index developed by Oxford Poverty and Human Development Initiative, which measures deprivation on various indicators, over half of India's population is multi-dimensionally poor, while a further 18 per cent are close to this line. Another Index, Gini Coefficient, which is a statistical measure developed by Italian Statistician Mr. Corrado Gini and it indicates inequality in the income. The coefficient has a range of 0-1, with 0 representing the perfect equality and 1 showing perfect inequality. The higher the Gini Coefficient more is the gap between the Rich and the Poor in the country. The People Research on India's Consumer Economy (PRICE) survey called ICE (India's Consumer Economy) had come up a Gini coefficient with income distribution data at 0.386. In India and South Asia especially – one sixth of Humanity lives in this Region pervaded by huge poverty, inequality malnutrition and poor social indicators puts the most vulnerable in dire and denial situation. Though most of the countries are grappling with corruption, but the conviction rates are so high and Justice system acts as a deterrent, unlike in India where Judiciary has huge backlog of cases mounting to 3.25 Crore cases pending across all the Courts in the Country i.e. Trial Courts, High Courts & the Supreme Court.

Corruption is borne out of Greed, lack of Ethics, poor implementation of Law, an overburdened Judiciary. We have enough laws to deal with corruption such as Right to Information Act, Prevention of corruption Act, Black money and Imposition of Tax Act, 2015, and

various other provisions such as Benaami Transaction (Prohibition) Act, IPC etc. despite so many measures what ails the present is lack of Implementation.

There are Countries like Singapore which transformed from a Third World to First World Country through the use of Technology, Transparency and Accountability. Technology can play a prominent in ushering Accountability and ensuring Transparency. The present paradigm of Public Administration is e-Governance, where Technology takes precedence in ushering Transparency. The Govt. has launched more schemes, wherein the beneficiaries shall have the Aadhar Card mandatorily. For example,

- Aadhar based Direct Benefit Transfer (LPG subsidy) – Aadhar Card is used to get the LPG subsidy amount directly in the Bank Account.
- Jan Dhan Yojana – Pradhan Mantri Jan Dhan Yojana (PMJDY) accepts Aadhar Card has the only document sufficient to open the Savings Bank Account with zero balance. This account can be linked to life/accident insurance, etc.
- Monthly Pension – All the pensioners from the select States will now have to register their Aadhar Card number to their respective Department in order to receive their monthly pension. This move was initiated as there have been fraudulent incidents as beneficiaries requesting pension were found to be fake.
- Provident Fund – Similar to pension, provident fund money will be given to the account holder who has registered their Aadhar number with employee provident fund organization (EPFO).

These initiatives definitely plug the leakages and ghost beneficiaries in social spending.

Indian Railways is on a path of modernization and infrastructure development in a big way. Transparency in working is increasingly being viewed by the Indian Railways as one of the primary tools not only to address persistent complaints and accusations against service delivery in the public but also to ensure that role of discretion is minimized for both decision making as well as service delivery ends. Always assigned highest importance to the eradication of corruption and has been emphasizing on improving transparency, efficiency and productivity in the functioning of Indian Railways. Some of the features are:-

- Procurement System – India's public procurement systems account for more than Rs.10 lakh crore of business. This about 30% of India's GDP. Govt has introduced Public Procurement Bill, 2012 in Lok Sabha which is based on the recommendations of Committee on Public Procurement, headed by former bureaucrat vinod Dhall. This Bill seeks to make public procurement transparent and corruption-free.
- e-Procurement System (IREPS):- A remarkable beginning was made when 'Indian Railway e-Procurement System (IREPS) was rolled out in headquarters of Zonal Railways/ Production Units and further proliferation has taken place at field Unit level also.
- e-Auction:- Another importance step towards the transparency is switch to 100% e-Auction in its sale of scrap. e-Auction has enabled prospective scrap

purchasers to bid simultaneously on an all India basis with digital comfort. 100% online e-payment of earnest money deposit (EMD) for auction on all India basis.

- Empowering the Customer – IR has introduced a number of measures for increasing the service levels to the customers at their doorsteps such as:
 - Mobile Ticketing and Web Ticketing including Train tracking Services.
 - Meals on wheels, online booking of Retiring Rooms.
 - Complaints can be lodged online, with the compliance on the same from Railways.
 - As a part of Customer Commitment Charter, each Zonal Railway has given service level commitments to the passenger and the freight customers.
- Recruitment on Indian Railway moves to online:- System of online applications was introduced for exams undertaken for recruitment of different categories by various RRBs. Moreover, online examination was also introduced through RRBs.
- Digitization of Service Records in Personnel Department:- It ensures permanent storage and retrieval of the records with no human interface.
- Social Media as a Tool:- Indian Railways are now on social media tools in a big way. The Twitter handle of Ministry of Railways namely @railmin.india is a very popular Twitter handle of the ministry and has more than one million followers with three thousand followers getting added every day. The Twitter handle of the Railways have become

powerful tool to provide assistance to passengers in moving trains and at stations.

Still there are many operations which need to be digitized for wiping out the authoritarianism/minimizing the discretionary powers, for enhancing the transparency in the Public Administration.

Probity in Public Life:-

Probity in public life is manifestation of ethical norms in particular conduct/process. It encompasses more than just avoiding corrupt practices and involves application of public service values like accountability, impartiality, transparency and objectivity. Probity in public life means holding our moral principles and convictions notwithstanding to any external pressure. Probity in public life ensures consistency and transparency in actions there by earning public faith and respect.

Our founding fathers enjoyed tremendous public support and respect because they were open to their thoughts and deeds. Those who hold public offices are the custodian of public resources therefore having integrity and probity is the foremost condition for them. We can enforce strong accountability and transparency mechanisms as external deterrence to hold them accountable. Also we must not forget the leaders and eminent personalities derive their authority and legitimacy from society itself and a society gets what it deserves. It's an Embodiment of integrity.

Our official working is only an extension of the personal life by two keywords i.e. transparency and fairness. The Canons of Financial Propriety is included in most of the Indian Railway codes/manual and we

shall strive to stick to these basic principles in our official working.

Conclusion:-

Last and the most important thing is Morals in public life. This starts with a Good education system where not just livelihood skills are taught but right means of living is imbibed. Thus Probity in public life – the quality of having strong moral principles; honesty and decency – can greatly tackle on the Ghost of corruption, as Man's innate tendencies will move in the right spirit. When the work Probity comes into picture a few Great personalities always figure in to our minds. Sri Lal Bahadur Shastri – the former PM, when he was the Railway Minister, he owned moral responsibility following the Ariyalur train disaster in South India and resigned, in 1956. Sri. M. Visvesvaraya a renowned Engineer hailed from South India. It is said that he used to carry two lamps with him, one his own and another given by the Government. Whenever he was engaged in personal work, he would utilize his personal lamp, and whenever he was engaged in Government work,, he would use the latter. Justice Sri Jagdish Sharan Verma, who left his imprint on every field of adjudication and was innovative, intelligent, above all he was the embodiment of integrity. What India needs today is such Leadership who can inspire youth. One such leader in recent past was late Dr. A P J Abdul Kalam, who inspired the Young India and left his dreams/plans/a road map, through his published works (2020 a vision for new Millennium, Ignited Minds, Envisioning an Empowered Nation, Mission India, etc.). Our real tributes to this great leader are our contribution towards building a developed India.

The founding fathers of the Constitution have beautifully presented the objectives of the constitution. It shall be possible to achieve them only in a corruption free environment. The sustainable Development Goals which further reflect on the goals of constitution can be achieved by the concerted action of Govt, citizens, through proactive public participation, which alone can usher in an inclusive and sustainable development.



Children having fun in cleaning and tidying the class room, one should be ready in fun cleaning themselves for probity in public life.

1.9 DO's & DON'Ts IN LOCAL PURCHASE

DO's

- Some of the items have to be procured from RDSO/ICF/DLW/CLW etc. approved sources as per Vendor Directory. Please ensure that these items are procured from approved sources only. Please ensure the list of approved sources for the tendered item in the LP case file before floating the tender.
- Ensure the call attention of all the approved sources through iMMIS. Ensure that such item is procured from the approved source only duly following the inspection clause, as per the extant provisions.
- Critically examine the reasonableness of rates and record the reasons for accepting a rate. The lowest rate may not be a reasonable rate.
- Local purchase register of sources to be maintained
- Do account free material if received under various schemes for sales promotion etc.
- Do maintain close liaison with indentors and appraise the progress of supply against Local purchase at various stages.
- Do furnish last purchase particulars (purchase order number, date, firm and rate) or the market survey rate (name, address, date of market survey and rate and if possible standard price list details) with the requisition.
- Ensure that the Genuine OEM authorization certificates are enclosed with the offer wherever applicable.

DON'Ts

- Do not issue a tender enquiry unless the existence of the firm has been checked.
- Do not turn-down the proposals for Local purchase without giving clear reasons.
- Do not split quantities or place frequent demands.
- Irrational/illogical choice of sources for the LT panel without adequate justification.
- Selection of different panels for the same item in LTs floated around the same time.
- Non-clubbing of requirement and floating different tenders around the same time
- Estimated rates based on budgetary quotation are treated as sacrosanct and finalizing rates of purchase without adequate justification.
- Case re-tendered on flimsy grounds with an intent to favour one firm.
- Passing over of lower offers on flimsy grounds/invalid reasons/conditions extraneous to tender conditions.
- Accepting L-1 offer without proper qualifying requirements as stipulated in tender.
- Accepting proof documents for qualifying requirements which are incomplete/defective.
- Floating a tender for specific type/make, but accepting different type/make other than the one tendered for.
- Recommended/accepted since the offered rate is close to indent rate, but without rate reasonability assessment.
- Offers from sources indicated in the indent are not considered/even though LT was floated, since purchase was within the competence of the officer for single tender purchase basis.

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1.10 LIST OF CVC CIRCULARS

Important circulars issued by CVC are listed for ready reference.

S No	Subject	Circular No.	Date of Issue
1	Need for self contained speaking and reasoned order to be issued by the authorities exercising disciplinary powers	2/1/2009	15/01/09
2	Reference to the Commission for Advice - Information to be enclosed along with organisations' recommendations.	3/2/2009	18/02/09
3	Submission of investigation reports on complaints under Public Interest Disclosures & Protection of Informers Resolution.	4/2/2009	27/02/09
4	Preparation of Charge-sheets for RDA in CBI cases.	8/4/2009	01/04/09
5	Delay in submission of investigation reports on complaints under PIDPI Resolution	9/5/2009	12/05/09
6	Access of complaints to the CVOs- Instructions regarding.	15/7/09	01/07/09
7	Procedure for references to the Commission for First Stage Advice.	21/8/09	06/08/09
8	Adherence to time limits for investigation of complaints	20/05/10	19/05/10
9	IT enabled application in CVC for the Core Processes	9/3/2012	29/03/12
10	Second Stage consultation with the CVC in disciplinary cases	8/12/2014	03/12/14

No	Subject	Circular No.	Date of Issue
11	Procedure for dealing with complaints	1/1/2015	23/01/15
12	Diffrence of Opinions in Prosecution Sanctions	5/3/2015	16/04/15
13	CVC 1st Stage advice -Revised Procedure	7/4/2015	27/04/15
14	Guidelines to accord sanction for prosecution u/s.19 of the PC Act - 1988	8/5/2015	25/05/15
15	Misuse of user lds and password in Organization	9/7/2015	30/07/15
16	Pendency of cases with CVOs	1/1/2016	06/01/16
17	Timely completion of disciplinary proceedings	2/1/2016	18/01/16
18	Action of anonymous/Pseudonymous complaints	3/3/2016	07/03/16
19	Inquiry Proceedings pending before IOs	5/5/2016	02/05/16
20	Procedure for legal cases where CVC has been made respondent along with the concerned Organization.	11/9/2016	05/10/16

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1.11 PUBLIC PARTICIPATION IN FIGHTING CORRUPTION

*- Smt Anita Barik
Dy CVO/T*

One of the major challenges India has to face today is to eradicate corruption in different fields of administration and public life. Apart from the economic consequences, rampant corruption erodes and undermines the public institutions. The consequences of pervasive corruption have increased the pressure for accountability and transparency for those in public life. Democracy which is more and more of public participation in decision making can be seen as a possible means to curb corruption. Public awareness and participation is key to maintain efficiency in administration. Democratic ideals include the need for transparency and accountability, which are ultimately the principal methods of restraining and dislodging corrupt practices. Thus there is a two way relationship between public participation and the eradication of corruption. The former can help the latter, but the latter in turn can be of great value in extending the force and effectiveness of the former.

