

**Message from the Chief Vigilance Officer**




Every employee of the organization has a significant role to play in building the nation. PSU's have access to vast natural resources and also deal with substantial amount of public money. It is our responsibility to use these resources and funds in the best possible manner to ensure that the intended benefit is reaped by the society at large.

Similarly, PSU's should also ensure that they generate adequate returns on the investments made by them. Such dual role and responsibilities necessitate that we conduct our business in a free, fair and transparent manner. It is the responsibility of each one of us to be watchful, be alert and vigilant in our day to day business activities.

In this perspective, Vigilance is considered to be one of the important roles of management, as an integral part of our business DNA. Ethics is one of the core values and should govern all our actions, if our organization has to reach commanding heights.

Last but not the least, I seek the active involvement of readers to share your wisdom, feelings, knowledge and experiences, through your write ups, to bring awareness, in order to usher in a sustained culture of Good Governance as well as guiding in reorienting the organization in a new direction – NAI DISHA.

24.06.2019

  
(Gulab Chandra Rai)  
CVO, STC

**Use of Technology to remove  
root cause of Corruption**

To gain efficiency in any process, activity and work in our day to day life/our work places, in our households, we take the help of the technology or tools.

The technology has emerged as the tool to refine the processes. Hence, we must use or take the help of technology to handle problem of the corruption. Technology is the key enabler for the automation of the various processes and bringing the transparency in the system.

In the Era of Technology when each one of us is technology savvy. Everyone is using smart phones, using numerous software enabled applications each one of us become technology addicted.

So, when technology is pumped into our blood then why we cannot use it to tackle the corruption? We can - definitely!

We must use this opportunity to automate each process and remove manual operations and make it open to the society and related authorities; so as to make it very transparent.

Also, we have to understand that problem of corruption not only lies in the business, taxes returns but in the field of education, sports, health case, police, judgment etc. are also the other important areas where if we take/use the technology as the process enabler it can help up to major extent.

***“Technology comes, corruption goes, corruption goes, growth comes, growth comes, happiness increases, Happiness Increases, Target Achieved.”***

## Difference between Policies and Procedures

Rules and regulation of the business organization are framed in the form of **policies**. These are the guiding principles of an organization. It should not be confused with procedures, as both are created by top level management for middle and low-level management. **Procedure** implies the step by step sequence, for the performance of activity within the organisation.

Policies are general statement that sets out the limits within which decisions are taken by the managers and thus assures the consistent performance. On the contrary, procedures, suggest the exact way of performing an activity. It indicates the sequence for handling various business activities.

The substantial differences between policies and procedures are mentioned below :

Basis for comparison	Policies	Procedures
<b>Meaning</b>	A precise statement which contains the set of principles for acting as guidelines for achieving the goals of an organization is known as Policy.	The Procedure is a systematic sequence for an activity or task which is predefined by an organization.
<b>Nature</b>	Policies are flexible in nature, i.e. they allow exceptional situations.	Procedures are rigid in nature.
<b>Reflects</b>	The mission of the organization.	Practical applicability of the policies.
<b>Best Implemented when</b>	Fully acceptable by the people.	Follow a logical process.
<b>In support of</b>	Strategies	Programs
<b>Involves</b>	Decision Making	Actions

## Definition of Policies

Policies are also known as the mini-mission statements that are formulated by the top management, for serving as guidelines to take quick and rational decision regarding the day to day operational activities of the company.

Policies affect the internal structure and routine activities of the entity which requires periodic decision making. They are generally in the form of the concise statement. While crafting the policies of the organisation, some points are to be taken into consideration:

- They must be based on past experiences, facts, and knowledge.
- People who are going to be influenced by these policies must actively participate at the time of framing it.
- They need to be modified with the modifications in the operations of the entity.
- They should be versatile and completely acceptable by the people.

Policies are an integral part of the big organisation which helps in its smooth functioning. They provide some common parameters over which the management can take a consistent decision over a long period.

## Definition of Procedure

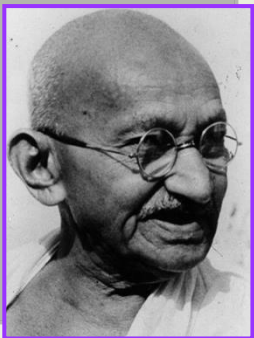
A schedule of activities which needs to be performed, one after the other, in a fixed period, having a proper beginning and end is known as the procedure. The idea of procedure has been developed to avoid the overlapping of actions and haphazard manner of performing activities. This saves a lot of time and a proper series of actions is framed, which will reduce chaos. Procedures are made for the successful completion of a program. They are made for directing the lower level workers of the organisation.

