



Confidential

**1st ANNUAL REPORT
23-02-2013 TO 31-12-2013**

**JAMMU & KASHMIR
STATE VIGILANCE COMMISSION
OLD ASSEMBLY COMPLEX, SRINAGAR**



**STATE VIGILANCE COMMISSION
JAMMU AND KASHMIR**

The 1st Annual Report of the J&K State Vigilance Commission is prepared under Section 13 of the SVC Act, 2011 for submission to the Hon'ble Governor, J&K. The report briefly presents the work done by the State Vigilance Commission during the year ending 31st December, 2013 in fulfilling its mandate under the SVC Act, 2011.

Sd/-
(Kuldeep Khoda)
CHIEF VIGILANCE COMMISSIONER

Sd/-
(Dr. R.K.Jerath)
VIGILANCE COMMISSIONER

Sd/-
(Ghous-ul-Nisa Jeelani)
VIGILANCE COMMISSIONER

Srinagar
Dated: the 11th June, 2014

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CHAPTER-I

INTRODUCTION

Corruption like other social evils exists from times immemorial. Right from the early history of mankind the Rulers have been making all out efforts to eliminate the chances of theft of the king's revenues but that has been as difficult as to find out how much of water a fish has consumed while in river. This evil does not exist in India only but is a global phenomenon, however, the magnitude varies. In developed countries the menace is nearly non-existent at grass root level with the result the common man is least hurt. However, in underdeveloped and developing countries like India corruption mostly prevails at cutting edge level which affects the common man who has to pay bribe for every small service to which he is otherwise entitled.

Improving Governance is a part of developmental process. Arguably corruption can be curbed by systematic changes in governance by introducing participation, transparency, accountability and probity in administration. Accordingly, a number of initiatives have been taken by the Government to provide clean administration to the people. Creation of Vigilance Commission is one among such initiatives.

State Vigilance Commission is one of the apex integrity institutions of State and has been set up to promote transparency, probity and integrity amongst the people in general and Public servants in particular. It has been set up to inquire or cause inquiries to be conducted into offences of corruption in various State Government institutions and public sector organizations.

Background

The Government of J&K overviewed the existing administrative mechanism to deal with corrupt practices and felt the need to set up an apex body for exercising general superintendence over vigilance administration in the Government. Accordingly, an Act to provide for the constitution of State Vigilance Commission to inquire or cause inquiries to be conducted into offences alleged to have been committed under the prevention of Corruption Act , Samvat 2006 namely “The Jammu and Kashmir State Vigilance Commission Act, 2011” came into force on 19th January, 2011 with its publication in the Government Gazette.

The State Vigilance Commission Act, 2011.

The State Vigilance Commission Act, 2011 provides for constitution of State Vigilance Commission to inquire or to cause inquiries to be conducted into offences alleged to have been committed under the Prevention of Corruption Act 2006 by a public servant being an employee of the Govt or a Corporation established in the State by or under any Central Act or the Act of State Legislature, Govt Company, Society and any local authority owned or controlled by the Govt. The Act also empowers the Commission to exercise superintendence over the functioning of the Vigilance Organization insofar as it relates to the investigation of offences alleged to have been committed under the Prevention of Corruption Act, 2006 and to give directions to the Vigilance Organization for discharging responsibility entrusted to Vigilance Organization. The Commission is also empowered to review the progress of investigations conducted by the Vigilance Organization and the progress of applications pending with the competent Authorities for grant of sanction for prosecution for offences alleged to have been committed under the Prevention of Corruption Act, 2006. The Commission is also empowered to exercise superintendence over the vigilance administration of the various departments of the

Government or Corporations established in the State by or under any Central Act or an Act of State Legislature.

Functions and Powers of the State Vigilance Commission under the State Vigilance Commission Act, 2011