Active citizen's support, participation and vigilance are required to control corruption. The media, civil society, business associations, , trade unions , nongovernmental actors can play a crucial role in fostering public discussion of corruption and increasing awareness about the negative impacts of corruption. They can scrutinize the actions of the administration and contribute to detection and prevention of corruption and channelize the input through the citizens.

a) Contribution of Civil Society:- The contribution of civil society to a nation's fight against corruption can take many forms. It can start from awareness raising, educational programs to actively and officially recognised participation in the analysis of existing legislation and institutional procedures. Civil society can advocate for reforms that are perceived to be most crucially needed. The enactment of **Right to Information Act, 2005** is one of such legislation which was achieved through advocacy and active civil society movements.

Another such civil society movement commenced in India in 2011, the **Indian anti-corruption movement** with a series of protests and demonstration across India intended to establish strong legislation and enforcement of Jan Lok Pal bill against corruption. The **Jan Lokpal Bill**, also referred to as the **Citizen's Ombudsman Bill**, is an anti-corruption bill drawn up by civil society activists in India seeking the appointment of a Jan Lokpal, an independent body to investigate corruption cases. The Jan Lokpal aims to effectively deter corruption, compensate citizen grievances, and protect [whistle-blowers](#). The prefix *Jan* (citizens) signifies that these improvements include inputs provided by "ordinary citizens" through an activist-driven, non-governmental public consultation.

b) Public Scrutiny and Access to Information:- Public scrutiny is a powerful mean to fight corruption and a key supplement to legal provisions and institutions. Public scrutiny contributes a large share to monitoring and investigating governmental activities, there by deter corruption. The media are particularly important nongovernmental actors in scrutinizing governments' and public administrations' work. By screening government, political figures and the business

sector, they may perform an important watchdog function. They may trigger investigations and thereby allow for the detection of corrupt acts. Media reports about corruption further contribute greatly to educating the public. Unbiased reporting requires freedom and independence of the press and access to information.

A particularly important precondition for enabling citizens to scrutinize public administration, government, political parties and elected politicians is a meaningful right to access information. With the growing use of information technology, especially the internet, to grant easy, quick, cheap and direct public access to a growing number of documents has become easy. Such information includes reports on audits, budget documents and legal material. Many countries have passed the Right/Freedom of Information legislation in the recent past. In India the Right to Information Act was passed in 2005. Right to Information is a potent weapon to fight against corruption, arbitrariness and misuse of power. RTI has significant bearing on good governance and development. It is an important tool for the citizen to remain informed and actively participate in the decision making process, promote transparency.

c) Use of Information Communication Technology:-

Information and communications technology (ICTs) are increasingly seen by governments as well as citizen and civil society as important tools to promote transparency and accountability as well as to identify and reduce corruption. New technologies, in the form of websites, mobile phones, applications etc., have been used to facilitate the reporting of corruption and the access to official information, to monitor the efficiency and integrity of public services and to make financial information more transparent. ICTs can also support campaigning efforts and help mobilise people against corruption.

Over the last decade, governments have launched an increasing number of e government initiatives to enhance the efficiency and transparency of public administration and improve interaction with citizens.

ICTs are increasingly used by governments all over the world to deliver government information and services to citizens, to enhance the efficiency and transparency of public administration and to better interact with citizens. E-government plays an increasingly important role in the promotion of participatory and inclusive development and democracy, and has grown in parallel to the rising demand for government transparency and accountability.

d) Citizen's Charter:- In order to provide responsive interface between the citizen and the public services, the Government of India has directed the ministries/departments to formulate Citizen's Charter, lay down time limits and standards for services, create avenues of citizen's grievances reprisal and carry out independent scrutiny to ensure implementation of Charters. In case of non-delivery and other malpractices, it allows the citizen to seek grievance redressal through making complaint at several levels thus creating the onus on public officers to assure provision of services and goods. It incorporates the concept of right to development, which comprises availability, accessibility, and acceptability of goods and services and state's obligation to respect, protect and fulfil these rights. This is one of the measures taken by the government to make administration citizen friendly and motivate public services.

e) Whistle blowing:- Whistle blowing is seen as one tool to the citizens to disclose and combat corruption. Encouraging and facilitating whistle blowing, in particular by providing effective legal protection and clear guidance on reporting procedures, can also help to monitor compliance, detect violations and corruption. It also helps to prevent and detect bribery in commercial transactions. The protection of both public and private whistleblowers from retaliation for reporting in good faith suspected acts of corruption and other wrongdoing is therefore integral to efforts to combat corruption, promote public sector integrity and accountability, and support a public service environment.

f) Conclusion:- The importance of public participation in curbing corruption discussed earlier are few examples of the general role of public vigilance, which can operate at different levels and can be aimed at many different objectives (not just prevention of corruption). Vigilance is crucial to accountability, which in turn is central to efficiency of public services in different spheres. It is not to say that public participation (public vigilance) is adequate to reduce corruption. Other means of action such as better incentives, stronger accountability mechanisms, and more vigorous sanctions also have to be harnessed. The complementarity between state action and public participation is of crucial importance.

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1.12 DOS AND DON'TS –TRAFFIC

DO's

1. Ticket checking staff should check Travelling Authority along with Journey ticket.
2. Details on the EFT foils should be written legibly.
3. Ticket Checking staff should remit Rly. Cash at the end of beat /destination.
4. Separate form for Tatkal reservation shall be used.
5. UTS/ PRS ticket rolls to be accounted in Ticket stock register only after physical counting of rolls.
6. Cancelled & Non-issued tickets should be sent on following day to Traffic Accounts office as per JPO No.136/2013.
7. UTS tickets produced for cancellation should be cancelled immediately in the system.
8. Ensure availability of sufficient cash bags.
9. Ensure proper H/O and T/O of cash in DTC register.
10. Ensure correct weightment, rating, routing and scale while booking the consignment.
11. Ensure loading as per carrying capacity of SLRs, AGCs, & Parcel Vans.
12. Ensure weightment of a goods rake before at in-motion weigh bridge to realize railway dues for all loose/non-standard bags and at least 5% in case of standard uniform bags.
13. Ensure entry in delivery books and obtain signature of consignee without fail.
14. Ensure recording of Loading/ Unloading timings.
15. Be prompt to write the movements in time in the rough journal (Ticket checking)

DON'Ts

1. Ticket checking staff should not issue EFT on platform by collecting difference of fare + penalty and permit them to travel in reserved coaches.
2. Ticket checking staff not to desert the nominated coaches.
3. EDR not to be prepared for unmanned coaches.
4. Do not permit issue of more than 2 EFT books at a time.
5. Do not collect filled-in Tatkal forms in advance from passengers in Queue for issue of Tatkal tickets.
6. Do not issue tickets without Reservation form.
7. Do not alter the details on the system generated ticket while issuing to passengers.
8. Do not reissue the tickets offered for cancellation.
9. Do not issue mismatched tickets.
- 10 Do not affect the delivery of the consignment before collection of all due charges, including under charges, if any.

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1.13 INVISIBLE BOTTLENECKS IN EXPEDITIOUS COMPLETION OF DISCIPLINARY CASES AND SUGGESTIONS FOR REMOVAL OF THE SAME

*-- Sri Md. Karamthullah Khan,
Dy.CVO/P*

The disciplinary action, initiated against a government servant for good and sufficient reasons impacts both the charged employee and the administration. While the fate of the employee is uncertain with the ultimate threat of losing employment besides loss of reputation, for the administration it is the possibility of losing an experienced employee, replacement of whom requires time, money and efforts to train the fresh appointee. Thus, the procedure prescribed to be followed in a disciplinary case based on the statutory rules made in the form of Railway Servants (Discipline and Appeal) Rules, 1968 is intended to take care of the interests of both the sides. However, since it is the government servant who is affected the most, the instructions allow all possible opportunities to the charged employee in defending his case by extending principles of nature justice that are based on the universally accepted dictum 'justice should not only be done, but should manifestly and undoubtedly be seen to be done'.

a) Administrative interest in early finalisation of D&A case:-Instructions issued from time to time by the Ministry of Railways at the instance of CVC/DOPT, repeatedly cautioning the disciplinary authority to be transparent, impartial and unbiased, with an indirect indication on the possible partial attitude by the DA, it is not abnormal to find that the various instructions issued from time to time on the procedure to be followed in a disciplinary case, marginally tilts favorably towards the

interests of the charged official. Thus, the charged official is undisputedly afforded with all reasonable opportunities in every phase of the inquiry, starting with inspection of documents till submitting representation before the imposition of penalty. Although, these measures should encourage the charged official to co-operate with the disciplinary authority in ensuring completion of the disciplinary action within the fixed time frame, in reality the disciplinary cases are taking abnormally longer periods for completion. Many a time, the reasons for the delay are attributable to the charged employees. A disciplinary case requires the DA to oversee many jobs during the progress of a disciplinary case which include sparing officials in the form of IO/witnesses, arrangements for their travel/accommodation, expenditure on TA/DA/Honorarium, stationery etc., effecting the administration in many ways. If converted into monetary value, a disciplinary case is capable of resulting into a huge amount. It was estimated long back that a D&A case involves a financial impact of a minimum fifty thousand rupees on the administration. However, this financial impact might have increased manifold taking into account the present rate of pay and allowances of government servants and the rates of honorarium. Thus, the administration cannot afford to bear with the delays in finalization of a disciplinary case.

b) Time frame fixed by CVC for finalisation of D&A case:- Keeping in view of the impact a disciplinary case causes on administration, continuous emphasis has been laid down on the need to complete the disciplinary action in a fixed time schedule. The latest CVC guidelines circulated vide circular No. 02/01/2016 dt. 18.01.2016 prescribed a time schedule of 180 days for completion of disciplinary proceedings. The prescribed time limit allocates a target of 3 months for completing

the inquiry with one month and two months for the pre and post formalities connected with the inquiry respectively.

c) Obstructions in finalisation of D&A case-allegations of Bias by Charged Officials:- While the various instructions expect the disciplinary authorities to complete the proceedings within the fixed time schedules, the disciplinary authorities find it difficult to adhere to the time frame for the reason that the same is not in their control with the charged officials finding innovative methods to delay the processes.

The reasons for the charged officials indulging in delay tactics are, most of the times, the apprehensions that the disciplinary cases, particularly those initiated on the advice of vigilance, attract severe punishment. This apprehension is motivating the charged officials to choose a Defence Counsel who is known to obstruct the process of inquiry with tactics like objecting to each and every unintentional and ignorable lapse in the process and if unsuccessful in this attempt, resorting to raising bias against the IO with unsubstantiated allegations. While the role of the DC is to help the colleague employees facing the disciplinary case in the right direction, it is disturbing to observe that the DCs are able to convince the COs with the negative perceptions to the effect that the delays in finalization of the disciplinary case are more advantageous to them. To achieve this, the DCs have found out the easiest way in attributing bias.

The word bias denotes prejudice, partial attitude, show of favour or disfavour, preconceived opinion or predetermination to decide a case etc., The elaborative and well thought over procedure prescribed under D&A rules hardly leaves any scope for inviting accusations of

bias against the administrative authorities in a disciplinary case. However, contrary to this, incidents of allegations of bias are on the rise and in fact, the representations of bias which were confined to the IOs till recently, have now expanded their base to cover the DAs. It is now common to see that the allegations of bias starting from the stage of supply of documents itself with the charged officials wanting to be supplied with the same in the way they desire. For instance, in a D&A case, it was observed that a letter written by the charged official in regional language and treated as an important document to prove the charges against him, was demanded to be supplied in English version despite the fact that the charged official's literacy standards do not allow him to understand the English version leave alone reading it. This demand resulted in avoidable delay. It is further observed that the aspect has now become a precedence for every disciplinary case since there is a practice among DCs to share the tactics employed by them to delay the D&A proceedings. Refusal to supply the translated version invited allegations of bias against the DA. This illustration is one of many such tactics employed by the charged officials with the guidance of their defence counsels and explains their attitude to delay the proceedings, by abusing the facilities/privileges extended.

