

Dated :- 11<sup>th</sup> May, 2005.

**OFFICE MEMORANDUM**

**Sub : Maintenance of Lists of Officers of Doubtful Integrity and Suspect Officers, etc.**

Government places highest importance on providing clean and corruption free administration in the State. There is a lot of information available with various departments of the Government which can be used to provide a clean and efficient administration. Therefore, there is a need of having a proper mechanism in place for the purpose. Accordingly, it is decided by the Government that all Departments/PSUs, etc. shall prepare following documents in consultation with Directorate of Vigilance :

- a) List of Officers of Doubtful Integrity
- b) Agreed list of Suspect Officers
- c) List of points or places of corruption
- d) List of unscrupulous contractors, suppliers and firms
- e) List of unscrupulous contactmen.

2. The procedure for maintaining the lists is as follows :-

**1. LIST OF PUBLIC SERVANTS OF DOUBTFUL INTEGRITY'**

It will include the names of Officers:

- (i) convicted in a court of law on a charge of lack of integrity or for an offence involving moral turpitude but who continue to be in service as a penalty of dismissal, removal or compulsory retirement has not been imposed;
- (ii) awarded a major penalty in the departmental proceedings ;
  - (a) On charges of lack of integrity.
  - (b) On charges of gross dereliction of duty causing loss to the Government;
- (iii) Against whom proceedings for a major penalty or a court trial are in progress for alleged acts involving lack of integrity or moral turpitude;

The names of the officers of the following categories should not be included in these lists :-

- (a) Officers who have been acquitted honorably and not on technical grounds by the Court.
- (b) Officers who have been convicted of offences not involving lack of integrity or moral turpitude;

- (c) Officers who have been cleared in the disciplinary proceedings;
- (d) Officers against whom disciplinary proceedings have been completed or are in progress, in respect of administrative lapses, minor violation of Conduct Rules not involving the angle of lack of integrity.

4. The Vigilance Officers /HOD will, under supervision by Secretary of the Department, prepare this list of public servants. A copy of this list will be sent by HOD to the Director of Vigilance on 15<sup>th</sup> January of every year. The Director of Vigilance will suggest addition or deletion of names on the basis of information available with them and return the lists to Secretaries concerned, who would in turn furnish the list to the Heads of Department/Chief Executives of Public Enterprises. As soon as an adverse report against an officer of the nature mentioned above is received, the Vigilance Officer would bring it to the notice of the Secretary/Head of the Department concerned immediately and necessary action would be taken for decision on inclusion of the name of such officer in the list. When the name of the officer has been entered in the list, it will not be removed until a period of three years has elapsed from the date of punishment in the disciplinary proceedings or from the date of conviction in a court trial. On the conclusion of the period, the Department in consultation with Director of Vigilance may review the cases of such officers and if during the intervening period there has been no further complaint against the officer touching on his integrity, his name may be removed from the list. If at the time of review, it is proposed to continue the name of the officer on the list, cogent reasons for doing should be recorded. In the event of the officer being transferred to another Department/Public Undertaking, the fact of the officer's name being on the list should be furnished by HOD of previous Department to the HOD of new Department with a copy to the Director of Vigilance. List of such officers will be finalized and circulated by Director of Vigilance to concerned Departments by 31<sup>st</sup> January of every year through the Secretaries to Government. It will be the duty of the HOD/CEO and Vigilance Officer of the Department/Public Undertaking to maintain these lists up-to-date. The list will be treated, as 'SECRET' and the Secretary/Head of the Department/Chief Executive of Public Undertaking will be responsible for its safe custody.

The purpose of maintenance of these lists is to enable the Departments to take following course of administrative action as may be deemed necessary and feasible.

- (i) Withholding certificate of integrity;
- (ii) Transfer from a 'sensitive' post;
- (iii) Non-promotion after consideration of his case, to a service grade or post to which he is eligible for promotion;

- (iv) Compulsory retirement in the public interest (otherwise than as penalty) in accordance with the orders issued by the Government. This is now permissible on completion of the age of 50 with certain exceptions ;
- (v) Refusal of extension of service or re-employment either under Government or in public sector undertakings ;
- (vi) Non-sponsoring of names for foreign assignment/deputation;
- (vii) Refusal of permission for commercial re-employment after retirement.

## 2. Agreed Lists of Suspect Officers :

This list would include officers against whose integrity / honesty there have been complaints, doubts or suspicion. This list shall be finalized by mutual discussion between the Department and ACB, Directorate of Vigilance. ACB, Directorate of Vigilance and concerned Department/PSUs will take following action in respect of officers on the agreed list:

- (i) Closer and more frequent scrutiny and inspection of their work and performance by the Departments/PSUs particularly in spheres where there is scope for discretion/showing favours;
- (ii) Quiet check about their reputation both by the department, ACB, Directorate of Vigilance;
- (iii) Unobtrusive watch of their contacts, style of living, etc. by the ACB, Directorate of Vigilance;
- (iv) Secret enquiry by the ACB, Directorate of Vigilance about their assets and financial resources. The departments shall make their property returns and other relevant records available to the ACB, Directorate of Vigilance for the purpose;
- (v) Collection of information by the ACB, Directorate of Vigilance of specific instances of bribery and corrupt practices.