- Exercise superintendence over the functioning of the J&K Vigilance Organization insofar as it relates to the investigation of offences under the Prevention of Corruption Act, SVT 2006; or offences with which a public servant may under the Cr. PC be charged at the same trial – section 8(1)(a);
- Give directions to the Vigilance Organization for the purpose of discharging the responsibility entrusted to it under the Prevention of Corruption Act, 2006 – section 8(1)(b);
- To inquire or cause an inquiry or investigation to be made on a reference made by the Government – section 8(1)(c);
- To inquire or cause an inquiry or investigation to be made into any complaint received against any official belonging to such category of officials specified in sub-section 2 of Section 8 of the SVC Act, 2013 – section 8(1)(d);
- Review the progress of investigations conducted by the Vigilance Organization into offences alleged to have been committed under the Prevention of Corruption Act, 2006 or an offence with which the public servant may, under the Cr. PC be charged at the same trial – section 8(1)(e);
- Review the progress of the applications pending with the competent authorities for sanction of prosecution under the Prevention of Corruption Act, 2006 – section 8(1)(f);
- Tender advice to the State Government, Corporations, Public Sector Undertakings, Societies and local authorities created by way of State or Central legislation or owned and controlled by the State/Central Government on such matters as may be referred to it by them – section 8(1)(g);

- Exercise superintendence over the vigilance administrations of the various departments of the Government and other Organizations of the State Government – section 8(1)(h);
- Shall have all the powers of a Civil Court while conducting any inquiry – section 11;
- Proceedings before Commission to be judicial proceedings – Section 12;

Other salient features

- Multi-member Commission consisting of a Chief Vigilance Commissioner (Chairperson) and not more than two Vigilance Commissioners (Members);
- The Chief Vigilance Commissioner and the Vigilance Commissioners are appointed by the Governor after obtaining the recommendations of a Committee consisting of the Chief Minister (Chairperson), a senior Minister to be nominated by the Chief Minister (Member), Minister of Law and parliamentary Affairs (Member) and the Leader of the Opposition in the state Legislative Assembly (Member);
- The term of office of the Chief Vigilance Commissioner and the Vigilance Commissioners is four years from the date on which they enter their office or till they attain the age of 65 years, whichever is earlier;

Jurisdiction of State Vigilance Commission under the SVC Act.

As per section 8 (2) of the J&K State Vigilance Commission Act the Commission has been empowered to exercise jurisdiction in respect of following categories of public servants;

- Members of All India Services serving in connection with the affairs of the State.
- All other public servants as defined under section 21 of the Jammu and Kashmir State Ranbir Penal Code;

- All officers and employees of the Corporations established in the State by or under any Central Act or any Act of State Legislature, Government Companies, Societies and other local authorities owned and controlled by the Central Government or the State Government.

Commission's Advisory Role

In terms of the provisions under Section 8(1)(g) read with section 16(3) of the SVC Act, 2011, the Commission has been mandated to tender advice. Advising the Government on all matters relating to vigilance administration, referred to it by departments/organisations of the State Government is an important dimension of the Commission's functions. It is mandatory for the Government organisations to seek the Commission's advice before proceeding in a matter where a report had been earlier called for by the Commission.

Present composition of the Commission

As already mentioned hereinbefore, the procedure for constitution of the Commission and appointment of Chief Vigilance Commissioner and Vigilance Commissioners has been detailed out in Section 3 and 4 J&K State Vigilance Commission Act, 2011 read with J&K SVC (Amendment) Act, 2011. As on date, Shri Kuldeep Khoda, IPS (Retd.) is the Chief Vigilance Commissioner (joined on 22.02.2013). Dr. R.K.Jerath, IAS (Retd.) (joined on 22-02-2013) and Mrs Gous-ul-Nisa Jeelani, retired Principle District and Sessions Judge (joined on 16-08-2013) are the two Vigilance Commissioners.

Staff Composition.

The Jammu and Kashmir State Vigilance Commission Act, 2011 came to be enacted and published in Government Gazette on 24th January, 2011. With the appointment of the Chief Vigilance

Commissioner and Vigilance Commissioner by the Hon'ble Governor vide SRO Nos 48 and 49 dated 11-02-2013 respectively the Commission was supposed to start functioning. However, while the Commission was provided some official accommodation in a private house at Gandhi Nagar, Jammu and by the time a little bit of staff was provided to the Commission the offices moved to Srinagar. In Srinagar no official accommodation was earmarked for the Commission. Finally the Government in Estates Department issued an Order No. 127-Est of 2013 dated 22-05-2013 by virtue of which old Assembly Complex (Wooden Structure) was allotted for housing the Office of State Vigilance Commission and XEN Estates Department was directed to undertake the civil works to convert the premises into official accommodation. The work was, accordingly, taken up and as of now the office rooms of CVC and two VCs have been made functional and work in respect of official accommodation for supporting staff of the Commission is in progress. In Jammu the Commission's office has been made fully functional in JKPC building at Rail Head Complex, Gandhi Nagar in the month of November, 2013. The non-availability of official accommodation at Srinagar has been one among the various factors which has hampered the normal functioning of the Commission during the period under report.