However, the most hapless victim of attracting allegations of bias is the I.O. Any act of the I.O. that is not to the liking of the charged employee or his Defence Counsel, results in allegations of bias. Thus, the I.O. can be charged with bias for any bizarre reason like his refusal to hold the Inquiry at the place of charged employee's choice on genuine grounds like the volume of records to be carried, refusal to allowing additional documents that have no relevance to the charges etc., In one of the cases, it was observed that the charged

employee attributed bias against the I.O. in the preliminary hearing itself which is supposed to be an introductory session. After employing all these tactics intended to delay the proceedings and still not succeeding in getting the desired result, the charged employee has the last weapon in his armoury in the form of attacking the DA or the IO with baseless charges of corruption and at times trying to resort to character assassination. The present procedure not putting restriction on number of bias representations, the charged official is seen to prefer number of bias representations, one after the other on flimsy grounds, seriously affecting the time schedules prescribed for completion of inquiry. Thus, the disciplinary authority is put in a precarious situation, unable to complete the disciplinary proceedings within the time schedules fixed for reasons not in his control. Therefore, one cannot escape from the feeling that it is time to put some serious thought into the need to review the procedures introduced long time back which are affecting the administrative machinery, time and money.

d) Procedure for dealing with Representations of Bias:- In terms of the existing instructions, whenever allegation of bias is made by the charged employee against the IO, the inquiry proceedings should be stayed and the Revising authority shall consider the bias application and pass appropriate orders after obtaining the views of the DA and IO. This is an area that consumes lot of time particularly in a Vigilance related inquiry since the stationing of various authorities at different places. It is generally observed that the IO, the DA and the RA are stationed at different places unless the charged official is holding a post in the lowest rung of the cadre. With the papers to be routed through the authorities stationed at various offices viz., unit/division/headquarters, considerable time is spent on

the disposal of bias representation made against the IO despite the best efforts put in by the respective authorities. The situation is further complicated if the revising authority happens to be a functionary in Railway Board. Analysis of bias representations preferred by the charged employees over a period of time reveals that seldom they contain substantial arguments and are rejected by the RAs on grounds of lack of any merit requiring consideration. It is not exaggerating to say that the time allocated for completion of an inquiry is almost spent on disposal of a bias representation.

e) How true are the representations of Bias?

Almost all the instructions centering on keeping the interests of the charged employee in mind, the charged employee is afforded with every possible opportunity to defend the disciplinary case by allowing him accessibility to the documents, to inspect/take copies of the same, engagement of defence counsel of his choice, opportunity to examine/cross-examine the witnesses, allowing additional documents during the course of inquiry, providing copy of daily happenings in the form of daily record sheet, providing PO's brief to enable to prepare defence brief, supply of IO's report, allowing personal hearings and finally submitting representation before the imposition of penalty etc., In a system where the charged employee is protected with all possible measures, administrative authorities acting with bias is only imaginative. As such, entertaining an application of bias may be superfluous. Making provision to entertain bias applications without any limit on the number of such applications particularly when the provision is abused by the charged officials requires to be reviewed for replacement with another effective provision that suits the employee and administration.

f) Suggestions for early finalisation of Disciplinary cases:- In order to put a check on the efforts of the charged employee to thwart the established procedures for achieving temporary gains by indulging in abuse of privileges, and to ensure that the disciplinary proceedings are completed within the time frame of six months as prescribed by the CVC, it is desirable to review the time limits for each activity. The time frame fixed for pre and post formalities i.e. two months and one month respectively is reasonable which is necessary to attend to the relevant activities. However, the time frame of three months fixed for completing the inquiry can be achieved only by fixing a rigid time frame for each of the activities involved. Certain suggestions are:

- The preliminary hearing shall be held within a week of the nomination of the IO and the regular hearing shall commence within a week's time from the preliminary hearing, preferably drawing a time table for the regular hearing during the course of preliminary hearing itself with the opinion/consent of the charged official.
- The charged official shall be asked to choose the defense counsel who can adhere to the time table fixed by the IO and not vice-versa. To achieve this, the charged official can be asked to suggest a panel of three names of defense counsels during the personal hearing with a clear undertaking to attend the inquiry with the defence counsel according to the time table.
- Adjournment of the hearing shall not at all be permitted unless on grounds of illness.
- The DA shall be careful in nominating the IO duly following the basic principles involved in the disqualification of a person to be considered for nomination as IO i.e. (i) the one who is interested in

the result of the inquiry (ii) the one who is a witness against the delinquent (iii) the one who has a pecuniary interest in the case (iv) the one who has a history of personal litigation etc., shall not be nominated as IO by the DA.

- In case the DA nominates one of the officials figuring in the above categories unknowingly, the charged employee shall have the right to question the nomination and the same shall be considered judiciously by the DA and revised nomination made. This shall only be the occasion to permit bias application to be made by the charged official in writing.
- On other occasions i.e. during the course of inquiry if the charged employee is of the opinion that certain decisions have been taken by the IO to his disadvantage, such objections can be recorded in the daily working sheet and shall be taken on record.
- IO shall record his specific remarks/comments on each allegation in the IO's report. The DA can consider the allegations of bias together with the remarks/comments of DA and in case it is felt that the allegations are worth consideration, the DA can call for additional remarks from the IO or remit the case back for fresh inquiry to be conducted either by the same IO or the revised IO, if nominated from the stage the allegations are made.
- The charged employee can have the opportunity to represent against the decision of the DA in appeal/revision petition to the Appellate and Revising authorities who shall follow the same procedure that is followed by the disciplinary authority.
- Format to submit the defence brief by the charged employee can be standardized in such a way that the same is confined to inquiry and related matters without discussion on extraneous factors but having a

provision to mention the allegation(s) of bias raised against the IO.

- Similarly, the IO's report shall also be designed on the same lines with provision to offer comments/remarks on allegations of bias.
- While passing the final orders, the DA/AA/RA shall specifically mention of having considered the allegations of bias by the charged employee and the decision thereof including non-raising of bias.

The suggestions, if considered, are felt to go a long way in reducing the unduly longer periods, presently experienced in finalization of disciplinary cases.

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1.14 DO'S AND DON'TS OF PERSONNEL DEPT.

Compassionate Ground Appointments:-

DO's

- ☑ Register the cases immediately on occurrence of the event priority-wise.
- ☑ Ensure submission of S&WI's report as early as possible.
- ☑ If there's any anticipated delay in submission of documents like death certificate etc., by the family, complete all other formalities so that the case is processed immediately on receipt of documents.
- ☑ Render the family all possible assistance in getting the formalities fulfilled for consideration of appointment.
- ☑ Save the family from falling prey in the hands of unscrupulous elements.
- ☑ Thoroughly check the credentials of the candidate being presented for appointment by verifying various declarations submitted by the employee while in service.
- ☑ Check the documents submitted in proof of age, educational qualifications etc., thoroughly, by making necessary enquiries with the educational institutions and Boards.
- ☑ Follow the time limits prescribed for various priorities by holding the screening tests, regularly on the nominated day every month.
- ☑ Ensure competent authority's approval for relaxation of age limits wherever required.
- ☑ Follow the Board's instructions issued from time to time in determining the eligible family member for appointment.

- ☑ Upload the details of pending cases on the official web site to maintain transparency and to enable the family to know the progress of case.
- ☑ Ensure prescribed competent authority i.e. DRM/CWM/PHOD/GM/Railway Board approves the appointment depending on the circumstances of the case.
- ☑ Ensure that the suitability test i.e. Written Test and Viva-voce is completed on a single day.
- ☑ Ensure obtaining declaration from the CG appointee that he/she will maintain the family dependent on the employee at the time of death.
- ☑ Ensure that the S&WI's report is kept in the Service Register of the appointee.

DONT's

- ☒ Don't offer the posts that are not within the competence of a particular authority.
- ☒ Don't consider the request of the candidate for change of category after acceptance of offer and attending the medical examination save with the approval of next higher authority.
- ☒ Don't offer appointments to regular pay band of Level-1 to those wards who are not in possession of minimum educational qualification of SSC/ITI.
- ☒ CG is not to be considered if a partially de-categorized employee has less than 5 years to superannuate.
- ☒ Educational qualification acquired by a ward subsequent to the date of application is not to be considered for determining the Group/Post.
- ☒ Don't fix the pay of the CG appointee at a higher stage than admissible without prior and personal finance concurrence of FA&CAO and the approval of GM.

Settlement:-

DO's

- ☑ Publish retirement list of employees retiring within the next two years and notify the employees concerned.
- ☑ Ensure regular and continuous updating of Service Register & Leave accounts to avoid delays in settlements.
- ☑ Ensure safe custody of SRs and Leave accounts and watch the movement in case of transit to other sections/units.
- ☑ Take immediate action in reconstructing the lost Service Registers and missing Leave Accounts.
- ☑ Organise permanent drives to obtain nominations from staff by utilizing services of S&WIs.
- ☑ Make nomination entries in the Service Register and paste the same in it.
- ☑ Advise the employee to promptly report the additions/alterations of family.
- ☑ Advise the employees to declare date of birth and age of each family member including married children, irrespective of their ineligibility for availing Pass/PTO.
- ☑ Ensure periodical checks by senior subordinates to ensure that SRs/Leave Accounts are in updated condition.
- ☑ Ensure verification of Service Register and Leave Accounts by Accounts department before six months in case of NRs and as quickly as possible in case of ONRs.
- ☑ Reckon 'Qualifying Service' but not 'Length of Service' for grant of pensionary benefits.
- ☑ Advise the retiring employee/family to opt only a Nationalized Bank for drawl of pension/family pension.

- ☑ Ensure mentioning in the PPO, of additional quantum of pension @ 20%, 30%, 40%,50% & 100% on completion of 80 years, 85 years, 90 years, 95 years and 100 years respectively by the pensioner.
- ☑ Ensure supply of 'Calculation Sheet' to employees along with settlement papers.
- ☑ Ensure mentioning all eligible family members in the PPO with their dates of birth.
- ☑ Ensure sanction of provisional pension, in case departmental/judicial proceedings are pending on the date of superannuation of the employee.
- ☑ Decide family member to receive Family Pension in terms of Rule 75(19)(b) of Pension Rules & RBE Nos. 142/97, 81/98, 44/2005 & 159/2009 since nomination is not required.
- ☑ In the absence of nomination, release DCRG to a family member defined as such in Rule 70(5) of RS(Pension)Rules,1993.
- ☑ In the absence of nomination, release amount of PF to a family member defined as such in Chapter 9 of IREC-I.
- ☑ In the absence of nomination, release CGEIS amount to a family member as defined in SC No. 97/77.
- ☑ Ensure releasing of Leave encashment to the family as defined in Rule 549A of IREC-I.
- ☑ Insist for succession certificate only when there is no family member who is eligible to receive a particular settlement due.
- ☑ Ensure release of withheld DCRG in cases of commercial/stores debits within time limits prescribed to avoid payment of interests.
- ☑ Ensure fulfillment of income and other eligibility criteria by widowed/divorced daughters before sanctioning family pension.

- ☑ Ensure receipt of Foreign Service Contributions from the respective organizations in favour of employees on deputation with them.
- ☑ Ensure receipt of 'No due certificate' from all the Railways/Organizations where the employee has worked before his retirement.
- ☑ Obtain legal opinion in all cases of disputes and dual/rival claims before releasing of settlement dues.

DONT's

- ☒ Don't recover government dues from any settlement benefit except DCRG & DR payable on Pension.
- ☒ Don't authorize Guardian to receive family pension in favour of a minor child, but ensure PPO on the name of the minor child, indicating Guardian's name.
- ☒ Don't release DCRG if the employee does not vacate the Railway accommodation on the day of superannuation.
- ☒ Don't insist for medical examination if the retired employee applies for commutation within a year.

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1.15 SERVICE CONTRACTS

Vigilance Department conducted a half day Seminar on "Service Contracts" at GM's Conference Hall on 05/04/16. Service Contracts such as Cleaning contracts of station and coaches (Mechanized cleaning at Primary Maintenance Depot, CTS, OBHS, Terminal attention for turn round trains), upkeep of premises, Workshops, Loco Sheds, Headquarters and Divisional Offices, Running rooms, Rest Houses, etc. scheduled maintenance contracts (train lighting and AC equipment maintenance, etc.) are of relatively recent origin compared to works and supply contracts which most of the Officers and Supervisors are familiar with. In Cleaning contracts a lot of legal/statutory provisions are to be complied. Further, it is also noticed that there is no standard bid document for particular type of Service Contracts. Certain deficiencies have been noticed during complaint Investigation and Preventive Checks by the vigilance Department in Service Contracts. With a view to educate the Officers and Supervisors dealing with such contracts, various aspects of the service Contracts were covered during the Seminar.