5. If these secret checks and enquiries reveal positive material, open enquiries will be initiated by the ACB, Directorate of Vigilance and further action taken in the light of the results of that enquiry. The officer on agreed list shall be subjected to surveillance and scrutiny as above but no adverse or punitive action shall be taken against them unless these checks, verifications or enquiries bring forth adequate material and formal disciplinary proceedings or criminal proceedings in the Court of law are launched. These agreed lists will be finalized by 31<sup>st</sup> January of each year and shall remain in force for one year from the date of preparation. At the end of this period, the list will be reviewed and the names of those officers against whom there is no sufficient evidence to proceed against will be deleted from the list. The list will be treated, as 'SECRET' and the Secretary/Head of the Department/Chief Executives of Public Undertaking will be responsible for its safe custody.

**3. List of points or places of corruption :**

- (a) "Points" are those of items of work and those stages of decision making which provide scope for corruption namely, processing of tenders, grant of quota, issue of NOC/certificates/license, etc;
- (b) "Places" would be sections, sectors, and units of an Office/Department/PSU where there is not only scope or likelihood of corruption but corruption is believed to exist in substantial measure. These will be Agreed lists between ACB, Directorate of Vigilance and concerned Departments/PSUs. The S.P., ACB, Directorate of Vigilance with the assistance of Director of Vigilance will settle and prepare these lists after discussion with the Heads of Department or CEO/Public Undertakings concerned. The preparation of these agreed lists of points and places of corruption must necessarily be done by those in the field. It is expected that Departments and Public Undertakings would contribute substantially in the preparation of these lists, as they are likely to have much greater appreciation of their functioning. After these lists are prepared, the ACB Directorate of Vigilance and concerned Department/PSU shall take the following action in respect of work done at these points and places :
- (i) Closer and more frequent scrutiny and inspection by the department or public undertaking ;
  - (ii) Surprise checks by the department or public undertaking
  - (iii) Quiet and unobtrusive watch by the ACB, Directorate of Vigilance followed by raids as and when appropriate
  - (iv) Collection of information about specific instances of bribery and corrupt practices ACB, Directorate of Vigilance so as to initiate open enquiries.

**4. List of unscrupulous contractors, suppliers and firms.**

This list shall be prepared by the concerned Department/PSU and copy of the list will be sent to the ACB, Directorate of Vigilance for its information. The ACB/Senior Technical Examiner, Directorate of Vigilance on its part will pass on to the concerned Department/PSU any information regarding corrupt practices of contractors, suppliers, firms, etc, for their information and for considering as to whether the name of such contractor should be brought on this list.

ACB/Senior Technical Examiner, Directorate of Vigilance and the Departments/PSUs should take the following action in respect of the Contractors, etc. on this list :

- (i) The list should be circulated by the departments/undertakings to their officers enjoining them to be careful and cautious in all dealings with such parties ;
- (ii) Closer check and scrutiny by the departments/undertakings of works or supplies awarded to, or executed by them and or any business or transaction, undertaken by them ;
- (iii) Quiet and unobtrusive watch should be kept by ACB, Directorate of Vigilance over the contracts or such parties in official circles ;
- (iv) Collection of information by the ACB, Directorate of Vigilance of specific instances of malpractices on the part of such parties with a view to initiating open enquiries.
- (v) Surprise checks by Senior Technical Examiner, Directorate of Vigilance of works or suppliers awarded to, or executed by them and or any business or transactions, undertaken by them ;

#### **5. List of unscrupulous Contactmen :**

The ACB, Directorate of Vigilance should prepare lists of unscrupulous contactmen who are suspected of resorting to corrupt or irregular practices in their dealings with official agencies. The names of persons on these lists will be communicated by the ACB, Directorate of Vigilance to Secretary of the concerned Department / CEO of the concerned Public Sector Undertakings. These lists may be compiled with the following objectives :

- (a) The information contained in these lists will be utilized when considering cases for accrediting of representatives of firms, etc. Normally such unscrupulous persons should not be accepted as accredited representatives.
- (b) The departments and undertakings concerned will issue directions to their officers to be careful and cautious in dealing with unscrupulous contactmen whose names are on these lists and avoid associating with them socially ;
- (c) The ACB, Directorate of Vigilance will exercise an unobtrusive check on the activities of such contactmen and try to collect information about specific instances of malpractices in which they are involved.

6. All concerned are directed to follow the above instructions scrupulously with immediate effect.

This is issued with the approval of the Government.

( A. W. Rane )  
Addl. Director (Vigilance)

**Copy to :-**

1. All Secretaries to Government.
2. All H.O.Ds.
3. All C.E.Os/PSUs/Autonomous Bodies/PRIs.
4. The Sr. Technical Examiner, Dte. of Vigilance, Altinho-Panaji.
5. The Supdt. of Police, Anti-Corruption Branch, Dte. of Vigilance, Altinho-Panaji.
6. Guard File.
7. O/c.