The non availability of support Staff during the period under report has proved to be a stumbling block in functioning of the State Vigilance Commission. Absence of sufficient manpower has made it highly impossible for the Commission to keep pace with the complaints being received by the Commission on daily basis and as a result of this the pendency of complaints is increasing with each passing day. To overcome the problem of shortage of staff, the staff creation proposal of the Commission for 82 posts, was sent to Government on 12th April, 2013 followed by clarifications on 15th July, 2013. The organizational structure and the resultant staff proposal was prepared on the basis of minimum requirements and after examining the Central Vigilance Commission's staff pattern and also discussions with the officers of Central Vigilance Commission,

New Delhi. During the period under report the proposal for creation of Staff remained under consideration with the Government and no posts were actually created. As against our proposal, the staff strength of Commission, as on 31-12-2013, was 25 which include the Chief Vigilance Commissioner, 02 Vigilance Commissioners, 05 officers, 03 Private Secretaries, 01 S.O., and 06 office Assistants, besides 07 Orderlies. As is evident, the office functioning is purely on skeletal basis and the issue needs to be addressed by the Government on priority.

Headquarters of the Commission

The Government vide SRO 337 dated 22-07-2013 notified headquarters of State Vigilance Commission to be at Srinagar (May to October) and at Jammu (November to April) pursuant to Section 3(6) of the J&K State Vigilance Commission Act, 2011. The address of the Commission's headquarter/office at Srinagar/Jammu is as follows:

- i) Srinagar: Old Assembly Complex, Raj Garh Lawns,
Srinagar - 190001
- ii) Jammu: JKPCC Building (5th Floor) Rail Head Complex,
Jammu - 180004

The above Headquarter/Office setup by the Commission was published in the daily newspapers of the State for the information of general public. Presently the Commission transacts its business from these offices, maintaining winter / summer camp offices during Darbar move periods as well, for convenience of the public and government departments/functionaries.

Commission's Website:

The Commission's website was developed and launched in December, 2013 under the domain name of <http://jksvc.gov.in>. The website broadly carries information about the Commission

formation, composition, contact details, grievances lodging procedure etc.

The domain name of the website was obtained from NIC, New Delhi and is presently managed by NIC, Civil Secretariat Jammu/Srinagar. General public has been informed through local newspapers about the availability of the Commission's website.

J&K Right to Information Act.

In order to fulfil the provisions of the RTI Act, The Commission has set-up the RTI cell headed by an Under Secretary as Public Information Officer (PIO) and Additional Secretary of the Commission as First Appellate Authority. This information has also been provided on the Commission's website.

CHAPTER-2

COMMISSION'S ACTIVITIES DURING THE YEAR 2013

Corruption is one of the biggest challenges faced by the State/society. It has a negative effect on developmental efforts and leads to disaffection and anger amongst the people. With increasing globalisation and financial flows, corruption is acquiring alarming dimensions. It not only increases transactional costs and inordinate delays but also distorts decision making process and results in misplaced priorities. Due to increased complexities of financial transactions, a multi disciplinary approach for tackling corruption cases is required. The State Vigilance Commission is one of the apex integrity institutions entrusted with the task of overseeing vigilance administration and implementing Government policies against corruption. Though the Commission has been recently setup but with the passage of time the Commission would acquire immense experience in over-seeing vigilance administration of various

organisations. The Commission's job would primarily be to stress on various preventive and punitive measures to mitigate the corruption levels. The Commission's role, as a watch-dog, would be to ensure transparency and accountability in public administration. SVC intends to take many new initiatives in leveraging of technology and would be continuously emphasizing PSUs and other organizations for adoption of latest technological initiatives like e-tendering, e-banking, e-procurement, on-line competitive examinations, on-line delivery of all public services and reverse auction etc. Once the scarcity of staff and infrastructural issues are addressed by the Government, the Commission in order to ensure systemic improvements would be laying guidelines for promoting strong internal control mechanisms for transparency, fair play, objectivity in matters related to public administration. These guidelines would be based on the Good governance principles.