The various aspects of the Cleaning Contracts are listed below:-

- 1) Cost Estimates for the Cleaning Contracts
- 2) Eligibility Criteria
- 3) Legal Aspects of the Cleaning Contracts
- 4) Scope of the work
- 5) Special Conditions of the Contract including penalty clauses
- 6) Execution and Monitoring of the Contract

- 7) Records to be maintained at the Executives for monitoring/scrutinizing the performance of the contract.
- 8) Lessons learnt from the past Cleaning contracts & any other related issues.

These aspects are dealt in detail in the publication “Guidelines on Service Contracts”.

A Booklet entitled ‘Guidelines on Service Contracts’, compiled by the Vigilance Branch was released by the GM. Study material on Labour Acts which are key to Service Contracts on labour legislation compiled by the Vigilance Department was also given to the participants.



GM releasing the Bulletin on ‘Guidelines on Service Contracts’

A special issue of Vigilance Quarterly Publication- ‘Sachetan’ focussed on Service Contracts was also released and distributed among the participants. Seminars on Service Contracts were conducted in all the Divisions of SCR.

Sri Ravindra Gupta, GM/SCR releasing the inaugural edition of Vigilance Publication "SACHETAN" alongwith Sri Umesh Singh, AGM/SCR and Sri Gajanan Malliya, SDGM/SCR on 30th November 2015.

PENALTIES		any design from both
Sec.	Offense	Punishment
Sec. 22	Obstructions	For obstructing the inspector or failing to produce - 7 months' imprisonment or fine upto Rs.500, or both
Sec.23	Violation	For violation of the provisions of Act or the Rules, Fines or fine upto Rs.1000. On continuing contravention


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As directed by Adviser/Vigilance, Rly. Bd., a Seminar on Service Contracts on Indian Railways was organized at Northern Railway, GM's Conference Hall on 25/05/16. SCR made a presentation on various aspects of Service Contracts, duly highlighting the deficiencies noticed on investigation of Complaints and Preventive Checks.

The Service Contracts are manpower intensive and they are at inception stage. The concerned officials are encountering lot of legal/statutory obligations. During the course of action, a meeting was conducted with Executive Departments and Service Providers. There are certain issues which came out during the meeting and these issues are yet to be addressed. The details are as follows:

Sl.No	Issues Discussed	Remarks/Comments
1.	Night Duty Allowance	There are no clear instructions as per the binding legal Acts such as Contract Labour Act, 1970 and Minimum Wages Act, 1948. These issues are clearly discussed in Factories Act, 1948 and Apprentices Act 1961. These issues may be addressed by the Executives duly taking the legal opinion /Competent Authority's approval.
2.	Staff Working on National Holidays	
3.	Overtime Allowance	O.T. Allowance is as per Section 14 of Minimum Wages Act. Calculation part of OT is not enumerated in this Act. Hence, it is advised the Executive may take the legal opinion / Competent Authority's approval for the calculation of OT allowance.
4.	Bonus	The Bonus is as per payment of Bonus Act, 1965. However, the applicability of this Act was not clear for Cleaning Contracts. The Executive may take Legal opinion/ competent Authority's approval in this connection..

5.	Payment of Min. wages based on the Central/State Circulars	There is a provision for payment of wages as per Central/State circulars whichever is higher and advantageous to the work force. This issue is having financial implications and necessary advise of Finance may be taken into consideration.
6.	Period of Contract for 3 years	As per Railway Board Commercial Circular No.51 of 2014 dtd.28/11/14 the period of Cleaning Contract is 3 years. The Executive may take approvals of the Competent Authority for increasing the period of contract 3 years for other Service Contracts.
7.	ISO certification in eligibility Criteria	The ISO certification is applicable in OBHS Contracts as per Rly. Bd. Ltr. No.2006/M(C)/165/9 dtd.01/10/07. Suitable decision may be taken by the Executive for the Accreditation Agencies.
8.	Provision of CL and LAP for the Contract Labour	There are no clear instructions as per the binding legal Acts such as Contract Labour Act, 1970. Hence, these issues may be addressed by the Executives duly taking the legal opinion and

		Competent Authority's approval
9.	Payment of ESI & PF	The present rate of Employer share of PF is 13.61% and the Employee is 12%. Similarly, the present rate of Employer share towards ESI is. 4.75 % and the Employee is 1.75%. The payment may be made as per actual based on the documentary evidence taking into the consideration of the share of both the employee and the employer.
10.	Contracts for emergency closure	As per Railway Board Commercial Circular No.51 of 2014 dtd.28/11/14, there is a provision for operating the Cleaning Contracts on quotation basis in emergency circumstances. The Executive Department may examine the same and may proliferate for other Service Contracts duly taking the necessary approvals.
11.	Provision of MSME guidelines in dealing the contracts	It is an Act of Parliament and as per Mechanical Department letter dtd.20.01.15 issued based on Railway Board letters.
12.	Technical Eligibility Criteria	This provision is available in Rly. Bd. Circular

	of the Contract, A suitable clause may be incorporated for the ineligibility of the Contractor if the penalties levied are more than 7%.	No.2000/M(C)/141/7/Vol.I V dtd.21/12/10 for Pest & Rodent control in Trains. The Executive Department may examine for proliferation to other Service Contracts duly taking the approvals.
13.	Standardization of Bid Document	There are various types of Service Contracts and the scope differs from one Contract to the other. Hence, the Executive Departments may take initiative for preparing the Standard Bid documents for same nature of Service Contracts.
14.	Penalty Clauses	The Penalty clauses may be standardized based on Bd.'s guidelines issued from time to time.
15.	Measurement Book	At present the Measurement Book used for works contracts is also utilized in Service Contracts. The Core Activity is entirely different, hence, the Executive Departments may take initiative for preparing the separate M. Book for same nature of Service Contracts.
16.	a) Approved Panel of Vendors	The Executive Departments may take

	for Materials/Machines etc. b) Standardization of Materials, Machines, Tools, Gadgets, etc.	initiatives for standardization of materials and approvals for the panel of firms.
17.	Bio-metric Attendance	The Bio-metric attendance based on IRIS may be implemented and Surveillance through CC Cameras already available can be made use of.
18.	Standardization of Protective Gear	The protective gear differs from one Contract to the other based on the scope of the work. The Executive may standardize the protective gear based on the nature of the Service Contracts .
19.	PVC Clause	The PVC Clause shall be incorporated as per the SAG recommendations.
20.	Provision of plug points	The suitable plug points can be provided away from food stalls/base kitchen so that the Rodents will not damage the machinery.
21.	Exclusion of Manpower Cost in Estimates	The payment of wages is as per the circulars issued by the RLCs. A prudent exercise is needed in arriving the manpower requirement in Service

		Contracts duly taking into account the mechanized portion of the Service Contracts. It is noticed that this element constitutes a major portion of the estimate. Hence, it may not be shrewd to exclude this portion in the estimates. However, the embedded PVC clause will take care of the revision in wages.
22.	Attendance & Performance	<ul style="list-style-type: none"> • Iris based digital attendance system shall be made compulsory for all cleaning contracts. • Surveillance CC cameras can be made use of, for monitoring the performance of the Cleaning works.

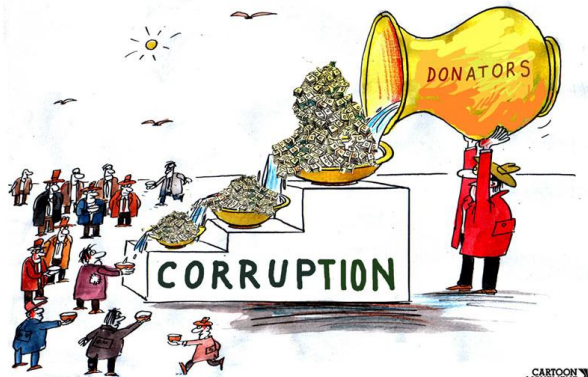
Apart from the ACTs mentioned, the other relevant Labour Laws are listed below:-

- The Apprentices Act, 1961
- Factories Act, 1948
- Employment Exchanges Act, 1959
- Industrial Disputes Act, 1947
- Industrial Employment Act, 1946
- Maternity Benefit Act, 1961
- Trade Union Act, 1926
- Payment of Bonus Act, 1965
- Payment of Gratuity Act, 1972

The applicability of these Acts to the Cleaning Contracts are not explicitly mentioned in the relevant circulars. Some of the issues raised are pertaining to the above said Acts. Hence, it is prudent to stick to the basic laws as embedded in the Tender Document and deal the issues accordingly. The provision of the above said issues may inflate the cost estimate and there is a chance of mishandling the same. The Cleaning Contracts are at inception stage and system maturity is required in handling the issues. The systems are in place to address the disputes arose out of these Contracts.

The issues discussed in the booklet are broad guidelines for handling of the Cleaning Contracts. The relevant Board's instructions from the respective directorates and the original Acts with latest amendment needs to be referred for any doubts/dispute which may arise while dealing with the tenders and execution of the contract.

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1.16 IMPLEMENTATION OF IMMIS FOR MEDICAL STORES

Over 2000 Medicines including Surgical Equipments are required for all the Hospitals/Health Units of SCR. Hitherto, the transactions and the ledgers were maintained manually for these medicines. As a result of the initiative taken by Vigilance Department, the management of pharmacy stores of Central Hospital, Lallaguda, the six divisional hospitals and Health Units attached to Rayanapadu and Tirupati Workshops has been connected through web-based software iMMIS. The Digital Signature Certificates are provided to the Medical Officers/Pharmacists and training was also imparted to the concerned Officials. The medicines are uniquely identified with PH No. (Pharmacopia No.) and the same is linked to the PL No. The other features such as Batch No. & Expiry Dates are also available in the module for First in First Out (FIFO) process. The module includes:-

- Registration of PO
- Receipt of Material
- Inspection
- Issues
- Requisition Registration
- Stock Position
- Depot Transfer
- Availability Status
- Bin Card Position, etc.

As a result of this economy in stocking of medicines/ transfer of stocks to needy hospital from a unit having higher stock can be done and local purchase minimised.

Stock Master (Depot-31)							
Depot	Ward	PL No	Description	AAC	Stock	BAR	AAC Value
31	01	82010055 (PH NO.:1017)	RECOMBINANT HUMAN ERYTHROPOIETIN INJ	100	714	522.9	52,290.00
31	01	82010663 (PH NO.:3020)	IBUPROFEN 400 MG + ACETAMINOPHEN/ PA	250000	47600	84.28	2,10,70,000.00
31	01	82010808 (PH NO.:3038)	PARACETAMOL 500 MG TAB+	600000	622200	42.41	2,54,46,000.00
31	01	82010869 (PH NO.:3049)	ETORICOXIB 90 MG TAB+	100000	81200	1.52	1,52,000.00
31	01	82010924 (PH NO.:3057)	PARACETAMOL 650 MG TAB+	500000	647500	.34	1,70,000.00
31	01	82010997 (PH NO.:3066)	HYDROXY CHLOROQUIN SULPHATE 200 MG T	150000	54000	2.5	3,75,000.00
31	01	82011047 (PH NO.:3075)	TRANEXAMIC ACID 500 MG + MEFENAMIC A	20000	19800	7.35	1,47,000.00
31	01	82011333 (PH NO.:4011)	OMEPRazole 20 MG CAP+	2000000	50000	58.88	11,77,60,000.00
31	01	82011424 (PH NO.:4020)	RABEPRAZOLE 20 MG CAP. +	150000	257500	.44	66,000.00
31	01	82011941 (PH NO.:6002)	AMOXICYLLIN 1000 MG + CLAVULANIC ACI	2500	3590	37.8	94,500.00
31	01	82012015 (PH NO.:6009)	AMOXICYLLIN 500 MG CAP+	40000	64150	280.34	1,12,13,600.00
31	01	82012209 (PH NO.:6035)	CEFOTAXIME SODIUM 1000 MG INJ"	12000	3911	26.1	3,13,200.00
31	01	82012398 (PH NO.:6061)	DOXYCYCLINE 100 MG CAP+	15000	10000	114.77	17,21,550.00
31	01	82012441 (PH NO.:6067)	LINEZOLID 600 MG TAB	4000	20820	13.34	53,360.00
31	01	82012465 (PH NO.:6069)	LEVOFLOXACIN 500 MG TAB+	20000	4500	292.27	58,45,400.00