In government offices, procedures are known as “Red Tapism” where you have to follow sequential steps in the performance of activity, like for making a driving license or a passport or PAN card, etc. Procedures can be framed taking these points into consideration:

- Based on experience, knowledge and facts.
- They are made for difficult tasks.
- A specific objective must be there behind any procedure.
- The procedure should give the required outcome at the end.

### Conclusion

Policies and Procedure both are part of the internal structure of the organisation, so they are ‘inward directed’. They are concerned with the middle or supervisory level management. Both can be changed periodically without having any adverse effect on the management of the company. They focus on bettering the efficiency of the firm from the operational activities. They are not contradictory to each other, but complementary to each other. Hence they go side by side.



**Carefully watch your thoughts, for they become your words. Manage and watch your words, for they will become your actions. Consider and judge your actions, for they have become your habits. Acknowledge and watch your habits, for they shall become your values. Understand and embrace your values, for they become your destiny**

**....Mahatma Gandhi.....**

## COMPUTER FORENSICS

1. Computer forensics deals with identification, documentation, extraction and preservation of computer evidence. Typically, computer forensic tools exist in form of computer software and hardware, procedures and communication protocols. To ensure accuracy and reliability of computer evidence, it is imperative to go for cross validation of the results through use of multiple tools and techniques and standard procedures.

A computer is any electronic, magnetic, optical or other high-speed data processing device or system which performs logical, arithmetic and memory functions by manipulation of electronic, magnetic or optical impulses, and includes all inputs, outputs, processing, storage, computer software or communication facilities which are related or connected to the computer in a computer system or computer network.

A computer system is a device or collection of devices, having interface with input and output support device, which are programmable; and can be used for performing logic, arithmetic, data storage and retrieval, communication control and other functions making use of computer programmes, electronic instructions and input/output data. Computer network refers to interconnection of one or more computers through communications media.

2. With growing and widespread use of computer technology, a computing machine/computer system/communication network can be used for committing irregularities/crimes; at the same time, these objects can also be victims of nefarious activities. The first step in the direction of committing such activities is to have access to a computer/computer system/computer network; the access may be physical or from a remote location through a communication network.

Though unauthorized and remote access to a computer/ computer system makes investigation in to an act of omission or Commission difficult, we need to realize that such acts, like any other conventional irregularity/crime, leave behind evidence at the scene of crime.

Electronic evidence normally consists of an electronic record which, in turn, may be in form of data, image or sound stored, received or sent in an electronic form or micro film or computer generated micro fiche. Computer data means a representation of information, knowledge, facts, concepts or instructions, prepared in a formalized manner and intended to be processed in a computer system or computer network. Significant digital sources of evidence include computers, mobile devices, removable media and external data storage devices, online banking software, e-mail/notes/letters, telephone records, financial or asset records, electronic money transfers, accounting or record keeping software, etc.

3. A computer forensic examination may reveal when a document first appeared on a computer, when it was last edited, when it was last saved or printed, and which user carried out these actions. It can detect sophisticated money trails / movement of proceeds of corruption. As much of the day-to-day communication and financial transactions are conducted over the Internet, real time monitoring of bank accounts, e-mail traffic and the interception and processing of other forms of on-line data become important for conducting a proper investigation, complementing traditional investigative and surveillance techniques.

However, all these activities require the assistance of a digital forensic expert. The Cyber Forensic Laboratory and Digital Imaging Centre, functioning under CFSL/CBI, assist investigating/enforcement agencies in the collection and forensic analysis of electronic evidence. Services of other such forensic laboratories of Central/State Government or NABL accredited laboratories may also be used for this purpose.

### TRAINING IN FORENSIC SCIENCE

Commission expects that Departments/Organisations should take steps to build capacity of their personnel, engaged in vigilance inquiries & investigations and disciplinary matters, etc., in Forensic Sciences. Commission has organized several training courses for CVOs and vigilance functionaries in several premier institutes. Some of the organisations have also got tailor-made courses organized.



**Swami Vivekananda**

**“All the powers in the universe are already ours. It is we who have put our hands before our eyes and cry that it is dark”**

### **Important Circulars**

#### **I - Guidelines for dealing with disagreement between DA and CVC in cases of granting Sanction for Prosecution — regarding**

DoP&T vide Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 has issued revised guidelines in supersession of earlier guidelines issued vide DoP&T's OM No.134/2/85-AVD-I dated 15/17-10-1986 for dealing with/processing cases/requests of granting Sanction for Prosecution.