Disposal of complaints by the State Vigilance Commission

Notwithstanding the accommodation and support staff constraints, the Commission held its sittings on regular basis at its Headquarters both at Srinagar and Jammu during the period under report. During the period under report the Commission received **706** complaints directly and **286** cases from the State Accountability Commission, making a total of **992** complaints. Out of these **210** complaints were heard and disposed off and rest of the complaints remained sub-judice. We expect faster disposal and clearance of backlog with the setting up of proper infrastructure and creation of staff for the Commission by the Govt. While dealing with the complaints being received by the Commission we have observed that most of the complaints are of trivial nature which could be better addressed on administrative side by the concerned departments. But, we need to have a strong internal Vigilance system in place in all departments which would result in quick disposal and redressal of grievances of general public and resultant good governance. However, in the process we have also observed that administrative

actions have been taken in utter violation of rules/procedures and principles of natural justice thereby forcing/compelling the complainants to file complaints before different fora simultaneously.

Handling of Complaints in the Commission

Complaints are received in the State Vigilance Commission either in person or by post from complainants or through the complaint lodging facilities available on the Commission's website. Complaints received in the Commission are scrutinized thoroughly and wherever specific and verifiable allegations of vigilance nature are noticed, the complaints are either inquired into by the Commission or forwarded to the Vigilance organization or any other investigating agency to conduct investigation into the matter and report to the Commission expeditiously or to the concerned department for report. After examining the report from the organization or the department concerned, the Commission decides as to whether, there is a need for conducting a regular inquiry against the public servants complained against or the matter could be dealt with at administrative level. In case the Commission comes to the conclusion that the matter can be looked into by the department administratively, the same is referred to the department concerned with proper advice about further appropriate action against the suspected public servants, besides pointing out systemic failures which allow such misconduct to take place. The Commission also suggests systemic improvements, wherever required, to avoid recurrence of such misconduct.

General Complaints

The Commission recognizes the importance of complaints as a good source of information. This is reflected in the increasing number of complaints being received in the Commission. However, many of the complaints received by it pertain to procedural lapses and administrative violations or even against private individuals not

within the jurisdictions of the Commission. Scrutiny of the complaints received in the Commission indicates that number of complaints on which detailed investigations or enquiries are initiated form a small proportion. It is also observed that a large number of complaints being received in the Commission are anonymous/pseudonymous in nature. In majority of such complaints, the intention of the complainant is to harass someone rather than reporting corrupt activities/practices. Therefore, as a policy, anonymous/pseudonymous complaints are not to be entertained. However, in order to ensure that genuine complaints having verifiable / specific allegations do not remain uninvestigated, the Commission, as a safeguard, examines even anonymous complaints and in case of specific and verifiable allegations necessary inquiries/investigations are undertaken. The Commission also considers and accepts the request of the complainants, in those cases where the complainants have requested to the Commission to keep their identity secret.

Drafting of State Vigilance Commission Rules.

Immediately after the Commission started functioning it was observed that absence of rules, to be framed by the Govt., for ensuring effective implementation of the provisions of the Act, was proving to be a hurdle in the functioning of the Commission. Accordingly, the Commission, after having an in depth study of the procedure being followed by the Central Vigilance Commission and the allied available material, prepared the draft State Vigilance Commission Rules, which were submitted to the Govt in General Administration department for further action. After series of meetings held in this behalf with the Chief Secretary, the Rules came to be notified by the Govt vide notification SRO 472, published in Govt Gazette on 19-11-2013. The framing of Rules under the J&K State Vigilance Commission Act, 2011 have gone a long way in ensuring effective implementation of the provisions of the Act.

CHAPTER-3

SUPERINTENDENCE OVER VIGILANCE ADMINISTRATION.

Section 8(1)(g) of the State Vigilance Commission Act, 2011 empowers the Commission to exercise superintendence over the vigilance administration of the various departments and other Organizations of the State Government, Corporations established by or under any Central or State Act, Government companies, societies and local authorities owned or controlled by Central Government. With the given manpower, it would not be possible for the Commission to perform this function without seeking assistance of concerned department/Corporation etc. Based on the knowledge derived from the complaints being received by the Vigilance Commission, it was observed that most of the grievances projected by the complainants can be effectively redressed through a thorough mechanism of internal departmental Vigilance through Departmental Vigilance officers. The process of appointment of DVOs in our State started in the year 1994 with the issuance of GAD Circular No: 12 of 1994 dated 22-02-1994 with subsequent Government orders/circulars issued from time to time.