[99:IREPS]

Availability Status of Items

Railway|REPS| Dy.CMM Select ☒ Depot: EPSDEPOT02 ☒ Section: 01 ☒ Vital/Safety: Vital ☒

HQ/Depot: ☐ HQ-Dy.CMM wise ☒ Dept-wise ☐ Stock Basis: ☐ Current Stock ☒ Month Opening Stock

Select

Date: 15/10/15

IREPS

Comparative Position of Availability of Vital Items

Depot	Ward	No. of Items	%age >1m stock	Availability of Stock				
				Nil-Stock	<1month	<2month	<3month	>6month
02-EPSDEPOT02	01	43	63.49	1	20	21	25	29
	02	5	80.00	0	1	2	2	3
	03	2	100.00	0	0	0	0	0
	04	27	85.19	1	4	7	7	13
	05	12	83.33	1	2	3	4	7
	08	5	80.00	0	1	1	2	3
	14	16	66.25	2	7	11	11	12
	Total	110	68.18	5	35	45	51	67
GRAND TOTAL		110	68.18	5	35	45	51	67

Click on this icon and drop down list of Vital/Safety

Select
EPSDEPOT01
EPSDEPOT02
EPSDEPOT03
EPSDEPOT04
EPSDEPOT05
EPS06
EPS08
EPS23
EPS24
EPS25
EPS 27
EPS28
EPS28
EPSDV01
EPSDV62
EPSDV63
EPSDV64
Projects
EPSDepo99

1.17 ROLE OF PRESENTING OFFICER DEPARTMENTAL INQUIRY

*-- Sri H. L. Narasimha Prasad,
AEO.*

Presenting Officer is appointed on behalf of Disciplinary Authority to present the case so that the charges levelled against the charged officials are substantially defending and in arriving at a logical conclusion to establish the allegations against Charged Official. The role of Presenting Officer in many ways a challenging and comparable to that of the anchor runner in a rally race where many people have occasion to carry the baton and finally the last person in line, an intelligent Presenting Officer while presenting the case can make up the deficiencies committed by many people in accomplishing the target.

The Presenting Officer is required to perform several functions, predominantly he is required to lead the evidence of the disciplinary authority and counter the contentions raised by the charged official. The explicit functions of the Presenting Officer can be classified into the following:

- (a) Presenting the documentary evidence,
- (b) Leading the oral evidence on behalf of the Disciplinary Authority,
- (c) Cross examining the defense witnesses;
- (d) Preparation of presenting of the written brief;

Successful accomplishment of the above functions there were some implicit as well to be performed by the Presenting Officer such as liaison with the Disciplinary Authority throughout the course of inquiry.

The duties of the Presenting Officer commence before the initiation of the proceedings by the Inquiry Officer, for which the preparation is very essential which have bearing on the successful outcome of the case. The following broad points are found to be essential while dealing the case by the Presenting Officer.

(a) Examining the nomination order of Disciplinary Authority and documents. The Presenting Officer is appointed by the Disciplinary Authority under Standard Form No.8, after receipt of the above nomination order under Rule No.9(9)(c) from the Disciplinary Authority the Presenting Officer should cross check for the following documents;

- (i) Charge sheet along with enclosures;
- (ii) Written statement of defence submitted by the charged official; in the absence of the same a confirmation to the effect that the charge sheet has been served on the charged official;
- (iii) A copy of the order of appointment of the Inquiry Officer;

(b) Discussion of the case with the Inquiry Officer. It is normally felt that the Presenting Officer is the agent of the Disciplinary Authority and his endeavour is to establish the charges levelled against the charged official. On the other hand the inquiry officer is an impartial authority who is required to arrive at a logical conclusion based on the evidence (oral and documentary) adduced during the course of inquiry. The Presenting Officer also considers himself that he is assisting the inquiry officer as well in ascertaining the truth the charges. It is often said that the relationship between the Disciplinary Authority and the Presenting

Officer is similar that of the client and advocate as such the Presenting Officer is compared to that of a Government Council, it is duty bound on the counsel and owes a responsibility towards the Court in helping the court to ascertain truth. On similar analogy the role of Presenting Officer and Inquiry Officer is understood in the departmental inquiry in ascertaining the truth in the charges.

(c) Assimilation of the charges in the charge sheet:
The Presenting Officer can present the case in arriving at establishing the truth in the charges, if he understands the case of the Disciplinary Authority thoroughly. The charge is understood as that a person has done something which should not have been done or as failed to do something which should have been done. The following clues may help the Presenting Officer in understanding the exact allegation of charge by posing the following questions to the article of charge.

- i) What has the charged officer done or fail to do?
- ii) What was required to be done or not to have been done?
- iii) Which rule or instruction prescribes what is required to be done or not to be done?

If the Presenting Officer found answers to the questions as above, the documentary evidence establishes the charge to greater extent since the charge is required to be proved on the basis of certain facts which are to be identified in enabling to prove the charge.

(d) Linking of the facts to the evidence: Every fact that is required to be established in the charge must be presented through some form of evidence. Presenting Officer should make an endeavour to locate and identify the evidence at his hand for establishing the fact. This can also be done by searching out the facts to be proved in the inquiry and examining the documentary evidence and oral evidence through witnesses as cited in Annexure-III and IV respectively of the charge memorandum. In analysing and understanding the case it can be of great help if the Presenting Officer has a discussion of the case with the Investigating Officer who has carried out the preliminary investigation since the Investigating Officer has already arrived at certain conclusions on the basis of the evidence gathered by him during the course of investigation. While doing so the Presenting Officer should also anticipate the probable line of defense that would be put forth by the charged official while presenting his defense to the charge.

Nevertheless, once the Presenting Officer is clear about the charge and the basic facts which are required to be proved in establishing the charge he should try to imaging case of the Disciplinary Authority by re-constructing the various stages involved in the transaction by using the information as set out in imputations of misconduct and misbehaviour. In case of there is inconformity in the information available in the Annexures to the charge sheet there is a possibility that there is a missing link which do not sustain the charge in establishing in a logical manner and such identification of missing links at an early stage is very essential so that an immediate remedial action in arranging to issue corrigendum can be taken before being made out by the charged official during the course of inquiry the possibility for avoidable remedial action may not be

permitted. In this regard the Presenting Officer being new to the case enjoys a great advantage because he views the case entirely on the basis of the contents and records available with the charge sheets.

It is therefore felt that the above preliminary steps before proceeding with the case for inquiry in ascertaining the truth in the charges are taken care off at the earlier stages, the possibility of avoidable mistakes leading to exoneration on technical flaws can be reduced and the culpability of the charged official can be sustained to a larger extent.

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" My integrity is important to me so I can sell it to the highest bidder. "

1.18 MASS CONTACT AREAS

Definition:-

Usually refers to the areas, where large number of users come in direct contact with the frontline staff. It creates the first impression about the organization and is prone to complaints. Response mechanism shall be quick to the passenger complaints.

Types of Mass Contact areas:

- Booking offices
- Reservation offices
- Circulating area
- Luggage and parcel offices
- Train
- Involves image of the railways

Causes of Malpractices:

- Lack of transparency
- Gap in demand and supply
- Illiterate/Ignorance of passengers
- Last minute need of passengers
- Customers willing to pay speed money

Mass Contact Areas are familiar as



Booking Office



Reservation Office



Ticket Checking Activity

Booking Office:

- Excess charging, Currency note dropping
- UTS frauds- manipulations in printing of tickets, Non issued tickets
- Resale/recycling of tickets
- Sale of forged tickets, fake tickets
- Manipulations in EFTs/BPTs
- Manipulations in remittances, CR/TR notes

Reservation Office:

- Connivance of ECRCs with touts & RTSAs
- Tatkal reservation and opening day ARP reservations- Touting activities and manipulation with PRS terminals
- Cancellation and refund-use of fake/scanned tickets for refunds
- Party/group bookings
- Misuse of Change of name facility

Trains :

- Carriage of Passenger without tickets
- Irregular Reservation/priority violation by TTE
- Demand of illegal gratification & non-issue of receipts by TTEs
- Blocking of berths on fictitious Passes such as Metal, Card, IC Passes etc.

1.19 PUBLIC PARTICIPATION IN PROMOTING INTEGRITY AND ERADICATING CORRUPTION

-- Sri S.Krishna Reddy,CVIl/Engg.

The present status of Indian social structure shows no better change than pre independent India. Our leaders drafted a constitutional framework for Indian democracy as a welfare state with an idea of overall social development under the provisions of secular and socialist democratic setup. In fact we could not strengthen the basic setup, idea and implementing the principles of our constitution. In order to enjoy the fruits of democracy, welfare schemes meant for the poor and downtrodden citizens, we must have check on the government establishments. In order to ensure social and financial integrity of society, government make laws, this needs proper understanding and implementation by the public servants. In the process there is a possibility of favouritism and corruption may creep into system, due to which the poor fail to get their due. To overcome this failure, government needs to obtain feedback from the public and take remedial measures.

The failure of Indian political, economic and governance systems of democracy, in developing the country, can be attributed to social evils i.e. corruption, regional and other biases. Tackling these problems head on is, one of the important factor in achieving social and economic integrity of Indian society. These problems can be better tackled by public participation, for which Government has to make provisions in the statutory frame work, viz; if government introduces a welfare scheme, a feed forward and feedback mechanism shall be in place for proper implementation of the scheme.

Corruption: corruption is a process of seeking benefits through illegal, immoral and unjustified methods. The very roots of Indian economy are being eaten away by corruption, severely damaging the lives of the poor, due to failure in providing quality goods and services at affordable costs. A healthy and vibrant society can be established only when the society is freed from the social evils.

Here in a democracy every citizen has a better role to play. Citizens must be vigilant about the activities of the government and take timely action to protect the public welfare activities from corrupt and vested interests. Social media, on line activities of the governments provide sufficient information through Digitization of government operations, providing on line services to public, in the form of apps. to monitor the progress of projects. Citizens can use RTI act as a tool to ensure better compliance of projects of public importance, sending the information through cell phones to the prescribed apps provided for obtaining response from the citizens. As a matter of fact the best part of the public participation comes through electing honest and patriot candidates as their representatives. Public participation is the best method to ensure integrity and strengthening the democratic institutions thus creating a vibrant society.

As a result of public participation by way of complaints, many irregularities were noticed/investigated on top priority, which led to the recoveries from the agencies and system improvements were suggested to plug the loop holes.

1.20 THINGS YOU WANTED TO KNOW ABOUT THE VIGILANCE DEPARTMENT AND VIGILANCE INSPECTOR BUT WERE HESITANT TO KNOW

-- Sri S Naveen Kumar, CVI/Accounts

1. Why do we have a Vigilance department?

We have a Vigilance branch to provide Railway employees and Rail users with a sense of safe and secured working environment. The Vigilance branch is there to monitor all vigilance activity and advising various authorities in Government organizations in planning, executing, reviewing and reforming their vigilance work. On Railway side, Vigilance branch strives to uphold transparency duly functioning within the ambit of rules governing, as well as prevents and detect frauds/embezzlement and arrest corruption/malpractices. In simple words, Vigilance department acts like a surveillance cameras in the work place

2. What are the Vigilance inspectors are expected to do?

The Vigilance inspectors is expected to be thorough with the updated version of rules/regulations in vogue and should be vigilant to prevent or at least control frauds/embezzlements in the working system. Any fraud/malpractice is detected or come to the notice of Vigilance inspectors, they investigate them logically and put a substantial report. Vigilance inspector's report is generally of fact finding report prepared in detail and based on the documentary evidence, for the Superior vigilance officers to draw the conclusive remarks. The Vigilance branch gathers the information about what is happening in and around the Railway arena it serves.

It is the responsibility of Vigilance inspector to uphold the responsibility of Vigilance branch. Further

Vigilance inspector with his investigative skills, tries to find lacunae in the present working system and with the approval of competent authority propose transparent and easily executable system improvements for efficient working of Railways. He should educate/counsel the staff, share his experiences, by highlighting grey areas and guide employees to be Vigilant and to be very alert, while carrying out their routine duties duly updating the rules/statutory enactments issued from time to time by Railway Board/Zonal Railway.

As Railway's jurisdiction is spread across length and breadth of the country, various vigilance checks are needed to be conducted at grass root level to apex level. That is the reason best work force among the Railway is chosen on merit to carry out the Vigilance duties efficiently.

3.Can anyone become a Vigilance Inspector?