A copy of DoP&T's Office Memorandum No.372/6/2017-AVD-III, dated 01.03.2019 is for strict compliance by all Administrative Authorities in the CPSUs/PSBs/PSICs/FIs and Autonomous Bodies etc. while dealing with cases of Sanction for Prosecution is as below :

"In supersession of this Departments OM No. 134/2/85-AVD-I dated 15/17-10- 1986 the following guidelines are laid down for strict compliance while dealing with disagreement between the Disciplinary Authority (DA) and the Central Vigilance Commission (CVC) in cases of granting Sanction for Prosecution

2. The work relating to according of Central Government's sanction for the prosecution of any person in a case investigated by the Central Bureau of Investigation (CBI) which was centralized in the Department of Personnel and Training, has since been decentralized and vested in the Ministry/Department concerned vide Cabinet Secretariat's Notification No. CD-826/86 dated the 30<sup>th</sup> September, 1986.

2.1 The CBI recommends prosecution of persons only in those cases in which they find sufficient justification for the same as a result of the investigation conducted by them. There are adequate internal controls within CBI to ensure that a recommendation to prosecute is taken only after a very careful examination of all the facts and circumstances of the case. Hence, any decision not to accord sanction for prosecution in such cases should, therefore, be for very valid reasons.

2.2 The following guidelines may be kept in view while dealing with cases of sanction of prosecution:

(i) in cases in which sanction for prosecution is required to be accorded in the name of the President, the CVC will advise the Ministry/ Department concerned and it would be for that Ministry/Department to consider the advice of the CVC and to take a decision as to whether or not the prosecution should be sanctioned.

(ii) in cases in which an authority other than the President is competent to sanction prosecution, and that authority does not propose to accord such sanction, it is required to report the case to the CVC and take further action after considering the CVC's advice vide para 2(vi)(b) of the Government Resolution by which the CVC was set up and the CVC's letter No. 9/1/64-DP dated 13<sup>th</sup> April, 1984.

(iii) In a case falling under (i) above, if the CVC advises grant of sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice, the case should be referred to this Department for final decision.

(iv) In a case falling under (i) above, if the CVC declines sanction for prosecution but the Ministry/Department concerned proposes not to accept such advice and proposes to grant sanction for prosecution. the case should be referred to this Department for a final decision.

(v) In a case falling under (ii) above, if the CBI Has sought sanction for prosecution and the CVC has recommended grant of sanction, and yet the competent authority proposes not to grant sanction, the case should be referred to this Department for final decision.

(vi) Where two or more Government servants belonging to different Ministries/Departments or under the control of different cadre controlling authorities are involved, the CBI will seek sanction from the respective Ministries/Departments or the respective competent authorities in accordance with the procedure laid down in the above paragraphs.

Where sanction is granted in the case of one of the Govt. servants but sanction is refused in the case of the other or others, the CBI will refer the case to this Department for resolution of the conflict, if any, for final decision.

**Where the Vision is one year  
Cultivate flowers,  
Where the vision is ten years  
Cultivate trees  
Where the vision is eternity  
Cultivate people**

**II - International Youth Contest of Social Anti-Corruption Advertising "Together Against Corruption!" .....hosting of poster/video competition in India.**

**(STC Circular No.2/2019 dated 10.06.2019)**

CVC vide communication No.019/MSC/001 dated 28.05.2019 has informed that during the BRICS Anti Corruption Working Group meeting held in January 2019 at Tokyo, the Russian Federation had made a presentation on the anti-corruption poster and video competition promoted by the Russian General Prosecutor's Office and suggested that a similar initiative be organized with the participation of all BRICS countries. **India agreed to participate in the contest.**

2. The contest will be held in two stages : Semi Final (National Level) and Final (International Level). At the Semi-Final stage each of the co-organizers (Member countries) will submit online one best Poster and one best Video to the Organizer (Russian Federation) by 31.10.2019 for onward transmission to the International Jury for selection of final winners. Besides, best 10 posters and 10 best videos are also required to be submitted to the Organizers for hosting on the official website for exhibition purposes. The Russian Federation will transmit the works of the top winners from each Co-organizer (member countries) to the International Jury for evaluation and shortlisting of best 3 posters and 3 videos.

3. The Competition/Contest rules are available at the official website <http://anticorruption.life/en>. The contest is open for participation in India from 01.06.2019 to 30.09.2019 under two categories : "The Best Poster" and "The Best Video".

The contest is open to nationals of Interstate Anti-Corruption Council and the BRICS countries (individual authors and creative teams, individuals and legal entities) between the age group of 14-35 years.