After analysing the institution of Departmental Vigilance Officers which was in existence prior to the setting up of the State Vigilance Commission in the year 2013 it was observed that huge and unmanageable number of DVOs had been nominated and the data obtained from Vigilance Organization projects a dismal state of affairs in the functioning of institution of DVOs. The data in respect of complaints referred to DVOs by Vigilance Organization for last five years reveals that there has been no response in **more than 8000** complaints referred for enquiry and report to DVOs of various departments.

This Commission after analyzing the existing structure of the institution of DVOs in the State thought it necessary to restructure

the said institution for improved and strong internal vigilance system. This restructuring has also been evolved for better supervision and effective reporting with functional mechanism as far as possible.

Accordingly, after thorough discussions and deliberations the Commission prepared a proposal for restructuring the Institution of Departmental Vigilance for being incorporated in the J&k State Vigilance Commission Rules as under:

- i. All the Administrative Secretaries of various Government Departments shall have an officer designated as Chief Vigilance Officer (CVO) at the Administrative Level (Civil Secretariat) responsible for vigilance administration of the jurisdictional Departments under the overall supervision of State Vigilance Commission.
- ii. All Directorates/Heads of Department level/attached offices including heads of Statutory bodies, local authorities, corporations, Govt. companies or societies owned or controlled by the government, shall have Departmental Vigilance Officers (DVO), responsible for vigilance administration of their organization and shall function directly under the overall supervision of the concerned CVO;
- iii. All Additional Deputy Commissioners in the Districts shall be ex-officio District Vigilance Officers (Distt. V.O) in respect of all the Subordinate offices, Government Departments, Local authorities, Corporations, Government Companies or Societies owned or controlled by the Government having their subordinate offices in the districts. All the subordinate offices and other authorities in the District shall designate an officer to function as Additional Vigilance Officer (AVO) who shall assist District Vigilance Officer in the vigilance administration in respect

of their departments under the overall supervision of District Vigilance officer.;

- iv. The Departments and Organizations having frequent public interface where huge public funds and budgetary allocations are involved to be specified by the Government, to be selected and concurred by the State Vigilance Commission in consultation with the General Administration Department, shall have whole time CVO or DVO of the rank of Special/Additional Secretary to the Government, as the case may be, who ordinarily shall not be entrusted with any other responsibility;

It is expected that with the revised structure of DVO's Institution, the prevention of corruption in the Government Departments/PSUs/Societies etc. would get checked significantly.

The State Vigilance commission after obtaining information from the concerned departments is in the process of preparing its recommendation for appointment of CVOs/DVOs which would be submitted to the govt in General Administration Department for issuance of formal orders. The Commission has already started referring complaints for enquiry to Additional Deputy Commissioners who have been designated as Ex-Officio District Vigilance Officers.

CHAPTER-4

Supervision over Vigilance Organization.

The J&K Vigilance Organization, having jurisdiction, throughout the State of J&K, has been vested with powers to investigate and conduct enquiries into the cases pertaining to allegations of corruption and abuse of official position by public servants and public men. For registration and investigation of cases under the Prevention of Corruption Act, 2006, two police stations viz p/s Vigilance Organization, Kashmir and p/s Vigilance Organization, Jammu have been established. Senior Superintendent of Police,

Vigilance Organization, Kashmir and Sr. Superintendent of Police , Vigilance Organization, Jammu have been designated as Station House Officers of their respective police stations. With the amendment in the Prevention of Corruption Act, 2006, the Vigilance Organization has been vested with the powers of pre-trial attachment of properties reasonably believed to have been acquired through the proceeds of corruption by the public servants or public men.

Superintendence over the Vigilance Organization in respect of investigations being conducted by it is one of the functions entrusted by law to the Commission. In order to exercise superintendence over Vigilance Organization, as prescribed in the SVC Act, 2011 and the rules framed there-under, the Commission has adopted a mechanism of periodical review by the Commission with Director, Vigilance Organization and his team of officers. The progress of cases investigated by the Vigilance Organization under PC Act, 2006 and the enquiries being conducted by it are reviewed. The Commission also endeavours to ensure that the investigations in all the cases registered by the Vigilance Organization are being conducted without any outside influences. The Commission also takes necessary steps, as and when required, for the purpose of efficient discharge of its functions by the Vigilance Organization. Regular progress reports of FIR cases and enquiries under probe with Vigilance Organization are being obtained and examined. The detailed procedure prescribed under Rules in respect of exercise of supervision by the Commission over Vigilance Organization is being followed and the same has shown positive results.