Yes, anyone can become a Vigilance inspector/officer. However, you have to fulfil the conditions and rules laid down for that particular designation. For example, to join as a Vigilance inspector you need to have at least be in a non-supervisory/Supervisory cadre with certain pay scales laid down.

4.What is the eligibility criteria to become a Vigilance inspector?

1. Volunteers should be working in Pay Band Rs. 9300-34800 with G.P. Rs. 4600/- (pre-revised) on regular basis (Not MACP) or Pay Band Rs. 9300-34800 + 4200 (GP) on regular basis (Not MACP) and should be of other than ministerial Staff of Traffic Department.
2. Staff working in Pay Band Rs. 9300-34800 + 4200 (GP) (pre-revised) on regular basis (Not

MACP) with minimum of 02 years service in that grade will also be considered if there is no eligible volunteer from the staff in GP Rs. 4600/- However they are not eligible for special allowance of Rs. 2500/- per month.

3. The volunteers should have put in minimum five years service in Railways as on the date of notification.
4. They should be free from DAR/SPE/Vigilance cases and should not have been taken up under DAR as a result of SPE/Vigilance cases during their entire period of service. They should have good record of service with proven integrity.
5. They should not have served an earlier tenure as Inspector either in the Vigilance Branch or in the Vigilance Directorate of Railway Board.
6. They should have flair for vigilance work i.e. in vigilance investigations and other associated works including putting up investigation reports. Nature of work requires extensive travelling. Therefore, volunteers should be willing to work under such condition.
7. Working knowledge in computers is desirable.
8. They should be working in a cadre post and not ex- cadre post.

5. How can you become a Vigilance Inspector?

There are three levels at which you can join as Vigilance inspector. (1)At the Zonal level you can join either as a Vigilance inspector/Chief Vigilance inspector. Vigilance inspectors have to take a written entrance test. If written is cleared then you are called for viva voice. Then you will be sent for a comprehensive training conducted by Vigilance Directorate/Railway Board at Diesel Simulation Center/Tuglaqabad/New Delhi for week. On S.C.R, Vigilance inspectors are stationed in Zonal Headquarters. (2)At Board level, they are called

as Inquiry Inspectors who are stationed at New Delhi. The procedure for selection is same as Vigilance inspector at Zonal level. (3) Railway PSUs/CORE have their own Vigilance departments, the selection procedure would be same as of Vigilance inspector at Zonal level, subject to variation in the eligibility criteria depending on the requirement by PSU/CORE as case may be.

06. Are there women in the Vigilance inspector cadre and Do women Vigilance inspectors have different duties?

Yes, but there may less than 2% of Vigilance inspectoral cadre on Indian Railways. No, so far as rules in vogue are concerned women Vigilance inspectors carry out the same duties as men.

07. Is a Vigilance inspector always on duty?

Vigilance inspector is "considered to be always on duty". But that does not mean that he is never allowed to rest . It just means that wherever he is, on a rest day, or in or out of duty hours, whenever he witnesses any malpractice or gets a source information, or receives orders by Superior Vigilance officers, he should attend the same.

08. What rules govern the Vigilance Department?

Rules enshrined in Vigilance manual and Central Vigilance Commission's and Vigilance Directorate/Indian Railway's guidelines issued from time to time.

09.What kind of duties are performed by Vigilance Department

- a. Conducting preventive checks as per targets prescribed by Vigilance directorate and also conduct decoy checks.

- b. Conducting investigations on Complaints received at Zonal, Board and CVC level.
- c. Conducting seminars, educating the Railway employees working in mass contact area of general public, administrative offices, field offices, any premises about the areas of fraud, frauds detected, counselling staff through Power point presentations through various case studies and by distributing brochures with 'Dos' and 'Donts' in various spheres of working in the respective department.
- d. Proposing executable and affordable System Improvements for , smooth, effective and transparent functioning of Railways.
- e. Recommending DAR action to Disciplinary Authority on erring Railway employees as per DA&R and Railway conduct Rules

10. Can a Vigilance inspector come to your working place unasked and search your Desk and take files away with or without your knowledge, frisk your pockets?

Yes. Vigilance inspector can come to your work place at any time without information and conduct surprise checks. Vigilance inspectors are provided with Authority Card by CVO to inspect the Railway premises and seize the documents related to the Vigilance investigation. However, Vigilance Inspector cannot unilaterally search your desk, however he may request you to open your official desk/almirah/cupboard etc, or even break the lock with the permission of Head of the office or immediate supervisor as witness in suspicious situations. Vigilance inspector cannot even frisk pockets of Railway employees on duty but can take assistance of Railway Protection Force personnel on inevitable suspicion grounds. Vigilance inspector can seek the files/documents relating to Vigilance investigation, by a

written or oral request and also seize them if required by issuing seizure memo at the work spot. No permission is required to be taken by Vigilance inspector to seize the documents from the Head of the office or immediate Supervisor. Generally, Vigilance inspectors shall formally inform Head of the office or immediate supervisor before seizure of the documents. Railway employees are expected to render co-operation during the Vigilance investigation and reveal facts when sought for by Vigilance inspector to not only make the Investigation smooth but also protect the interest of the employee/Railways.

11. Suppose You want to inform the Vigilance department about a malpractice or corruption, what do you do?

If you, as a general public or Rail user or Railway employee, come across any Railway Staff demanding bribe or indulging in any other corrupt practice, If you have noticed any malpractice in any aspect of Railway Working or have a suggestion to prevent/minimize malpractices, Chief Vigilance Officer of the Railway to be contacted immediately. **If the complainant desires that his name/address should not be disclosed, the same will be upheld by Vigilance department.** The complaint can be lodged telephonically, written, through SMS, email or through online in the website. On SCR, the following web link can be opened for contact details of Vigilance department to lodge a complaint: www.scr.indianrailways.gov.in/view_section.jsp?lanq=0&id=0,1,383,557.

12. Are you supposed to furnish your name & contact telephone number while lodging the complaint? Will contact details of the complainant will be kept anonymous.

Yes. Complainant must invariably furnish his name, genuine and full address, phone number while lodging a complaint. Vigilance department keeps the contact details of the complainant anonymous.

13. Will you be kept informed of the progress of your complaint?

There is nothing specific in the rules which require the Vigilance department to keep you informed about the progress of a case. Any leakage of information would compromise the investigation of complaint.

14. Will all complaints shall be investigated by the Vigilance Department?

As per the Vigilance manual, only authenticated complaints, complaints received from Board, CVC complaints and Public Interest Disclosure & Protection of Informers (PIDPI) complaints needs be investigated. Anonymous and pseudonymous complaints will be filed as they need not be investigated at Zonal Level.

15. Do I have to go with a Vigilance inspector if he asks me to come with him somewhere?

It may not be necessary. However, if the Vigilance inspector is asking you to come along to be a witness to something he is doing as part of his duty or in the middle decoy or preventive check investigation, requiring your expertise technical or non technical opinion, then you must go along and assist/help him with the permission of keeping you immediate supervisor or Head of the office informed. In Railway parlance you are a witness who can tell the inquiry officer or the Court of law, independently what you saw/witnessed at that moment on that particular day.

16. Suppose a Vigilance inspector asks me to come to the Vigilance office, do you have to go?

It depends on the gravity of the case. However It is always good to render full cooperation with the Vigilance Inspector. As per direction, you may come to Vigilance department keeping your Head of the office or immediate supervisor informed. Otherwise, if Vigilance inspector wants to officially question you or to take official statement, seek any clarification about any malpractice committed by you or your colleague, he has to summon you in writing requesting your Head of the office to relieve you on duty.

17. Do I have to answer all the questions the Vigilance Inspector/ officer asks?

Yes. It is always better to answer questions honestly in a straight forward manner and inform the Vigilance official of any facts you may know. It is always better not to hide the facts. If you do not know anything, then the Vigilance official cannot force you to make any statement, or put words in your mouth. You should be co-operative in answering the questions posed to you and should sign the statement that you have given your statement with full conscious and without any pressure and coercion of the Vigilance official questioning you.

18. Can a Vigilance Department punish railway employee if he has done any wrong/misconduct in his routine working?

After thorough investigation and collecting documentary evidence, and while furnishing the conclusive remarks to close the case, Vigilance official can only recommend punitive action under DA&R to the Disciplinary authority duly advising the DAR action to be taken (depending upon the gravity of malpractice, inaction etc) to be charged on the employee . Such punitive action may arise only and only if any Railway employee is found violating the conduct rules, inaction of duty, non adherence of rules/procedures stipulated in

various manuals/codes of Indian Railways, tampering of initial records, forgery, engaging in corrupt practices/malpractices etc. It is pertinent to mention here that imposing penalty or otherwise purely lies with Disciplinary Authority not with Vigilance department.

19. Whether vigilance inspector is friend to Railway employee?

Vigilance inspector is indeed a good friend to the Railway employee. Vigilance Inspector investigates any case based on documentary evidence, ascertains malafide intentions if any, and shall only put-forth facts and logically furnish conclusive remarks in his investigation reports to Superior Vigilance officers, *who in turn may or may not initiate punitive action against the employee depending on the merits of the case.* Vigilance inspector is just doing his job, as he is meant or expected to do as a Railway employee. On a general trend, of late experienced by Vigilance inspectors, they are seldom wanted/liked by Railway employees, or even by his colleague friends to whom he worked with prior to joining Vigilance branch. Railway employees and Vigilance inspectors should have mutual respect among each other as it is also a fact that both are part of the Railway Organization. It has to be understood in a right spirit that both are carrying out their jobs to achieve desired Organizational results/targets. Hence, everyone is urged, not to have any apprehension about Vigilance department/official as it/he acts like friendly guide to put you in the correct system of working and ensure you carry out your work within the ambit of the frame work of rules. Everyone must join hands with Vigilance department to make Railway a corruption free department and jointly strive for its overall development with zest and vigour.

1.21 PUBLIC PARTICIPATION IN COMBATING CORRUPTION THROUGH USE OF IT

- G.Sreenivasa Babu, CVI/Computers

Corruption is a function of both the opportunity to request/receive bribes. Corruption exists in all sectors of society. It damages a country's development by undermining faith in public institutions, increase costs for firms and discourage investments. Regardless of sector and level of transactions, corruption hampers development. Corruption shall be fought at all levels and Information technology is a strong tool to improve awareness as well as fight against corruption.

The fight against corruption cannot be won without Employee/public support, vigilance and public participation. Vigilance organization alone cannot completely eradicate corruption without the support of employees/members of organization.

The media, employees of organization, trade unions and other users of services play a crucial role in fostering public discussion of corruption and increasing awareness about the negative impacts of corruption. They also screen and scrutinize Organization's action thereby contributing to the detection and prevention of corruption.



a). Core Values for the Practice of Public Participation :

- Φ Public participation is based on the belief that those who are affected by a decision have a right to be involved in the decision-making process.
- Φ Public participation communicates to participants how their input affected the decision.
- Φ Public participation promotes sustainable decisions by recognizing and communicating the needs and interests of all participants, including decision makers.
- Φ Public participation provides participants with the information they need to participate in a meaningful way.

Use of RTI act is one such step towards disclosing the facts of financial terms by various organizations in unearthing the corrupt activities.

b). Use of IT :

All Citizens must have access to public information in order for social equality to function.

“Access to means of communication, in particular, to Electronic Communications is now seen as necessary for achieving development and, therefore, should also be considered as an economic and social right.”

Therefore, Access to information and transparency are thus prerequisites to report corruption at all levels.

In Railways, a number of activities are now made transparent such as e-ticketing, SMS ticketing, e-tendering, e-auction, Introduction of citizen charter etc. Transparency reduces the opportunities to corrupt activities and arrests the out of way sanctions of works/proposals/postings etc.

Public can also raise their voice through various websites available such as
www.indiaagainstcorruption.org.in,
www.transparencyindia.org , www.rtiindia.org,
www.anticorruptionfront.org , rti.railnet.gov.in ,
<http://fightcorruption.wikidot.com/>

This enables public to come forward, without fear of their disclosure, to fight against corrupt activities.

Now-a-days social media plays an important role in sharing the information which is not only reaching the people quickly but also alarming certain responsible citizens to raise their voice against corruption.

IT offers the opportunity for the organization also to better deliver information & services and to interact with employees and other stakeholders in an effective manner.



The extensive practice of public participation against the corruption may affect the thoughts of atleast some people who are bend to corruption. This may change the mindset and break the corruption chain.