4. The contestant/individual needs to register on the official website <http://anticorruption.life/en> with personal information and thereafter upload their works online. The participants are requested to create **social anti-corruption advertisements** in

video and poster format on the topic "**Together Against Corruption**". The contest posters/videos of participants can be in the official language of the States or in English. However, if in the former, the same should carry its translation in English in posters and English sub-titles in videos in view of the international nature of the contest including the captions, graffiti, texts, conversations, dialogues in video, slogans, etc.

Since the project is really unique and drawing attention to one of the most important problems – corruption. The works of the contestant should meet the goals, objectives and restrictive requirement of the contest. Best three posters and videos will be awarded suitably at the National Level, wherein a Committee constituted by DoPT for evaluation of the works of contestants after appraisal and submission of the shortlisted entries by the Vigilance Study Circles (VCS). The National Committee would select one top winner and two prize winners from each category as well as 10 best additional works from each category for onward transmission to Prosecutor General's Office of the Russian Federation. Prizes would be awarded to the top winner and two prize winners (for both poster & video) at the National level.

In order to take part in the contest, interested applicant may kindly register with a personal account on the Official Contest website <http://anticorruption.life> complete the registration form and confirm his/her agreement with the Contest Rules and consent to the personal data processing.

For more information, please visit the website of Central Vigilance Commission [www.cvc.nic.in/](http://www.cvc.nic.in/) BRICS2019-PosterContest-Circular.

## VIGILANCE PRUDENCE

Where procedures are the systematic activity, prudence entails a cautious judgment in a specific condition and exceptional circumstance in the context of a tender. Application of prudence becomes imminent where procedures/guidelines are insufficient/silent and it is apprehended that merely guidelines do not remain to be reckoned. Some situations are stated below where prudence may play a vital role:

- In the case of complexity of product/work, a pre-bid meeting is necessitated to formulate the NIT and other yardstick with a view to make the tendering process competitive, inclusive and successful.
- Analytical judgement i.e. prudence comes into play, where a situation has arisen of cancellation of the tender /re-tendering. A logical and wise decision is warranted keeping in view of market trend, emergent situation etc. in the interest of the company.  
In the case of cartel formation, a cautious decision is essential and application of prudence becomes important.
- Any other special circumstances, where decision entails upon analysis and study of situations, prudence comes into operation to arrive at a logical conclusion.

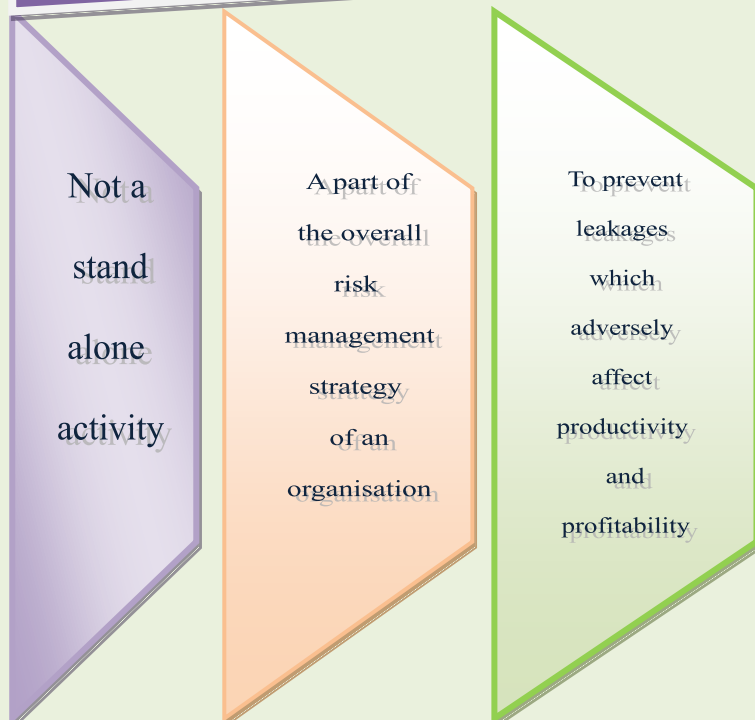
### Conclusion

Prudence is the fundamental framework in a tendering process. Every organisation has to strive for finalization of a tender to make it equitable, competitive, fair, transparent and rules abiding on the principle of application of prudence where necessary.

## Objective of Vigilance



## VIGILANCE IS



**Any suggestion(s)/query/article(s) may be mailed to: - [cvo@stclimited.co.in](mailto:cvo@stclimited.co.in)**