Disposal of Complaints by Vigilance Organization.

During the period under report the Vigilance Organization received 3128 complaints in addition to the 62 complaints which were pending first hand disposal as on 31-12-2012 making a total of 3190 complaints. Out of these 1784 complaints were sent to the departmental Vigilance officers/departments for verification, one

complaint was sent for registration of formal case for investigation, Secret enquiries were initiated in 52 complaints, an open verification was taken up in 191 complaints, in 20 complaints orders for conducting of Joint Surprise Checks were issued, Preliminary Enquiry was undertaken in 07 complaints, 414 complaints were found to be repetition of already lodged complaints and 570 complaints were filed as same were not found to be worth of taking any cognizance being vague and general in nature. On the closure of the year under report 151 complaints remained pending first hand disposal with the Vigilance organization.

Disposal of Verifications by the Vigilance Organization.

As on 31-12-2012, 473 verifications were pending in Vigilance Organization. During the period under report 269 fresh verifications were ordered making a total of 742 verifications. Of these, 118 verifications have been disposed off, leaving a pendency of 624 verifications as on 31-12-2013.

Disposal of Preliminary Enquiries by Vigilance Organization.

As on 31-12-2012 as many as 24 preliminary enquiries were pending disposal with the Vigilance Organization. During the period under report 13 preliminary enquiries were ordered, making a total of 37 PEs. During the period under report 06 PEs were disposed off and 31 PEs remained under enquiry as on 31-12-2013.

Disposal of FIR Cases by Vigilance Organization.

During the period under report, 36 FIR cases including 13 trap cases were registered in the two police stations of Vigilance Organization. During the same period, investigation of 38 FIR cases had been completed out of which 27 cases have been referred to competent authority for accord of sanction to the prosecution of accused involved therein. The accused involved in three FIR cases had already retired from service as such, these cases were challaned directly. Investigation of four cases was concluded as not admitted

and two cases have been referred to the Government for departmental action against the public servants involved therein. At the closure of the year under report, 120 cases remained under investigation with the Vigilance Organization.

Prosecution Sanctions:

At the beginning of the year under report 17 cases were pending with the Government/Autonomous Bodies for accord of sanction for prosecution of the accused public servants. During the year under report 27 cases were sent to the Government/Autonomous Bodies for accord of sanction. Sanction for prosecution in respect of 31 cases has been accorded by the competent authority leaving a pendency of 13 cases with the Government/Autonomous Bodies at the closure of the year under report.

Court Cases:

At the beginning of the year under report 515 cases were pending trial in various courts empowered with conducting trial of cases registered under P. C. Act, 2006. During the period under report 31 charge sheets were presented before these courts making a total of 546 cases. Out of these, trial in respect of 32 cases was completed by the courts leaving a balance of 514 cases pending trial at the closure of the year under report. Out of the 32 cases disposed off by courts, 07 cases ended in conviction of the accused, 22 ended in acquittal. The accused in one case were discharged and two cases abated due to the death of the accused involved therein.

Issuance of No Objection Certificates (Vigilance Clearance):

During the period under report, NOC for issuance of passport was issued in favour of 1077 public servants. Similarly, Vigilance clearance for promotion/postings was issued in favour of the 12078 public servants including 4451 Gazetted officers and 7627 Non-gazetted officers.

Creation of Additional Courts for trial of cases of corruption.