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1.22 VIGILANCE: A FRIEND, PHILOSOPHER AND GUIDE

-- Sri D Durga Rao, OS/SDGM/O/SC

Vigilance stands for watchfulness, alertness and caution. This abstract idea of Vigilance guides us to be on vigil, to be vigilant, to be alert and builds up the good image and reputation of both employees and organization duly protecting the honest and correcting the other people.

In life /nature everything has one negative aspect and the other one is positive aspect. If you take the examples of electricity, fire, knife etc., they can be utilized either for constructive purpose or for destructive (negative) purpose indicating both the aspects of leaving and it is left to the individual for proper usage of a tool. Most of the times, we think of positive side of these things. Similarly, we have two faces of Vigilance Organization i.e deterrent aspect and positive aspect. Truly speaking, Vigilance Organization acts as a friend, philosopher and guide for both employees and Organization, if it is viewed, analyzed, and understood in the right spirit.

The purpose and existence of Vigilance Organisation is similar to a parent who act as the friend, philosopher and guide in the right perspective. The comparative roles of Vigilance Organisation visa-vis a parent can be broadly classified in three aspects viz in Preventive, Detective and Punitive vigilance and the role a parent in different stages in a child's life.

Stage	Role of Vigilance Organisation	Role of a Parent
Preventive Vigilance (which is similar to childhood)	In the Preventive Vigilance, the Organisation tries to locate sensitive	A parent takes utmost care in locating the possible dangerous

	spots, examines the existing procedures, simplifies the rules/procedures, tries to improve transparency, accountability, promotes awareness by conducting preventive checks to avoid possible damage to the Organisation.	things like fire, knife, electrical gadgets/ tools and tries to keep them away from the child to avoid possible danger. The parent tries to correct manners, behaviour and inculcates good habits, duly teaching lessons on honesty and promoting awareness of good and bad things.
Surveillance and detective Vigilance. (which is similar to adolescent)	Surprise checks/ inspections are carried out with the assistance of informers or other sources for the detection of irregularities in the organization.	A parent tries to keep a vigilant eye on the activities of the children with their friends and tries to find out the faults by monitoring their progress by making visits to college and corrects them, if necessary.

Reactive or Punitive Vigilance (Entry into early stage of manhood)	The task of the Vigilance Organisation is to carry out thorough investigations and assisting disciplinary authority in taking punitive action by initiating and following up disciplinary proceedings based on the principle of natural justice and taking up the employee dealing with actual lapses only after the charges are proved.	When a child commits a mistake parent acts/reacts and takes punitive measures to correct the child, with a view to avoid reoccurrence of such incidents, once it has come to the light that the child really committed the mistake. This goes a long way in the formation of child's personality.
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The above three stages are important both in Vigilance Organisation as well as man's life. But there is another aspect **which is reformative**. A parent does not leave the child after punishing the child. He/she guides and tries to reform and putting it on the right path. Similarly, the Vigilance Organisation does not solely focus on detection of irregularities after which ensures that appropriate punishment is awarded. But also secretly reviews the cause with the intention of reformation of the Employee. The Vigilance Organization reviews, reduces, alters the punishment and tries to reform them in genuine cases. This **Reformative Vigilance** aspect has not been highlighted

which should pierce the hearts of staff, thereby paving the way for friendly user aspect of our Organization

Further, the Vigilance Organization advises them to be good human beings and guides the employees to follow the correct procedures in their respective jobs apart from teaching like a philosopher who explains the difference between good and bad of life just as a parent.

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" WE'RE ALL ABOUT INTEGRITY HERE. BY THE WAY, IF MY PARTNER CALLS, TELL THAT I'M NOT IN."

1.23 THRUST AREAS

In accordance with the CVC's theme of Vigilance Awareness Week of 2015" Preventive Vigilance as a tool of Good governance", greater emphasis was made on Preventive Vigilance which plays a positive role in good governance. Accordingly, Rly. Board has advised Zonal Railways to focus on the following:-

- (i) improving systems and procedures aimed at eliminating scope for corruption.
- (ii) identifying complex rules and procedures and simplifying the same.
- (iii) reviewing discretionary powers.
- (iv) ensuring accountability
- (v) Sensitizing officials, and
- (vi) Facilitating a culture of integrity by promoting ethical practices.

The specific Thrust areas are as follows:

- i. Scrutiny of Expenditure Contracts.
- ii. Procurement & Accountal of M&P and other high value assets.
- iii. Scrutiny of Earning Contracts.
- iv. Checks on Mass contact Areas
- v. Leakage of Oils & Lubricants.
- vi. Laying of various cables as per contractual conditions.
- vii. Scrutiny of Bills.
- viii. Receipt & Accountal of New & released materials.
- ix. Checks on various aspects of Selections, CG appointments etc.
- x. Maintenance of in-motion weighbridges.
- xi. Checks on Hospital management.
- xii. Checks on Bill passing of agency/suppliers bills.
- xiii. Checks on security staff incl. Touts, TSVs and unauthorised vending.

CASE STUDIES

2.1 CASE STUDIES (ENGINEERING)

1) Irregularities in construction of compound wall with pile foundation

- During, the vigilance investigated the work of compound wall constructed with Under Reamed piles and Brick work. the following irregularities were noticed.
- It is noticed that the work of construction of compound wall, 334 nos of under reamed piles were executed without providing the Bulbs. But as per Item description under reamed Piles were to be provided with single Bulb of 2.5 times of pile diameter
- Quality of bricks used for this work got tested and found the compressive strength of 35.90 N/mm², but the payment was made for 7.5 class designation without ensuring the compressive strength of bricks.
- Executive failed to send the Bricks for testing before commencement of work.
- An Amount of Rs. 10, 30,479.11 was paid excess to the Agency. On account of inflated measurements.
- The same was advised concerned officials for recovering the amount from the contract agency.

2) Irregularities in operation and execution of boulder filling item in formation

- a) The work of boulder filling item has been executed and paid to the contract agency with a high value USSR item for a quantity of 3493.0 cum amounting to Rs. 37,96,395.94/- without prior approval of the competent authority.

- b) The boulder filling work has been executed without the support of any technical data. There is no technical survey done except an undated calculation sheet of AXEN,
 - c) CE/C advised the Dy.CE to operate a suitable existing NS item which is advantageous to railways as the USSR item already executed and paid is not a suitable item and not covering the actual work.
 - d) Deduction of payment of Rs 37, 96,395 from the contract agency was made consequent to the vigilance check findings.
 - e) No reference was made to any of the soil exploration lab recommendations while recording instructions in site order book.
 - f) Misused the guidelines of CAO/C circular dated 03.11.2011, by operating boulder filling item at a location which is neither a water pond nor a water body. There is no past history of bad bank, bad running on UP & DN tracks of the section,
- 3) Based on complaint Investigation for the works of Conversion of track and LCs and other misc. works following Irregularities noticed..
- CC-I bill was Recorded by AXEN/ duly carry forwarding the record measurements made in TWO different MBs and bill paid for a gross amount of Rs 68 Lakh (apr).
 - It is found from the latest record measurements that many of the Items are repeatedly recorded for payment which were already recorded and paid to agency vide CC-I.
 - Material transaction records like DMTR/LEDGERS are not maintained for any of the works said to be executed and recorded for payment.

- The signatures of recording official is same but designation of the Official is different i.e latest designation is written at different Record measurements
- The hand writings made by the MB recording official are appearing to be recorded in the recent , and tallying with recent hand writings made before retirement.
- The Earth work and Moorum works said to be executed are not having any TEST CERTIFICATES for their suitability as per railway standards , and also calculation sheets are not signed by any of the Official and measurements are recorded for payment .

4)The ballast was collected along the New line formation. Random stacks were checked and following Irregularities noticed.

- One ballast stack of Quantity 86.50 CUM Failed in Sieve analysis due to Under size ballast as per RDSO specifications of Ballast.
- Excess quantity up to 12% found recorded and paid for 03 stacks.
- When vigilance went for field for further investigation , it is noticed that rejected stack and other checked ballast stacks dumped , without obtaining dumping permission and vigilance clearance.
- Ballast Dumping particulars are not maintained and further observed that , the Ballast stacks are dumped 2.0 to 3.0 km Away from the stacked Location.

- An Amount of Rs 4, 21, 573/- to be recovered from the agency towards the Excess Paid/ Rejected Ballast Quantity.

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2.2 CASE STUDIES (ELEC, S&T and MECH.)

- 1) During check conducted at Stores of S&T/Con in one of the Divisions, it has been noticed that –
 - a. 12 core cable (Ledger E4/301) of 2529 mts and 6186 mts are made transferred to 24 & 30 core cables in the electrical ledger for stock adjustments, without approval of Competent Authority. Responsible staff has been taken under DAR action.
 - b. 24 Fiber OFC cable of 274 kms length procured during 2012. Out of which, 115 kms length cable is lying in the Stores till date. It has been advised to Construction Unit to utilize the cable for the required ongoing works.
- 2) During check at SSE/Sig office in one of the Divisions, the following Discrepancies have been noticed:
 - a. In the staff attendance register SSE/Sig & JE/Sig are not mentioning their daily movements even though they are performing their monthly and quarterly inspections.
 - b. Muster copies checked and noticed that ESMs claimed wrong TA, even on “Rest” days. Clarifications sought from Division.
- 3) In one of the S&T Cable laying work, it has been noticed that cable trench depths are measured and found less than 1.2 mtr, but payments have been made to the contractor. Further, it is noticed that at some places Sand & Bricks or DWC pipes are not being used to protect the cables as per schedule. Case is under investigation.
- 4) In one of the AMC contract of Electronic Interlocking Equipment, it has been noticed that checklist of AMC

at site is not being properly maintained as per the prescribed format given in the Agreement. Case is under investigation.

- 5) In one of the checks on Electrical Maintenance at Station, it is observed that domestic category LT supply was extended to commercial category LT supply, due to failure. Tariff for the Domestic category LT supply is less than commercial category LT supply. Transco inspected and imposed a penalty for extending domestic supply to commercial supply. Further, it is observed that Fan and light circuits are tapping at the private stall on platform instead of control at ASM office. DAR action was initiated against the responsible officials.
- 6) In one of the checks on Electrical Stores, it is observed that Agreement copies are not available at field units. Supervisors are not aware of the inspection clause. At many Stores units, it was noticed that the Custodian is accepting material without consignee inspection. A system Improvement was suggested to CEE to issue necessary guidelines to field units in this regard.
- 7) In one of the check conducted on loco sheds, it is observed that Asset register is not being maintained for the M&P items and their particulars are also not recording. Further, it is noticed that there is no proper records for warranty claims for the M&P items. Case is under investigation.
- 8) In one of the OBHS checks on Trains, it is noticed that deployment of staff is lesser than the scheduled quantity and shortage of men & material. Further, it is noticed that outsourcing OBHS staff are not wearing uniforms and not possessing valid ID-cum-

travel authority. Qualified Supervisors are not being deployed as per the agreement. On Vigilance advice, an amount of Rs.92,470/- was recovered from the contractor for non-deployment of qualified supervisors, shortage of men & material and other deviations as per the agreement.

- 9) In one of the RCD Depot, it is noticed that the accountal of HSD-4 Register was not tallied with book and ground balances and also the Register was not being updated daily. DAR action has been taken against the responsible official for not maintaining HSD oil accountal properly in HSD-4 register.

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2.3 CASE STUDY (ACCOUNTS)

1) Irregular drawal of dearness relief on pension by re-employed pensioners.

- ❖ During the Preventive Checks conducted across the Divisions on South Central Railway on the thrust area of “Drawal of DR/DA on Pension by re-employed pensioners”, it was noticed that Dearness Relief on pension is being paid to certain re-employed pensioners who are not eligible to draw the same.
- ❖ As per the Rly.Bd.’s Lr.No.F(E)III/99/PN/1/21 dt. 05.08.1999, Dearness Relief on Pension can be admitted to the re-employed Pensioners only when Basic Pay is fixed at minimum of the pay scale of the post in which they were re-employed. Otherwise they are not eligible for DR.
- ❖ The list of re-employed pensioners, their Pay Scale, Basic Pay as on date of absorption etc. are not available at Personnel Department as well as Accounts Department. Hence, all PSUs (IRCTC, RVNL, RCIL, CRIS, IRCON, CONCOR & RITES) under S.C.Railway jurisdiction have been addressed to furnish the details of absorbed employees in the required Proforma. One of the PSUs has responded immediately and furnished the details of absorbed employees.
- ❖ As per the details received from a PSU, copies of PPOs of re-employed staff whose Basic Pay was fixed more than the minimum Pay Scale of the Post, obtained from the respective Divisional Accounts Office (Sr.DFM) and HQrs (FA&CAO/SC). As per the PPOs, details of

Dearness Relief have been obtained from the respective Banks from which re-employed pensioners drawing their Pension.

