

SgrTel : 0194-2470690

jksvc@nic.in

Fax: 0194-2470906

Jmu Tel: 0191-2479164

Fax: 0191-2479165



email:

Jammu and Kashmir State Vigilance Commission

Old Assembly Complex, Srinagar.
JKPCC Building, 5th Floor, Rail Head Complex, Jammu.

Directions issued by the State Vigilance Commission for strengthening the internal vigilance in the Government Departments

In order to introduce and ensure transparency and for strengthening the internal vigilance in the Government Departments the following directions/observations have been made by the SVC in the meetings held with various departments from time to time:-

1. All the concerned Departments were directed to strictly follow e-tendering, e-processing and e-payment for all supplies/works indented and executed by them. The departments were also directed to upload all the tendered works and the works under implementation along with cost involved on their websites. The departments were advised to ensure deduction of TDS and recording of PAN details of contractors in payments made to them.
2. All departments were directed to strictly adhere to the prescribed codal formalities wherever required.
3. The State Vigilance Commission also recommended to the Finance Department that in order to bring about transparency in the e-procurement and e-tendering process, bids not fulfilling all conditions of tender in letter and spirit shall be rejected through a system generated message and it

shall not bind the indenting department on any account. A proper Performa needs to be generated to enable bidder to fill it online and submit to the indenting department. The necessary clause in NIT documents needs to be incorporated with respect to evaluation criterion to avoid evaluation on conjecture basis thereby avoiding unnecessary litigations in the court of law.

4. It has been generally observed that PSUs and some Government departments are stipulating payment of unsecured interest free mobilization advance in their tenders or allow the mobilization advance after acceptance of offer. The amount of mobilization advance thus paid to the contractor is prone to be used by him for building his own capital or for the purpose other than the one, for which it has been disbursed. Accordingly, it was recommended to the Finance Department that mobilization advance should be interest bearing so that contractor does not draw undue benefits from it.

5. It has also been recommended to the Government that the post tender Negotiation should normally be discouraged with L1 except in exceptional situation. Such exceptional situations can include procurement of proprietary items, items with limited sources of supply and items where there is suspicion of a cartel formation. The justification and details of such negotiations should be duly recorded and kept for audit purposes. However, if tender is for sale of material by Government or by the Government agencies, the post tender negotiations are not to be held except with HI, if required.

6. The successful execution of contracts for large buildings, supply and installation projects and other unique services requires that contracts are awarded to competent contractors, on the basis of competitive tendering procedures, having suitable experience in the type of work and construction technology involved, are financially and managerially sound and who can provide all the key equipment and key personnel required in a stipulated time. Therefore, pre-qualification criterion is yardstick to allow or disallow the firms to participate in the bids. A vaguely defined PQ criterion results in stalling the process of finalizing the contract or award of the contract in a non-transparent manner. Thus, comprehensive pre-qualification criteria must be adopted to ensure fair, transparent and adequate competition amongst the bidders to assess the suitability of firms to carry out a particular contract.
7. In case where a decision is taken to go for re-tendering, for any reason to be recorded in writing, but the requirements are urgent and re-tender for the entire requirement would delay the availability of the items, thus jeopardizing the essential operation, maintenance and safety, negotiation would be permitted with L1 for supply of minimum quantity. The balance quantity should, however, be procured expeditiously through a re-tender, following the normal tendering process.
8. It was impressed upon the officers of the Works Department not to resort to bifurcation of works in order to avoid administrative approval and technical sanction of higher authorities.
9. The Health Department was advised to take suitable measures to check circulation of spurious medicines in the market and simultaneously

Vigilance Organization was also asked to carry out joint surprise checks in this regard.

10. The Chief Vigilance Officers/Departmental Vigilance Officers of the all Departments have been directed to ensure completion of the enquiries pending with them expeditiously and to develop strong internal vigilance mechanism in their respective departments, as also to work in tandem with State Vigilance Commission to eradicate the menace of corruption at all levels.

11. The officers of the all departments have been asked to furnish requisite records to the Vigilance Organization, whenever needed, for conduct of enquiry/investigation.

12. The officers of the all departments were also directed to take departmental action on the enquiry reports, wherever necessary, and not to wait for the outcome of enquiry/investigation being conducted on the same charges by Vigilance Organization or SVC.

13. The Commission has advised the Government that only such officers should be appointed as CVOs/DVOs/Additional Vigilance Officers who have appropriate seniority and integrity and should be given such extra work which they can handle without diluting their responsibility as such Vigilance Officers.

14. The Power development Department was directed that, whenever and wherever a case of electricity theft or illegal connection comes to notice of the department, FIR case under the penal provisions Electricity Act and

other allied penal provisions should be registered against the defaulters and progress of investigation and trial monitored.

15. Further, on account of large number of theft cases being detected by the PDD, the Commission recommended to the Government to earmark one Police Station each at Jammu and Srinagar with provincial territorial jurisdiction for dealing with offences under J&K Electricity Act, 2010.

16. The HODs of the Power Development Department were directed to personally supervise the outcome of complaints regarding power theft, illegal connections and procurement of substandard material for different works of the department.

17. To improve the enforcement of preventive vigilance, it was recommended to the Government that the Departmental Vigilance Officers (DVOs) in respect of all engineering Departments henceforth, shall be the concerned Superintending Engineers of the district instead of Executive Engineers.

18. The Forest Department and State Pollution Control Board were directed that online system of issuing NOC to Industrial units should be put in place in entire State speedily to minimize public interface with the government officials and thereby minimize the chances of corruption.

19. Directions were also issued to the Forest Department regarding removal of encroachments from Forest Land, besides action under Forest Act and allied penal provisions of RPC be taken against the encroachers.

20. Directions were also issued that mechanism should be put in place to ensure that under-valuation of the forest produce is prevented at the time

of auction of such produce and minimum base price be fixed before auction after considering the rates prevailing in the neighbouring states.

21. Stress was laid that cases should be considered to be registered against officers/officials of the Forest and other Departments found responsible for un-authorized retention of public money.

22. The Forest Department was advised that the CAMPA Funds need to be managed strictly in accordance with the Hon'ble Supreme Court guidelines.

23. It has been emphasized on all departments and the concerned officers not to deviate from the spirit of the Centrally Sponsored Schemes which are meant for the development of poor people living in remote and rural areas.

24. Directions were issued to the officers of the Rural Development Department that photography and videography of the works executed by the contractors should be done invariably and uploaded on the website of the department so as to curb the menace of corruption or drawal of payment against non-executed works.

25. In order to keep pace with latest information technology, various Government Department/PSUs are upgrading or are in the process of procurement of computer hardware /Software. However, due to lack of technical knowhow the indenting department may not always be in a position to distinguish between genuine parts and duplicate parts and may end up in purchasing inferior PC with duplicate and second hand / refurbished parts of system, thereby defeating the very purpose of going in for new systems. The Commission, therefore, has proposed detailed

guidelines to be adopted and procedures to be followed, so as to ensure that the computers with original components instead of refurbished/duplicate components and authentic software's are procured.

Sd/-

Additional secretary