Considering the huge number of cases pending trial in already existing Courts of Spl. Judge (Anti Corruption) in Srinagar and Jammu as also in compliance of the directions issued by the Hon'ble High Court of J&K, the Government by virtue of SRO 368 dated 19-08-2013 designated 07 Additional District and Sessions Courts as Anti Corruption Courts with powers of adjudication of cases under Prevention of Corruption Act, 2006. These Courts have been designated in the Districts of Baramulla, Anantnag, Pulwama, Rajouri, Kathua, Udhampur and Doda and the presiding officers of these courts have been vested with powers to hear cases falling under the Prevention of Corruption Act, pertaining to their respective territorial jurisdiction. However, no prosecution and subordinate staff has been provided to Vigilance Organization to assist the courts for conducting the prosecution of these pending under trial cases. As a consequence the trial in the cases pending in the designated courts is not being pursued from prosecution side. To facilitate provision of above requirements thereby providing for early trial of the cases a meeting was taken on 20.09.2013 by Chief Secretary wherein it was decided that the Vigilance Organization shall submit a proposal through State Vigilance Commission and Home Department for creation of posts for these Courts. Accordingly, the Director, Vigilance Organization after discussion submitted the proposal for creation of the posts in these Courts and the Commission after proper vetting sent it to the Government (GAD) on 11.10.2013 for the creation of 08 posts in each Court (total 56 posts for 07 Courts) for early sanction. The matter for creation of posts for newly created courts is being pursued vigorously with the Government.

It is apt to state that with the creation of newly designated Anti Corruption Courts, the already existing Anti Corruption Courts at Srinagar and Jammu are not in a position to take cognizance of cases pertaining to the jurisdiction of the newly designated courts.

CHAPTER-5

General Observations

Considering the nature of complaints received during last one year it has been observed that there has been huge influx of complaints against following departments/public servants:

1. Block development Officers regarding alleged drawal of payments against not executed works under MG, NAREGA Scheme, and allotment of works of job cards and allotment of works to ineligible persons under said Scheme and providing of financial assistance under IAY Scheme to the undeserving persons at the cost of those who do not possess a house to live in.
2. Officers of Engineering departments regarding alleged drawal of payments against non executed works and execution of works departmentally without inviting tenders, by splitting the works involving huge expenditure in parts so as to bring the allotment of works within financial powers of the officers as also to justify the mode of execution of works departmentally.
3. Against the officers of CA&PD department regarding alleged misappropriation of rations meant both for BPL and APL families and alleged drawal of carriage charges against the misappropriated ration shown issued to both BPL/APL families, misappropriation of ration and carriage charges by showing fake despatches and transportation.
4. Against revenue officials regarding alleged fraudulent mutations and tampering and interpolation of revenue records.

Given the huge influx of complaints being lodged before the Commission, it is being felt that if the Commission takes cognizance of all these complaints it may have an effect of stalling the execution

of developmental works and implementation of schemes meant for downtrodden sections of the society. In this backdrop, it is imperative for the Govt to go for system correction and strengthening of the internal Vigilance of these departments. The Govt needs to review the system of execution of works and drawal of payments thereof so that the loopholes are plugged and chances of misappropriation of public funds, meant for developmental works and for the upliftment of downtrodden section of the society, are minimized. Similarly the system of distribution of rations in general and to the BPL category in particular needs to be reviewed and the officers at field level need to be made accountable and system needs to be made more transparent. The Commission has already issued circular instructions about Increasing transparency and cutting delays by e-payments and e-receipts by Government Organizations etc. Besides for effective internal Vigilance the institution of DVOs has already been restructured and with the appointment of DVOs by the Govt we expect a positive change in the system. In the backdrop of recent revelations regarding conduct of examinations by J&K BOPEE, cognizance of which has already been taken by the Crime Branch Kashmir, the Commission has suggested several measures and reforms for conduct of entrance examinations by the BOPEE in more professional and transparent manner. The Commission is considering ways and means to be recommended for systemic corrections in various departments which would have an effect of minimising the avenues and chances of corruption by the public servants. This would include reduction of public interface, use of advanced technology for redressal of public grievances, introduction of single window system, on line delivery of public services and more transparent means of receipt and delivery of payments by the Government departments and other Government organizations etc. Necessary instructions in this behalf would be issued in the form of Circular Orders to be followed by all departments and organizations of the Government. The Government, on its part, also needs to bring in systematic changes to provide better governance to its people. Concept of e-

governance needs to be evolved and put in place so as to achieve following objectives:

- Provide the productive and efficient services to the people.
- Reduce public interface by providing online services to people. This would considerably minimize the chances of corruption by unscrupulous public servants and other intermediary agents.
- Make efficient use of resources and time.
- Remove the inner flaws in the working system.
- Increase participation of general public in public administration.

Considering the threat posed by the menace of corruption it is high time for the departments entrusted with the job of eradication of corruption to conduct seminars, workshops and awareness programmes to apprise the general public about the adverse effects of the corruption on the society as a whole. The menace of corruption can only be tackled with the active support and participation of the people from all walks of life.