❖ Details of Overpayment:

- During the course of preventive checks, an employee who absorbed with a PSU on technical resignation from Railway Service, voluntarily approached Sr.DFM's office and Bank, requesting them to calculate the overpayment with regard to irregular DR drawn by him on his Pension and based on the advice of Sr.DFM & Bank, he remitted the full amount to the tune of Rs.4.91 lakhs to Railways through Demand Draft.
- Overpayment involved w.r.t. employees absorbed in only one of the PSUs for 11 employees is Rs.65,01,790/-.

❖ Short Comings Noticed:

- CPO/Sr.DPO's offices failed to connect the above Bd.'s letter while sanctioning Pension.
- Office of Sr.DFMs failed to connect above Railway Board's letter while issuing PPOs. However FA&CAO's office is following.
- No PSU issued necessary details of re-employed staff to Railways regarding basic pay and scale of post at the time of absorption.
- CPO/Sr.DPO's offices did not approach PSUs to seek the details of basic pay and scale of the post in which staff were absorbed.

❖ **Action taken:**

- FA&CAO/Sr.DPOs/Sr.DFMs were advised to stop the payment of DR with immediate effect and recover the overpayment.
- FA&CAO/Sr.DFMs/Sr.DPOs were advised to fix up staff responsibility.
- FA&CAO and CPO/SC were advised to review the cases of re-employed cases as per the Railway Board's instructions vide Bd.'s Lr.No.2012/AC-II/21/Misc matters, dated 11.04.2016.
- Chief Vigilance Officer of PSU was advised to take up the absorbees under DAR, who are receiving DR and failed to intimate Railways regarding non-admissibility of DR.
- Details of absorbed staff belongs to S.Rly., S.W.Rly & E.Co.Rly. were forwarded to the respective SDGMs for similar check.

2.4 CASE STUDY (MEDICAL)

A preventive vigilance check was conducted in one of the division. During check, PME records of serving employees were subjected for verification on random and the results of the check are as under-

- Gist of Irregularities noticed:
 - ✓ In one of the divisions the Medical Examiner while conducting the Periodical Medical Examination (PME) for serving employee belongs to A-2 medical category has recorded the acuity of Distant Vision uncorrected (naked eye) in one case as 6/24, 6/18 and in three cases 6/18, 6/18 (without glass), which is less than 6/12, 6/24 in one eye and corrected vision 6/9, 6/9 (with glasses).
 - ✓ **Rule Position:** As per Para 512, 7 for employees, (b) of IRMM 2000 for A-2, wherever naked eye distance vision is less than 6/12, 6/24, full ophthalmologic examination of the fundus etc., will be made by an eye specialist to find out the possibility of any progressive disease in the eyes.
- **Observation:**
 - ✓ In all four cases, the uncorrected acuity of DV is 6/24, 6/18 & 6/18, 6/18 which is less than prescribed limit i.e. 6/12, 6/24 in one eye. The Medical examiner failed to refer the cases to eye specialist for Fundus examination to rule out possibility of any progressive disease in the eyes and made the employees fit, which act is contrary to the provisions of IRMM 2000, Para 512, 7 (b) for employees.

- ✓ To establish whether it is intentionally avoided or consciously avoided duly considering the condition of the patient, was advised to conduct fundus examination of the above employees afresh.
- ✓ All the 4 employees re-medical examination of fundus had been carried out by an Ophthalmologist on the advice of Vigilance. No irregularities were noticed in re-medical examination and all the employees were made fit in their respective category.
- ✓ Since all the results are found to be normal, it was concluded that there is no malafide intention attributed on the part of Medical examiner in not referring the employees to full ophthalmologic examination. However, there is a procedural lapse on the part of medical examiner in not referring for full ophthalmologic examination is established, which is violation of Para 512, 7 (b) of IRMM Vol. I – 2000.

➤ **Conclusion:**

- ✓ For violation of provisions of IRMM-2000, Para 512,7(b) for employees, an administrative action of Recorded Warning to the medical officer was advised by the Railway Board Vigilance.

2.5 CASE STUDY (TRAFFIC)

Misuse of Concessions and Transfers of Tickets by Railway Passengers:- Indian railways have a large number of special fare concessions for different categories of travellers. These concessions are non transferable and available for the use of the bonafide passengers. However during preventive checks, vigilance department has come across numerous occasions where concessions are being misused by the travellers.

1. A preventive check was conducted as per source information by Train No.17018 Secunderabad – Rajkot express. During the course of vigilance check it was observed that thirteen passengers travelling in S9 and S10 coaches were holding PRS generated reservation tickets. The PRS tickets were generated using the senior citizen concession and all the passengers had confirmed accommodation. During the investigation it was found that the passengers produced Photo ID cards bearing some other names than those printed in the charts. The passengers booked the tickets on senior citizen concessions but actually they were not entitled to. As per extant rules, the thirteen passengers were treated as travelling without tickets and penalised.
2. A preventive check was conducted by Train No 12626, Kerala Express. During the investigation it was found that four passengers were travelling in S5 coach holding Physically Challenged Concession Certificate issued by a Civil Surgeon. The passengers had confirmed accommodation. The passengers who produced the concession certificates could not produce any Photo ID cards. They confessed that the concessions don't belong to them. These

concessions were given to the actual holders for travelling on their names and they have misused to get accommodation in the train. As per extant rules, all the passengers were treated as travelling without tickets and penalised.

3. On source information a preventive check was conducted in a Third AC tourist coach by Train No 16318, Himsagar Express. During the course of the check it was noticed that the coach was booked for 72 passengers and seven unauthorised passengers were travelling in 3A tourist coach. On being questioned they stated that they have paid Rs 17500 /- per head for the tour to the tour manager. All the seven passengers were treated as travelling without authority in the tourist coach. An amount of Rs 98560/- was realised towards fare and penalty from the seven passengers.
4. Tout Case:- Vigilance checks were conducted on Tours & Travel Agents at Jeedimetla and Nagole. It is noticed that personal IDs were used for the issue of the e-tickets on commission basis, i.e. different commission rates were levied by the Touts. In this connection, almost 40 live tickets were seized worth of Rs.75,000/-. The cases were registered by RPF under Section-143 of Railway Act and the involved were taken up duly following the provisions.

2.6 CASE STUDIES (STORES)

1.0 Delivery Of NF Scrap

A PC was conducted in one of the Scrap Depot Units at the time of delivery. The lot was having silver content and which can be easily detected by visual inspection. On further investigation it was found that proportion of the Silver content was not endorsed on DS-8. The concerned DMS received the material in a casual manner. The R.P. was also fixed without taking these factors into account. All the witnessing officials were also delivering the material without focusing on the composition of the material. On intervention of the Vigilance Team, the delivery was not effected and the concerned officials were taken up. A reference was made to the Executive for the proper scrutiny of the material along with the relevant documents.

NF Items contains Silver Portion



Similarly, fresh material containing non-ferrous composition was mixed with sold lot in the same Unit. Based on the Vigilance check, the fresh material was segregated and the concerned officials were taken up.

- 2.0 In one of the Units, a lot was formed and sold without proper documents. The relevant DS-8s were misplaced and not connected properly. The relevant DRP, Lot/ Bin Registers were not maintained properly. As a result, the RP was fixed based on the physical check of the material and an expert advice from the Technical Department. For formation of the Lots during the survey, DS-8s and related documents are necessary. The concerned officials were taken up, duly making a reference for proper maintenance/updation of relevant registers and documents.
- 3.0 In one of the Unit after receipt of material, in the Receipt Section, the concerned supervisors are certifying the Delivery Challans for AP (95%+5%). As per clause – 8 of General Conditions of contract and PO Conditions, the Delivery Challans shall be certified by the Consignee Gazetted Officer towards receipt of the material for the purpose of Payment. In the Bill paying office also, the payments were made without proper scrutiny of the Bills. The concerned officials were taken up.
- 4.0 In a Vigilance Checks, the released materials were noticed at different Units. a) Released Wagon Components in a Depot b) P.Way material in the Yard/Section.

These material were not taken into the books and lying without any action for a long time. At the instance of Vigilance, these material were taken into the Books and the material were offered to the Depot/Division for disposal.



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2.7 CASE STUDIES (PERSONNEL)

1. Irregularities in allowing Annual Increment-Personnel Department.

In one of the investigations conducted by Vigilance, it was observed that 62 Guards of a Division were allowed annual increment one year earlier, resulting in huge overpayments. The investigation revealed that based on VI CPC's recommendations, qualifying service required for allowing Annual increment was reduced from one year to six months w.e.f.01.01.2006. While deciding uniform date for drawl of annual increment, the recommendations provided for allowing annual increment to an employee on 1st July of that year if he/she is appointed or promoted on 1st January of the year. However, the date of implementation of VI CPC i.e. 01.01.2006 happened to be a Sunday, the Railway Board, vide RBE No.64/2009, made an exception to the rules by clarifying that a person appointed/promoted on 02.01.2006 could also be allowed annual increment on 1st July, 2006. It has been observed that the Guards recruited through RRB and allotted to the division, were required to report at ZRTI, Moula Ali for the initial course commencing from 02.01.2006. However, the Guards whose number was relatively large, were directed by the Personnel Branch to ZRTI on 02.01.2006, with the result they could report at ZRTI on 03.01.2006. However, the date on which the Guards reported at ZRTI was recorded in their SRs as 02.01.2006 instead of 03.01.2006. It appears that the discrepancy was unintentional and was done with oversight of the dealing staff. Though the Guards drew their increment on 01.01.2007 in VI CPC structure, while revising the pay in VI CPC and taking cognizance of RBE No. 64/2009, annual increment was allowed on 01.07.2006 i.e. one year in advance. The impact of wrong mentioning of

DOA and consequent drawl of annual increment on 01.07.2006 resulted into over payment of approximately 1.14 lakhs in favour of one employee and Rs.70.68 lakhs (approximately) in favour of 62 employees. This overpayment is apart from higher fixation allowed in VII CPC structure which would have continued and resulted into further loss on railway revenues but for Vigilance interference. The division has been asked to recover this over payment from the employees.

2. Irregularities in Guards Booking

One of the PCs conducted in a division revealed that the Guards are not adhering to the link chart issued by Sr.DOM and freely manipulating the same. It was observed that the Guards are freely exchanging the duties without the knowledge of concerned officers to suit their convenience. In one of the cases, one Guard was allowed to work continuously without availing PR against the safety norms. It was observed that the Division borrowed 15 Guards from neighbouring division while many Guards of the division were being utilised in Control Office, Guards Lobby or kept as spare. The sparing of Guards from neighbouring division has resulted in payment of OT to the Guards of the Depot.

Apart from choosing to work on the Trains/Routes of their liking, it was observed that the Guards of the depot are indulging in malpractices while claiming Mileage and other Allowances. The modus operandi has been that the software developed by the CRIS has a provision to enter the Train No. to enable the system to calculate the distance involved in the working of a Train. The Guards were found to be selecting an alternate route with excess distance that is meant to take care of diverted routes in emergencies (like floods/accidents etc.) with a mala fide intention to gain additional Kms resulting in inadmissible higher monetary benefits. In a sample check done, Vigilance observed that two Guards

claimed Rs.20,000/- more than what was admissible. It was also observed that the Guards are submitting the claims without counter signature of SS which are not subjected to any check in Sr.DOM's Office or in Personnel/Accounts Branches. The two Guards who claimed excess mileage than admissible were taken up under D&A proceedings duly recovering the overpayment. The division has been asked to ensure that the mileage statements submitted by the Guards are checked by the Depot clerk before countersignature. Sr DOM has been asked to nominate a team of TIs to thoroughly check the mileage claimed by the Guards of the depot.

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3.0 CORRUPTION

Corruption.....
Now a days, a passion
But really, it is a distraction

It may give a mansion
But remember,
It keeps you in prison

It is pollution
It feels you in an illusion

It leads to destruction
For the future,
It is an obstruction

Corruption is the pest for the Society
Honesty is the best for better country

Corruption is danger
Encounter it like a soldier

P.Srinivas, CVI/P

